Section I
Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Elections 1S-2
RULE TITLE: RULE NO.:
Voting Machine Equipment
Regulation/Purchase Use and Sale 1S-2.004

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the rule to include statutory changes.

SUBJECT AREA TO BE ADDRESSED: The rule incorporates changes to state and federal laws.

SPECIFIC AUTHORITY: 101.294 FS.

LAW IMPLEMENTED: 101.292, 101.293, 101.294, 101.295 FS.

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

TIME AND DATE: 10:00 a.m., Friday, June 11, 2004

PLACE: Room 102, Collins Building, 107 West Gaines Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Marielba Torres, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to review the documents should contact Marielba Torres, (850)245-6200.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: RULE NO.:
Adjustments to Reflect Consumer Price Index 2A-8.005

PURPOSE AND EFFECT: The Division proposes the development of rule amendments to reflect changes to the Consumer Price Index for payment of benefits.

SUBJECT AREA TO BE ADDRESSED: Adjustments to the reflect the Consumer Price Index.

SPECIFIC AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), Florida Statutes, requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

~~(1) The statutory amount for the period July 1, 2002 through June 30, 2003, was:~~

~~(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); $50,000.~~

~~(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); $50,000.~~

~~(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); $150,000.~~

(2) The Consumer Price Index amount in March 2004 ~~2003~~ was 1.7 ~~3.0~~ percent. Therefore, the statutory amount for the period July 1, 2004 ~~2003~~ through June 30, 2005 ~~2004~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); $52,375.50 ~~$51,500~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); $52,375.50 ~~$51,500~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); $157,126.50 ~~$154,500~~.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History–New 12-10-03, Amended _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Florida Forever Program 9K-7
RULE TITLES: RULE NOS.:
Purpose 9K-7.001
Definitions 9K-7.002
General Requirements and Eligibility Standards 9K-7.003
Submission of Application and Application Materials 9K-7.004
Communications to the Governing Board 9K-7.005
Application Review 9K-7.006

Project Evaluation Criteria 9K-7.007
Ranking and Selection of Applications 9K-7.008
Project Approval 9K-7.009
Modification to the Project Boundary 9K-7.010
Preparation and Acceptance of the Management Plan 9K-7.011
Title, Acquisition Procedures, Project Plans, Lease Agreements and Transfer of Title 9K-7.012
Annual Stewardship Report Requirement 9K-7.013

PURPOSE AND EFFECT: To improve Florida Communities Trust's efficiency in administering Florida Forever Funds and ensure the rules are user-friendly for the customers.

SUBJECT AREA TO BE ADDRESSED: Florida Communities Trust Grant Application Procedures and Land Acquisition Procedures.

SPECIFIC AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 120.55(1)(a)4., 259.105, 380.501-.515 FS.

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

TIME AND DATE: 1:00 p.m., June 16, 2004

PLACE: Randall Kelley Training Center, Sadowski Building, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704, SunCom 292-1704, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704, SunCom 292-1704.

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Land Acquisition Procedures With Florida Forever Program 9K-8
RULE TITLES: RULE NOS.:
Purpose 9K-8.001
Definitions 9K-8.002
General Information 9K-8.003
Election by Recipient of Titleholder and Negotiating Entity; Rules Governing Acquisitions; Title 9K-8.004
Title Report and Evidence of Marketable Title 9K-8.005
Certified Survey 9K-8.006
Appraisal Procedures, Appraisal Report Requirements and Determination of Maximum Approved Purchase Price 9K-8.007
Confidentiality of Appraisals, Other Reports Relating to Value, Offers and Counteroffers 9K-8.008
Negotiation of Offers and Counteroffers 9K-8.009
Purchase Agreements 9K-8.010
Preparation and Acceptance of Project Plans 9K-8.011
Examination for Hazardous Materials Contamination 9K-8.012
Trust Governing Board Action 9K-8.013
Closing 9K-8.014

PURPOSE AND EFFECT: To improve Florida Communities Trust's efficiency in administering Florida Forever Funds and ensure the rules are user-friendly for the customers.

SUBJECT AREA TO BE ADDRESSED: Florida Communities Trust Grant Application Procedures and Land Acquisition Procedures.

SPECIFIC AUTHORITY: 380.507(11) FS.

LAW IMPLEMENTED: 259.105, 380.501-.515 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY

HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 1:00 p.m., June 16, 2004

PLACE: Randall Kelley Training Center, Sadowski Building, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704, SunCom 292-1704, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Grant Gelhardt, Environmental Administrator, Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-1704, SunCom 292-1704.

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE CHAPTER TITLE: RULE NO.:
Communications Services Tax 12A-19
RULE TITLE: RULE NO.:
Substitute Communications Systems 12A-19.036

PURPOSE AND EFFECT: The purpose and effect of the rule development is to amend Rule Chapter 12A-19, F.A.C., by creating a new Rule 12A-19.036, F.A.C., addressing the application of communications services taxes to the costs of operating a substitute communications system.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are the identification of systems subject to tax as substitute communications systems, the identification of taxable costs of operating substitute communications systems, the methods by which the Department of Revenue will gather information concerning substitute communications systems, and the timing and location of additional rule development workshops to address these subject areas.

SPECIFIC AUTHORITY: 202.15, 202.26(3)(a),(c), 213.06(1) FS.

LAW IMPLEMENTED: 202.11(1),(16), 202.12(1), 202.125, 202.15, 202.19(7), 203.01(1) FS.

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

TIME AND DATE: 9:30 a.m., June 22, 2004

PLACE: Auditorium, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting Larry Green at (850)922-4830.

Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, which can be reached at (800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas Butscher, Senior Attorney, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4710, or e-mail (butschet@dor.state.fl.us).

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: RULE NO.:
Youthful Offender Program Participation 33-601.226

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to expand the daily hours for the extended day program for youthful offenders and to provide the process for handling of recommendations for sentence modifications once approved or disapproved by the sentencing judge.

SUBJECT AREA TO BE ADDRESSED: Youthful offender extended day program.

SPECIFIC AUTHORITY: 958.11 FS.

LAW IMPLEMENTED: 958.11, 958.12 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.226 Youthful Offender Program Participation.

(1) Each youthful offender institution shall provide a programmatically diversified extended day of 16 ~~12~~ hours of required inmate participation six days a week, contingent upon available resources.

(2) No change.

(3) Successful participation in all phases of the youthful offender extended day program and successful completion of the offender management plan and reclassification to minimum or community custody will result in an evaluation by the ICT to determine the inmate's eligibility for a recommendation to the court for a modification of sentence at any time prior to the scheduled expiration of sentence as provided in Section 958.04(2)(d), F.S. Requests for sentence modification will not be made before successful completion of the extended day program.

(a) through (h) No change.

(i) If the recommendation is approved by the sentencing judge, the community corrections office shall send the certified court order to the Bureau of Sentence Structure and Population Management for the inmate to be released through the department's release procedures.

(j) If the judge disapproves the modification request, the community corrections office that handled the modification request shall notify the chief of the Bureau of Classification and Central Records and the ICT. The ICT shall notify the inmate.

Specific Authority 958.11(1) FS. Law Implemented 958.11, 958.12 FS. History–New 10-11-95, Amended 9-11-97, Formerly 33-33.013, Amended 3-13-01, Formerly 33-506.106, Amended 4-2-02, 2-19-03,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE TITLES: RULE NO.:
Spontaneous Fetal Demise 59A-3.281

PURPOSE AND EFFECT: The Agency proposes to adopt Rule 59A-3.281, Florida Administrative Code, consistent with provisions of Section 383.33625, F.S. The statute provides for adoption of rules to develop forms to be used for notifications and elections by health care facilities.

SUBJECT AREA TO BE ADDRESSED: The proposed rule establishes procedures and a form to be used by health care facilities to provide notification to a mother of the options available for the disposition of fetal remains in the event of a spontaneous fetal demise occurring after a gestation period of less than 20 completed weeks.

SPECIFIC AUTHORITY: 383.33625(6) FS.

LAW IMPLEMENTED: 383.33625 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., June 11, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)487-0641

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-3.281 Spontaneous Fetal Demise.

When a spontaneous fetal demise occurs after a gestation of less than 20 completed weeks, the health care facility identified in Chapter 383.33625, F.S., shall follow the provisions of that section and shall provide AHCA Form XXXX-xxxx, which is incorporated by reference, to the mother for her completion. A copy of the signed and completed form shall be retained in the mother''s hospital file and shall be available for review by the Agency or Department of Health.

Specific Authority 383.33625 FS. Law Implemented 383.33625 FS. History–New_____.

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Unavailable at this time 60DD

PURPOSE AND EFFECT: To consider development of rule chapters on information system development methodology, disposal of information technology equipment, and similar related subjects regarding best practices for acquiring, using, upgrading, modifying, replacing or disposing of information technology.

SUBJECT AREA TO BE ADDRESSED: The development of rule chapters on information system development methodology, disposal of information technology equipment, and related similar subjects regarding best practices for acquiring, using, upgrading, modifying, replacing or disposing of information technology.

SPECIFIC AUTHORITY: 282.102(2),(16) FS.

LAW IMPLEMENTED: 282.102(2),(5),(6),(14),(15),(16) FS.

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

TIME AND DATE: 2:00 p.m., July 19, 2004

PLACE: Shared Resource Center, 2585 Shumard Oak Boulevard, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT WORKSHOP AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Vince McKenzie, Operations & Management Consultant, State Technology Office, 4030 Esplanade Way, Suite 235, Tallahassee, Florida 32399-0950, VinceMcKenzie@ MyFlorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE TITLE: RULE NO.:
Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages 61A-7.009

PURPOSE AND EFFECT: To implement statutory provisions relating to the Florida Clean Indoor Air Act and smoking in stand-alone bars.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed is the method used to determine whether an establishment is predominantly dedicated to the serving of alcoholic beverages.

SPECIFIC AUTHORITY: 386.2125, 386.207 FS.

LAW IMPLEMENTED: 386.203, 386.206, 386.207, 561.695 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael A. Martinez, Chief Attorney, Office of General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1020, (850)414-8125

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61A-7.009 Method Used to Determine Whether an Establishment is Predominantly Dedicated to the Serving of Alcoholic Beverages.

In order to determine whether an establishment, other than one holding a specialty license designated in Rule 61A-7.003, F.A.C., is predominantly dedicated to the serving of alcoholic beverages for consumption on the licensed premises, the division shall compare the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption on premises with the following categories of revenue; the percentage of gross food sales revenue from the sale of food the licensee sells for consumption on premises, the percentage of gross food sales revenue from the sale of food the licensee sells for consumption off premises, the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption off the premises; and the percentage of gross revenue from any source not included in the food and alcohol categories above. If the percentage of gross alcohol sales revenue from the sale of alcohol the licensee sells for consumption on premises is greater than that of the gross sales revenue from any other aforementioned category of gross sales, an establishment is deemed predominantly dedicated to the serving of alcoholic beverages.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(1),(9) 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 Osteopathic Medicine

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Anesthesia Assistants 64B15-7

PURPOSE AND EFFECT: The Board proposes the development of rules to address the newly created regulation of anesthesia assistants.

SUBJECT AREA TO BE ADDRESSED: Anesthesia assistants.

SPECIFIC AUTHORITY: 456.048, 459.023 FS.

LAW IMPLEMENTED: 459.023 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address requirements for continuing education.

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements for biennial renewal.

SPECIFIC AUTHORITY: 459.005, 459.008(4) FS.

LAW IMPLEMENTED: 456.013(5),(6),(7), 459.008, 459.008(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, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: RULE NO.:
Mediation 64B15-19.008

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address violations which are appropriate for mediation.

SUBJECT AREA TO BE ADDRESSED: Violations which are appropriate for mediation.

SPECIFIC AUTHORITY: 456.078 FS.

LAW IMPLEMENTED: 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal	64B16-26.103
Exemptions for Members of the Armed Forces; Spouses	64B16-26.104
Standards for Approval of Continuing Education Providers and Courses	64B16-26.601
Standards for Approval of HIV/AIDS and Medication Errors Courses	64B16-26.6011
Continuing Education Records Requirements	64B16-26.603

PURPOSE AND EFFECT: The Board proposes rule amendments and a new rule in order to consolidate requirements regarding continuing education into Chapter 64B16-26, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed new rules set forth the requirements for continuing education and the standards for providers of continuing education.

SPECIFIC AUTHORITY: 456.033, 465.005, 465.009 FS.

LAW IMPLEMENTED: 465.009, 456.013(7),(9), 456.024, 456.025(7), 456.027, 456.033, 465.009 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: 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:

64B16-26.103 Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

(1) A licensee, as a condition of license renewal, shall complete no ~~No biennial renewal certificate shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the applicant has participated in not~~ less than 30 hours of approved courses of continued professional pharmaceutical education within the 24 month period prior to the expiration date of the license. The following conditions shall apply:

(a)~~(2)~~ The initial renewal of a license will not require completion ~~submittal~~ of courses of continued professional pharmaceutical education hours if the license was issued within 12 months of the expiration date of the license ~~in so long as the initial renewal occurs within one (1) calendar year of the initial licensure~~. If the initial renewal occurs more than 12 months ~~one (1) calendar year~~ after the initial licensure, then ~~submittal of~~ 15 hours of continued professional pharmaceutical education hours completed within the 24 month period prior to the expiration date of the license is ~~will be~~ required for ~~with the~~ initial license ~~biennial~~ renewal.

(b)~~(3)~~ A licensee, as a condition of license renewal, must complete within the 24 month period prior to the expiration date of the license, ~~No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in~~ a one-hour CE course approved by the Board on HIV/AIDS that covers the topics contained in Rule 64B16-26.602, F.A.C. In lieu of completing an HIV/AIDS course, the licensee may complete a course in end-of-life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium. ~~The course shall be not less than 1 contact hour and must contain these components:~~

~~(a) Education on the modes of transmission.~~

~~(b) Infection control procedures.~~

~~(c) Clinical management.~~

~~(d) Prevention of HIV and AIDS.~~

~~(e) Information on current Florida law on AIDS and its impact on testing, confidentiality of test results and treatment of patients.~~

~~(f) Protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, F.S. Notwithstanding the provisions of subsection (2), proof of completion must be returned when submitting the biennial renewal fee.~~

Hours obtained pursuant to this section ~~subsection (3)~~ may be applied by the licensee to the requirements of subsections (1) and (2).

(c)~~(4)~~ A licensee, as a condition of license renewal, must complete within the 24 month period prior to the expiration date of the license, ~~No biennial renewal of license shall be issued by the Board until the applicant submits proof satisfactory to the Board that during the biennial period preceding the renewal period the licensee has participated in~~ a two-hour CE course approved by the Board or the American Council on Pharmaceutical Education (ACPE) on medication errors that covers the topics set forth in Rule 64B16-26.602, F.A.C. ~~The course shall be not less than 2 hours and must contain the following components:~~

~~(a) Root-cause analysis.~~

~~(b) Error reduction and prevention.~~

~~(c) Patient safety.~~

Hours obtained pursuant to this section ~~subsection (4)~~ may be applied by the licensee to the requirements of subsections (1) and (2).

~~(5) In lieu of completing an HIV/AIDS course as required in subsection (3), the applicant may complete a course in end of life care and palliative health care, so long as the licensees completed an approved HIV/AIDS course in the immediately preceding biennium.~~

(d)~~(6)~~ Five hours of continuing education in the subject area of risk management may be obtained by attending one full day or eight (8) hours of a board meeting at which disciplinary hearings are conducted by the Board of Pharmacy in compliance with the following:

1.~~(a)~~ The licensee must sign in with the Executive Director or designee of the Board before the meeting day begins.

2.~~(b)~~ The licensee must remain in continuous attendance.

3. The licensee cannot receive continuing education for attendance at a board meeting if required to appear before the board.

~~(c) The licensee must sign out with the Executive Director or designee of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CE credit in risk management for attending the board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose.~~

4. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).

(e)~~(7)~~ A member of the Board of Pharmacy~~, or a previous member serving on a probable cause panel,~~ may obtain five (5) hours of continuing education in the subject area of risk management for attendance at one Board meeting at which disciplinary hearings are conducted~~, or on one probable cause panel meeting~~. The maximum CE hours allowable per biennium under this paragraph shall be ten (10).

(f) Up to five hours per biennium of continuing education credit may be fulfilled by the performance of pro bono services to the indigent as provided in Section 456.013(9), Florida Statutes, or to underserved populations, or in areas of critical need within the state where the licensee practices. In order to receive credit, licensees must make application to the board or board designee and receive approval in advance. One hour credit shall be given for each two hours worked in the 24 months prior to the expiration date of the license. In the application for approval, licensees shall disclose the type, nature and extent of services to be rendered, the facility where the services will be rendered, the number of patients expected to be serviced, and a statement indicating that the patients to be served are indigent. If the licensee intends to provide services in underserved or critical need areas, the application shall provide a brief explanation as to those facts. A licensee who is completing community service as a condition of discipline imposed by the board cannot use such service to complete continuing education requirements.

(g) Continuing education credit shall be granted for completion of post-baccalaureate degree programs provided by accredited colleges or schools of pharmacy. Credit shall be awarded at the rate of 5 hours of continuing education credit per semester hour completed within the 24 months prior to the expiration date of the license.

(h) Continuing education may consist of post-baccalaureate degree programs offered by accredited colleges or schools of pharmacy, post-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other such committee-approved educational methods.

(i)~~(8)~~ In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed by the Department of Health pursuant to Chapter 465, F.S., shall receive five (5) hours of credit in the area of risk management for each case reviewed in the 24 months prior to the expiration date of the license, up to a maximum of ten (10) hours per biennium.

(j) At least ten (10) of the required 30 hours must be obtained either at a live seminar, a live video teleconference, or through an interactive computer-based application.

(k) All programs approved by the ACPE for continuing education for pharmacists are deemed approved by the Board for general continuing education hours for pharmacists.

(l) Continuing education earned by a non-resident pharmacist in another state that is not ACPE approved, but is approved by the board of pharmacy in the state of residence can be applied to meet the requirements of license renewal in subsection (1) above.

(2) A consultant pharmacist as a condition of consultant pharmacist license renewal shall complete no less than 24 hours of approved continuing education in the course work specified in Rule 64B16-26.302, F.A.C., within the 24 month period prior to the expiration date of the consultant license. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if consultant recertification hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

(3) A nuclear pharmacist as a condition of nuclear pharmacist license renewal shall complete no less than 24 hours of approved continuing education in the course work specified in Rule 64B16-26.303, F.A.C., within the 24 month period prior to the expiration date of the nuclear pharmacist license. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if nuclear pharmacist license renewal hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

Specific Authority 456.033, 465.009 FS. Law Implemented 456.013(7),(9), 456.033, 465.009 FS. History–New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, 1-12-03, _____.

64B16-26.104 Exemptions for Members of the Armed Forces; Spouses.

(1) Any licensed pharmacist on active duty with the Armed Forces of the United States who at the time of becoming such a member was in good standing with the Board and was entitled to practice the profession of pharmacy in Florida shall be exempt from all license renewal provisions ~~obtaining a biennial license renewal and paying the fees required hereunder~~ so long as the licensee ~~he~~ is on active duty with the Armed Forces and for a period of six months after discharge so long as the licensee ~~he~~ is not engaged in the practice of pharmacy in the private sector for profit.

(2) A licensee who is a spouse of a member of the Armed Forces of the United States and who was caused to be absent from the State of Florida because of the spouse's duties with the Armed Forces and who at the time of the absence was in good standing with the Board and entitled to practice as a pharmacist in Florida shall be exempt from all license renewal provisions.

Specific Authority 465.005 FS. Law Implemented 456.024 FS. History–New 3-19-79, Amended 4-30-85, Formerly 21S-6.09, 21S-6.009, Amended 7-31-91, Formerly 21S-26.104, 61F10-26.104, 59X-26.104, Amended _____.

64B16-26.601 Standards for Approval of Continuing Education Providers and Courses ~~and Providers~~.

(1) Continuing education shall be approved by the Board in one of two manners:

(a) Providers of continuing education may apply to the Board to become an approved continuing education provider whereby all general continuing education courses offered by the provider are deemed board approved; or

(b) Providers of continuing education may apply for approval of an individual continuing education course or courses.

(2) Approved continuing education provider status shall be granted to continuing education providers who satisfy the following requirements:

(a) All applications for approved continuing education provider status shall be made on Board approved form DOH/MQA/PH109 (Rev. 4/29/02), Florida Board of Pharmacy Tripartite Approval as a Provider of Pharmacist Continuing Education Questionnaire, incorporated herein by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied by the application fee set forth in Rule 64B16-26.19001, F.A.C., and provide information to demonstrate compliance with the requirements of this rule.

(b) All continuing education courses conducted by the provider shall meet the standards for continuing education courses as outlined in these rules.

(c) There shall be a visible, continuous, and identifiable authority charged with the administration of continuing education courses. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience and approval by the committee.

(d) The Board retains the right and authority to audit and/or monitor courses and review records and course materials given by any provider approved pursuant to this rule.

(3) Individual courses submitted for approval by continuing education providers who are not approved providers must be submitted on Board approved form DOH/MQA/PH111 (Rev. 4/26/02), Florida Board of Pharmacy Continuing Education Single Program Questionnaire, incorporated herein by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and be accompanied by a non-refundable fee of $50 for each course submitted for approval.

(4) Courses offered by an approved provider pursuant to paragraph (1)(a) and individual courses submitted for approval pursuant to (1)(b) must meet the following criteria:

(a)~~(1) Each proposal for program or course approval submitted by a qualified provider must contain a detailed outline of the content of said program or course on forms which will be provided by the Board of Pharmacy upon~~

~~request, and~~ Each course must build upon Standards of Practice and a basic course or courses offered in the curricula of accredited colleges or schools of pharmacy. ~~Continuing education may consist of post-baccalaureate degree programs offered by accredited colleges or schools of pharmacy, post-graduate studies, institutes, seminars, lectures, conferences, workshops, correspondence courses, or other such committee-approved educational methods.~~

~~(2) All offerings must meet the following standards:~~

(b)~~(a)~~ Education Content Development.

1. Continuing education courses ~~offerings~~ shall involve advance planning that includes a statement of measurable educational goals and behavioral objectives.

2. Continuing education courses ~~offerings~~ shall be designed to reflect the educational needs of the pharmacist and build on the standards for practice and courses in the curricula of accredited colleges or schools of pharmacy.

3. Each continuing education course ~~offering~~ shall be designed to explore one subject or a group of closely related subjects or standards.

(c)~~(b)~~ No change.

(d)~~(c)~~ Program Faculty Qualifications.

1. The program faculty for a particular continuing education course ~~offering~~ shall be competent in the subject matter and qualified by experience.

2. through 3. No change.

(e)~~(d)~~ Facilities.

1. The facilities to be utilized shall be appropriate and adequate to the content, method of delivery, size of the audience and promote the attainment of the objectives of the course ~~offering~~.

(f)~~(e)~~ Evaluation.

1. No change.

2. The provider must develop and employ an evaluation mechanism for the purpose of allowing the participant to assess ~~his/her~~ achievement of personal objectives.

3. No change.

(g)~~(f)~~ Contact Hour Criteria. The number of contact hours or Continuing Education Units shall be determined by the provider in advance of the course ~~offering subject to approval by the committee~~ and awarded upon the successful completion of the entire planned education experience.

(h)~~(g)~~ Record Keeping.

1. Records of individual courses ~~offerings~~ shall be maintained by the provider for inspection by the Board. The records shall be adequate to serve the needs of the participants and to permit the Board to monitor for adherence to the standards for continuing education courses ~~offerings~~ as outlined in the rules.

2. An individual certificate of attendance specifying title of course ~~offering~~, provider number, date of course ~~offering~~, and number of contact hours earned shall be furnished to each participant by the provider.

3. No change.

(5) An approved continuing education provider may renew their approved provider status by submitting the renewal fee specified in Rule 64B16-26.1012, F.A.C.

~~(3) Providers seeking board approval shall meet each of the standards outlined herein:~~

~~(a) All continuing education offerings conducted by the provider shall meet the standards for continuing education offerings as outlined in these rules.~~

~~(b) There shall be a visible, continuous, and identifiable authority charged with administration of continuing education programs. The person or persons in whom the administrative function is vested shall be qualified by virtue of background and experience and approval by the committee.~~

~~(4) All programs approved by the American Council on Pharmaceutical Education (ACPE) for continuing education for pharmacists may be deemed approved by this Board for general continuing education hours for pharmacists.~~

~~(5) Entities or individuals who wish to become approved providers of continuing education must submit an initial approval fee of $150 and provide information to demonstrate compliance with the requirements of this rule. A provider seeking to renew approved provider status shall pay a renewal fee of $150.~~

~~(6) Entities or individuals applying for approval of an individual program shall submit a fee of $50 and provide information to demonstrate compliance with this rule.~~

Specific Authority 465.005, 465.009 FS. Law Implemented 456.025(7), 465.009 FS. History–New 10-17-79, Amended 7-29-81, Formerly 21S-13.02, 21S-13.002, Amended 1-10-93, Formerly 21S-26.601, 61F10-26.601, 59X-26.601, Amended 1-29-03, _____.

64B16-26.6011 Standards for Approval of HIV/AIDS and Medication Errors Course.

(1) An HIV/AIDS course completed to meet the requirements for initial or renewal licensure must be board approved and include the following:

(a) Education of the modes of transmission.

(b) Infection control procedures.

(c) Clinical management.

(d) Prevention of HIV and AIDS.

(e) Information on current Florida law on AIDS and its impact on testing, confidentiality of test results and treatment of patients.

(f) Protocols and procedures applicable to HIV counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to Sections 381.004 and 384.25, Florida Statutes.

(2) A medication errors course completed as a condition of initial licensure or licensure renewal must be not less than two (2) hours and cover the following subject matter:

(a) Root cause analysis.

(b) Error reduction and prevention.

(c) Patient safety.

(3) A continuing education provider approved by the board pursuant to Rule 64B16-26.601, F.A.C., shall submit the proposed course on HIV/AIDS or medication errors for board approval on Form DOH/MQA/PH111 (Rev. 4/26/02), entitled Florida Board of Pharmacy Continuing Education Single Program Questionnaire, incorporated herein by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

(4) A continuing education provider, not approved by the board pursuant to Rule 64B16-26.601, F.A.C., shall submit the proposed course on HIV/AIDS or medication errors for board approval on Form DOH/MQA/PH111 (Rev. 4/26/02), entitled Florida Board of Pharmacy Continuing Education Single Program Questionnaire, incorporated herein by reference, and submit the individual course approval application fee specified in Rule 64B16-26.1001, F.A.C., for each course submitted for approval.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.027, 456.033, 465.009 FS. History–New _____.

64B16-26.603 ~~Reporting~~ Continuing Education Records Requirements.

Each ~~registered pharmacist shall at the time of the biennial license renewal, report programs of continuing professional education compliance during the applicable renewal period. Each registered~~ pharmacist shall retain documentation of participation in ~~such~~ continuing education programs required for license renewal for not less than two years after the license is renewed ~~each biennial license renewal~~ for audit purposes if and when such audit is undertaken by the Department of Health and the Board of Pharmacy. Such documentation shall consist of statements of credit ~~slips~~ for lecture attendance, certification forms from instructors, or course completion slips from correspondence courses.

Specific Authority 465.005 FS. Law Implemented 465.009 FS. History–New 10-17-79, Formerly 21S-13.04, Amended 5-10-89, Formerly 21S-13.004, 21S-26.603, 61F10-26.603, 59X-26.603, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Examination Requirements	64B16-26.200
Licensure by Examination; Application	64B16-26.203
Licensure by Examination; Foreign Pharmacy Graduates	64B16-26.2031
Licensure by Examination; Internship Requirements	64B16-26.2032
Licensure by Endorsement	64B16-26.204

PURPOSE AND EFFECT: The Board proposes rule amendments and new rules in order to consolidate the requirements regarding application for licensure into Chapter 64B16-26, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments and new rules set forth the requirements for application by examination, including foreign graduates, and requirements for internship, and also application by endorsement.

SPECIFIC AUTHORITY: 456.017, 456.033, 465.005, 465.007 FS., Chapter 2001-166, Laws of Florida.

LAW IMPLEMENTED: 456.013(1),(7), 456.017, 456.033, 465.003(12), 465.007, 465.0075, 465.022 FS., Chapter 2001-166, Laws of Florida.

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: 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:

64B16-26.200 Examination Requirements.

(1) The ~~areas of competency to be covered by the~~ examination provided in Section 465.007, F.S., shall be as follows:

(a) Part A – North American Pharmacist Licensure Examination (NAPLEX).

~~1. Manage Drug Therapy to Optimize Patient Outcomes (50%),~~

~~2. Assure the Safe and Accurate Preparation and Dispensing of Medications (25%),~~

~~3. Provide Drug Information and Promote Public Health (25%),~~

(b) Part B – Multistate Pharmacy Jurisprudence Examination – Florida Version.~~;~~

~~1. Pharmacy Practice (78%),~~

~~2. Licensure, Registration, Certification, and Operational Requirements (17%),~~

~~3. Regulatory Structure and Terms (5%),~~

~~(2)(a) The relative weight assigned in grading each score tested in the examination and the score necessary to achieve a passing grade on the examination shall be as follows:~~

~~(b) An applicant must obtain a scaled score of 75 on Part A of the examination, and a scaled score of 75 on Part B of the examination. On Part A of the examination, the candidate's raw scores are converted to a scale of 0-150. This scaled score~~

~~on Part A of the exam is a single integrated score that represents the areas of competency set forth in subparagraphs 64B16-26.200(1)(a)1.-5., F.A.C., above. The subcompetencies set forth in subparagraphs 64B16-26.200(1)(a)1.-5., F.A.C., are not separate subsections and may not be scored, taken or passed independently of the entire examination described in paragraph 64B16-26.200(1)(a), F.A.C. Parts A and B of the examination are independent examinations and may not be averaged.~~

Specific Authority 456.017, 465.005 FS. Law Implemented 456.017 FS. History–New 10-17-79, Amended 2-8-81, 6-22-82, 8-16-84, 4-30-85, Formerly 21S-12.01, Amended 5-6-86, Formerly 21S-12.001, Amended 1-10-93, Formerly 21S-26.200, 61F10-26.200, Amended 7-1-97, Formerly 59X-26.200, Amended 3-22-99, _____.

64B16-26.203 Licensure by ~~Manner of Application –~~ Examination; Application.

Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education may apply to take the licensure examination.

(1) All applications for licensure by examination must be made on board approved form DOH/MQA/PH101 (Rev 1/8/03), Application for Pharmacist Examination, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable application fee and an initial license fee set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) The applicant must submit proof of having met the following requirements:

(a) Completion of an internship program provided by either an accredited school or college of pharmacy or a state board of pharmacy or jointly by both provided that the program meets requirements of Rule 64B16-26.2031, F.A.C.

(b) Completion of an HIV/AIDS course of no less than 3 contact hours covering the subject listed in Rule 64B16-26.602, F.A.C.

~~All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in subsection 64B16-26.103(3), F.A.C.~~ For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on HIV/AIDS will be accepted by the Board as an educational course under this section, provided such course work is no less than 3 contact hours and that it covers the subjects listed in Rule 64B16-26.601, ~~subsection 64B16-26.103(3),~~ F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(c) Completion of a course not less than 2 hours on medication errors that ~~All applicants for licensure shall complete a course on medication errors prior to licensure. The course shall be no less than 2 contact hours and shall~~ covers the subjects listed in Rule 64B16-26.601, ~~subsection 64B16-26.103(4),~~ F.A.C. For those applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the Board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the subjects listed in Rule 64B16-26.601, ~~subsection 64B16-26.103(4),~~ F.A.C., as evidenced by a letter attesting to subject matter covered from the Dean of the University.

~~(1) Applicants who are at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education may apply to take the licensure examination. Additionally, an applicant must submit satisfactory proof that he has completed an internship program of an accredited school or college of pharmacy, provided that the program is not less than 1500 hours reviewed and authorized and administered by the Florida Board of Pharmacy and 2,080 hours in any and all other programs, all of which may be obtained prior to graduation.~~

~~(2) All applications for examination shall be made on the forms DPR PH 101, rev 4/89 prescribed by the Department of Health, and no application shall be deemed complete which does not set forth all the information required by said forms. An incomplete application shall not be accepted and notice of incompletion shall be made to the applicant, within 30 days of receipt of the incomplete application.~~

(3) An applicant must reapply under the following conditions:

(a) For candidates applying after the effective date of this subsection, if all requirements for licensure are not ~~must be~~ met within one year of the receipt of the application. ~~applicants failing to meet this requirement must reapply.~~

(b) For candidates applying prior to the effective date of this subsection, if all requirements for licensure are not ~~must be~~ met within one year of the effective date of this subsection. ~~Applicants failing to meet this requirement must reapply.~~

(4)~~(c)~~ Passing ~~Successful~~ examination scores may be used upon reapplication only if the examination was completed within 3 years of the reapplication.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1),(7), 456.033, 465.007, 465.022 FS. History–New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, 1-12-03, _____.

64B16-26.2031 Licensure by Examination; Foreign Pharmacy Graduates.

In order for a foreign pharmacy graduate to be admitted to the professional licensure examination, the applicant must:

(1) Be a graduate of a four year undergraduate pharmacy program at a school or college outside the United States.

(2) Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission.

(3) Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL) which is given by the Educational Testing Service, Inc., with a score of at least 500 for the pencil and paper test or 173 for the computer version.

(4) Demonstrate proficiency in the use of spoken English by passing the Test of Spoken English (TSE) with a score of at least 200 or an equivalent score of 45 on the recalibrated TSE.

(5) Complete a minimum of 500 hours of supervised work activity within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. Further, no program of work activity will be approved for any applicant until said applicant has successfully completed the examination as set forth in subsections (2) and (3) above.

Specific Authority 465.005, 465.007 FS. Law Implemented 465.007 FS. History–New _____.

64B16-26.2032 Licensure by Examination; Internship Requirements.

(1) All internship experience for the purpose of qualifying for the examination pursuant to Section 465.007(1)(c), Florida Statutes, shall be obtained in a community pharmacy, institutional pharmacy or any Florida Board of Pharmacy approved pharmacy practice, which includes significant aspects of the practice of pharmacy as defined in Section 465.003(12), Florida Statutes.

(2) The program must assure that community or institutional pharmacies utilized for the obtaining of internship experience meet the following minimum requirements:

(a) They must hold a current license or permit issued by the state in which they are operating and must have available all necessary equipment for professional services, necessary reference works, in addition to the official standards and current professional journals.

(b) The pharmacy must be operated at all times under the supervision of a pharmacist and must have signified the willingness to train persons desiring to obtain professional experience.

(c) The pharmacy must establish to the provider's satisfaction that the pharmacy fills, compounds and dispenses a sufficient number, kind and variety of prescriptions during the course of a year so as to afford to an intern a broad experience in the filling, compounding and dispensing of prescription drugs.

(d) The pharmacy must have a clear record as to observance of federal, state and municipal laws and ordinances covering any phase of activity in which it is engaged.

(e) No pharmacist may be responsible for the supervision of more than one intern at any one time.

(3) Program requirements shall not be less than 1500 hours in a program reviewed and authorized and administered by the Florida Board of Pharmacy and 2080 hours in any and all other programs.

(4) The program must assure that all preceptors meet the following requirements:

(a) The pharmacist must willingly accept the responsibility for professional guidance and training of the intern and be able to devote time to preceptor training sessions and to instruction of the intern.

(b) The pharmacist must hold current licensure in the state in which pharmacy is practiced.

(c) The pharmacist will be ineligible to serve as a preceptor during any period in which the pharmacist's license to practice pharmacy is revoked, suspended, on probation, or subject to payment of an unpaid fine levied by lawful Board order, or during any period in which the pharmacist's license is the subject of ongoing disciplinary proceedings.

(d) The pharmacist must have been engaged in the practice of pharmacy for a minimum of two (2) years.

(e) The pharmacist must agree to assist the school or college of pharmacy in the achievement of the educational objectives set forth and to provide a professional environment for the training of the intern.

(f) Evidence must be provided of the pharmacist's desire to continue broadening professional education and of an active involvement in a patient-oriented practice.

(5) In the event a program meets all the requirements set forth in subsection (2) of this rule, except for prior approval by the Florida Board of Pharmacy, any applicant submitting it for the purpose of qualifying for licensure by examination must show in addition to successful completion of the internship:

(a) The ability to work additional hours as an intern in accordance with the requirements of this rule and has worked sufficient additional hours to total 2080 hours; or,

(b) Licensure in another state and work performed as a pharmacist for a sufficient number of hours to total 2080 hours when combined with the internship hours or has worked a total of 2080 hours as a pharmacist.

(6) All internship hours may be obtained prior to the applicant's graduation.

(7) Evidence sufficient to constitute satisfactory proof of completion of an internship program shall consist of a certification by a provider that the applicant has completed the program. If additional hours are required to total 2080 hours pursuant to subsection (3) of this rule, satisfactory proof of the additional hours shall be constituted by the provider's or preceptor's or employer's certification of completion of the additional hours.

(8) Hours worked in excess of 50 hours per week prior to the applicant's graduation or in excess of 60 hours per week after an applicant's graduation, will not be credited toward meeting the required internship hours.

(9) The Board approves all internships that are required to obtain the doctor of pharmacy degree from institutions which are accredited as provided by Section 465.007(1)(b)1., Florida Statutes. Applicants graduating after January 1, 2001 with the doctor of pharmacy degree from such institutions shall be deemed to have met the requirements of this section with documentation of graduation.

(10) The Board may conduct periodic review of programs to assure compliance with these rules.

Specific Authority 465.005 FS. Law Implemented 465.003(12), 465.007 FS. History–New _____.

64B16-26.204 Licensure by ~~Manner of Application –~~ Endorsement.

~~All applicants for licensure shall complete a course on HIV/AIDS prior to licensure. The course shall be no less than 3 contact hours and shall cover the subjects listed in subsection 64B16-26.103(3), F.A.C. All applicants for licensure shall complete a course on medication errors prior to licensure. The course shall be no less than 2 contact hours and shall cover the subjects listed in subsection 64B16-26.103(4), F.A.C.~~

~~(1)~~ An applicant for licensure by endorsement ~~Applicants~~ must be at least 18 years of age and a recipient of a degree from a school or college of pharmacy accredited by an accrediting agency recognized and approved by the United States Office of Education. ~~Applicants qualifying under the education requirements of Section 465.007(1)(b)2., F.S. (foreign graduates), must complete the requirements of Rule 64B16-26.205, F.A.C., prior to the certification for the examination required in subsection (6) of this rule.~~

(1)~~(2)~~ All applications for licensure by endorsement shall be made on board approved form DOH/MQA/PH100 (10-15-01). The instructions and application form, entitled Florida Pharmacist Endorsement Application, which is hereby incorporated by reference, effective 11-8-01, shall be accompanied with a non-refundable endorsement application fee and ~~of $100, the~~ initial licensure fee as set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C. ~~of $190, and $5.00 unlicensed activity fee.~~

(2) The applicant must submit satisfactory proof that one of the following requirements has been met:

(a) Two (2) years of active practice, as defined in Section 465.0075(1)(c), Florida Statutes, within the immediately preceding five (5) years. If the applicant meets the requirements of this section, proof of completion of 30 hours of approved continuing education obtained in the two years immediately preceding application, must also be submitted.

(b) Successful completion of a board-approved postgraduate training program within the immediately preceding year.

(c) Successful completion of a board-approved clinical competency examination within the immediately preceding year.

(d) Successful completion of an internship meeting the requirements of Section 465.0075(1)(c), Florida .Statutes, within the immediately preceding two (2) years.

(3) The applicant must submit satisfactory proof of completion of the following:

(a) A course of no less than three (3) contact hours on HIV/AIDS covering the subjects set forth in Rule 64B16-26.602, F.A.C.

(b) A course of no less than two (2) hours on medication errors covering the subjects set forth in Rule 64B16-26.602, F.A.C.

(4) Applicants qualifying under the education requirements of Section 465.007(1)(b)2., Florida Statutes, (foreign graduates), must complete the requirements of Rule 64B16-26.205, F.A.C., prior to certification for the examination required in subsection (6) of this rule.

(5)~~(3)~~ All requirements for licensure by endorsement must be met within one (1) year of the receipt of the application. Applicants failing to meet this requirement must reapply.

(4) through (6) renumbered (6) through (8) No change.

~~(7) Applicants shall submit satisfactory proof that one of the following requirements has been met: (a) Two years of active practice, as defined in Section 465.0075(1)(c), F.S., within the immediately preceding 5 years.~~

~~(b) Successful completion of a board-approved postgraduate training program within the immediately preceding year.~~

~~(c) Successful completion of a board-approved clinical competency examination within the immediately preceding year.~~

~~(d) Successful completion of an internship meeting the requirements of Section 465.0075(1)(c), F.S., within the immediately preceding two years.~~

~~(8) Applicants licensed for more than two years in another state must submit 30 hours of approved continuing education obtained in the two calendar years immediately preceding application.~~

Specific Authority 456.033, 465.005 FS., Chapter 2001-166, Laws of Florida. Law Implemented 456.013(1), 456.033, 465.007, 465.0075, 465.022 FS., Chapter 2001-166, Laws of Florida. History–New 11-8-01, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Nuclear Pharmacist Licensure	64B16-26.303
Subject Matter for Nuclear Pharmacist License Renewal Continuing Education Programs	64B16-26.304

PURPOSE AND EFFECT: The Board proposes new rules in order to consolidate all requirements regarding nuclear pharmacist licensure into Chapter 64B16-26, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed new rules set forth the requirements for nuclear pharmacist licensure and the criteria for nuclear pharmacist licensure training and continuing education.

SPECIFIC AUTHORITY: 465.005, 465.0126 FS.

LAW IMPLEMENTED: 465.0126 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: 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:

64B16-26.303 Nuclear Pharmacist Licensure.

(1) A pharmacist licensed to practice pharmacy in this state who performs a radiopharmaceutical service shall, prior to engaging in such specialized practice, be actively licensed as a nuclear pharmacist.

(2) A licensed pharmacist seeking licensure as a nuclear pharmacist in this state shall submit to the Board of Pharmacy a course outline from an accredited college of pharmacy or other program recognized by the Florida Department of Health and the Florida Board of Pharmacy (a program comparable to those offered by accredited colleges of pharmacy for the training of nuclear pharmacists), and a certificate of training which provides a minimum of 200 clock hours of formal didactic training, which includes:

(a) Radiation physics and instrumentation (85 hours).

(b) Radiation protection (45 hours).

(c) Mathematics pertaining to the use and measurement of radioactivity (20 hours).

(d) Radiation biology (20 hours).

(e) Radiopharmaceutical chemistry (30 hours).

(3) Such academic training programs will be submitted to the Board of Pharmacy for approval by an accredited educational institution which operates under the auspices of or in conjunction with an accredited college of pharmacy.

(4) The minimum on-the-job training which shall be included in a radiopharmacy internship is 500 hours of training and experience in the handling of unsealed radioactive material under the supervision of a licensed nuclear pharmacist. The training and experience shall include but shall not be limited to the following:

(a) Ordering, receiving and unpackaging in a safe manner, radioactive material, including the performance of related radiation surveys.

(b) Calibrating dose calibrators, scintillation detectors, and radiation monitoring equipment.

(c) Calculating, preparing and verifying patient doses, including the proper use of radiation shields.

(d) Following appropriate internal control procedures to prevent mislabeling.

(e) Learning emergency procedures to safely handle and contain spilled materials, including related decontamination procedures and surveys.

(f) Eluting technetium-99m from generator systems, assaying the eluate for technetium-99m and for molybdenum-99 contamination, and processing the eluate with reagent kits to prepare technetium-99m labeled radiopharmaceuticals.

(g) Clinical practice concepts.

(5) Guidelines for such programs are in a publication entitled "Guidelines for Florida Board of Pharmacy Internship Training in Radiopharmacy" (1988), incorporated herein by reference, and which can be obtained by contacting the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254. Governmental and private radiopharmacy internship programs shall not apply to the pharmacy internship required under Rule 64B16-26.2031, F.A.C.

(6) If the didactic and experiential training required in this section have not been completed within the last seven (7) years, the applicant must have been engaged in the lawful practice of nuclear pharmacy in another jurisdiction at least 1080 hours during the last seven (7) years.

Specific Authority 465.005, 465.0126 FS. Law Implemented 465.0126 FS. History–New _____.

64B16-26.304 Subject Matter for Nuclear Pharmacist License Renewal Continuing Education Programs.

(1) A licensee completing the continuing education requirement for nuclear pharmacist license renewal pursuant to Rule 64B16-26.103, F.A.C., shall complete twenty-four (24) additional hours per biennium of coursework each two year period by or through a Committee approved provider, instructionally designed to provide in-depth treatment of nuclear pharmacy practice with suggested subject matter set out in subsection (2) of this rule.

(2) Content of nuclear pharmacist continuing education program.

(a) Application of radiopharmaceutical theory in a practice or a research setting with respect to the drug products and their clinical application. Provision of drug and radiopharmaceutical information as it pertains to optimal handling and use of these products in a clinical setting.

(b) Effective communication skills in a multi-disciplinary environment with patients, nuclear medicine physicians, nuclear medicine technologists, radiation safety personnel and other nuclear pharmacists. The multi-faceted regulatory environment requires such skills in the preparation and maintenance of a radioactive by-product materials license, the identification and reporting of adverse reactions and misadministration, instances of poor product performance, environmental and personnel radiation safety.

(c) Application of the most rigorous and up-to-date principles of radiation safety and quality assurance in order to assure regulatory compendia, and operational standards for drug and radiopharmaceutical products and equipment. Record-keeping and other documentation activities essential to procurement, storage, compounding, handling and use, distribution and disposal should be emphasized.

(d) Management of a nuclear pharmacy unit in accordance with regulatory and administrative agencies' requirements.

(e) Advances in drug, radiopharmaceutical or related technology (including, but not limited to: monoclonal antibodies, magnetic resonance imaging, computed tomography, positron-emission tomography, radioplaque and other contact enhancement agents, radioimmunoassay) with emphasis on paragraphs (a)-(d) above for such new agents.

Specific Authority 465.005, 465.0126 FS. Law Implemented 465.0126 FS. History–New _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES: RULE NOS.:

Subject Matter for Continuing Education to Order and Evaluate Laboratory Tests 64B16-26.320

Pharmacy Interns; Registration; Employment 64B16-26.400

PURPOSE AND EFFECT: The Board proposes to review the rules to determine the need to update the requirements for ordering and evaluating lab tests and the requirements for pharmacy intern registration.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments set forth requirements for consultant pharmacists who order and evaluate lab tests, and also the registration and employment criteria for pharmacy interns.

SPECIFIC AUTHORITY: 465.005, 465.009, 465.0125(3) FS.

LAW IMPLEMENTED: 465.013 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: 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:

64B16-26.320 Subject Matter for Continuing Education to Order and Evaluate ~~Ordering and Evaluation of~~ Laboratory Tests.

(1) ~~Those~~ Ceonsultant pharmacists and pharmacists holding the Doctor of Pharmacy degree that wish to order and evaluate laboratory tests under the provisions of Section 465.0125, F.S., shall successfully complete the requirements of a continuing education course set forth herein ~~provided for by this section~~ prior to such practice. Successful completion of the course will certify the pharmacist for this practice for two (2) years from date of completion.

(2) No change.

(3) A consultant pharmacist may apply the three (3) hour initial certification course and the one (1) hour recertification course toward the continuing education requirement ~~that a consultant pharmacist biennially complete twenty-four (24) hours of continuing education~~ for renewal of a consultant pharmacist license under Rule 64B16-26.300, F.A.C., or may apply such continuing education hours toward the continuing education requirement ~~that a pharmacist biennially complete thirty (30) hours of continuing education~~ for renewal of a pharmacist license under Rule~~s~~ 64B16-26.103 ~~and 64B16-26.606~~, F.A.C., but may not use the same continuing education hours to satisfy both requirements. A Doctor of Pharmacy who is not a consultant pharmacist may apply the three (3) hour initial certification course and the one (1) hour recertification course toward the ~~requirement that a pharmacist biennially complete thirty (30) hours of~~ continuing education requirement for renewal of a pharmacist license under Rule~~s~~ 64B16-26.103 ~~and 64B16-26.606~~, F.A.C.

Specific Authority 465.009, 465.0125(3) FS. Law Implemented 465.013 FS. History–New 2-23-98, Amended 6-15-98, 1-12-03, _____.

64B16-26.400 Pharmacy Interns; Registration; Employment.

(1) A ~~No person may serve as a~~ pharmacy intern is required to be registered with the Board of Pharmacy as an intern before being employed as an intern in a pharmacy in Florida ~~in a pharmacy in this state until such time as he is registered with the Department of Health as an intern~~. ~~This requirement applies only to interns interning in this state.~~

(2) An applicant for pharmacy intern registration must submit ~~No person shall be registered as a pharmacy intern until such time as he has submitted~~ to the satisfaction of the Florida Board of Pharmacy, proof of: ~~that he:~~

(a) Enrollment ~~Is enrolled~~ in an internship program at an accredited college or school of pharmacy or;

(b) Graduation from ~~Is a graduate of~~ an accredited college or school of pharmacy ~~and is not yet licensed in the state~~. For purposes of this rule only, any individual who has been accepted by the Foreign Pharmacy Graduate Examination Commission to sit for the Foreign Pharmacy Graduate Equivalency Examination ~~as defined in Rule 64B16-26.205, F.A.C.,~~ shall be considered a graduate of an accredited college or school of pharmacy and shall be permitted to practice as an intern until such graduate has successfully completed the Foreign Pharmacy Graduate Equivalency Examination. The internship experience allowed under this provision shall not count toward the 500-hours internship required subsequent to passage of the Foreign Pharmacy Graduate Equivalency Examination as mandated in Section 465.007(1)(b)2., F.S., and as defined in Rule 64B16-26.203~~5~~, F.A.C.

(3) No change.

(4) No intern shall perform any acts relating to the filling, compounding, or dispensing of medicinal drugs unless it is done ~~he does so~~ under the direct and immediate personal supervision of a person actively licensed to practice pharmacy in this state.

(5) No change.

Specific Authority 465.005 FS. Law Implemented 465.013 FS. History–Amended 8-20-63, 5-19-72, 8-18-73, Repromulgated 12-18-74, Amended 11-10-80, 4-30-85, Formerly 21S-1.21, Amended 10-20-88, Formerly 21S-1.021, Amended 7-31-91, 1-10-93, Formerly 21S-26.400, 61F10-26.400, 59X-26.400, Amended _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE:	RULE NO.:
Pharmacy Permit Application; Community Pharmacy; Special Pharmacies	64B16-26.402

PURPOSE AND EFFECT: The Board proposes a new rule in order to consolidate the requirements regarding pharmacy permits into Chapter 64B16-26, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule establishes the application requirements for community pharmacy and special pharmacy permits.

SPECIFIC AUTHORITY: 465.005, 465.018, 465.0196 FS.

LAW IMPLEMENTED: 465.017, 465.018, 465.0196, 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 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:

64B16-26.402 Pharmacy Permit Application; Community Pharmacy; Special Pharmacies.

(1)(a) An applicant for a community pharmacy permit pursuant to Section 465.018, Florida Statutes, shall provide the Board of Pharmacy an application (Form DOH/PH105, Rev. 1/29/03, effective 11/11/98, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and the application fee.

(b) Prior to the issuance of the permit and initiation of the operation of the permittee, the Department shall perform an inspection of the facility.

(2)(a) An application for a special pharmacy permit pursuant to Rules 64B16-28.810, 64B16-28.820, 64B16-28.830, 64B16-28.850, 64B16-28.860, and 64B16-28.870, F.A.C., shall provide the Board of Pharmacy with an application (Form DOH/PH105, Rev. 7/23/98, effective 11/11/98, which is incorporated by reference, and which can be obtained from the Department of Health), the application fee, and a Policy and Procedure Manual that sets forth a detailed description of the type of pharmacy services to be provided within the special pharmacy practice. The Policy and Procedure Manual shall contain detailed provisions for compliance with the provisions of Section 465.0196, Florida Statutes, and other applicable requirements contained in this chapter.

(b) Prior to the issuance of the permit and initiation of the operation of the permittee:

1. The Policy and Procedure Manual shall be reviewed and is subject to approval by the Board of Pharmacy or its designee.

2. The Department shall perform an inspection of the facility.

Specific Authority 465.005, 465.018, 465.0196 FS. Law Implemented 465.017, 465.018, 465.0196, 465.022 FS. History–New _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLES:	RULE NOS.:
Application Fees	64B16-26.1001
Initial License Fees	64B16-26.1002
Active License Renewal Fees	64B16-26.1003
Inactive License Renewal Fees	64B16-26.1004
Approved Continuing Education Provider Renewal Fee	64B16-26.1012
Delinquent License Reinstatement Fees	64B16-26.1021
Permit Fees	64B16-26.1022

PURPOSE AND EFFECT: The Board proposes new rules in order to consolidate all requirements regarding licensure fees into Chapter 64B16-26, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed new rules set forth the requirements for licensure fees.

SPECIFIC AUTHORITY: 456.013(9), 456.036, 465.005, 465.008, 465.009 465.012, 465.0125, 465.0126, 465.022(8), 456.036 FS.

LAW IMPLEMENTED: 456.013(2),(9), 456.036, 456.065(3), 465.007, 465.0075, 465.008, 465.009, 465.012, 465.0125, 465.0126, 465.022(8) 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: 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:

64B16-26.1001 Application Fees.

(1) The non-refundable application fee for licensure by examination shall be $100, payable to the Board. Examination fees for the National Practice Examination and jurisprudence examination are payable to the examination vendor.

(2) The non-refundable application fee licensure by endorsement shall be $100, payable to the Board.

(3) The non-refundable application fee for a continuing education provider seeking approved provider status shall be $150, payable to the Board.

(4) The non-refundable application fee for individual continuing education course approval for non-approved continuing education providers shall be $50 for each course submitted for approval, payable to the Board.

Specific Authority 465.005, 465.009 FS. Law Implemented 465.007, 465.0075, 465.009 FS. History–New _____.

64B16-26.1002 Initial License Fees.

(1) The initial license fee for a pharmacist license shall be $190 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) The initial license fee for a consultant pharmacist license shall be $50 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(3) The initial license fee for a nuclear pharmacist license shall be $50 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Specific Authority 465.005, 465.0125, 465.0126 FS. Law Implemented 456.013(2), 456.065(3), 465.0125, 465.0126 FS. History–New _____.

64B16-26.1003 Active License Renewal Fees.

(1) The biennial license renewal fee for an active pharmacist license shall be $245 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(2) The biennial license renewal fee for a consultant pharmacist license shall be $50 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(3) The biennial license renewal fee for a nuclear pharmacist license shall be $100 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

Specific Authority 456.036, 465.005, 465.008, 465.0125, 465.0126 FS. Law Implemented 456.036, 456.065(3), 465.008, 465.0125, 465.0126 FS. History–New _____.

64B16-26.1004 Inactive License Renewal Fees.

(1) A licensee may elect:

(a) At the time of license renewal to place the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of $245 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(b) At the time of license renewal, if the license is inactive, to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of $245 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(c) At the time of license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, submits the reactivation fee of $70, and the current active renewal fee set forth in Rule 64B16-26.1001, F.A.C.

(d) At a time other than license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status and submits the reactivation fee of $70, the current renewal fee set forth in Rule 64B16-26.1001, F.A.C., and a change of status fee of $25.

(2) A consultant pharmacist licensee may elect:

(a) At the time of license renewal to place the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of $50 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(b) At the time of license renewal, if the consultant pharmacist license is inactive, to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of $50 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(c) At the time of license renewal to change the inactive status consultant pharmacist license to active status, provided the consultant pharmacist licensee meets the continuing education requirements of Rule 64B16-26.103(2), F.A.C., for each biennium the license was on inactive status and by submitting a reactivation fee of $25, and the active consultant pharmacist renewal fee set forth in Rule 64B16-26.1003, F.A.C.

(d) At a time other than license renewal to change the inactive status license to active status by submitting a reactivation fee of $25, a change of status fee of $25, and the active consultant pharmacist renewal fee set forth in Rule 64B16-26.1003, F.A.C.

(3) A nuclear pharmacist licensee may elect:

(a) At the time of license renewal to place the nuclear pharmacist license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status fee of $100 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(b) At the time of license renewal, if the nuclear pharmacist license is inactive, to continue the license on inactive status by submitting a written request with the board for inactive status and submitting the inactive status renewal fee of $100 plus a $5 unlicensed activity fee pursuant to Section 456.065(3), F.S.

(c) At the time of license renewal to change the inactive status license to active status by submitting a reactivation fee of $50, and the active nuclear license renewal fee set forth in Rule 64B16-26.1003, F.A.C.

(d) At a time other than license renewal to change the inactive status license to active status, provided the nuclear pharmacist licensee meets the continuing education requirements of Rule 64B16-28.904, F.A.C., for each biennium the license was on inactive status and by submitting a reactivation fee of $50, a change of status fee of $25, and the active nuclear license renewal fee set forth in Rule 64B16-26.1003, F.A.C.

Specific Authority 456.036, 465.005, 465.012, 465.0125, 456.0126 FS. Law Implemented 456.036, 456.065(3), 465.012, 465.0125, 465.0126 FS. History–New _____.

64B16-26.1012 Approved Continuing Education Provider Renewal Fee.

The biennial fee to renew as an approved continuing education provider shall be $150.

Specific Authority 456.013(9), 465.005 FS. Law Implemented 456.013(9), 465.009, 465.012 FS. History–New _____.

64B16-26.1021 Delinquent License Reinstatement Fees.

(1) An active or inactive license that is not renewed by midnight of the expiration date of the license shall automatically revert to delinquent status.

(2) A licensee may request that a delinquent license be reinstated to active or inactive status by submitting the delinquent fee of $245 plus the current fee for an active status or inactive status license set forth in Rule 64B16-26.1003, F.A.C., or Rule 64B16-26.1004, F.A.C.

(3) A consultant pharmacist licensee may request that a delinquent consultant pharmacist license be reinstated to an active or inactive status by submitting a delinquent fee of $25 plus the current fee for an active or inactive status consultant pharmacist license set forth in Rule 64B16-26.1003, F.A.C., or Rule 64B16-26.1004, F.A.C.

(4) A nuclear pharmacist licensee may request that a delinquent nuclear pharmacist license be reinstated to an active or inactive license status by submitting a delinquent fee of $100 plus the current fee for an active or inactive nuclear pharmacist license set forth in Rule 64B16-26.1003, F.A.C., or Rule 64B16-26.1004, F.A.C.

(5) A license in delinquent status that is not renewed prior to midnight of the expiration date of the current licensure cycle shall be rendered null without any further action by the Department. Any subsequent license shall be the result of applying for and meeting all requirements imposed on an applicant for new licensure.

Specific Authority 456.036, 465.005, 465.012 FS. Law Implemented 456.036, 465.012 FS. History–New _____.

64b16-26.1022 Permit Fees.

(1) The initial permit fee for a pharmacy, as provided by Section 465.022(8)(a), F.S., shall be $250.

(2) The biennial permit renewal fee for a pharmacy, as provided by Section 465.022(8)(b), F.S., shall be $250.

(3) The change of location fee for a pharmacy, as provided by Section 465.022(8)(d), F.S., shall be $100.

(4) The delinquent fee for a pharmacy permit, as provided by Section 465.022(8)(c), F.S., shall be $100.

Specific Authority 465.005, 465.022(8) FS. Law Implemented 465.022(8) FS. History–New _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: RULE CHAPTER NO.:
Standards for Onsite Sewage Treatment and Disposal Systems 64E-6

PURPOSE AND EFFECT: Develop rules to incorporate necessary technical changes and incorporate modifications proposed through the Technical Review and Advisory Panel.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include: Onsite sewage treatment and disposal system construction standards.

SPECIFIC AUTHORITY: 381.0011(4),(13), 381.006, 381.0065(3)(a),(4)(k) FS.

LAW IMPLEMENTED: 154.01, 381.001(2), 381.0011(4), 381.006(7), 381.0061, 381.0065, 381.00655, 154.06, 381.0011, 381.006, 381.0065, 489.553, 489.557 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: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, HSES, 4042 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713

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

Section II
Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: RULE NO.:
Voting System Equipment Regulations 1S-5.001

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and update its content as required by Florida Law.

SUMMARY: This rule incorporates by reference the Florida Voting System Standards that set forth the process and minimum standards to be met when applying for certification of a voting system.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 101.015, 101.294 FS.

LAW IMPLEMENTED: 101.5605, 101.5606, 101.56062, 101.5607, 102.141, 102.166, FS.

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

TIME AND DATE: 1:00 p.m., June 18, 2004

PLACE: 107 West Gaines Street, Suite 100, Tallahassee, Florida 32399-0250

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to participate in this meeting should contact Paul Craft, (850)245-6220, at least three days in advance of the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Paul Craft, Division of Elections, Department of State, 107 West Gaines Street, Suite 231, Tallahassee, Florida 32399, (850)245-6220

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-5.001 Voting System Equipment Regulations.

The Department of State, Division of Elections, is required to establish minimum standards for certification and provisional approval of hardware and software for electronic and electromechanical voting systems. The Division shall establish minimum levels of voting systems capability and certify voting system equipment in accordance with the requirements contained in Florida Voting Systems Standards, Form DS DE-101, eff. _____, which is hereby incorporated by reference and available from the Division upon request. The publication contains the minimum standards, procedures for testing to determine if those standards have been met, and procedures for certifying and provisionally certifying compliance with the minimum standards. Where initiated by a county Supervisor of Elections or the Department of State, modifications to previously certified systems which are designed to remedy system anomalies, which do not introduce new functions and do not introduce additional hardware components into the system configuration, may be certified under the Florida Voting Systems Standards, Form DS-DE-101, eff. _____.

Specific Authority 101.015, 101.294 FS. Law Implemented 101.5605, 101.5606, 101.56062, 101.5607, 102.141, 102.166 FS. History–New 3-28-90, Amended 7-28-98, 6-13-02,_____.

The proposed amendments to Form DS DE-101 may be accessed at the Division of Elections' website http://election.dos.state.fl.us.

NAME OF PERSON ORIGINATING PROPOSED RULE: Paul Craft, Chief, Bureau of Voting Systems Certification

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edward C. Kast, Director, Division of Elections, Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 15, 2002, December 20, 2002 and July 25, 2003

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLES:	RULE NOS.:
Definitions	3C-560.103
Records to be Maintained by Deferred Presentment Providers	3C-560.707
Gross Income Test	3C-560.805
Definitions	3C-560.902
Deferred Presentment Transactions	3C-560.903
Transaction Agreement Disclosures and Requirements	3C-560.904
Database Transaction Requirements	3C-560.908