

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER TITLE: Entomology – Pest Control REGULATIONS

Regulations

5E-14

RULE TITLE:

RULE NO.:

Use of Pesticides – Labels,

Limitations, Precautions

5E-14.106

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add amendments to the rule allowing secondary treatments for preventive treatment for subterranean termite protection for new construction that do not have to be to all areas specified on the label of the pesticide, provided that a primary treatment is applied to all areas specified on the label.

SUBJECT AREA TO BE ADDRESSED: Use of Pesticides for Preventive Treatment For New Construction.

SPECIFIC AUTHORITY: 482.051 FS.

LAW IMPLEMENTED: 482.051, 482.161 FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., February 16, 2005

PLACE: The Department of Agriculture and Consumer Services, Eyster Auditorium, 3125 Conner Blvd., Tallahassee, Florida 32399, (850)488-7447

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mr. Steve Dwinell, Assistant Director, Division of Agricultural Environmental Services, 3125 Conner Blvd., Tallahassee, FL 32311

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-14.106 Use of Pesticides – Labels, Limitations, Precautions.

(1) through (5) No change.

(6) Pesticides used for treatment for the prevention of subterranean termites for new construction shall be applied in the specific amounts, concentration, and treatment areas designated by the label.

(7) Each pesticide used for the preventive treatment of new construction for the prevention of subterranean termites The pesticide, in its original formulation, shall be mixed at the treatment site immediately prior to application. A copy of the label of the registered pesticide being used shall be carried in the vehicle from which the application is performed. The licensee shall maintain records for 3 years of each treatment for

the prevention of subterranean termites for new construction indicating the date of treatment, address of property treated, total square footage of structure treated, pesticide used, percent concentration of mixture applied and total volume applied as well as maintaining records of all termiticides purchased, obtained, or available for its use; the total amount of the area treated; and the total number of sites treated using this and any other method of treatment for the prevention of subterranean termites.

(8) When a pesticide registered as a preventive treatment for new construction has been applied as a preventive treatment for a structure in accordance with subsection 5E-14.106(6), F.A.C., or will be applied prior to completion of construction, a secondary treatment using a second pesticide registered for preventive treatment for new construction is not subject to the provisions of subsection 5E-14.106(6), F.A.C., provided that the application is consistent with label directions.

Specific Authority 482.051 FS. Law Implemented 482.051(1) FS., P. L. 92-516, Section 1, Chapter 92-203, Laws of Florida. History–New 1-1-77, Amended 6-27-79, 6-22-83, 10-25-90, Formerly 10D-55.106, Amended 7-5-95, 4-17-03, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices (BMPS)

for Citrus, Cow/Calf, Dairies and

Other Agriculture in the Lake

Okeechobee Priority Basins

(S-191, S-154, S65 D AND E)

5M-3

PURPOSE AND EFFECT: To discuss the expansion of the geographic area covered by Chapter 5M-3, F.A.C., and to review and consider changes to the definitions and references contained in the Rule.

SUBJECT AREA TO BE ADDRESSED: The purpose of this meeting is to review a draft rule that would expand the geographic area described in the rule as the Lake Okeechobee priority basins. Also, changes to the definitions and references cited within the Rule will be considered.

SPECIFIC AUTHORITY: 373.4595 FS.

LAW IMPLEMENTED: 373.4595(8) FS.

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

TIME AND DATE: 7:00 p.m., January 25, 2005

PLACE: Community Center, Lorida, FL

TIME AND DATE: 7:00 p.m., January 27, 2005

PLACE: Florida Cattleman’s Association Headquarters, Kissimmee, FL

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: Clegg Hooks, 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.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

| RULE TITLES: | RULE NOS.: |
|---|------------|
| Staff Housing – Definitions | 33-208.501 |
| Staff Housing – Administrative Responsibilities | 33-208.503 |
| Criteria for Assignment to Staff Housing | 33-208.504 |
| Staff Housing Agreement Form | 33-208.506 |
| Responsibilities of Staff Housing Occupants | 33-208.507 |
| Staff Housing – Repairs and Replacements | 33-208.509 |
| Termination of Staff Housing Agreement | 33-208.510 |

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to correct office and position titles; add needed definitions; define areas of responsibility for the staff housing program; clarify provisions related to availability of housing and limitations on pets.

SUBJECT AREA TO BE ADDRESSED: Staff housing.

SPECIFIC AUTHORITY: 20.315, 216.262, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 216.262, 944.09, 945.025 FS. IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.501 Staff Housing – Definitions.

For the purposes of this chapter:

(1) through (6) No change.

(7) “Essential Staff” refers to those staff who perform critical functions in times of institutional emergencies. Examples include members of special squads, maintenance personnel, medical personnel, and correctional officers.

(8) “Guest” refers to someone other than an authorized occupant that may be present in the home for a period not to exceed 30 days.

(9)(7) “Approving Authority” –

(a) For institutions means the deputy secretary, chief of staff, ~~assistant secretaries~~ ~~directors~~, regional directors, wardens or assistant wardens with authorizing authority for volunteers or interns and associated programs at an institution;

(b) For facilities or offices means the deputy secretary, chief of staff, ~~assistant secretaries~~ ~~directors~~, regional directors, circuit administrators and deputy circuit administrators with authorizing authority for volunteers or interns and associated programs at a facility or office.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.001, 33-602.501, Amended 8-16-00, 4-8-02,_____.

33-208.503 Staff Housing – Administrative Responsibilities.

(1) The regional director warden is primarily responsible for administering the department’s staff housing program. As the representative of the regional director, the warden’s duties include:

(1) through (6) renumbered (a) through (f) No change.

(2) Complaints regarding staff housing shall be submitted to the warden in memo form giving details surrounding the issues involved.

(a) The warden shall review the issues and any other pertinent information surrounding the issues in dispute and make a final decision.

(b) A written response describing any corrective action or conclusions shall be provided to the individual lodging the complaint.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History–New 9-1-88, Formerly 33-26.003, 33-602.503, Amended 8-16-00,_____.

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. The warden also has authority to recommend that these personnel live off the grounds. Only the Secretary may alter these priorities based upon proof of an employee's significant personal hardship or in the best interests of the Department.

1. through 7. No change.

(b) through (5) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 9-5-89, Formerly 33-26.004, 33-602.504, Amended 8-16-00, 4-8-02, 1-19-03, _____.

33-208.506 Staff Housing Agreement Form.

(1) No change.

(2) A new Staff Housing Agreement shall be submitted by any occupant who desires further assignment to staff housing after either changing positions to one outside of the class series under which the current assignment was made or transferring to another institution. The new Staff Housing Agreement shall be processed in compliance with the assignment criteria in Rule 33-208.504, F.A.C., herein. As an employee changes positions, there is no guarantee of staff housing in that there may be a higher priority need unique to a specific location.

(3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.006, 33-602.506, Amended 8-16-00, 4-8-02, _____.

33-208.507 Responsibilities of Staff Housing Occupants.

(1) Emergency Duty.

(a) No change.

(b) Occupants of all staff housing, except officer quarters, shall immediately install a telephone upon occupancy and furnish the number to the Chief of Security ~~Correctional Officer~~ and service center personnel office.

(2) General.

(a) Occupants shall be responsible for compliance with all applicable laws, rules, procedures, policy and procedure directives and institutional operating procedures by themselves, family members and guests.

(b) No change.

(c) Occupants shall not alter the physical structure of staff housing unless a written request is approved in advance by the warden based upon the adequacy of structural considerations, aesthetic compatibility with existing structures, and the best interests of the institution. If the occupant is the warden, a written request must be approved in advance by the regional director.

(d) Occupants shall not install structures or buildings such as carports, portable pools, utility buildings, storage shelters and fences unless a written request is approved in advance by the warden based upon the adequacy of structural considerations, aesthetic compatibility with existing structures, and the best interests of the institution. If the occupant is the warden, a written request must be approved in advance by the regional director. Any such structure or building that is not designed as a permanent addition to the state-owned housing may be removed by the installing occupant at any time through his last day of occupancy.

(e) through (q) No change.

(3) Pets.

(a) The warden is authorized to establish limits on the number of household pets permitted to any occupant.

(a) through (b) renumbered (b) through (c) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.007, 33-602.507, Amended 8-16-00, 1-19-03, _____.

33-208.509 Staff Housing – Repairs And Replacements.

(1) State Property.

(a) No change.

(b) Any requests for repairs shall be submitted to the Assistant Warden for Operations in memo form for referral to maintenance personnel.

(c) Emergency repairs during non-duty hours shall be transmitted by telephone to the control room for referral to the on-call maintenance staff.

(b) through (c) renumbered (d) through (e) No change.

(2) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Formerly 33-26.009, 33-602.509, Amended _____.

33-208.510 Termination of Staff Housing Assignment.

(1) No change.

(2) Revocation.

(a) An assignment to staff housing shall be revoked when it is in the best interests of the institution or Department. Specific grounds for revocation shall include any violation by an occupant, family member or guest of any provision of the housing agreement, this chapter, the institution's operating procedures, any rule, procedure or policy and procedure directive of the Department, or any local, state or federal law. Revocation may be based on the same conduct for which

separate disciplinary action is taken, but each action shall be determined on its own merits. Revocation is not and shall not be considered disciplinary action.

- (b) No change.
- (3) No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History--New 9-1-88, Amended 6-22-89, Formerly 33-26.010, 33-602.510, Amended 8-16-00, 4-8-02, 1-19-03,

DEPARTMENT OF CORRECTIONS

RULE TITLE: Medical Consultations by Non-Department Providers

RULE NO.: 33-401.601

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a process for handling requests to have inmates examined by non-department medical providers.

SUBJECT AREA TO BE ADDRESSED: Medical Consultations.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.091 FS.

LAW IMPLEMENTED: 944.09, 945.091 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-401.601 Medical Consultations by Non-Department Providers.

(1) Medical consultations by non-department providers shall be allowed only under the conditions set forth in this rule.

(2) Requests for non-department provider consultations related to the services being provided to the inmate by the department will not be approved. Consideration shall be limited to those requests for the following purposes:

- (a) Evaluations for parole consideration;
- (b) Evaluations for court proceedings;
- (c) Evaluations associated with an application for benefits or services from another agency or entity such as: workers' compensation, veteran's benefits, or social security benefits; or
- (d) Evaluations associated with medical procedures that are not provided by the department, and that do not present current or future operational, security, or financial concerns for the department.

(3) All non-department provider consultation and evaluation costs, including security and transport costs and costs resulting from the evaluation or preparation for the evaluation, shall be made at the expense of the inmate and at no expense whatsoever to the Department of Corrections.

(4) Process for Submission of Requests.

(a) Requests for medical consultations or evaluations by non-department providers shall be submitted to the warden at the institution where the inmate is incarcerated.

(b) If the request involves having the inmate taken to the non-department consultant rather than having the consultation take place at the institution, the requestor shall provide with the request a statement verifying that he has contacted the Sheriff of the county in which the consultation is to occur and, at his expense, arranged with the Sheriff to secure the custody and transportation of the inmate.

(5) Consultations at the Institution.

(a) The warden shall forward the request to the Assistant Secretary for Health Services or his designee for review to determine whether the consultation would be reasonably likely to endanger the life or physical safety of the inmate or another person (for example, the inmate is in suicide observation status, or is assigned to a crisis stabilization unit or transitional care unit).

(b) If the Office of Health Services has no objection to the request, the request shall be approved by that office and forwarded to the warden. The warden shall provide final approval or disapproval based upon whether allowing the consultation would be detrimental to the security or order of the institution.

(c) If the request is approved, the warden shall notify the person making the request of any additional restrictions related to scheduling or security at the institution. The consultant and any persons accompanying the consultant will be subject to a background check and security review the same as any other inmate visitor.

(6) Requests for Consultations outside the Institution.

(a) The Assistant Secretary for Health Services, subsequent to his review for medical issues, shall forward the request to the Assistant Secretary for Institutions to review for security concerns. The Assistant Secretary for Institutions shall forward the results of the medical and security reviews to the Secretary or his designee.

(b) After reaching agreement with the representative of the inmate, the Sheriff should contact the Secretary or his designee to make the necessary transport arrangements. The Secretary or his designee shall confirm that the Sheriff has determined to his satisfaction that the request is valid and the date and place the consultation is to be held. The Sheriff must agree to secure the inmate, keep him in custody at all times, and return him to the institution from which he obtained custody at no expense to the Department of Corrections.

(c) The Secretary or his designee shall have the discretion of determining whether the inmate may be safely released for such purposes after giving due regard to the custody requirements of the inmate. If the Secretary or his designee is satisfied that the inmate meets these requirements, he will authorize the Sheriff to take custody and advise him of the location of the inmate. The Secretary or his designee shall establish the date the inmate is to be returned to the custody of the Department of Corrections and any conditions of the transfer of custody. If the inmate is to be transported out of state, the inmate must sign a waiver of extradition agreeing to the transfer to the other state for the purpose stated and his subsequent return to the Department of Corrections. The warden or Officer-in-Charge of the institution where such inmate is located shall obtain such waiver as a condition of the inmate's release to out-of-state authorities.

(d) The warden or the Officer-in-Charge of the institution having custody of such inmate shall be notified of the authorization to the Sheriff to take custody and the conditions of such authorization.

(e) The warden or the Officer-in-Charge having custody of the inmate shall verify the identity and authority of the agent arriving at the institution to take custody and shall secure a receipt of the temporary transfer of custody.

(f) It shall be the responsibility of the Sheriff at all times to retain custody of the inmate and to return him to the institution from which custody was obtained at the time set by the Secretary. Upon the return of the inmate to the institution a receipt shall be provided to the Sheriff.

(7) A certified true copy of the inmate's medical record will be available to the outside consultant only when the inmate has completed a department release specifically authorizing the department to release a copy of the medical record to the outside consultant.

(8) Any court orders received directing that a medical consultation take place or directing the department to transport an inmate or allow an inmate to be transported to a medical consultation shall be immediately forwarded to the Office of the General Counsel for review.

Specific Authority 20.315, 944.09, 945.091 FS. Law Implemented 944.09, 945.091 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:
Payment Methodology for Outpatient Hospital Services 59G-6.030

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology. Effective November 1, 2004, appropriations from the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206 regarding the

billing of Medicaid outpatient clinic facility fees and physician services to allow for payments to public hospitals for the cost of providing health care services to Medicaid recipients, where the public hospital assumed the fiscal and operating responsibilities for one or more primary care centers previously operated by the Florida Department of Health or the local county government will be implemented as follows:

Beginning November 1, 2004, revenue code 510, Clinic/General (see Appendix A) is reimbursable by Medicaid, in accordance with the Medicaid Outpatient Hospital Coverage and Limitations Handbook, for health care services, in outpatient clinic facilities where a public hospital assumed the fiscal and operating responsibilities of one or more primary care centers previously operated by the Florida Department of Health or the local county government.

SUBJECT AREA TO BE ADDRESSED: Outpatient hospital reimbursement rates.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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., February 8, 2005

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert Butler, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

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|---|---------------|
| RULE TITLES: | RULE NOS.: |
| Continuing Professional Education | 61H1-33.003 |
| Continuing Professional Education/Ethics | 61H1-33.0031 |
| Board Approval of CPA Ethics Continuing Education by Provider | 61H1-33.3032 |
| Obligations of CPA Ethics Course | |
| Continuing Education Providers | 61H1-33.0033 |
| Evaluation of CPA Ethics Course Providers | 61H1-33.0034 |
| Duration of CPA Ethics Course | |
| Provider Status | 61H1-33.00341 |

PURPOSE AND EFFECT: The Board is promulgating the above rules pursuant to Section 473.312(1), F.S., to set out the requirements of continuing education providers who will be providing the CPA Ethics Course required by that statute.

SUBJECT AREA TO BE ADDRESSED: Continuing Professional Education/Ethics, Board Approval of CPA Ethics Continuing Education by Provider, Obligations of CPA Ethics Course Continuing Education Providers, Evaluation of CPA Ethics Course Providers, and Duration of CPA Ethics Course Provider Status.

SPECIFIC AUTHORITY: 120.55(1)(a)4., 473.304, 473.312 FS.

LAW IMPLEMENTED: 473.312(1)(a),(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.003 Continuing Professional Education.

(1)(a) In any given reestablishment period, each certified public accountant must have completed at any time or times during the two-year period, at least 80 hours of educational instruction or training in public accounting subjects or courses of study, as defined hereinafter, of which at least 20 hours must have been in accounting-related and/or auditing-related subjects and of which no more than 20 hours may be in behavioral subjects and at least four hours shall be in ethics beginning with the reestablishment period ending June 30, 2006.

(b) No change.

(2) through (7) No change.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History—New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01.

61H1-33.0031 Continuing Professional Education/Ethics. Effective with the CPE reporting period ending June 30, 2006;

(1) A licensee must complete no less than four of the total hours required for any reestablishment period.

(2) Licensees shall attain a certificate of course completion prior to completing the exam requirements in Rule 61H1-28.007, F.A.C.

(3) In the event the course is taken in two modules, licensees must complete the four-hour requirement with the same provider.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History—New _____.

61H1-33.30032 Board Approval of CPA Ethics Continuing Education by Providers.

(1) Applicants for continuing education provider status to offer courses which satisfy the four (4) hour certified public accountant continuing education ethics requirement in Section 473.312(1)(c), F.S., must meet the requirements of subsections (2) and (3) of this rule.

(2) To demonstrate the education and/or the experience necessary to offer courses which satisfy the CPA continuing education ethics requirement, an applicant for continuing education provider status must be a regionally accredited educational institution, a commercial educator, a governmental agency, a state or national certified public accounting professional association whose purpose includes fostering ethical conduct and promoting standards of independence, integrity, and objectivity in the certified public accounting profession, a certified public accountant who has not been disciplined by the Board, or a certified public accounting firm.

(3) To allow the Board to evaluate an application for continuing education provider status, the applicant must submit the following:

(a) The name, address and telephone number of the prospective provider;

(b) A description of the ethics course the provider expects to conduct for credit to include a review of Chapters 455 and 473, F.S., the related administrative rules, and topics including but not limited to: ethical conduct, core values and competencies, professional responsibility, responsibility to clients and the public, case studies that require the application of ethics principles, national professional standards and interpretations, and appropriate national issues related to the practice of accounting;

(c) A description of the staffing capability of the applicant;

(d) A sample of intended course materials;

(e) A list of anticipated locations to conduct the courses;

(f) A complete course curriculum;

(g) A description of the means the applicant will use to update the course in response to rule or law changes;

(h) Documentation that the ethics course instructor will notify the ethics course provider of any disciplinary action taken against the instructor by the board;

(i) A fee which in an amount necessary to reimburse the Board and Department for the review of each course for compliance with these Rules and Section 473.312(1)(c), F.S.

(4) Should the Board determine that the provider has failed to provide appropriate continuing education services, it shall request that the Department issue an order requiring the provider cease and desist from offering certified public accountant ethics continuing education courses and shall request that the Department revoke any approval of the certified public accountant ethics course provider granted by the Board.

(5) No provider may allow any certified public accountant to conduct any certified public accountant ethics course or seminar offered by the provider if that certified public accountant has been disciplined. Upon receipt of notice from an instructor that the instructor has been disciplined, the provider shall, within fourteen (14) days, write to the Board office and confirm that the instructor is no longer conducting certified public accountant ethics course or seminar offered by the provider. For the purpose of this subsection, a letter of guidance shall not constitute "discipline."

(6) The Board retains the right and authority to audit and/or monitor programs and review records and course materials given by any provider approved pursuant to this rule. The Board shall revoke the approved status of the ethics course provider or reject individual ethics courses given by an ethics course provider if the provider disseminated any false or misleading information in connection with the continuing education programs, or if the provider fails to conform to and abide by the rules of the Board.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History—New _____.

61H1-33.0033 Obligations of CPA Ethics Course Continuing Education Providers.

To maintain an approved status as an ethics course continuing education provider, the provider must:

(1) Retain documentation that the course instructor is a certified public accountant licensed by a state or territory of the United States who has practiced in a public accounting firm for five of the last ten years, whose background, training, education or experience makes it appropriate for the person to teach the course.

(2)(a) Require each licensee to complete the entire four-hour certified public accountant ethics course requirement in order to receive a certificate of attendance;

(b) Offer the four-hour certified public accountant ethics course in one module of four credit hours or two modules of two credit hours.

(3) Furnish each participant with an individual certificate of attendance in a format to include course date, location, attendee name and certified public accountant ethics course provider number. An attendance record shall be maintained by the provider for four years and shall be available for inspection by the Board. Providers shall maintain security of attendance records and attendance records.

(4) Ensure that all promotional material for courses or seminars offered to licensees for credit contain the certified public accountant ethics course provider number and course title.

(5) Allow only one hour credit for each hour of classroom, audio or video instruction, an "hour of classroom, audio or video instruction" being a minimum of 50 minutes instruction or presentation.

(6) Allow only one hour of credit for each "hour of correspondence study." The "hour of correspondence study" must be based on the average completion time of each course as established by the provider.

(7) Provide a written examination to each participating licensee in correspondence study courses. In order to complete the course, the licensee must sign and date the examination and receive a minimum grade of eighty percent (80%). If a licensee fails the examination, the licensee will be permitted to take the examination again in order to achieve a passing grade.

(8) Ensure that all correspondence or other individual study courses are approved by the National Association of State Boards of Accountancy Quality Assurance Service.

(9) Notify the Board within thirty (30) days of any change in the address or telephone number of the provider.

(10) Allow the Board to have access to information concerning courses or seminars conducted by the provider for continuing education credit.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History—New _____.

61H1-33.0034 Evaluation of CPA Ethics Course Providers.

The Board or its designee reserves the right to evaluate continuing education ethics courses or seminars offered to certified public accountants for credit by the following methods:

(1) Observing such ethics courses or seminars; and

(2) Reviewing the files of the provider to gain information about any course or seminar offered to certified public accountants for ethics course credit.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History—New _____.

61H1-33.00341 Duration of CPA Ethics Course Provider Status.

(1) Continuing education providers are approved only for the biennium during which their application was received and approved. Providers must reapply for approved provider status at the beginning of each biennium. The biennium for continuing education providers ends on June 30th of each odd-numbered year.

(2) The Board shall notify certified public accountant ethics course providers at least ninety (90) days prior to the date of expiration of the provider status.

(3) A provider must reapply for approval at least sixty (60) days prior to the date of expiration of provider status in order to prevent a lapse in provider status.

Specific Authority 120.55(1)(a)4., 473.304, 473.312 FS. Law Implemented 473.312(1)(a),(c) FS. History—New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE CHAPTER TITLE: Brain and Spinal Cord Injury

RULE CHAPTER NO.:

Program (BSCIP) General

Program and Central Registry

64I-1

RULE TITLE:

RULE NO.:

Definitions

64I-1.001

PURPOSE AND EFFECT: To place in rule the definition of the phrase “legal resident “ found in Section 381.76(1)(b), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Eligibility.

SPECIFIC AUTHORITY: 381.0011 FS.

LAW IMPLEMENTED: 381.76 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Arnold, Program Specialist, Department of Health, 4052 Bald Cypress Way, Bin #C23, Tallahassee, Florida 32399-1743

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64I-1.001 Definitions.

(1) Definitions for terms used in Sections 381.739-381.79, F.S., and this rule, consistent with Section 381.745, F.S.

(2) Legal Resident: A person with domicile in Florida and lawful permanent presence in the United States of America.

Specific Authority 381.0011 FS. Law Implemented 381.76 FS. History–New

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES

RULE NOS.:

Eligibility Determination Process

65A-1.205

Forms for Client Notice and Contact

65A-1.400

PURPOSE AND EFFECT: The proposed rule amendments make changes to forms incorporated by reference in the rules. Some forms of verification, disclosure, client statement, and information release are being newly incorporated by reference. A few forms currently incorporated by reference have been amended for clarity and ease of use. In addition, Rule

65A-1.205, F.A.C., is being amended to incorporate the use of new and revised forms in the eligibility and/or redetermination process.

SUBJECT AREA TO BE ADDRESSED: Rule 65A-1.205, F.A.C., provides for the use of revised or new forms to be used in the eligibility and/or redetermination process.

SPECIFIC AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 414.095, 414.31, 409.903, 409.904, 409.919, 410.033 FS.

Rule 65A-1.400, F.A.C., incorporates by reference generic client notice and contact forms (used by more than one program) revised or created for clarity and ease of use. Some forms of verification, disclosure, client statement, and information release are being newly incorporated by reference for use in the eligibility and/or redetermination process.

SPECIFIC AUTHORITY: 409.919, 409.953, 414.033, 414.45 FS.

LAW IMPLEMENTED: 400.903, 409.904, 410.033, 414.065, 414.075, 414.085, 414.095, 414.105, 414.115, 414.122, 414.125, 414.13, 414.16, 414.21, 414.28, 414.31 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. February 9, 2005

PLACE: 1317 Winewood Boulevard, Building 3, Room 470, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, Telephone 921-0253

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE:

RULE NO.:

Family-Related Medicaid General

Eligibility Criteria

65A-1.705

PURPOSE AND EFFECT: Rule 65A-1.705, F.A.C., is amended to incorporate by reference the revised KidCare application used for Medicaid in the Florida KidCare Program.

SUBJECT AREA TO BE ADDRESSED: This proposed amendment includes the revised KidCare application: Florida KidCare Application, Form CF-ES 1055, December 04.

SPECIFIC AUTHORITY: 409.818, 409.919 FS.

LAW IMPLEMENTED: 409.818, 409.903, 409.904, 409.919 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: 10:30 a.m. – 12:30 Noon, January 31, 2005

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Nathan Lewis, Program Administrator, Building 3, Room 448, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)414-5927

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Residency for Tuition Purposes

RULE NO.: 6A-10.044

PURPOSE AND EFFECT: The rule is amended to provide for consistent policies among institutions in making determinations regarding residency for tuition purposes, by defining which VISA categories are eligible to establish residency for determination, by specifying certain dates and documents that should be used for making the determination of residency, and by providing for definitions. The State universities will be governed by an identical rule to be passed by the Board of Governors. The effect will be consistency among all institutions when evaluating residency for tuition purposes.

SUMMARY: The amendments include: the establishment of two new VISA categories as eligible to establish residency for tuition purposes; provides technical amendments; establishes which date should be used on the declaration of domicile to establish residency; establishes standards for determining dependent and independent All Florida residents; provides for types of documentation that can be used to establish residency for tuition purposes; stipulates the use of a student's or his or her parents' tax return to establish dependency or independence; stipulates that non-residents who are enrolled as full-time students must present evidence of meeting the requirements for residency for tuition purposes and that they are not here primarily to attend an institution of higher education; and, provides authority to the institutions to establish a deadline date for the submission of documentation justifying a declaration of residency for tuition purposes; states that all reference to federal and state governments shall be

interpreted as U.S. federal and state government; clarifies that the definition of a legally married person shall be consistent with Chapter 741, Florida Laws; and, provides definitions.

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: 1009.21 FS.

LAW IMPLEMENTED: 1009.21(11) FS.

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

TIME AND DATE: 8:00 a.m., February 15, 2005

PLACE: 325 West Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Connie Graunke, Executive Director, Florida Center for Advising and Academic Support, 325 West Gaines Street, Tallahassee, Florida, (850)245-9536

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-10.044 Residency for Tuition Purposes.

The ~~purpose of this rule is to establish State Board of Community Colleges and the Board of Regents shall maintain consistent policies and practices for the classification of students as residents for tuition purposes to facilitate the transfer of students among institutions.~~ The ~~policies and practices may vary to accommodate differences in governance;~~ but the determinations of classification or reclassification shall be consistent to assure that students are of being classified the same regardless of the institution determining the classification.

(1) The classification of a student as a Florida resident for tuition purposes by an institution or entity governed by Section 1009.40, Florida Statutes, a public Florida community college or university shall be recognized by other public postsecondary institutions to which the student may later seek admission, provided that student has attended the institution or entity making the classification within the last twelve (12) months and the residency is noted on the student's transcript unless the classification was erroneous or the student did not then qualify as a resident for tuition purposes.

(2) Once a student has been classified by an public institution or entity as a resident for tuition purposes, institutions to which the student may transfer are not required to re-evaluate the classification unless inconsistent information suggests that an erroneous classification was made or the student's situation has changed.