

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kathleen Dunkley Stephens, Sr. Management Analyst Supervisor, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64V-1.0061 Death and Fetal Death Registration.

All deaths except for fetal deaths filed pursuant to Section 382.008, F.S., shall be registered on a Certificate of Death, DH Form 512, July 04. All fetal deaths occurring in this state shall be filed on a Certificate of Fetal Death, DH Form 428, Jan. 06 ~~Nov. 07~~, both hereby incorporated by reference and available from the department.

Specific Authority 382.003(10), 382.008 FS. Law Implemented 382.003(7),(11), 382.008 FS. History—New 2-29-04, Amended 10-19-04, _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE TITLES:	RULE NOS.:
Format of Schedule	69I-5.003
Types of State Financial Assistance	69I-5.004
State Project Determination	69I-5.005
Recipient/Subrecipient and Vendor Relationships	69I-5.006
State Project Compliance Supplement	69I-5.007
Criteria for Major State Projects	69I-5.008
Criteria for Selecting State Projects for Audit Based on Inherent Risk	69I-5.009
Approval of Non-State Entity Conduits	69I-5.010

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement the changes made to the Florida Single Audit Act by Chapter 2005-152, Laws of Florida, effective July 1, 2005.

SUBJECT AREA TO BE ADDRESSED: Duties and responsibilities under the Florida Single Audit Act, Section 215.97, Florida Statutes.

SPECIFIC AUTHORITY: 215.97 FS.

LAW IMPLEMENTED: 215.97 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., August 1, 2005

PLACE: Room 430, Fletcher Building, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Shane Lewis, Bureau of Auditing, Room 448J, Fletcher Building, Tallahassee, Florida 32399-0355, (850)410-9310

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 AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE: Water Quality/Quantity BMPs for
Indian River Area Citrus Growers

RULE CHAPTER NO.: 5M-2

RULE TITLE: Approved BMPS

RULE NO.: 5M-2.002

PURPOSE AND EFFECT: To amend Rule 5M-2.002, F.A.C., to incorporate the most recent version of the BMP manual.

SUMMARY: The rule amendment changes the date of the manual incorporated by reference to accurately reflect the most recent revisions.

SUMMARY OF 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 403.067(7)(d) FS.

LAW IMPLEMENTED: 403.067(7)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Brittany Mayock, Environmental Specialist I, Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249, Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULE IS:

5M-2.002 Approved BMPS.

The document titled *Water Quality/Quantity BMPs for Indian River Area Citrus Groves* (~~May, 2000~~ January, 2005) is hereby incorporated and adopted by reference in this rule for Brevard, Indian River, Martin, Okeechobee, Palm Beach, St. Lucie and Volusia counties. Copies of the document may be obtained from the University of Florida, Indian River Research and Education Center, 2199 South Rock Road, Ft. Pierce, Florida 34945.

Specific Authority 403.067(7)(d) FS. Law Implemented 403.067(7)(d) FS. History—New 6-24-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mark Jennings, Environmental Specialist III, Office of Agricultural Water Policy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chuck Aller, Director, Office of Agricultural Water Policy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2004
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2004

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Private School Scholarship Compliance Form
RULE NO.: 6A-6.03315

PURPOSE AND EFFECT: The amendment establishes deadlines for the submission of the Scholarship Compliance Form and for resolution of outstanding compliance issues. The change of deadline prevents the disruption of families during the school year.

SUMMARY: The rule delineates private school reporting requirements and statutory and regulatory requirements related to a private school's location and contact information, ownership and affiliation; financial solvency, administration, staffing, programs, student health, student records, and facility. The amendment establishes deadlines for the submission of the Scholarship Compliance Form and for resolution of outstanding compliance issues.

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 the notice.

SPECIFIC AUTHORITY: 220.187, 1002.38, 1002.39, 1002.42 FS.

LAW IMPLEMENTED: 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216 607.0128, 617.0128, 623.03, 1002.38, 1002.39, 1002.42, 1003.22, 1003.23 FS.

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

TIME AND DATE: 8:30 a.m., August 16, 2005
PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.03315 Private School Scholarship Compliance Form.

Compliance reporting requirements for the participation of a Florida private school registered with the Department of Education to be determined eligible to participate in one or more state scholarship program(s) are specified in Form IEPC SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs, which is hereby incorporated by reference to become a part of this rule effective September 2005 2004. The signed Scholarship Compliance Form must be received by the Office of Independent Education and Parental Choice no later than 5:00 p.m. on May 1 of each year. Following the timely submission of the Scholarship Compliance Form, any outstanding compliance issues must be resolved by the private school prior to July 1 of each year for the school to remain eligible to participate in the scholarship programs. This form delineates private school reporting requirements specified pursuant to Section 1002.42, Florida Statutes, and statutory and regulatory requirements related to the areas of school location and contact information; school ownership; affiliation, and licensing; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of scholarship compliance form. Copies of the form may be obtained from the Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Specific Authority 1002.38, 1002.39, 1002.42 FS. Law Implemented 220.187, 316.615, 381.006, 381.0072, 404.056, 440.02, 443.1216, 607.0128, 617.0128, 623.03, 1002.38, 1002.39, 1002.42, 1003.22, 1003.23 FS. History--New 10-13-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commissioner of Education John L. Winn

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2005

DATE NOTICE OF PROPOSED DEVELOPMENT PUBLISHED IN FAW: February 18, 2005

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Incorporation by Reference
RULE CHAPTER NO.: 14-15

RULE TITLE: Toll Facilities Description and Toll Rate Schedule
RULE NO.: 14-15.0081

PURPOSE AND EFFECT: The purpose of this notice rulemaking is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule required by the construction of the N. W. 74th Street/ Florida’s Turnpike interchange. Section 338.155(1), Florida Statutes, does not permit the use of the State’s toll facilities without paying a toll.

SUMMARY: The toll rate public hearing is being held to allow the public an opportunity to comment on the proposed toll rate schedule for the Florida Department of Transportation’s construction of a SunPass-Only interchange at N. W. 74th Street and Florida’s Turnpike interchange. The project is located in Miami-Dade County. Tolls are proposed to be collected from vehicles accessing to and from the southbound direction. This new interchange is approximately two miles south of the Okeechobee Toll Plaza. This public hearing is being held in conjunction with a Project Development and Environment (PD&E) and Design public hearing for an interchange project, Financial Project Identification 406104-1. A rule development workshop was not requested for this project.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.222, 338.231, 338.155 FS.

SUMMARY OF 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.

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

TIME AND DATE: August 18, 2005, Informal Open House – 6:00 p.m., Formal Public Hearing – 7:00 p.m.

PLACE: Eugenia B. Thomas Elementary School, 5950 N. W. 114 Avenue, Doral, Florida 33178

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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 FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997,

February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, and May 20, 2004, and _____ is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History–New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Ely, Executive Director, Florida’s Turnpike Enterprise
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: José Abreu, P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 8, 2005

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Membership	60S-1
RULE TITLE:	RULE NO.:
Participation	60S-1.004

PURPOSE AND EFFECT: The purpose of the rule amendments is to add visiting international teachers working in Florida pursuant to a J-1 visa to the list of positions specifically exempted from the Florida Retirement System.

SUMMARY: The purpose of the rule amendments is to add visiting international teachers working in Florida pursuant to a J-1 visa to the list of positions specifically exempted from the Florida Retirement System.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs 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: 121.031 FS.
 LAW IMPLEMENTED: 121.011, 121.021, 121.051(1) FS.
 IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, Operations and Management Consultant Manager, Research and Education Section, Division of Retirement, Department of Management Services, 1317 Winewood Blvd. Bldg. 8, Tallahassee, FL 32315-9000, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

- 60S-1.004 Participation.
- (1) through (5)(c) No change.
- (d) The following types of positions in a local agency are considered temporary positions for retirement purposes. Documents to support such temporary positions listed below must be maintained in the agency's records (see subsection 60S-5.007(2), F.A.C.).
 - 1. through 9. No change.
 - 10. Instructional positions in grades K-12 filled by exchange teachers on a J-1 visa when participating in an exchange visitor program designated by the United States Department of State pursuant to 22 CFR 62.24. Employment may not exceed 3 years whether employed in regularly established positions or temporary positions with educational institutions listed on federal Form DS-2019, Certificate of Eligibility for Exchange Teacher Status. A certified copy of Form DS-2019 must be maintained in the local employing agency's records for each exchange teacher employed.

(6) through (7) No change.

Specific Authority 121.031 FS. Law Implemented 121.011, 121.021, 121.051(1),(2), 121.0511, 121.052, 121.053, 121.055, 121.081, 121.091(8), 240.3195 FS. History--New 1-1-72, Amended 10-20-72, 12-31-74, 10-2-78, 7-1-79, 7-1-80, 8-26-81, 1-19-82, 10-11-82, 1-18-83, 11-6-84, 4-17-85, Formerly 22B-1.04, Amended 2-4-86, 1-12-87, 3-11-87, 2-7-89, 9-5-90, 5-15-91, 11-14-91, Formerly 22B-1.004, Amended 3-18-93, 8-4-94, 4-5-95, 3-12-96, 12-12-96, 2-24-99, 9-17-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Garry Green, Operations and Management Consultant Manager, Research and Education Section, Division of Retirement, Department of Management Services, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32315-9000, (850)488-5706

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: LeeAnn Korst, Deputy Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Procedures for Signing and Sealing

RULE NO.: 61G15-23.003

Electronically Transmitted Plans, Specifications, Reports or Other Documents

PURPOSE AND EFFECT: Purpose and effect are to establish rules concerning a license holder's computer generated representation of his or her seal on electronically conveyed work.

SUMMARY: Establishes rules concerning a license holder's computer generated representation of his or her seal on electronically conveyed work.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 282.75 FS.

LAW IMPLEMENTED: 471.025 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-23.003 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Engineering work which must be sealed under the provisions of Chapter 471, F.S. Information stored or transmitted in an electronic format, files representing plans, specifications, plans, reports, or other documents which must be sealed under the provisions of Chapter 471, F.S., shall be signed, dated and sealed by the professional engineer in responsible charge.

(2) A license holder may use a computer generated representation of his or her seal on electronically conveyed work; however, the final hard copy documents of such engineering work must contain an original signature of the license holder and date or the documents must be accompanied by an electronic signature as described in this section. A scanned image of an original signature shall not be used in lieu of an original signature or electronic signature. Engineering work that contains a computer generated seal shall be

accompanied by the following text or similar wording: “The seal appearing on this document was authorized by [Example: Leslie H. Doe, P.E. 0112 on (date)]” unless accompanied by an electronic signature as described in this section.

(3) An electronic signature is a digital authentication process attached to or logically associated with an electronic document and shall carry the same weight, authority, and effect as an original signature. The electronic signature, which can be generated by using either public key infrastructure or signature dynamics technology, must be as follows:

- (a) Unique to the person using it;
- (b) Capable of verification;
- (c) Under the sole control of the person using it;
- (d) Linked to a document in such a manner that the electronic signature is invalidated if any data in the document are changed.

(4)(2) Alternatively, eElectronic files may be signed and sealed by creating a “signature” file that contains the engineer’s name and PE number, a brief overall description of the engineering documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board’s Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: ftp://ftp.isi.edu/in-notes/rfc1738.txt. Each file shall have an authentication code defined as an SHA-1 message digest described in Federal Information Processing Standard Publication 180-1 “Secure Hash Standard,” 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: http://www.itl.nist.gov/div897/pubs/fip180-1.htm. A report shall be created that contains the engineer’s name and PE number, a brief overall description of the engineering documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the professional engineer in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file’s computed authentication code.

Specific Authority 282.75 FS. Law Implemented 471.025 FS. History—New 8-18-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005

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 Dentistry

RULE TITLE: Advertising and Soliciting by Dentists
RULE NO.: 64B5-4.002

PURPOSE AND EFFECT: The Board proposes the rule amendment to regulate the advertising practices of licensees regarding the use of “sleep dentistry” with general anesthesia.

SUMMARY: The proposed rule amendment restricts the use of advertising “sleep dentistry” to valid anesthesia permit holders.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 466.004(4), 466.019 FS.

LAW IMPLEMENTED: 466.019, 466.028(1)(d) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-4.002 Advertising and Soliciting by Dentists.

(1) through (6) No change.

(7) No licensee may advertise “sleep dentistry” unless the licensee possesses a valid general anesthesia permit.

Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d) FS. History—New 7-7-87, Amended 1-11-89, 10-29-90, 4-24-91, 7-14-92, Formerly 21G-4.002, Amended 3-30-94, Formerly 61F5-4.002, 59Q-4.002, Amended 5-20-01, 1-29-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2005

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Requirements for General Anesthesia or Deep Sedation

RULE NO.: 64B5-14.008

PURPOSE AND EFFECT: The Board proposes to revise the requirements for available drugs on site where general anesthesia or deep sedation are used in the practice of Dentistry, to add the requirement that Dantrolene be available.

SUMMARY: The rule adds the requirement that Dantrolene be available in Dental practice facilities where general anesthesia or deep sedation are employed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

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

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

- (1) through (5)(m) No change.
- (n) An appropriate antiarrhythmic medication; ~~and~~
- (o) Nitroglycerine; ~~and-~~
- (p) Dantrolene, when used with volatile gases.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 10-24-88, Amended 11-16-89, Formerly 21G-14.008, Amended 12-20-93, Formerly 61F5-14.008, Amended 8-8-96, Formerly 59Q-14.008, Amended 5-31-00, 6-23-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 24, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Requirements for Electrolysis Training Programs Approved by the Board

RULE NO.: 64B8-53.001

PURPOSE AND EFFECT: This rule is amended to set out or clarify requirements for electrolysis training programs approved by the Board and to identify the necessary application form and attachments for initial training programs and how to obtain same.

SUMMARY: This rule sets out the criteria for approval of electrolysis training programs that will be approved by the Board and explains how providers receive approval and what is required to be submitted to obtain such approval.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 478.43(4), 478.50(4)(b) FS.

LAW IMPLEMENTED: 478.43(4), 478.45(1)(e), 478.50(4)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, THIS HEARING WILL NOT BE HELD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Electrolysis Council, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-53.001 Requirements for Electrolysis Training Programs Approved by the Board.

An electrolysis training program is approved by the Board if the following requirements are met:

- (1) The electrolysis training program is, at all times, licensed by the Commission for State Board of Independent Education Postsecondary Vocational, Technical, Trade, and Business Schools and the license is a provisional, regular or biennial license issued pursuant to Sections 246.201-.231, F.S., ~~and the rules promulgated thereunder, and is compliant with these rules.~~

- (a) Providers of electrolysis training programs approved for providing training for licensure in Florida, must provide the Electrolysis Council copies of all documents submitted to the Department of Education for initial approval and renewal by them. Failure to provide the materials shall result in a denial of or revocation of program approval. If such license is suspended or revoked, the electrolysis training program does not meet the approval of the Board.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 2004

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Delinquent License
 RULE NO.: 64B12-12.009

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the language regarding a delinquent license.

SUMMARY: The language regarding the time a license becomes delinquent will be clarified.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-12.009 Delinquent License.

(1) No change.

(2) Once the license becomes delinquent, the ~~The~~ delinquent licensee must affirmatively apply for active or inactive status during the biennium in which the license becomes delinquent. ~~The~~ Failure by the delinquent licensee to renew ~~cause the license to become active or inactive~~ before the expiration of the biennium ~~in which the license became delinquent~~ shall render the license null and void without further action by the board or the Department.

(3) No change.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New 9-30-02, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLES: Application for Board Certification and Renewal
 RULE NOS.: 64B12-14.002

Board Certification Course Requirements and Course Approval
 64B12-14.004

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the language relating to gender.

SUMMARY: The language relating to gender in this rule will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 484.002(6), 484.005(1),(4) FS.

LAW IMPLEMENTED: 484.002(6), 484.005(1), 484.008(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B12-14.002 Application for Board Certification and Renewal.

(1) through (2) No change.

(3) Any applicant whose application or qualifications submitted raises questions regarding the ~~his~~ ability to practice safely as a Board Certified Optician shall be required to personally appear before the Board to answer questions which are reasonably related to issues raised by the ~~his~~ application, ~~his~~ qualifications and ~~his~~ ability to practice safely as a Board Certified Optician.

(4) No change.

Specific Authority 484.005(1) FS. Law Implemented 484.002(6), 484.005(1) FS. History—New 3-5-87, Amended 3-30-89, 1-30-91, Formerly 21P-14.002, 61G13-14.002, 59U-14.002, Amended 10-12-97, _____.

64B12-14.004 Board Certification Course Requirements and Course Approval.

Applicants for Board Certification must submit with their application proof of satisfactory completion of Board approved course which meet the requirements of this rule.

(1) through (3) No change.

(4) Courses may be taught only by instructors whose qualifications have been approved by the Board, or a committee of the Board appointed by the Chairman. Approval must be obtained prior to the course being offered. The following qualifications are required for approval.

(a) through (b) No change.

(5) No change.

(6) A course outline shall be submitted to the Board, or a committee of the Board appointed by the Chairman, for review to determine the sufficiency of the course in meeting the requirements of this rule, prior to the course receiving Board approval.

(7) No change.

Specific Authority 484.002(6), 484.005(4) FS. Law Implemented 484.002(6), 484.008(3) FS. History--New 7-7-87, Formerly 21P-14.004, 61G13-14.004, 59U-14.004, Amended 11-4-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Provider Approval and Renewal

RULE NO.: 64B12-15.004

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove redundant language from the rule.

SUMMARY: Redundant and unnecessary language will be removed from the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 484.008(3) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-15.004 Provider Approval and Renewal.

(1) through (5) No change.

(6) Any person, ~~the~~ monitor, or a board member attending a continuing education program ~~for credit~~ who believes that the approved provider is not in compliance with Chapter 484, F.S., any rule of the Board or Department, or pertinent statutory provisions may file a complaint with the Department for action against the provider and/or the responsible Florida-licensed optician pursuant to Section 456.073, F.S.

(7) No change.

Specific Authority 484.005, 484.008(3) FS. Law Implemented 484.008(3) FS. History--New 10-12-80, Formerly 21P-15.04, Amended 3-5-87, 1-6-88, 3-30-89, 5-2-89, 6-11-92, Formerly 21P-15.004, Amended 9-14-93, Formerly 61G13-15.004, Amended 4-18-96, 7-10-97, Formerly 59U-15.004, Amended 8-6-97, 12-31-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 22, 2004

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE TITLE: Licensing, Application, Permitting

RULE NO.: 64F-12.015

PURPOSE AND EFFECT: This rule amendment revises three forms used for permitting in-state and out-of-state prescription drug wholesalers under the Florida Drug and Cosmetic Act. These forms include the Surety Bond Form, the Application for Certification as a Designated Representative, and Notification of Designated Representative. Outdated language no longer needed for the initial implementation of certifying designated representatives is removed from the rule.

SUMMARY: Redundant language is deleted from the Surety Bond Form in order to clarify the provisions in the surety bond. The certified designated representative provisions in Section 499.012(11), F.S., provided for a one-year implementation process for the testing requirements of the designated representative. That one year period has elapsed so the rule needs to be amended to remove the provisions related to a provisional certification that are no longer applicable. Also, the two forms related to the Designated Representative need modifications for efficiency.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no estimated regulatory impact related to this proposed rule amendment.

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: 499.012 FS.

LAW IMPLEMENTED: 499.012 FS.

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

TIME AND DATE: 11:00 a.m., Monday, August 15, 2005

PLACE: 2818-A Mahan Drive, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact: Maxine Wenzinger, (850)922-5190.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, e-mail: sandra_stovall@doh.state.fl.us.fl

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.015 Licensing, Application, Permitting.

This section addresses the application and permitted requirements of persons regulated under Part I of Chapter 499, F.S.

(1) through (6) No change.

(7) WHOLESALER PERMITS.

(a) through (d) No change.

(e) Application requirements for Prescription Drug Wholesalers, Prescription Drug Wholesalers – Brokers Only, or Out-of-State Prescription drug wholesalers include:

1. through 4. No change.

5. Submit a \$100,000 bond or security as specified in Section 499.012(2)(a) and (c), F.S., and sub-paragraph (b) above. If you are using a surety bond, the required bond form is DH 2128, "Surety Bond Form," effective June 2005, ~~January 2004~~, which is incorporated by reference herein.

6. No change.

7. Identify a person who has been Certified pursuant to Section 499.012(11), F.S., to serve as the certified designated representative. If the prescription drug wholesaler operates in 'shift' schedules, a different person per shift may be designated; however the shift hours for which each person is responsible must be clearly identified. You ~~may~~ must use Notification of Designated Representative form DH 2130, effective June 2005, ~~January 2004~~, which is incorporated by reference herein, ~~for the initial notification or for communicating~~ changes in the designated representative.

8. through 9. No change.

(f) through (g) No change.

(8) No change.

(9) DESIGNATED REPRESENTATIVE.

~~(a) In order to provide a method for drug wholesalers to comply with s. 499.012(11), F.S., the department will issue a provisional permit to a designated representative prior to full implementation of the testing requirements below.~~

~~(b) Each designated representative provisionally certified has one year from dissemination of the test results for the first test administered to have attained a passing score of at least 75% correct on the test required by s. 499.012(11)(b)4., F.S. Upon passing the test, the provisional designation for the certification will be deleted. If a person provisionally certified has not attained a passing score of at least 75% correct on the test required by s. 499.012(11)(b)4., F.S., within this time frame, the provisionally certified person will be notified of the department's intent to revoke the provisional certification for failure to meet the requirements to be certified as a designated representative. The person will have to reapply to the department for certification as a designated representative and meet all requirements in effect at that time.~~

~~(a)(e)~~ For purposes of the work experience required to be certified as a designated representative:

1. Serving in a managerial capacity does not require actual supervisory responsibilities over employees, but requires a level of responsibility consistent with a managerial employee, including but not limited to decision-making authority, responsibility for developing and implementing policies and procedures related to purchasing, sales, or inventory management for prescription drugs.

2. Responsibilities related to recordkeeping for prescription drugs by a person who worked in a pharmacy may include such activities as, practicing pharmacy pursuant to a valid pharmacy license, routinely purchasing or ordering prescription drugs where cognitive functions were involved and the order is not the result of an automated reorder system, routinely receiving prescription drugs and verifying the accuracy of the order, routinely taking a physical inventory of prescription drugs, routinely assessing the pharmacy shelves for outdated prescription drugs, and routinely completing an inventory for the transfer of adulterated prescription drugs for appropriate disposal.

~~(b)(d)~~ Application requirements for Certification as a Designated Representative include:

1. Contact the department's Bureau of Statewide Pharmaceutical Service to request an application and fingerprint cards or download the application from the bureau's web site.

2. File with the department a completed application for certification using Form DH 2126 "Application for Certification as a Designated Representative," effective June 2005, ~~January 2004~~, which is incorporated by reference herein. An application is not deemed completed until the applicant has received a passing score on the laws and rules examination required by Section 499.0121(11)(b)4., F.S. The applicant will

be notified by regular mail at the applicant's home mailing address of the applicant's eligibility to schedule the laws and rules examination. Information on scheduling and other testing processes are included on the bureau's website in a document entitled "Candidate's Information Booklet." If the applicant has not passed the laws and rules examination within six months of this notification, the bureau will initiate action to deny the Application for Certification as a Designated Representative. This six-month period for an applicant to pass the laws and rules examination does not extend the statutory requirement in Section 499.012(11)(f), F.S., for a prescription drug wholesaler or an out-of-state prescription drug wholesaler to employ a designed representative.

3. Submit a legible fingerprint card and \$47.00 per fingerprint card. The fingerprint card must have been obtained from the department so that the card will have the proper coding for processing and reporting.

4. Pay the appropriate fee(s) as required by Rule 64F-12.018, F.A.C.

5. Comply with all requirements for certification provided in Chapter 499, F.S., and these rules.

(10) No change.

(11) PERMIT RENEWALS FOR PRESCRIPTION DRUG WHOLESALER, PRESCRIPTION DRUG WHOLESALER – BROKER ONLY, OR OUT-OF-STATE PRESCRIPTION DRUG WHOLESALER.

(a) through (f) No change.

(g) Submit a \$100,000 bond or security as specified in Section 499.012(2)(a) and (c), F.S., and paragraph (7)(b) above. If you are using a surety bond, the required bond form is DH 2128, "Surety Bond Form," effective ~~June 2005~~ ~~January 2004~~.

(h) through (j) No change.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01, 10-29-02, 7-6-03, 1-1-04, 9-13-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Access and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE TITLES:

RULE NOS.:

Administration of Statewide

64F-15.001

Pharmaceutical Contract

64F-15.002

Agency Contact

PURPOSE AND EFFECT: To update information related to administration of the statewide pharmaceutical contract to reflect organizational title changes in the Department of Management Services and the Department of Health and to delete references to obsolete forms.

SUMMARY: The references to various offices with the Department of Management Services and the Department of Health are revised to reflect current office titles. Corrections are made to the statutory authorization for this program. Also two forms are no longer used, so these forms are being deleted from the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There is no estimated regulatory impact related to this proposed rule amendment.

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: 381.0203(1) FS.

LAW IMPLEMENTED: 381.0203(1) FS.

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

TIME AND DATE: 10:00 a.m., Monday, August 15, 2005

PLACE: 2818-A Mahan Drive, Tallahassee, Florida 32308

If special accommodations are needed to attend this workshop because of a disability, please contact: Maxine Wenzinger, (850)922-5190.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, e-mail: sandra_stovall@doh.state.fl.us.fl

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-15.001 Administration of Statewide Pharmaceutical Contract.

DOH adopts and hereby incorporates by reference, for the sole purpose of implementing its responsibility under Section 381.0203 ss. ~~381.0011(4) and (13)~~, F.S., regarding the purchase of drugs, as defined in Section 499.003, F.S., to be used by state agencies and political subdivisions for the establishment, management, administration, monitoring, and enforcement of the Statewide Pharmaceutical Contract, Chapter 60A-1, F.A.C., as amended May 1, 2005 ~~January 1, 1996~~, except that:

(1) ~~“State Purchasing” and “Department” Division of Purchasing~~, shall mean ~~“the Bureau of Statewide Pharmaceutical Pharmacy Services”~~.

(2) “All vendors”, shall mean “all pharmaceutical vendors”, except that DMS, ~~State Purchasing Division of Purchasing~~ shall continue to be responsible for vendor registration for the Statewide Pharmaceutical Contract pursuant to subsection 60A-1.006(1), F.A.C.

~~(3) PUR 7006 (R. 1-9-95), shall mean DOH Form 1048, 10/93, Exceptional Purchase Request Authorization/Certification, which is hereby incorporated by reference.~~

~~(4) PUR 7027 (R. 1-9-95), shall mean DOH Form 1049, (4/95), State of Florida Invitation to Bid/State Term Contract Bidder Acknowledgment, which is hereby incorporated by reference.~~

~~(3)(5) “Pharmaceutical” shall mean a drug or legend device as defined by Section 499.003(14), F.S., and Rule 64F-12.031(2), F.A.C.~~

Specific Authority ~~381.0203(1) 381.0011(4),(13) FS. Law Implemented 381.0203(1) 381.0011(4),(13), Chapter 287 FS. History—New 4-24-94, Amended 5-30-96, Formerly 10D-128.001, Amended _____.~~

64F-15.002 Agency Contact.

Forms, protests or other contact concerning the procurement of statewide pharmaceuticals are to be directed to: The DOH Bureau of ~~Statewide Pharmaceutical Pharmacy~~ Services, Statewide Pharmaceutical Purchasing and Quality Improvement, 2818 Mahan Drive, Tallahassee, Florida 32308.

Specific Authority ~~381.0011(4),(13) FS. Law Implemented 381.0011(4),(13), Chapter 287 FS. History—New 4-24-94, Amended 5-30-96, Formerly 10D-128.003, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, Chief of Statewide Pharmaceutical Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Access and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 6, 2005

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLE: Scope and Purpose RULE NO.: 68C-22.001

PURPOSE AND EFFECT: The purpose of the amendment is to revise the rule in response to enactment of Chapter 2004-343, Laws of Florida, which amended subsection 372.072(6), F.S., to require that the Commission develop rules to describe how the measurable biological goals that define manatee recovery will be used by the Commission when

evaluating the need for additional manatee protection rules. The effect of the amendment would be to revise the rule to describe how the Commission uses the measurable biological goals.

SUMMARY: The rule amendment would add consideration of the measurable biological goals as another factor the Commission considers when determining whether new or amended manatee protection zones are necessary. The amendment would also codify the Commission’s statutory requirement to give great weight to existing state manatee protection rules in regions where the goals are being achieved.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs (SERC) has been prepared.

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

SPECIFIC AUTHORITY: 370.12(2)(g)-(j), (l),(n),(o), 372.072(6) FS.

LAW IMPLEMENTED: 370.12(2)(d),(g)-(l), (n),(o),(u), 372.072(6) FS.

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

TIME AND DATE: 4:00 p.m., August 16, 2005

PLACE: Bryant Building, 2nd Floor Conference Room, 620 S. Meridian Street, Tallahassee, Florida

A HEARING WILL BE SCHEDULED AND ANNOUNCED BY THE COMMISSION IN THE FAW.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to attend this hearing is asked to advise the agency at least 48 hours before the meeting by contacting: Agency ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD) or (850)488-9542, within the Tallahassee area.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68C-22.001 Scope and Purpose.

(1) No change.

(2) When establishing manatee protection zones as provided above, the Commission shall utilize the standards provided under paragraph (2)(a), below, in determining whether restrictions are necessary to protect manatees or manatee habitat. The Commission shall not establish

restrictions that result in undue interference with the rights of fishers, boaters, and water skiers (as they apply under Section 370.12(2)(k), F.S.).

(a) The Commission utilizes the following standards in determining whether restrictions are necessary to protect manatees or manatee habitats in areas of regular or periodic manatee use:

1. No change.
2. In determining whether restrictions are necessary, the Commission will consider, but not be limited to an examination of, the following factors:
 - a. The patterns and intensity of known boating activities in the area;
 - b. Seasonal and/or year-round patterns of manatee use;
 - c. The number of manatees that the Commission has concluded use the area on a regular or periodic basis;
 - d. The manatee mortality trends within the area;
 - e. The existence of features within the area that are essential to the survival of, or are known to attract, manatees, such as seagrasses or other food sources, favorable water depths, and fresh or warm water sources; ~~and~~

f. The characteristics of the waterway; and

g. Whether the Commission's measurable biological goals that define manatee recovery are being achieved in the region that is being considered.

(b) Regarding the measurable biological goals referenced in paragraph (2)(a), above, in regions where the goals are being achieved, the Commission shall give great weight to existing state manatee protection rules; however, the Commission may amend existing rules or adopt new rules in these areas to address risks or circumstances in a particular area or water body.

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

Specific Authority 370.12(2)(g)-(j),(l),(n),(o), 372.072(6) FS. Law Implemented 370.12(2)(d),(g)-(l),(n),(o),(u), 372.072(6) FS. History—New 3-19-79, Formerly 16N-22.01, Amended 12-30-86, 6-16-93, 9-9-93, Formerly 16N-22.001, Amended 5-31-95, 6-25-96, 5-12-98, Formerly 62N-22.001, Amended 12-23-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director of the Division of Habitat and Species Conservation

NAME OF PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Definitions	690-149.0025
Rate Filing Procedures	690-149.003

PURPOSE, EFFECT AND SUMMARY: The definition of stop loss was determined to have been incorrectly drafted and has led to some inquiries as to the meaning. The rule was intended to be consistent with the NAIC model and is being amended to be that. The rule is also being amended to update published trend factors available to be used in rate filings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 624.308(1), 624.424(1)(c), 627.410(6)(b),(e) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307(1), 626.9541(1), 627.410, 627.411(1)(e) FS.

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

TIME AND DATE: 9:30 a.m., August 12, 2005

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULES IS:

690-149.0025 Definitions.

(1) through (22) No change.

(23) Stop-Loss Insurance: Coverage purchased by an entity, generally an employer, for the purpose of covering the entity's obligation for the excess cost of medical care provided under a self-insured health benefit plan. Stop-loss coverage issued to a small employer shall not be subject to the requirements of Section 627.6699, F.S. The ~~For~~ coverage shall ~~to~~ be considered as a health insurance policy, rather than as a stop-loss insurance policy if the policy;—the following standards shall be met:

(a) ~~If the coverage provides specific excess, it has an attachment point for claims incurred per individual which is lower than at least equal to \$20,000; or:~~

(b) 1. For insured employer groups with fifty (50) or fewer covered employees, if the coverage provides aggregate excess, has an aggregate attachment point which is lower than the greater of: at least equal to:

- i. \$4,000 times the number of employees;
- ii. 120 percent of expected claims; or
- iii. \$20,000; or

1. The greater of \$20,000 and 120 percent of expected claims for coverage issued to a small employer meeting the definition in Section 627.6699(3)(v), F.S., or

2. For insured employer groups with fifty-one (51) or more covered employees, has an aggregate attachment point which is lower than 110 percent of expected claims for coverage issued to groups not meeting the definition of small employer.

3. Insurers shall determine the number of covered employees of an employer on a consistent basis (such as annually and at a uniform time).

(24) No change.

Specific Authority 624.308(1), 627.410(6)(b),(e) FS. Law Implemented 627.410(1),(2),(6), 627.411(1)(e) FS. History—New 6-19-03, Formerly 4-149.0025, Amended 5-18-04, _____.

69O-149.003 Rate Filing Procedures.

(1) through (5) No change.

(6)(a) The following tables shall apply to filings made pursuant to subsection (5) above.

(b) A company without fully credible data may, at its option, use an annual medical trend assumption not to exceed the values in the following tables for the medical trend assumption used in a complete filing made pursuant to paragraph 69O-149.003(2)(b), F.A.C., including the actuarial memorandum required by Rule 69O-149.006, F.A.C., without providing explicit trend justification.

(c) Use of an annual medical trend assumption exceeding the maximum medical trend in the following tables shall be filed pursuant to subparagraph 69O-149.006(3)(b)18., F.A.C.

(d) The maximum medical trend for medical expense coverage described in Section 627.6561(5)(a)2., F.S., is:

Category	Individual Without Rx	Individual With Rx	Group Without Rx	Group With Rx
Major Medical	12% +5%	14% +6%	13.5% +5%	14.5% +6%
Health Maintenance Organizations	11.5% +4%	12.5% +5%	13.5% +5%	14.5% +6%

(e) The maximum medical trend for Medicare supplement coverage is:

Medicare supplement	5.5%	10%	5.5%	10%
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Specific Authority 624.308(1), 624.424(1)(c) 624.424(1)(e), 627.410(6)(b),(e) FS. Law Implemented 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95, 4-4-02, 10-27-02, 6-19-03, Formerly 4-149.003, Amended 5-18-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 13, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE NO.: 5M-2.002
RULE TITLE: Approved BMPs

NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3)(d)1., Florida Statutes, notice is hereby given that the above proposed rule amendment, as noticed in Vol. 31, No. 13, April 1, 2005 issue of the Florida Administrative Weekly, has been withdrawn.

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 ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-8.001	Alzheimer's Disease and Related Disorders (ADRD) Training Requirements
58A-8.002	Alzheimer's Disease and Related Disorders (ADRD) Training Provider and Curriculum Approval