

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices (BMPs) for Peace River Valley Manasota Basin Citrus Producers

RULE CHAPTER NO.: 5M-5

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUBJECT AREA TO BE ADDRESSED: The purpose of this meeting is to review a draft manual that identifies Best Management Practices for citrus producers within the Peace River Valley/Manasota Basin. This manual outlines the procedures for growers to conduct an on-site assessment, delineates record keeping requirements and prescribes the process for citrus landowners and leaseholders to submit a notice of intent to implement applicable Best Management Practices.

SPECIFIC AUTHORITY: 403.067 FS.

LAW IMPLEMENTED: 403.067(7)(d), 576.045(6) FS.

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

TIME AND DATE: 9:00 a.m., June 29, 2004

PLACE: De Soto County Extension Office, 2150 N. E. Roan Road, Arcadia, FL 34266

TIME AND DATE: 9:00 a.m., June 30, 2004

PLACE: Manatee County Extension Office, Kendrick Auditorium, 1303 17th Street, West, Palmetto, FL 34221

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel management, Department of Agriculture and consumer Services, (850)488-1806, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William D. Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governors Square Blvd, Suite 200, Tallahassee, FL 32301, (850)488-6249, Fax (850)921-2153

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices (BMPs) for Cow/Calf Operations Outside of the Lake Okeechobee Watershed

RULE CHAPTER NO.: 5M-6

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUBJECT AREA TO BE ADDRESSED: The purpose of this meeting is to review a draft manual that identifies Best Management Practices for Cow/Calf operations within the Peace River Valley/Manasota Basin. This manual outlines the procedures for growers to conduct an on-site assessment, delineates record keeping requirements and prescribes the process for landowners and leaseholders to submit a notice of intent to implement applicable Best Management Practices.

SPECIFIC AUTHORITY: 403.067 FS.

LAW IMPLEMENTED: 403.067(7)(d), 576.045(6) FS.

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

TIME AND DATE: 10:30 a.m., June 29, 2004

PLACE: De Soto County Extension Office, 2150 NE Roan Road, Arcadia, FL 34266

TIME AND DATE: 10:30 a.m., June 30, 2004

PLACE: Sarasota County Extension Office, Kendrick Auditorium, 1303 17th Street West, Palmetto, FL 34221

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel management, Department of Agriculture and consumer Services, (850)488-1806, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: R. Clegg Hooks, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Blvd., Suite 200, Tallahassee, Florida 32399-1650, (850)488-6249, Fax (850)921-2153

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

~~Institutions~~ ~~Each institution~~ applying for a license or moving to a new level of licensure ~~or any other Commission action~~ shall provide all required information to the Commission ~~the following specific information,~~ in English. Institutions providing information to students in a language other than English must retain a notarized translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (5) No change.

(6) Standard 6: Finances.

(a) No change.

1. ~~Provisional License Approved Applicant Status:~~

a. through b. No change.

c. If the corporation that controls the institution is ongoing, the institution shall provide a financial statement of the parent corporation compiled, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.

d. No change.

2. ~~Provisional License, Annual License, Extended Annual License, or Annual Review:~~ Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. ~~Licensed, and licensed~~ colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution, which could include the following: a financial improvement plan, teach-out plan, or form of surety guaranteeing that the resources are sufficient to protect the current students. If the

Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

3. License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution, which could include the following: a financial improvement plan, teach-out plan, or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

(7) through (10) No change.

(11) Standard 11: Publications and Advertising.

(a) through (n) No change.

o. A description of each course offered, including identifying number, title, credit or clock hours awarded, a description of the contents of the course including language of instruction if other than English, and prerequisites, if any;

p. through ee. No change.

ff. If the institution offers courses taught in any language other than English, then the catalog must contain the following disclosure:

COMPLETING A COURSE OR PROGRAM IN A LANGUAGE OTHER THAN ENGLISH MAY REDUCE EMPLOYABILITY WHERE ENGLISH IS REQUIRED.

3. through 16. No change.

(12) No change.

Specific Authority 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History—Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03, 4-5-04, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Outdoor Advertising Sign Regulation and Highway Beautification

RULE CHAPTER NO.: 14-10

RULE TITLE: Zoning Enacted Primarily to Permit Outdoor Advertising Signs

RULE NO.: 14-10.0052

PURPOSE AND EFFECT: The amendment is to clarify the Department's rule regarding zoning related to outdoor advertising.

SUBJECT AREA TO BE ADDRESSED: Rule 14-15.0052, F.A.C., is being amended.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 479.07(10) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.0052 ~~Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit Outdoor Advertising Signs.~~

(1) ~~“Comprehensively Enacted Zoning” means ordinances or other laws adopted by the county or municipal government with authority over the development and use of a parcel of land; pertaining to and designating the currently allowable uses of property within its jurisdiction on the parcel, pursuant to and consistent with a comprehensive plan enacted in accordance with Chapter 163, Florida Statutes. The term does not include actions taken primarily to permit signs as defined in subsection (3) of this rule.~~

(2) ~~Even if comprehensively enacted, the following criteria, including public records related thereto, shall be considered in determining whether such zoning is enacted primarily to permit signs: For purposes of this rule, “parcel” shall mean all the contiguous lands under the same ownership and the same land use designation adopted pursuant to Chapter 163, Florida Statutes.~~

(a) ~~The land use or zoning designation provides for limited commercial or industrial activity only as an incident to other primary land uses.~~

(b) ~~The commercial and industrial activities, separately or together, are permitted only by variance or special exceptions.~~

(c) ~~The physical dimensions or other attributes of the affected parcel would not reasonably accommodate traditional commercial or industrial uses and the area surrounding the affected parcel is not predominantly commercial or industrial.~~

(3) ~~The Department shall consider the following criteria when determining whether commercial or industrial zoning applicable to a parcel of land was adopted primarily to permit the erection or maintenance of signs:~~

(a) ~~Whether the uses allowed by the applicable zoning ordinance or law include commercial or industrial uses in addition to signs. The following uses are not recognized as commercial or industrial use for the purposes of these criteria:~~

~~1. Agricultural, forestry, ranching, grazing, farming, or related activities, including wayside fresh produce stands.~~

- ~~2. Transient or temporary activities.~~
- ~~3. Railroad tracks and minor sidings.~~
- ~~4. Communication towers.~~
- ~~5. Electric transmission, telephone, telegraph, or other communications services lines.~~
- ~~6. Ditches, sewers, water, heat, or gas lines.~~
- ~~7. Pipelines, tanks, or pumps.~~
- ~~8. Fences.~~
- ~~9. Drainage ponds or water retention facilities.~~
- ~~10. Canals.~~
- ~~11. Roads.~~
- ~~12. Signs.~~

~~(b) Whether the size of the parcel would be sufficient to conduct the commercial or industrial uses allowed on the parcel under the applicable county or municipal government building and development code requirements for commercial or industrial activities, including setback requirements, parcel size and dimension requirements, and parking requirements.~~

~~(c) Whether the parcel is located contiguous to other properties zoned or used for commercial or industrial activities.~~

~~(d) Whether there is public access to the parcel sufficient to conduct the commercial or industrial uses allowed on the parcel.~~

~~(e) Whether the public statements and materials published in connection with any zoning decision affecting the parcel, including all public records pertaining to the zoning decision, indicate the zoning decision was taken primarily to permit the erection or maintenance of signs.~~

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.07(10) FS. History—New 3-16-04, Amended _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Traffic Safety Program

RULE CHAPTER NO.: 14-98

RULE TITLES: Application and Award Procedures

RULE NOS.: 14-98.005

Forms 14-98.008

PURPOSE AND EFFECT: Subsections 14-98.005(7),(10) and 14-98.008(6), F.A.C., are amended because of a revision to the Subgrant Application for Highway Safety Funds, Form 500-065-01, Parts III Project Detail Budget and Part V Acceptance and Agreement.

SUBJECT AREA TO BE ADDRESSED: Subsection 14-98.008(6), F.A.C., is amended to incorporate by reference a revised version of the Subgrant Application for Highway Safety Funds, Form 500-065-01. Subsections 14-98.005(7) and (10), F.A.C., also are being amended to update the revision date references to the same form.

SPECIFIC AUTHORITY: 334.044(2),(25) FS.

LAW IMPLEMENTED: 334.044(25) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-98.005 Application and Award Procedures.

(1) through (6) No change.

(7) Two copies of the application form, Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. ~~05/04 06/03~~, will be sent to those applicants whose concept papers are selected for funding. Applicants whose concept papers were not selected for funding will be notified by the Office.

(8) through (9) No change.

(10) The Office shall review all applications and will reject any applications not meeting the requirements of these rules and applicable Federal and State laws, within ten working days of receipt of said applications. In the event that an applicant submits a Subgrant Application for Highway Safety Funds, FDOT Form 500-065-01, Rev. ~~05/04 06/03~~, for an activity that is not included in the Highway Safety Plan, the application shall be rejected. Failure to reject any application within ten days shall not result in the automatic award of a subgrant. All subgrants are subject to funds availability.

(11) No change.

Specific Authority 334.044(2) FS. Law Implemented 334.044(25) FS. History—New 12-30-84, Amended 6-10-85, Formerly 9B-32.05, 9B-32.005, 11-19-89, Formerly 9G-15.005, Amended 12-7-93, 11-29-94, 1-17-99, 4-16-02, 8-6-02, 11-2-03,_____.

14-98.008 Forms.

The following forms used in the Highway Traffic Safety Program are hereby incorporated by reference:

(1) through (5) No change.

(6) Subgrant Application for Highway Safety Funds – FDOT Form 500-065-01, Rev. ~~05/04 06/03~~.

(7) through (8) No change.

Specific Authority 334.044(2),(25) FS. Law Implemented 334.044(25) FS. History—New 6-10-85, Formerly 9B-32.08, 9B-32.008, Amended 11-19-89, Formerly 9G-15.008, Amended 12-7-93, 6-14-94, 11-29-94, 4-16-02, 8-6-02, 11-2-03,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

ADMINISTRATION COMMISSION

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Land Planning Regulations for the Florida Keys Area of Critical State Concern – City of Marathon 28-18

RULE TITLE: RULE NO.:

Comprehensive Plan 28-18.210

PURPOSE AND EFFECT: The purpose of the rule is to amend Policy 101.2.14 to address building permit allocations by increasing the annual residential permitting cap and specifying allocations authorized for market rate and affordable housing; restoring certain allocations previously reduced to be targeted for affordable housing; authorizing certain unused rate of growth ordinance allocations to roll forward; and deleting the requirement for nutrient credits upon a date certain. In addition, the rule amends the Work Program set forth in Policy 101.2.13 of the Marathon Comprehensive Plan to reflect rule section renumbering and establish Work Program provisions for Year 8 and Year 9. The establishment of provisions for Work Program Year 8 and Year 9 address tasks not yet completed in the original Work Program.

SUBJECT AREA TO BE ADDRESSED: Amendments to the Transitional Comprehensive Plan relating to the annual number of residential building permit allocations and the Work Program set forth in the City of Marathon Comprehensive Plan.

SPECIFIC AUTHORITY: 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552 FS.

IF REQUESTED IN WRITING BY JUNE 21, 2004, 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: 6:00 p.m. – 7:00 p.m., Tuesday, June 29, 2004

PLACE: Marathon Government Center, Emergency Operations Center, 2798 Overseas Highway, Second Floor, Marathon, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Leighty, Governmental Analyst, Administration Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

ADMINISTRATION COMMISSION

RULE CHAPTER TITLE: Land Planning Regulations for the Florida Keys Area of Critical State Concern – Monroe County
 RULE CHAPTER NO.: 28-20

RULE TITLES: Comprehensive Plan
 Land Development Regulations
 RULE NOS.: 28-20.110
 28-20.120

PURPOSE AND EFFECT: The purpose of the rule is to amend the Work Program set forth at Policy 101.2.13 of the Monroe County Comprehensive Plan to address building permit allocations by increasing the annual residential permitting cap and specifying allocations authorized for market rate and affordable housing; restoring certain allocations previously reduced to be targeted for affordable housing; authorizing certain unused rate of growth ordinance allocations to roll forward; and deleting the requirement for nutrient credits upon a date certain. The rule amends the Work Program set forth in Policy 101.2.13 of the Monroe County Comprehensive Plan to establish Work Program provisions for Year 8, Year 9, and Year 10. The establishment of provisions for Work Program Year 8, Year 9, and Year 10 address tasks not yet completed in the original Work Program. Finally, rule amendments address adoption of necessary land development regulations.

SUBJECT AREA TO BE ADDRESSED: Amendments to the Monroe County Comprehensive Plan relating to the annual number of residential building permit allocations and the Work Program set forth in the Monroe County Comprehensive Plan. In addition, the rule amendments address adoption of necessary land development regulations.

SPECIFIC AUTHORITY: 380.05(8), 380.0552(9) FS.

LAW IMPLEMENTED: 380.0552 FS.

IF REQUESTED IN WRITING BY JUNE 21, 2004 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: 7:00 p.m. – 9:00 p.m., Tuesday, June 29, 2004

PLACE: Marathon Government Center, Emergency Operations Center, 2798 Overseas Highway, Second Floor, Marathon, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Leighty, Governmental Analyst, Administration Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality

RULE CHAPTER TITLE: Intermediate Care Facilities for the Developmentally Disabled
 RULE CHAPTER NO.: 59A-26

PURPOSE AND EFFECT: The Agency proposes to establish a rule consistent with provisions of Section 400.967(2), Florida Statutes, which became effective May 7, 1999. The legislation provides for development of rules regarding specific criteria involving minimum standards of program quality and adequacy of care for Intermediate Care Facilities for the Developmentally Disabled.

SUBJECT AREA TO BE ADDRESSED: Specific criteria pertaining minimum standards of program quality and adequacy of care for Intermediate Care Facilities for the Developmentally Disabled.

SPECIFIC AUTHORITY: 400.967(2) FS.

LAW IMPLEMENTED: 400.967 FS.

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

TIME AND DATE: 9:00 a.m., June 18, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard F. Kelly, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Transportation Services
 RULE NO.: 59G-4.330

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Transportation Coverage, Limitations, and Reimbursement Handbook, July 2004. The effect will be to provide Florida transportation providers with new HIPAA policy and HIPAA compliant Level II HCPCS and updated transportation policies. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 29, No. 19, on May 9, 2003. We are publishing a new Notice of Rule Development, because we changed the handbook effective date to July 2004.

SUBJECT AREA TO BE ADDRESSED: Transportation Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.9081, 409.910, 409.913 FS.

IF REQUESTED WITHIN 14 DAYS AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 2:00 p.m., Monday, June 21, 2004

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE: Susan Rinaldi, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7308

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.330 Transportation Services.

(1) No change

(2) All transportation providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Transportation Coverage, Limitations and Reimbursement Handbook, ~~July 2004~~ July 1997, incorporated by reference. The handbook is available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.910, 409.913 FS. History—New 1-1-77, Amended 10-1-77, 1-27-81, 8-28-84, Formerly 10C-7.45, Amended 4-13-93, Formerly 10C-7.045, Amended 1-7-98,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Educational Advisory Committee **RULE NO.:** 61G1-11.012

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

SUBJECT AREA TO BE ADDRESSED: The responsibilities of the Educational Advisory Committee.

SPECIFIC AUTHORITY: 120.53(1), 481.2055 FS.

LAW IMPLEMENTED: 481.209(2)(b), 481.213(3)(b) FS.

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE CHAPTER TITLE: Seals and Plans **RULE CHAPTER NO.:** 61G1-16

PURPOSE AND EFFECT: The Board proposes to review this chapter to determine whether amendments are needed to update the rules.

SUBJECT AREA TO BE ADDRESSED: Requirements and description of seals to identify plans, specifications and reports of architects and interior designers.

SPECIFIC AUTHORITY: 481.221, 481.2055 FS.

LAW IMPLEMENTED: 481.221, 481.225(1)(e),(g),(j), 481.2251(1)(g),(h),(i), 481.203(6),(8), 481.213(1), 481.219(3), (4),(5) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT CHAPTER IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLES: Professional Fees and Penalties **RULE NOS.:**

for Architects 61G1-17.001

Professional Fees and Penalties for Interior Designers 61G1-17.002

PURPOSE AND EFFECT: The Board proposes to review the rules to determine the necessity for increasing renewal fees.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments increase active and inactive license renewal fees by \$25.

SPECIFIC AUTHORITY: 455.213(2), 455.217(2), 455.219(3), 455.2281, 481.2055, 481.207, 481.2130, 481.229(5)(b) FS.

LAW IMPLEMENTED: 455.217(2), 455.219(3), 455.2281, 455.271, 481.207, 481.209 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-17.001 Professional Fees and Penalties for Architects.

The following fees and penalties are hereby adopted by the Board:

- (1) No change.
- (2) The biennial renewal fee for individuals electing active status shall be \$125.00 ~~\$100.00~~.
- (3) No change.
- (4) The biennial renewal fee for a Certificate of Authorization shall be \$125.00 ~~\$100.00~~.
- (5) through (11) No change.
- (12) There will be a \$75.00 ~~\$50.00~~ fee for renewal of an inactive license.

Specific Authority 455.217(2), 455.2281, 481.207 FS. Law Implemented 455.217(2), 455.2281, 481.207, 455.271, 481.209 FS. History—New 12-23-79, Amended 12-19-82, 5-18-83, 6-12-84, 7-30-85, Formerly 21B-17.01, Amended 9-23-86, 5-16-87, 12-6-87, 4-17-89, 12-24-89, 3-14-91, Formerly 21B-17.001, Amended 9-27-93, 8-21-94, 11-21-94, 4-22-97, 3-15-99,

61G1-17.002 Professional Fees and Penalties for Interior Designers.

- (1) No change.
- (2) The biennial renewal fee for individuals electing active status shall be \$125.00 ~~\$100.00~~.
- (3) No change.
- (4) The biennial renewal fee for a Certificate of Authorization shall be \$125.00 ~~\$100.00~~.
- (5) through (13) No change.
- (14) There will be a \$75.00 ~~\$50.00~~ fee for renewal of an inactive license.

(15) No change.

Specific Authority 455.213(2), 455.217(2), 455.219(3), 455.2281, 481.2055, 481.207, 481.2130, 481.229(5)(b) FS. Law Implemented 455.219(3), 455.2281, 481.207 FS. History—New 12-21-88, Amended 5-10-89, 7-2-89, 12-24-89, 12-3-90, 2-28-91, 5-31-92, 11-11-92, Formerly 21B-17.002, Amended 9-27-93, 11-15-93, 11-21-94, 1-31-96, 10-20-96, 1-10-99, 3-15-99,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Continuing Education for Interior Designers
 RULE NO.: 61G1-21.001

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

SUBJECT AREA TO BE ADDRESSED: Continuing education on the Florida Building Code respective to the specialized area of practice.

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.215(3),(4),(5) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-21.001 Continuing Education for Interior Designers.

(1) through (3) No change.

(4) A minimum of zero (0) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the interior designer's respective area of practice.

Specific Authority 481.2055 FS. Law Implemented 481.215(3),(4),(5) FS. History—New 11-29-90, Amended 9-2-92, Formerly 21B-21.001, Amended 5-4-97, 4-12-04,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Continuing Education for Architects
 RULE NO.: 61G1-24.001

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

SUBJECT AREA TO BE ADDRESSED: Continuing education on the Florida Building Code respective to the specialized area of practice.

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.215(3),(4),(5) 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G1-24.001 Continuing Education for Architects.
(1) through (3) No change.

(4) A minimum of zero (0) of the 20 required contact hours must be obtained by completing an approved provider's specialized or advanced course, approved by the Florida Building Commission, on the Florida Building Code, relating to the architect's respective area of practice.

Specific Authority 481.2055 FS. Law Implemented 481.215(3),(4),(5) FS. History--New 1-17-96, Amended 4-12-04,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Approval of Continuing Education Courses
RULE NO.: 61G4-18.004

PURPOSE AND EFFECT: The Board proposes the development of rule for elaboration regarding qualifications for approval of continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Qualifications for approval of continuing education courses.

SPECIFIC AUTHORITY: 455.2123, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2179, 489.115 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Obligations of Continuing Education Providers
RULE NO.: 61G17-5.0043

PURPOSE AND EFFECT: The purpose of this amendment is to require the course number be on all courses or seminars being offered professional surveyors and mappers for credit.

SUBJECT AREA TO BE ADDRESSED: Obligations of Continuing Education Providers.

SPECIFIC AUTHORITY: 455.219, 472.008, 472.011, 472.018 FS.

LAW IMPLEMENTED: 455.2123, 472.018 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: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G17-5.0043 Obligations of Continuing Education Providers.

To maintain status as a continuing education provider, the provider must:

(1) through (2) No change.

(3) Ensure that all promotional material for courses or seminars offered to professional surveyors and mappers for credit contain the course number and the provider number.

(4) through (13) No change.

Specific Authority 455.219, 472.008, 472.011, 472.018 FS. Law Implemented 455.2123, 472.018 FS. History--New 3-28-94, Amended 5-30-95, 7-27-00, 8-18-03,_____.

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 Massage Therapy

RULE TITLE: Citations
RULE NO.: 64B7-30.004

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077 FS.

LAW IMPLEMENTED: 456.077 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 E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE: Colonic Irrigation RULE NO.: 64B7-31.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Colonic irrigation.

SPECIFIC AUTHORITY: 480.035(7), 480.041(4) FS.

LAW IMPLEMENTED: 480.032, 480.033, 480.041(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 E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Requirements for License Renewal of an Active License RULE NO.: 64B11-5.001

PURPOSE AND EFFECT: The Board proposes to review and discuss the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Requirements for license renewal of an active license.

SPECIFIC AUTHORITY: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 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: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE TITLE: Continuing Education Program Approval RULE NO.: 64B11-6.001

PURPOSE AND EFFECT: The Board proposes to review and discuss the existing language in this rule to determine if amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing education program approval.

SPECIFIC AUTHORITY: 456.013(8), 456.025, 468.204, 468.219(2) FS.

LAW IMPLEMENTED: 468.219(2), 468.221 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: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLES: Citations, Mediation, Notice of Noncompliance RULE NOS.: 64B12-8.021, 64B12-8.022, 64B12-8.023

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

SUBJECT AREA TO BE ADDRESSED: Citations, mediation and notice of noncompliance.

SPECIFIC AUTHORITY: 120.695, 456.077, 456.078, 484.005 FS.

LAW IMPLEMENTED: 456.073, 456.077, 456.078, 484.014 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: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-8.021 Citations.

(1) Definition. As used in this rule:

(a) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a subject for the purpose of assessing a penalty in an amount established by this rule. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed three months, and impose whatever obligations will remedy the offense.

(b) No change.

(2) No change.

~~(3) Citations shall be issued for first offense violations only.~~

~~(3)(4)~~ The Board hereby designates the following as citation violations, which shall result in the indicated penalty:

(a) Failing to make a fee or price information readily available by providing such information upon request or upon the presentation of a prescription pursuant to Section 484.014(1)(d), F.S., \$200.00 ~~and a reprimand;~~

(b) through (g) No change.

(h) Failing to pay any civil penalty imposed by order of the Board or as required by ~~Rule~~ Rules 64B12-8.017 and 64B12-11.011, F.A.C., as long as the penalty has been paid prior to the issuance of the citation, \$200.00;

~~(i) Failing to conspicuously display the certificate or a copy of the certificate in each place of business where the Board Certified Optician engages in contact lens fitting pursuant to Rule 64B12-10.004, F.A.C., \$250.00;~~

~~(j)(j)~~ Failing to complete the continuing education requirements prescribed in Section 484.008, F.S., and the rules promulgated thereto, \$500 plus \$25 per credit hour missing ~~and proof of completing the continuing education;~~

~~(j)(k)~~ No change.

~~(k)(k)~~ Practicing opticianry with an inactive license, so long as the license has been inactive for a period not to exceed two months, pursuant to Section 456.036(1), F.S. \$500.00;

~~(l)(m)~~ Failing to terminate an apprenticeship properly, so long as the required reports are ~~were~~ filed ~~within 6 months of the date they were due,~~ as required by Rule 64B12-16.004, F.A.C., \$200.00;

~~(m)(n)~~ Failing to notify the Department properly of termination as a sponsor, so long as the required reports are ~~were~~ filed ~~within 6 months of the date they were due~~ as required by Rule 64B12-16.006, F.A.C., \$200.00;

~~(n)(o)~~ Failing to file complete reports and information timely, so long as they are ~~were~~ filed ~~within 6 months of the date they were due,~~ as required by Rule 64B12-16.008, F.A.C., \$200.00; and

~~(o)(p)~~ No change.

(4) The penalty specified in the citation shall be the sum provided herein plus the Department's investigative costs.

(5) The Department shall report to the Board regarding the number of citations issued and the nature of the offenses for which they were issued names, numbers, and violations of the licensees issued citations.

Specific Authority 456.077, 484.005 FS. Law Implemented 456.073, 456.077, 484.014 FS. History—New 1-19-92, Amended 5-27-92, Formerly 21P-8.021, Amended 5-2-94, Formerly 61G13-8.021, Amended 12-4-95, Formerly 59U-8.021, Amended 8-6-97, 6-14-01, _____.

64B12-8.022 Mediation.

The Board finds that mediation is an acceptable resolution of the following violations where the subject has an explanation and a differing view from the complainant as to the nature or extent of the violation because they that are economic in nature or can be remedied by the licensee:

(1) Failure to respond timely to a continuing education audit pursuant to subsection 64B12-15.001(5), F.A.C.

(2) Failure to include a proper 72 hour cancellation notice for an advertisement when such notice is required by Section 456.062, F.S.

(3) Client or patient dissatisfaction based on economic or other misunderstandings not amounting to exploitation of the client for financial gain or gross malpractice under Section 484.014(1)(o), F.S.

(4) Failure to give notice of withdrawal of services as required by Rule 64B12-10.003, F.A.C.

(5) Failure to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C.

(6) Failure to assure that duplicate prescription forms contain all the information required by Rule 64B12-10.0065, F.A.C.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History—New 10-24-94, Formerly 59U-8.022, Amended _____.

64B12-8.023 Notice of Noncompliance.

In accordance with Section 456.073, F.S. and Section 120.695, F.S., the Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of a licensee to take action to correct the violation within the 15 days shall result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations which shall result in a notice of noncompliance are:

(1) Failure to provide change of address as required by Rule 64B12-10.012, F.A.C.

(2) Failure to maintain minimum equipment requirements as required by Rule 64B12-10.007, F.A.C.

Specific Authority 120.695 FS. Law Implemented 456.073 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Minimum Equipment Requirements
RULE NO.: 64B12-10.007

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

SUBJECT AREA TO BE ADDRESSED: Minimum equipment requirements.

SPECIFIC AUTHORITY: 484.005(2) FS.

LAW IMPLEMENTED: 484.005(2), 484.002(3) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-10.007 Minimum Equipment Requirements.

The following equipment must be maintained in each office in which an optician practices opticianry;

(1) through (4) No change.

(5) One colmascope or similar instrument, when manufacturing glass lenses on the premises.

(6) through (10) No change.

Specific Authority 484.005(2) FS. Law Implemented 484.002(3), 484.005(2) FS. History—New 12-6-79, Formerly 21P-10.07, Amended 5-31-87, Formerly 21P-10.007, 61G13-10.007, 59U-10.007, Amended _____.

DEPARTMENT OF HEALTH

Division of Disease Control

RULE TITLES: Reporting Requirements for Individuals
Reporting Requirements for Laboratories
RULE NOS.: 64D-3.022
64D-3.023

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to add language requiring physicians and laboratories to submit evidence of spoligotyping of TB (tuberculosis) isolates in reporting TB cases to the department.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are the type of evidence to be submitted and the availability of an alternate method of reporting this information if the spoligotyping evidence is not obtainable by the physician or laboratory.

SUMMARY STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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 381.0011(4), 381.011(13), 381.003(2), 392.53, 392.66 FS.

LAW IMPLEMENTED 381.011, 381.003(1)(a), 392.53(1), 392.53(2) FS.

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

TIME AND DATE: 10:00 a.m., June 29, 2004

PLACE: Department of Health, Bureau of TB and Refugee Health, Room 135Q, 2585 Merchant's Row Blvd., Tallahassee, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jane Peck, Government Operations Consultant II, Bureau of Tuberculosis and Refugee Health, 2585 Merchant's Row Blvd., Suite 240, Tallahassee, FL 32399-1717

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64D-3.022 Reporting Requirements for Individuals.

(1) Each individual who makes a diagnosis of or provides medical services to a person with suspected or confirmed active tuberculosis shall report or cause to be reported such diagnosis to the department. Examples of individuals required to report include the following: persons licensed under Chapters 458, 459, 464, and 465, F.S., or part II, part IV or part V of Chapter 468, F.S.; medical examiners appointed pursuant to Chapter 406, F.S.; administrators of health facilities where tuberculosis patients receive health care services; medical technologists; and infection control officers.

(2) A person has active tuberculosis when either of the following occur:

(a) A culture specimen taken from any source has tested positive for tuberculosis and the person has not completed an appropriate prescribed course of medication for tuberculosis disease, or

(b) There is current radiologic, clinical, or laboratory evidence sufficient to establish a medical diagnosis of tuberculosis for which treatment is indicated and the person has not completed an appropriate prescribed course of medication for tuberculosis.

(3) The reporting individual shall provide to the department, to the fullest extent known at the time the report is made, the following information:

- (a) Patient's name,
- (b) Patient's address (including temporary living quarters),
- (c) Patient's home telephone number (including temporary living quarters),
- (d) Patient's date of birth,
- (e) Patient's sex,
- (f) Patient's race,

(g) Pertinent diagnostic information including, but not limited to, results of Mantoux tuberculin skin tests, laboratory examinations (including evidence of spoligotyping, which would be the octal code), radiographic examinations, and physical examinations. If the evidence of spoligotyping is not available, the isolate must be submitted to the department's laboratory in Jacksonville. The department will provide the mailing materials and pay mailing costs.

(h) Name, title, address, and telephone number of the diagnosing physician or the individual submitting the report.

(4) Initial reports shall be submitted by telephone or in writing within 72 hours of diagnosis. Reports shall be submitted to the county health department office having jurisdiction for the area in which the office of the reporting individual or the patient's residence is located.

Specific Authority 381.0011(13), 381.003(2), 392.53(2), 392.66 FS. Law Implemented 381.0011, 381.003(1)(a), 392.53, 392.64 FS. History--New 7-19-89, Amended 2-26-92, 5-20-96, Formerly 10D-3.10, 9-17-98,_____.

64D-3.023 Reporting Requirements for Laboratories.

(1) Each person who is in charge of a laboratory which performs cultures for mycobacteria, or which refers specimens to laboratories other than those operated by the department for mycobacterial cultures, shall report or cause to be reported all specimens positive for Mycobacterium tuberculosis, Mycobacterium bovis, or Mycobacterium africanum to the department. Reports shall be made by telephone or in writing within 72 hours from the date of the test result. Reports shall be submitted to the county health department office having jurisdiction for the area in which the office of the submitting individual or the patient's residence is located.

(2) Identifying information required on the report is:

- (a) Patient's Name,
- (b) Patient's Address,
- (c) Patient's Date of birth,
- (d) Patient's Sex,
- (e) Patient's Race,
- (f) Name and address of submitting physician,
- (g) Name and address of laboratory performing test,
- (h) Type of specimen,
- (i) Date of specimen collection,

(j) Test(s) performed and result(s), including evidence of spoligotyping, which would be the octal code. If the evidence of spoligotyping is not available, the isolate must be submitted to the department's laboratory in Jacksonville. The department will provide the mailing materials and pay mailing costs.

(3) The form on which the information will be reported will be furnished by the laboratory.

(4) Laboratories shall submit all test information to the local county health department having jurisdiction for the area in which the office of the reporting physician or the patient's residence is located and also to the department's Bureau of Tuberculosis and Refugee Health Control and Prevention office in Tallahassee.

Specific Authority 381.0011(13), 381.003(2), 392.53(2), 392.66 FS. Law Implemented 381.0011(4), 381.003(1)(a), 392.53 FS. History--New 7-19-89, Amended 2-26-92, Formerly 10D-3.106, Amended 9-17-98,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse and Mental Health Programs

RULE TITLES:	RULE NOS.:
Applicability	65E-14.001
Retention and Access Requirements for Records	65E-14.002
Unit Cost Method of Payment	65E-14.021
Data Requirements	65E-14.022

PURPOSE AND EFFECT: Chapter 65E-14, F.A.C., entitled Community Substance Abuse and Mental Health Services – Financial Rules, is being amended to make improvements and corrections to the comprehensive revisions recently made to the substance abuse and mental health contracting system and financial rule, based upon input from departmental staff.

SUBJECT AREA TO BE ADDRESSED: Chapter 65E-14, F.A.C., is being amended to: clarify the definition of matching; clarify the definition of a “Third Party Payer”; update the records retention requirements; clarify the definition of a Direct Staff Hour; add a new definition, the Clubhouse Staff Hour; make changes in the unit of measure used for the Mental Health Clubhouse; make changes in the data elements for the Mental Health Clubhouse cost center; adjust the maximum unit cost rate for the Mental Health Clubhouse; update the description of outpatient detoxification services; correct a typographical error in a reference to staffing levels; clarify the

number of days permitted for advance notification that must be given to the department prior to changing the Program Description; correct a typographical error regarding the non-direct staff hour productivity and utilization standard; extend to two decimal places the standard percentages used to project the contractor's minimum utilization standards for service capacity; add additional parameters for cost center funding flexibility; add new annualized standard units and productivity requirements for the Mental Health Clubhouse; and update the publication dates, edition and version numbers on administrative forms and data pamphlet, and their descriptions, as incorporated into the rule by reference that need revision.

SPECIFIC AUTHORITY: 394.78(1),(6), 397.321(5) FS.
 LAW IMPLEMENTED: 216.181(16), 394.66(9),(12), 394.74(2)(b),(3)(d),(e),(4), 394.77, 394.78(1),(6), 397.321(10), 402.73(7) 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:

PRIOR TO, OR AT THE TIME OF THE WORKSHOP, ANY PERSON MAY SUBMIT INFORMATION (1) RELATING TO THE DEPARTMENT'S STATEMENT OF ESTIMATED REGULATORY COSTS (IF ONE HAS BEEN REQUESTED OR IF ONE HAS BEEN PREPARED); AND (2) ANY PROPOSALS AS TO HOW THE DEPARTMENT REGULATORY GOALS CAN BE ACHIEVED WITH A LOWER REGULATORY COST.

TIME AND DATE: 1:00 p.m. – 5:00 p.m., Monday, June 21, 2004

PLACE: The Department of Children and Family Services, 1309 Winewood Boulevard, Building 6, Conference Room 361B, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry Ochalek, Senior Management Analyst Supervisor, The Department of Children and Families, 1309 Winewood Blvd., Building 6, Room 307, Tallahassee, FL, (850)414-1500, e-mail: larry_ochalek@dcf.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-14.001 Applicability.

- (1) No change.
- (2) Definitions as used in this part, unless the context clearly requires otherwise.
- (a) through (d) No change.

(e) "Matching" means the value of third-party funds and in-kind contributions and resources received, expended and identified by the contractor to defray 25 percent of allowable costs as a result of operating contracted programs pursuant to these rules.

(f) through (y) No change.

(z) "Third Party Payer" means commercial insurers such as workers' compensation, CHAMPUS/VA, Medicare, Health Maintenance Organizations, Managed Care Organizations, or other payers that are liable to pay for services on behalf of a specific client. Third party payers are liable to the extent that they are required by contract or law to participate in the cost of providing services to a specific client.

(aa) through (ff) No change.

Specific Authority 394.74, 394.77, 394.78(1), 397.321(5) FS. Law Implemented 394.74, 394.77, 397.481 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.01, Amended 7-29-96, Formerly 10E-14.001, Amended 7-1-03, 12-14-03, _____.

65E-14.002 Retention and Access Requirements for Records.

This rule applies to all financial and programmatic records, supporting documents, statistical records, and other records of contractors which are necessary to document expenditures, income and assets of the contractor.

(1) Length of Retention Period.

(a) Except as provided in paragraph (1)(b), records shall be retained for 6 ~~5~~ years from the starting date specified in subsection (2).

(b) If any litigation claim, negotiation, audit, or other action involving the records has been started before the expiration of the 6 ~~5~~ year period, the records shall be retained until completeness of the action and resolution of all issues which arise from such actions.

(2) through (4) No change.

Specific Authority 394.77, 397.036 FS. Law Implemented 394.77, 397.03 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.02, 10E-14.002, Amended _____.

65E-14.021 Unit Cost Method of Payment.

This section provides guidelines and requirements for implementing a unit cost method of payment for substance abuse and mental health services.

(1) through (5)(a)2. No change.

3. Direct Staff Hour. This unit of measure represents the actual time spent on activities directly associated with a single client, including case staffings. Time may include travel if the travel is integral to a service event otherwise billable to the department. Direct staff hour units shall be paid on the basis of utilization, ~~except in the case of the mental health clubhouse services cost center, which shall be paid on the basis of availability.~~

4. through 9. No change.

10. Clubhouse Staff Hour. This unit of measure represents an hour of staff time in which one or more persons (Clubhouse members) are being provided with a service or activity within the Clubhouse or away from the Clubhouse. It may also include staff time spent on behalf of members away from the facility, such as, developing employment prospects or

exploring housing alternatives. Staff time spent in travel on behalf of Clubhouse members or activities may also be included.

- (6) through (7)(q)2. No change.
- 3. Unit of Measure – Clubhouse Staff Direct Staff Hour.
- 4. Data Elements:

a. Service Documentation – Duty Roster Time Sheet

(I) Staff name and identification number. Recipient name and identification number.

(II) Date. Staff name and identification number;

(III) Hours on Duty – Beginning and ending time. Service date;

(IV) Cost Center. Duration;

(V) Program. Cost center;

(VI) Signature of Program Manager. Service (specify); and

(VII) Program.

b. Audit Documentation. – Recipient Service Chart.

(I) Staff name and identification number. Recipient name and identification number;

(II) Date. Staff name and identification number;

(III) Hours worked – Beginning and ending time. Service date;

(IV) Program. Duration; and

(V) Cost Center. Service (specify);

(VI) Clubhouse Schedule.

(VII) Daily census log with date.

(VIII) Signature of Program Manager.

5. Maximum Unit Cost Rate: \$ 37.71 \$10.50 for up to five hours per day.

(r) through (t) No change.

1. Description – Outpatient detoxification services utilize medication or a psychosocial counseling regimen that assists recipients in their efforts to withdraw from the physiological and psychological effects of the abuse of addictive substances. They provide structured activities four (4) hours per day, seven (7) days per week.

2. through 5. No change.

(u) through (kk) No change.

(8)(a) through (d)1.d.(II)(vii) No change.

(viii) Staffing levels by type of service delivery position, unless the unit cost rate for the cost center is negotiated pursuant to paragraph 65E-14.021(9)(b)(a), F.A.C.

(ix) through 4. No change.

5. Advance notification must be given to the department ten (10) calendar days prior to any changes to before any of the Program Description elements specified in sub-sub-sub-paragraphs 65E-14.021(8)(d)1.d.(II)(ix) and (x), and (III)(i)-(iii), F.A.C., may be changed. The Program Description shall be updated and resubmitted to the department within 10 calendar days of the end of any quarter in which a

change in the Program Description occurs, except changes that pertain to sub-sub-sub-paragraphs 65E-14.021(8)(d)1.d.(II)(iv), (vi), or (viii), F.A.C.

(9) through (a)3. No change.

4. Productivity and Utilization Standards. The following standards shall be used to project the contractor’s minimum service capacity on the Agency Capacity Report:

Unit of Measure	Standard Units (Annualized)	Standard %
Contact Hour	1,073 hours per FTE	<u>51.59%</u> 52%
Direct Staff Hour	1,252 hours per FTE	<u>60.19%</u> 60%
Non-Direct Staff Hour	<u>1,430</u> 1,413 hours per FTE	<u>68.75%</u> 70%
Staff Hour (Crisis Support/ Emergency and Information and Referral)	2,080 hours per FTE	100%
Staff Hour (FACT)	1,788 hours per FTE	<u>85.96%</u> 86%
Bed-Day	365 Days	100%
24-hour Day	365 Days	85%
Facility Day	*	100%
4-hour Day	*	90%
Dosage	*	100%
<u>Mental Health Clubhouse Staff Hour</u>	<u>1,768 hours per FTE</u>	<u>85%</u>

* To be established through negotiation between the district and the contractor.

5. No change.

(b) through (d) No change.

(10)(a) through (b)3.a. No change.

b. The substance abuse and mental health program supervisors in the district or the region may increase from 15 percent to up to 30 percent the amount contractors may exceed the total non-TANF funding specified in the contract for an individual cost center within a program and may further specify that funding may be added to that cost center but not subtracted from that cost center.

c. through e. No change.

4. through 6. No change.

(c) through (d) No change.

(11) The following forms are hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1309 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

(a) through (b) No change.

(c) CF-MH 1043, Mar 2004 ~~Jul 2003~~ Agency Capacity Report, consisting of a thirteen-page form and four ~~three~~ pages of instructions.

(d) No change.

(e) CF-MH 1045, Mar 2004 ~~Jul 2003~~ Program Description, consisting of one page of instructions.

- (f) CF-MH 1047, Nov Aug 2003 Monthly request for Non-TANF Payment/Advance, consisting of a ~~two~~ one page form and two pages of instructions.
- (g) CF-MH 1058, Nov Aug 2003 Monthly request for TANF Payment/Advance, consisting of a ~~two~~ one page form and two pages of instructions.
- (h) CF-MH 1046, Mar 2004 Aug 2003 Worksheet for Request for Payment, for use with forms CF-MH 1047 and CF-MF 1058, consisting of a one page form and three pages of instructions.

(i) through (j) No change.

Specific Authority 394.78(1),(6), 397.321(5) FS. Law Implemented 216.181(16), 394.66(9),(12), 394.74(2)(b),(3)(d),(e),(4) 394.77, 394.78(1),(6), 397.321(10), 402.73(7) FS. History—New 7-1-03, Amended 12-14-03, _____.

65E-14.022 Data Requirements.

The following document is hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700;

CFP 155-2, Mar 2004, Mental Health and Substance Abuse Measurement and ~~July 2003~~ Data Pamphlet, 5th Edition Version ~~4 2~~ consisting of 209 pages.

Specific Authority 394.78(1), 397.321(5) FS. Law Implemented 394.66(9), 394.74(3)(e), 394.77, 397.321(3)(c),(10) FS. History—New 7-1-03, Amended 12-14-03, _____.

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Securities and Finance

RULE TITLE: Waivers
 RULE NO.: 3E-301.005
 PURPOSE AND EFFECT: Rule 3E-301.005, F.A.C., was promulgated prior to the creation of Section 120.542, Florida Statutes. The rule is currently obsolete and will be repealed to reflect the changes in Florida Statutes.

SUMMARY: The obsolete rule is repealed to reflect changes in the Florida Statutes.

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: 517.03(1) FS.

LAW IMPLEMENTED: 120.53(1), 120.60, 517.081, 517.12 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., June 30, 2004

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick White, Deputy Director, Office of Financial Regulation, Tallahassee, Florida 32399-0350, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

3E-301.005 Waivers.

Specific Authority 517.03 FS. Law Implemented 120.53(1), 120.60, 517.081, 517.12 FS. History—New 9-20-82, Formerly 3E-301.05, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Don B. Saxon, Director, Office of Financial Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don B. Saxon, Director, Office of Financial Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 30, 2004

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agriculture Environmental Services

RULE CHAPTER TITLE: Pesticides
 RULE CHAPTER NO.: 5E-2

RULE TITLE: Organo-Auxin Herbicides: Restrictions
 and Prohibitions
 RULE NO.: 5E-2.033

PURPOSE, EFFECT AND SUMMARY: The purpose of the rule amendment is to further qualify the restriction placed on the use of the organo-auxin herbicide 2,4D registered in the State of Florida, providing an exemption covering its use according to label instructions as a plant growth regulator in dosages substantially less than for herbicidal use.