

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

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."

LAND AND WATER ADJUDICATORY COMMISSION

Hawk's Haven Community Development District

RULE CHAPTER TITLE: Hawk's Haven Community Development District

RULE CHAPTER NO.: 42YY-1

RULE TITLES: Establishment, Boundary, Supervisors

RULE NOS.: 42YY-1.001, 42YY-1.002, 42YY-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district ("CDD"), the Hawk's Haven Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by Hawk's Haven Developers, LLC, requests the Commission establish a community development district located within the unincorporated area of Lee County, Florida. The land area proposed to be served by the District comprises approximately 1,926 acres. A general location map is contained as Exhibit A to the petition to establish the District. The following real property is located within the external boundaries of the District and is to be excluded from the District:

- Parcel A Address: 2971 Hickey Creek Road, Alva, Florida 33920
Parcel B Address: 2920 Hickey Creek Road, Alva, Florida 33920
Parcel C Address: 15180 Palm Beach Boulevard

Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the land within the proposed District. The District, if established, currently intends to participate in the provision of certain community facilities and services to the property in the District to include, public roads, water and wastewater irrigation, surface water management, and landscape and hardscape.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Hawk's Haven Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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., Tuesday, January 25, 2005

PLACE: Room 1802M, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least three (3) 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: Tracy J. Robin, Straley Robin & Williams, 100 E. Madison Street, Suite 300, Tampa, Florida 33602, (813)223-9400 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

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

LAND AND WATER ADJUDICATORY COMMISSION

Lakewood Ranch Community Development District Seven

RULE CHAPTER TITLE: Lakewood Ranch Community Development District Seven

RULE CHAPTER NO.: 42ZZ-1

RULE TITLES: Establishment, Boundary, Supervisors

RULE NOS.: 42ZZ-1.001, 42ZZ-1.002, 42ZZ-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district ("CDD"), the Lakewood Ranch Community Development District Seven ("District"), pursuant to Chapter 190, F.S. The petition filed by Schroeder-Manatee Ranch, Inc., requests the Commission establish a community development district located entirely within Manatee County, Florida. The land area proposed to be served by the District comprises approximately 1,615 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. There are no excluded parcels located within the boundaries of the proposed District. The Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the land within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 751 single family home sites. The District, if established, currently intends to participate in the provision of

various community facilities and services to the property in the District to include, public roads, stormwater management, utilities, and landscape.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Lakewood Ranch Community Development District Seven.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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: 1:00 p.m., Tuesday, January 25, 2005

PLACE: Room 1802M, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, 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

Medicaid

RULE TITLE: Hearing Services

RULE NO.: 59G-4.110

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update January 2005-1 to the Florida Medicaid Hearing Services Coverage and Limitations Handbook. The handbook update contains the citation for the federal requirements for audiologists, a revised list of cochlear implant providers, and policy that a hearing screening performed in conjunction with a Child Health Check-Up cannot be billed separately. The update also includes a corrected January 2004 fee schedule. The effect will be to incorporate by reference in the rule update January 2005 to the Florida Medicaid Hearing Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Hearing Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908 FS.

IF REQUESTED IN WRITING 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: 10:00 a.m., Monday, January 24, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room E, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jason Ottinger, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7314

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, January 2004, updated January 2005-1, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, 7-27-04, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Adult Cystic Fibrosis Waiver Services

RULE NO.: 59G-13.010

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Adult Cystic Fibrosis Waiver Services Coverage and Limitations Handbook, July 2004. The handbook includes the provider requirements, covered services, service limitations, procedure codes and fees for the program. The effect will be to incorporate the Florida Medicaid Adult Cystic Fibrosis Waiver Services Coverage and Limitations Handbook in rule.

SUBJECT AREA TO BE ADDRESSED: Adult Cystic Fibrosis Waiver Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.912 FS.

IF REQUESTED IN WRITING 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: 10:00 a.m., Thursday, January 27, 2005
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room E, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Cheryl Young, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-8710

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.010 Adult Cystic Fibrosis Waiver Services.

(1) This rule applies to all adult cystic fibrosis home and community-based services waiver providers enrolled in the Medicaid program.

(2) All adult cystic fibrosis waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Adult Cystic Fibrosis Waiver Services Coverage and Limitations Handbook, July 2004, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) The following forms that are included in the Florida Medicaid Adult Cystic Fibrosis Waiver Services Coverage and Limitations Handbook are incorporated by reference: Adult Cystic Fibrosis Waiver Documentation of Provider Qualifications, July 2004; Adult Cystic Fibrosis Medicaid Waiver Program Physician Referral and Request for Level of Care Determination, July 2004; Adult Cystic Fibrosis Program Assessment, ACFP Form ACFPA-1, Jul 03; Adult Cystic Fibrosis Medicaid Waiver Program Authorization for Services, July 2004. All forms are available from the Agency for Health Care Administration, Bureau of Medicaid Services.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.912 FS. History—New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Technology Office

RULE TITLE: Monthly Wireless 911 Surcharge on Prepaid Wireless Telephone Service
 RULE NO.: 60DD-1.003

PURPOSE AND EFFECT: The Board proposes to develop a new rule setting forth guidelines regarding surcharges on prepaid wireless telephone services.

SUBJECT AREA TO BE ADDRESSED: Monthly Wireless 911 Surcharge on Prepaid Wireless Telephone Service.

SPECIFIC AUTHORITY: 365.172(9)(b) FS.

LAW IMPLEMENTED: 365.172(6)(a) 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: John C. Ford, Interim Executive Director, Wireless 911 Board, 4050 Esplanade Way, Building 4030, Ste. 430V, Tallahassee, Florida 32399-0950

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE TITLE: Fees: Examination and Post-Examination Review
 RULE NO.: 64B-1.016

PURPOSE AND EFFECT: The Department proposes to review this rule to determine if amendments and/or new language is necessary.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 456.004 FS.

LAW IMPLEMENTED: 456.004(10), 456.017(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Weaver, Testing Services Manager, 4052 Bald Cypress Way, Bin #C90, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Mediation
 RULE NO.: 64B8-30.016

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address mediation for physician assistants.

SUBJECT AREA TO BE ADDRESSED: Violations appropriate for mediation.

SPECIFIC AUTHORITY: 456.078 FS.

LAW IMPLEMENTED: 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Mediation RULE NO.: 64B15-6.014

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address mediation for physician assistants.

SUBJECT AREA TO BE ADDRESSED: Violations appropriate for mediation.

SPECIFIC AUTHORITY: 456.078 FS.

LAW IMPLEMENTED: 456.078 FS.

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

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

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

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLES: Records of Drugs, Cosmetics and Devices Prescription Drugs; Receipt, Storage and Security RULE NOS.: 64F-12.012 64F-12.013

PURPOSE AND EFFECT: The 2003 Legislature passed Senate Bill 2312, The Prescription Drug Protection Act, that provided for a phase-in of enhanced drug regulation intended

to further safeguard and protect the prescription drug supply in Florida. Prior to July 1, 2006, a two-tiered pedigree paper requirement exists. A pedigree paper is a document that traces all previous distributions of a prescription drug either back to the manufacturer if the drug is on a specified list, or back to the last authorized distributor of record for all other prescription drugs. Prior to July 1, 2006, the pedigree paper is required to be provided by a wholesale distributor to a customer who is a wholesale distributor. However, effective July 1, 2006, a pedigree that traces all previous distributions of all prescription drugs back to the manufacturer must be provided by a wholesale distributor to all customers who acquired the prescription drug through a wholesale distribution. In other words, the pedigree is not required to go to the patient or ultimate consumer because a patient will either have the prescription drug dispensed or administered to him or her. The wholesale industry has indicated that in order for it to efficiently and effectively comply with the full pedigree requirements that go into effect on July 1, 2006, that a process for electronic pedigrees must be authorized. This rule development workshop is intended to continue gathering information and input from industry to craft a rule that will facilitate industry's compliance with the pedigree requirements through a process that takes advantage of electronic technology without compromising the legislative intent to document and authenticate all prior distributions of a prescription drug in order to prevent or deter the introduction of diverted, counterfeit, or contraband prescription drugs into Florida's drug supply. This will be the second workshop in what might be a series of workshops to develop proposed rules on this subject.

SUBJECT AREA TO BE ADDRESSED: Parameters for the use of technology, such as electronic signatures and electronic pedigrees to meet the pedigree paper requirements in Section 499.0121(6)(f), F.S., that will go into effect on July 1, 2006.

SPECIFIC AUTHORITY: 499.003(31), 499.0121(6), 499.05 FS.

LAW IMPLEMENTED: 499.003(31), 499.0121(5)(d),(6)(f) FS.

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

TIME AND DATE: 1:30 p.m. – 4:30 p.m., Thursday, January 27, 2005

PLACE: Capital Circle Office Complex, 4052 Bald Cypress Way, Building 4052, Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Sandra Stovall, Compliance Manager, Bureau of Statewide Pharmaceutical Services, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, e-mail: sandra_stovall@doh.state.fl.us

DRAFT LANGUAGE WILL BE PUBLISHED ON THE BUREAU'S WEBSITE AT www.doh.state.fl.us/pharmacy/drugs 10 DAYS PRIOR TO THE SCHEDULED WORKSHOP.

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

Section II
Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLE: Amendment to Articles of Incorporation
RULE NO.: 3C-22.005
PURPOSE AND EFFECT: Rule 3C-22.005, F.A.C., is being repealed as the underlying statute, Section 665.024, F.S., has been repealed and thus the rule is obsolete.

SUMMARY: The 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: 120.53(1)(a), 655.012(3) FS.

LAW IMPLEMENTED: 665.024 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: 10:00 a.m., January 24, 2005

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, FL 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: Andy Price, Executive Senior Attorney, Office of Financial Regulation, Tallahassee, Florida 32399-0379, (850)410-9896

THE FULL TEXT OF THE PROPOSED RULE IS:

3C-22.005 Amendment to Articles of Incorporation.

Specific Authority 120.53(1)(a), 655.012(3) FS. Law Implemented 665.024 FS. History--New 9-9-81, Formerly 3C-22.05, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Linda Charity, Director of Banking, Office of Financial Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 1, 2004

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE TITLES: Processing of Applications, Availability of Forms and Records
RULE NOS.: 3D-1.006, 3D-1.010

PURPOSE AND EFFECT: The rules are repealed, as they are no longer necessary after the reorganization of the former Department of Banking and Finance into the Office of Financial Regulation pursuant to Chapter 2002-404, Laws of Florida.

SUMMARY: The 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: 119.08(2), 494.001(2) FS.

LAW IMPLEMENTED: 119.07, 119.08(2), 494.0011(2), 494.038(3), 494.039(3), 494.0032(1), 494.0033(2), 494.0034(1), 494.0036(2), 494.0061(3), 494.0062(3), 494.0066(2), 516.03(1),(2), 520.03(2),(3), 520.32(2),(3), 520.52(2),(3), 520.63(2),(3), 560.05, 560.09 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: 10:00 a.m., January 24, 2005

PLACE: Room 547, Fletcher Building, 200 East Gaines Street, Tallahassee, FL 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 RULES IS: Andy Price, Executive Senior Attorney, Office of Financial Regulation, Tallahassee, Florida 32399-0379, (850)410-9896