

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

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

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

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

SPECIFIC AUTHORITY: 112.19 FS.

LAW IMPLEMENTED: 112.19 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

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

(2) The Consumer Price Index amount in March 2005 ~~2004~~ was 3.1 ~~4.7~~ percent. Therefore, the statutory amount for the period July 1, 2005 ~~2004~~ through June 30, 2006 ~~2005~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); \$53,999.14 ~~\$52,375.50~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); \$53,999.14 ~~\$52,375.50~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); \$161,997.42 ~~\$157,126.50~~.

Specific Authority 112.19 FS. Law Implemented 112.19 FS. History—New 12-10-03, Amended 8-17-04, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Course Descriptions for Grades 6-12,
 RULE NO.: 6A-1.09414

Exceptional Student Education Courses

PURPOSE AND EFFECT: The purpose of this rule development is to review the existing Course Descriptions for Grades 6-12, Exceptional Student Education to ensure that courses are available to enable students with disabilities to develop and apply self-determination skills in school, home, community, and work settings. The effect of the rule development will be the inclusion of course descriptions which will assist students to achieve their desired school and post-school outcomes, participate actively and effectively in planning meetings, and acting as a self-advocate in multiple settings.

SUBJECT AREA TO BE ADDRESSED: Course Descriptions for Self-Determination.

SPECIFIC AUTHORITY: 1001.02(1), 1001.42, 1003.57 FS.

LAW IMPLEMENTED: 1001.11, 1006.28, 1003.438, 1006.31 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.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bambi Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 W. Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

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

DEPARTMENT OF REVENUE

RULE TITLE: Calculation of Penalty Subject to Compromise
 RULE NO.: 12-13.0076

for Reasonable Cause

PURPOSE AND EFFECT: The purpose of the proposed creation of Rule 12-13.0076, F.A.C. (Calculation of Penalty Subject to Compromise for Reasonable Cause), is to incorporate the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise. This system is currently under development by the Department for purposes of providing guidelines to be used in determining the amount of compromise of penalty. The effect of the proposed amendments, when adopted, will be that the provisions of the

Expert System for Determining Reasonable Cause for Penalty Compromise will be incorporated into the guidelines for determining the amount of compromise of penalty established in these administrative rules.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the development of proposed new Rule 12-13.0076, F.A.C., for purposes of including the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise currently under development by the Department. The Expert System for Determining Reasonable Cause for Penalty Compromise will be presented at the workshop and an opportunity for the public to ask questions and express concerns regarding the system will be provided.

SPECIFIC AUTHORITY: 213.06(1), 213.21(5) FS.

LAW IMPLEMENTED: 213.21(3) FS.

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

TIME AND DATE: 2:00 p.m., May 25, 2005

PLACE: Department of Revenue, Regional Training Center, 2301 Maitland Center Parkway, Maitland 200 Building, Suite 150, Maitland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Babin, Attorney, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4842, e-mail: babinr@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12-13.0076 Calculation of Penalty Subject to Compromise for Reasonable Cause.

(1) Definition and Scope.

(a) For the purposes of this rule, "issue" means the reason set forth by the Department for any finding of a tax deficiency. A taxpayer's total tax liability for an audit assessment or billing may result from one or more issues. For example, a sales tax audit may involve audit changes for "disallowed exempt sales" and "fixed asset purchases." In this example, "disallowed exempt sales" and "fixed asset purchases" are separate and distinct issues.

(b) The provisions of this rule will be used by the Department in its determination of penalties imposed under chapters specified in Section 72.011(1), F.S., which are subject

to compromise by the Department on the grounds of reasonable cause pursuant to Section 213.21, F.S. The Department will apply the provisions of this rule for all compromises of penalty due to reasonable cause, even when no request to compromise penalty is made by the taxpayer.

(c) The provisions of this rule do not apply to penalties imposed as a result of a taxpayer's willful negligence, willful neglect, or fraud.

(d) The provisions of this rule are not to be construed to prevent the Department from assessing penalty as required by provisions of the Florida Statutes, or to limit or expand the compromise authority of the Executive Director.

(2) Determination of the Amount of Penalty Compromise.

(a) A determination of the amount of penalty compromise due to reasonable cause will be made by the Department using the Penalty Scoring Matrix provided in subsection (3). The Penalty Scoring Matrix and the provisions of this rule will be applied to each issue to result in a percentage, which will be applied to the penalty amount related to that issue. If all issues under consideration involve the same facts and circumstances, the Penalty Scoring Matrix and other provisions of this rule will only be applied once, and the resulting penalty percentage will be applied to the total penalty amount for all issues.

(b) The penalty percentage is calculated based upon the response to each question listed within the Penalty Scoring Matrix. Point values are assigned to the questions based upon whether the question is answered "yes" or "no."

(c) Questions 5(a) through 5(j) of the Penalty Scoring Matrix each list various facts and circumstances, which are to be considered in answering those questions. If one or more of the facts and circumstances listed under each question are determined by the Department to apply to the issue(s), an affirmative response will be entered for that question and a corresponding point value will be assigned. When the facts and circumstances listed do not apply to the issue(s), a negative response will be entered and the corresponding point value will be assigned.

(d) When the Department determines that facts and circumstances exist that require an affirmative answer to any Question 5(a) through 5(j) but the specific fact or circumstance is not listed, the Department will identify that fact or circumstance and provide an affirmative answer to the relevant question.

(e) Special Circumstances.

1. If a "yes" answer is provided for Question 1, no other questions will be answered. The point value to be assigned to the penalty amount under consideration is 100 points.

2. If a "no" answer is provided for Questions 1, 2, and 4, no other questions will be answered. The point value to be assigned to the penalty amount under consideration is 0 points.

(f) The percentage to be applied to the penalty amount under consideration will be controlled by the following schedule:

- 1. If the sum of the point values assigned is not greater than 15 points, no penalty shall be imposed.
- 2. If the sum of the point values assigned is greater than 15 points but less than or equal to 30 points, 5% penalty shall be imposed.
- 3. If the sum of the point values assigned is greater than 30 points but less than or equal to 45 points, 10% penalty shall be imposed.
- 4. If the sum of the point values assigned is greater than 45 points but less than or equal to 60 points, 15% penalty shall be imposed.

- 5. If the sum of the point values assigned is greater than 60 points but less than or equal to 75 points, 20% penalty shall be imposed.
- 6. If the sum of the point values assigned is greater than 75 points, 25% penalty shall be imposed.
- (g) The Department will provide the taxpayer with a copy of the determination of the amount of compromise for each penalty amount, as determined by the Penalty Scoring Matrix.
- (3) Penalty Scoring Matrix.

Level	Step	Decision Question	YES/NO	Pts. For YES	Pts. For NO
Issue	1.	Is the penalty determined for this issue a mandatory penalty not subject to abatement?		100	0
Audit	2.	Has the taxpayer been previously audited?		20	0
	2.a.	Has the taxpayer been previously audited at least twice?		5	0
	2.b.	Has the taxpayer been previously audited three or more times?		5	0
Issue	3.	Was this issue addressed in a previous audit?		15	0
Issue	4.	For this audit issue, did the taxpayer collect but fail to remit tax to the Department?		30	0
Issue	5.	Do one or more of the following apply to this issue in this audit or issue?			
Issue	a.	Did the taxpayer rely on a DOR determination?		-10	10
	a.1.	Able to verify the advice given from the DOR source.			
	a.2.	All the facts provided correctly by the taxpayer for the issue.			
	a.3.	Law change occurred after the advice was given.			
	a.4.	Subsequent advice given rescinded original position.			
	a.5.	Prior audit provided advice on the issue. Explain:			
	a.6.	Other:			
	a.7.	No.			
Audit	b.	Is the taxpayer relatively unsophisticated or inexperienced in Florida tax matters?		-5	10
	b.1.	The taxpayer attended a DOR educational seminar.			
	b.2.	The taxpayer has limited accounting knowledge.			
	b.3.	The taxpayer does not have a full-time accounting staff.			
	b.4.	Other:			
	b.5.	No.			
Audit	c.	Did the taxpayer exercise ordinary care and prudence and timely meet filing requirements?		-5	10
	c.1.	The taxpayer timely complied.			
	c.2.	The taxpayer did not file more than 5% of their tax returns in the audit period late.			
	c.3.	The taxpayer consistently completed the entire tax return (Front and Back).			
	c.4.	Other:			
	c.5.	No.			
Issue	d.	Were there any law changes directly affecting compliance for this issue?		-10	5

	d.1.	The law changed during the audit period. Explain:		
	d.2.	The law change affected all or part of the entire audit period. Explain:		
	d.3.	The law change had a material impact on the assessment amount.		
	d.4.	DOR's interpretation changed. Explain:		
	d.5.	A TIP was issued regarding the law change.		
	d.6.	The taxpayer received notification of the law change.		
	d.7.	Other:		
	d.8.	No.		
Issue	e.	Had the taxpayer taken action to improve compliance by correcting activities which gave rise to the previous audit deficiency?	-5	5
	e.1.	The taxpayer provided supporting documentation showing that the error has been corrected.		
	e.2.	Other:		
	e.3.	No.		
Issue	f.	Are the tax issues, their application, or the taxpayers operational or financial situation complex?	-5	5
	f.1.	The situation is complex. Explain:		
	f.2.	This issue is NOT covered in the Tax Law Library.		
	f.3.	There are contradictory pronouncements addressing this tax issue. Explain:		
	f.4.	The error(s) in the taxpayer's accounting system were inadvertent. Explain:		
	f.5.	The error was isolated or a rare occurrence in the taxpayer's reporting of tax.		
	f.6.	Other:		
	f.7.	No.		
Issue	g.	Has the taxpayer instituted remedies to correct this issue during the conduct of the audit?	-5	0
	g.1.	The taxpayer provided supporting documentation showing that the error has been corrected.		
	g.2.	Other:		
	g.3.	No.		
Issue	h.	Did taxpayer rely on others to comply?	-5	5
	h.1.	The taxpayer relied upon a C.P.A., attorney, or trade association to comply.		
	h.2.	The taxpayer relied upon an outside consultant or outside bookkeeping service.		
	h.3.	The advice given by an outside party was verified. Explain:		
	h.4.	Other:		
	h.5.	No.		
Audit	i.	Is the tax assessment not material when compared to taxes correctly reported/remitted?	-5	5

	i.1.	The amount of tax correctly reported/remitted was substantial compared to the assessment.		
	i.2.	The additional tax due is less than 5% of total tax reported/remitted during the audit period.		
	i.3.	The taxpayer underreported Florida taxable sales by less than 15%.		
	i.4.	The taxpayer over reported their Line 6 credits by more than 5%.		
	i.5.	Other:		
	i.6.	No.		
Audit	i.	Did any extenuating or uncontrollable circumstances exist that prevented the taxpayer from complying?	-15	0
	i.1.	There was a disaster or catastrophic events beyond the control of the taxpayer.		
	i.2.	It was determined that such circumstances directly prevented compliance or affected the ability to comply.		
	i.3.	There was a death, illness or incapacity of the taxpayer, the taxpayer's immediate family, or a key employee which had an effect on compliance.		
	i.4.	There was a significant turnover of employees or service providers that directly affected compliance.		
	i.5.	The taxpayer responded completely and timely to the auditors' requests.		
	i.6.	There were other facts that affected compliance. Explain:		
	i.7.	Other:		
	i.8.	No.		

Specific Authority 213.06(1), 213.21(5) FS. Law Implemented 213.21(3) FS. History—New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Random Drug Testing of Employees
 RULE NO.: 33-208.403
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide for periodic random substance abuse testing of employees required to maintain certification under Chapter 943, Florida Statutes.
 SUBJECT AREA TO BE ADDRESSED: Random drug testing of certified officers.
 SPECIFIC AUTHORITY: 944.09, 944.74 FS.
 LAW IMPLEMENTED: 112.0455, 944.09, 944.74 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:

33-208.403 Random Drug Testing of Employees.

(1) Definitions.

(a) Authorized Individual – The person designated by the Chief of Personnel to interact with an employee regarding the drug testing program.

(b) Chain of Custody – The procedures used to account for the integrity of each urine specimen by tracking its handling and storage from the point of specimen collection to final disposition.

(c) Contact Person – The employees designated by the Chief of Personnel to interact with the Medical Review Officer regarding drug test results.

(d) Medical Review Officer – A licensed physician under contract with the Department or the outside vendor used by the Department who reviews all drug tests from the laboratory and makes the final determination regarding the test result.

(e) Random Drug Test – A drug test conducted based on a computer generated random sampling in positions identified as being subject to random testing, administered for the purposes of determining the presence of drugs or their metabolites.

(f) Test refusal – Failure on the part of a randomly selected employee to fully comply with the Department’s random drug testing procedures. This includes refusal to sign required forms, refusal to provide specimens for testing, failing to report to the collection site within required time frames, failing to provide a valid specimen, attempting to alter the specimen with adulterants, and using substitute specimens in makeshift devices or objects.

(2) Only employees required to maintain certification under Chapter 943, F.S., shall be subject to random drug testing.

(3) The Bureau of Research and Data Analysis shall generate random lists of individual positions subject to testing.

(a) The Bureau of Personnel shall disburse the list to the authorized individuals during each random testing period.

(b) The list shall include the date by which all tests for that testing period must be completed.

(c) Each time an employee’s name appears on the random list, he or she shall be tested regardless of whether or not he or she has been previously tested.

(d) Listed employees shall not be excused from random drug testing unless they are on approved leave of absence or out of town on business. If the employee returns in time for the test to be rescheduled and completed within the prescribed deadline, the authorized individual shall ensure testing is rescheduled and completed.

(e) The list is confidential and shall not be disseminated to non-essential staff members prior to testing.

(4) Once an employee is randomly selected and scheduled for a test, the authorized individual shall:

(a) Initiate the chain of custody process;

(b) Provide the employee with the drug testing instructions and directions to the designated collection site;

(c) Provide the employee with a written notice and consent for testing form that advises the employee that he or she has been randomly selected for testing and that he or she has 24 hours to complete the test. If the employee refuses to sign, the employee will be considered to have refused to submit to testing. The authorized individual shall notify the servicing personnel office, and the employee shall be advised in writing that he is subject to disciplinary action up to and including dismissal for refusal to submit to testing.

(5) Once the necessary forms have been completed and signed, the employee shall be instructed to present the employee’s Department of Corrections’ employee

identification card to collection site staff. The employee shall take all copies of the chain of custody form to the collection site.

(6) If the employee does not report to the collection site within the specified time frame, or as directed on the written notice, the employee will be considered to have refused to submit to drug testing. The employee shall be advised in writing by the servicing personnel office that he is subject to disciplinary action for failure to report to the collection site unless the employee presents sufficient justification for failure to appear. Issues that will be considered include the timely notification to the employee, timely processing by the lab, and transportation issues.

(7) The employee shall remain at the collection site until able to produce a sufficient specimen unless the employee advises that a medical condition has caused the inability to produce a sufficient specimen. If the employee cannot produce a sufficient specimen quantity, the collection site staff shall contact the authorized individual. The employee shall provide a doctor’s statement to the authorized individual within 3 business days attesting to the medical condition. If the current random testing period has not expired, the employee will be given another notice that he or she has 24 hours to complete the test and will be required to report again for testing.

(8) If an employee’s test results show the specimen to be adulterated, the employee will be considered to have failed the test.

(9) If the employee’s test results are negative for drugs but show possible dilution, the test shall be considered negative.

(10) If the test results are positive, the sample will be retested for confirmation.

(11) All employees with a positive confirmed drug test shall be contacted by the Medical Review Officer within 3 days of receipt of the results from the lab and offered the opportunity to produce valid documentation of lawful ingestion of the identified controlled substance. The Medical Review Officer may also request consent to review the employee’s medical records to assist in evaluating the test results. The employee shall have 15 days from contact by the Medical Review Officer to present documentation that provides a legitimate explanation for the positive test results.

(12) If the Medical Review Officer cannot contact the employee within 3 days, the Medical Review Officer shall request that the contact person direct the employee to contact the Medical Review Officer. If the employee does not contact the Medical Review Officer within 2 days from the request to the employee by the contact person, the Medical Review Officer shall report the test results as positive.

(13) In the case of positive test results for which the employee did not or could not provide a legitimate explanation, the employee shall be notified in writing of the positive test results and the consequences of the results. The employee shall be immediately removed from his position in

accordance with the department’s dismissal process and the Criminal Justice Standards and Training Commission shall be notified.

(14) If the Medical Review Officer reports the test results as cancelled, it shall be considered collection site or lab error and a re-test shall be scheduled immediately. The employee shall be given no more than 24 hours notice for the retest. If a re-test cannot be conducted prior to the deadline for the random testing period, the Regional Personnel Officer shall provide an explanation to the Chief of Personnel.

(15) If the Medical Review Officer receives subsequent documentation that a positive test result was caused by a legitimate use of drugs, the Medical Review Officer shall report the result as negative and the Department’s contact person shall be notified as such.

(16) Should subsequent documentation be received reflecting that the positive result was in error, the authorizing individual shall inform the Bureau of Personnel so that remedial action can be taken if necessary.

(17) Within 5 days of the completion of random testing, the authorized individual shall submit to the Bureau of Personnel the names of the employees not tested and the reason the test was not completed, with the attendance and leave reports or travel reimbursement requests attached for any employee unavailable for the test.

(18) The following appeal process shall be available to an employee who wants to appeal a positive confirmed drug test.

(a) Within 5 working days of the notification of the failed drug test, the employee may submit a letter to the Chief, Bureau of Personnel, contesting or explaining the result.

(b) Within 180 days after receipt of the notification of the failed drug test, the employee may request a re-test of the original specimen at the employee’s expense by the same laboratory or another laboratory licensed and approved by the Agency for Health Care Administration. The re-test must be at an equal or greater sensitivity for the drug in question as was used in the first laboratory test. All costs associated with such re-tests shall be borne by the employee.

Specific Authority 944.09, 944.474 FS. Law Implemented 112.0455, 944.09, 944.474 FS. History—New _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Privileged Mail

RULE NO.: 33-210.103

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide consistency in mail procedures by requiring that privileged mail be delivered to the institution by the U.S. Postal Service. This requirement is already set forth in the routine mail and legal mail rules.

SUBJECT AREA TO BE ADDRESSED: Delivery of privileged mail.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 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:

33-210.103 Privileged Mail.

(1) No change.

(2) Privileged mail shall be delivered to the institution or facility by the U.S. Postal Service only.

(2) through (3) renumbered (3) through (4) No change.

~~(5)(4)~~ Processing of Privileged Mail.

(a) All incoming privileged mail shall be opened in the presence of the inmate to determine that the correspondence is privileged mail and that it contains no unauthorized items. Only the signature and letterhead may be read. If the incoming mail is not privileged mail, it will be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection ~~(5)(4)~~ of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(b) through (c) No change.

(5) through (6) renumbered (6) through (7) No change.

~~(8)(7)~~(a) No change.

(b) Upon receipt of privileged mail, if there is a question that it is privileged mail, the mail shall be opened in the presence of the inmate to confirm that it is privileged mail. If it is confirmed to be privileged mail, it shall be delivered to the inmate. If the mail is not privileged mail, it shall be returned to the sender along with a form letter which states that the correspondence is being returned in accordance with subsection ~~(4)(3)~~ and ~~(8)(7)~~ of this rule because it was being transmitted under the guise of privileged mail. The inmate to whom the mail was addressed shall receive a copy of the form letter.

(c) through (e) No change.

~~(9)(8)~~(a) No change.

(b) In the event that the inmate has been released or transferred, in addition to the procedures required by subsection 33-210.103~~(8)(7)~~, F.A.C., Form DC2-522 shall be completed as required in paragraph 33-210.103~~(9)(8)~~(a), F.A.C., except that mailroom staff shall write ‘Transferred’ or ‘Released’ in the ‘Date Mail Received By Institution’ section, and shall write the date that the mail was forwarded in the ‘Inmate Signature’ section.

Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History—New 9-1-93, Amended 5-25-97, 2-15-98, Formerly 33-3.0052, Amended 12-20-99, Formerly 33-602.403, Amended 5-5-02, 12-4-02, 9-20-04, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Visiting – Forms
 RULE NO.: 33-601.737

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend form DC6-111B, Visitor Information Summary, for consistency with Rule 33-203.201, F.A.C., relating to sending money to inmates; the form is amended to delete the restriction to “U.S. Postal” money orders, and to provide the corrected address for sending funds for deposit.

SUBJECT AREA TO BE ADDRESSED: Visiting forms.

SPECIFIC AUTHORITY: 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) through (3) No change.
- (4) DC6-111B, Visitor Information Summary, effective _____ ~~3-31-05~~.
- (5) through (6) No change.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History—New 11-18-01, Amended 4-29-02, 9-29-03, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Works and Lands of the District
 RULE CHAPTER NO.: 40E-6

PURPOSE AND EFFECT: This rule development concerns proposed revisions to Rules 40E-6 and 40E-7, Part V, of the F.A.C., and the development of new rules, all of which will be combined to create a single Chapter within the Florida Administrative Code concerning public recreational access to and use of South Florida Water Management District lands.

SUBJECT AREA TO BE ADDRESSED: The revision of Rules 40E-6 and 40E-7, Part V, of the F.A.C., concerning public access to and recreational use of District lands.

SPECIFIC AUTHORITY: 259.101, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 259.101, 373.016, 373.056, 373.103, 373.139, 373.1391, 373.1395, 373.1401, 373.59 FS.

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

TIME AND DATE: 6:30 p.m., May 23, 2005

PLACE: Kissimmee Civic Center, 201 E. Dakin Avenue, Kissimmee, FL (407)935-1412

TIME AND DATE: 6:30 p.m., May 26, 2005

PLACE: Ft. Myers Service Center, 2301 McGregor Blvd., Ft. Myers, FL, (941)338-2929

TIME AND DATE: 6:30 p.m., June 6, 2005

PLACE: IGFA Fishing Hall of Fame, 300 Gulf Stream Way, Dania Beach, FL

TIME AND DATE: 6:30 p.m., June 9, 2005

PLACE: 205 North Parrott Avenue, Suite 201 (second floor of the Bank of America building), Okeechobee, FL 34972, (863)462-5260

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact District Clerk, at (561)686-8800 at least two 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: Fred Davis, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 5720, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6636 or (561)682-6636 (internet:fdavis@sfwmd.gov).

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Miscellaneous Provisions
 RULE CHAPTER NO.: 40E-7

PURPOSE AND EFFECT: This rule development concerns proposed revisions to Rules 40E-6 and 40E-7, Part V, of the F.A.C., and the development of new rules, all of which will be combined to create a single Chapters within the Florida Administrative Code concerning public recreational access to and use of South Florida Water Management District lands.

SUBJECT AREA TO BE ADDRESSED: The revision of Rules 40E-6 and 40E-7, Part V, of the F.A.C., concerning public access to and recreational use of District lands.

SPECIFIC AUTHORITY: 259.101, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 259.101, 373.016, 373.056, 373.103, 373.139, 373.1391, 373.1395, 373.1401, 373.59 FS.

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

TIME AND DATE: 6:30 p.m., May 23, 2005

PLACE: Kissimmee Civic Center, 201 E. Dakin Avenue, Kissimmee, FL (407)935-1412

TIME AND DATE: 6:30 p.m., May 26, 2005

PLACE: Ft. Myers Service Center, 2301 McGregor Blvd, Ft. Myers, FL (941)338-2929

TIME AND DATE: 6:30 p.m., June 6, 2005

PLACE: IGFA Fishing Hall of Fame, 300 Gulf Stream Way, Dania Beach, FL

TIME AND DATE: 6:30 p.m., June 9, 2005

PLACE: 205 North Parrott Avenue, Suite 201 (second floor of the Bank of America building), Okeechobee, FL 34972, (863)462-5260

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact District Clerk, at (561)686-8800 at least two 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: Fred Davis, South Florida Water Management District, Post Office Box 24680, Mail Stop Code 5720, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6636 or (561)682-6636 (internet:fdavis@sfwmd.gov).

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Certificate of Need Application Procedures

RULE NO.: 59C-1.008

PURPOSE AND EFFECT: The agency is proposing to amend paragraphs (1)(g) and (3)(a) of Rule 59C-1.008, F.A.C., Certificate of Need (CON) application procedures. The amended rule updates the batching cycle calendar used to establish deadlines for comparative reviews, as required by Section 408.039(1), F.S. The amended rule also reflects increases in CON filing fee pursuant to Section 408.038, F.S.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment updates deadlines to the batching cycle calendar for calendar years 2006 and 2007, with no modification to the current calendar for 2005. The base CON filing fee is increased to \$10,000 from \$5,000 pursuant to recent statutory changes.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033, 408.037, 408.038, 408.039 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: 2:00 p.m. (EST), May 25, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.008 Certificate of Need Application Procedures.

(1) through (f) No change.

(g) Applications Subject to Comparative Review-Batching Cycles. In order that applications pertaining to similar types of services or facilities affecting the same service district or subdistrict may be considered in relation to each other for purposes of comparative review, letters of intent and applications shall be received by the agency no later than dates prescribed in the following schedule:

Hospital Beds and Facilities	
1st Batching Cycle—2003	
Summary Need Projections Published in F.A.W.	1-24-03
Letter of Intent Deadline	2-10-03
Application Deadline	3-12-03
Completeness Review Deadline	3-19-03
Application Omissions Deadline	4-16-03
Agency Initial Decision Deadline	6-13-03

Hospital Beds and Facilities	
2nd Batching Cycle—2003	
Summary Need Projections Published in F.A.W.	7-25-03
Letter of Intent Deadline	8-11-03
Application Deadline	9-10-03
Completeness Review Deadline	9-17-03
Application Omissions Deadline	10-15-03
Agency Initial Decision Deadline	12-12-03

Hospital Beds and Facilities
1st Batching Cycle—2004

Summary Need Projections Published in F.A.W.	1-23-04
Letter of Intent Deadline	2-09-04
Application Deadline	3-10-04
Completeness Review Deadline	3-17-04
Application Omissions Deadline	4-14-04
Agency Initial Decision Deadline	6-11-04

Hospital Beds and Facilities
2nd Batching Cycle – 2006

Summary Need Projections Published in F.A.W.	7-28-06
Letter of Intent Deadline	8-14-06
Application Deadline	9-13-06
Completeness Review Deadline	9-20-06
Application Omissions Deadline	10-18-06
Agency Initial Decision Deadline	12-15-06

Hospital Beds and Facilities
2nd Batching Cycle—2004

Summary Need Projections Published in F.A.W.	7-23-04
Letter of Intent Deadline	8-09-04
Application Deadline	9-08-04
Completeness Review Deadline	9-15-04
Application Omissions Deadline	10-13-04
Agency Initial Decision Deadline	12-10-04

Hospital Beds and Facilities
1st Batching Cycle – 2007

Summary Need Projections Published in F.A.W.	1-26-07
Letter of Intent Deadline	2-12-07
Application Deadline	3-14-07
Completeness Review Deadline	3-21-07
Application Omissions Deadline	4-18-07
Agency Initial Decision Deadline	6-15-07

Hospital Beds and Facilities
1st Batching Cycle – 2005

Summary Need Projections Published in F.A.W.	1-28-05
Letter of Intent Deadline	2-14-05
Application Deadline	3-16-05
Completeness Review Deadline	3-23-05
Application Omissions Deadline	4-20-05
Agency Initial Decision Deadline	6-17-05

Hospital Beds and Facilities
2nd Batching Cycle – 2007

Summary Need Projections Published in F.A.W.	7-27-07
Letter of Intent Deadline	8-13-07
Application Deadline	9-12-07
Completeness Review Deadline	9-19-07
Application Omissions Deadline	10-17-07
Agency Initial Decision Deadline	12-14-07

Hospital Beds and Facilities
2nd Batching Cycle – 2005

Summary Need Projections Published in F.A.W.	7-29-05
Letter of Intent Deadline	8-15-05
Application Deadline	9-14-05
Completeness Review Deadline	9-21-05
Application Omissions Deadline	10-19-05
Agency Initial Decision Deadline	12-16-05

Other Beds and Programs
1st Batching Cycle—2003

Summary Need Projections Published in F.A.W.	4-11-03
Letter of Intent Deadline	4-28-03
Application Deadline	5-28-03
Completeness Review Deadline	6-04-03
Applicant Omissions Deadline	7-02-03
Agency Initial Decision Deadline	8-29-03

Hospital Beds and Facilities
1st Batching Cycle – 2006

Summary Need Projections Published in F.A.W.	1-27-06
Letter of Intent Deadline	2-13-06
Application Deadline	3-15-06
Completeness Review Deadline	3-22-06
Application Omissions Deadline	4-19-06
Agency Initial Decision Deadline	6-16-06

Other Beds and Programs
2nd Batching Cycle—2003

Summary Need Projections Published in F.A.W.	10-10-03
Letter of Intent Deadline	10-27-03
Application Deadline	11-26-03
Completeness Review Deadline	12-03-03
Applicant Omissions Deadline	1-02-04
Agency Initial Decision Deadline	2-27-04

Other Beds and Programs
1st Batching Cycle—2004

Summary Need Projections Published in F.A.W.	4-09-04
Letter of Intent Deadline	4-26-04
Application Deadline	5-26-04
Completeness Review Deadline	6-02-04
Applicant Omissions Deadline	6-30-04
Agency Initial Decision Deadline	8-27-04

Other Beds and Programs
2nd Batching Cycle – 2006

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-06-06</u>
<u>Letter of Intent Deadline</u>	<u>10-23-06</u>
<u>Application Deadline</u>	<u>11-22-06</u>
<u>Completeness Review Deadline</u>	<u>11-29-06</u>
<u>Application Omissions Deadline</u>	<u>12-27-06</u>
<u>Agency Initial Decision Deadline</u>	<u>2-23-07</u>

Other Beds and Programs
2nd Batching Cycle—2004

Summary Need Projections Published in F.A.W.	10-08-04
Letter of Intent Deadline	10-25-04
Application Deadline	11-24-04
Completeness Review Deadline	12-01-04
Applicant Omissions Deadline	12-29-04
Agency Initial Decision Deadline	2-25-05

Other Beds and Programs
1st Batching Cycle – 2007

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-06-07</u>
<u>Letter of Intent Deadline</u>	<u>4-23-07</u>
<u>Application Deadline</u>	<u>5-23-07</u>
<u>Completeness Review Deadline</u>	<u>5-30-07</u>
<u>Application Omissions Deadline</u>	<u>6-27-07</u>
<u>Agency Initial Decision Deadline</u>	<u>8-24-07</u>

Other Beds and Programs
1st Batching Cycle – 2005

Summary Need Projections Published in F.A.W.	4-08-05
Letter of Intent Deadline	4-25-05
Application Deadline	5-25-05
Completeness Review Deadline	6-01-05
Applicant Omissions Deadline	6-29-05
Agency Initial Decision Deadline	8-26-05

Other Beds and Programs
2nd Batching Cycle – 2007

<u>Summary Need Projections Published in F.A.W.</u>	<u>10-05-07</u>
<u>Letter of Intent Deadline</u>	<u>10-22-07</u>
<u>Application Deadline</u>	<u>11-21-07</u>
<u>Completeness Review Deadline</u>	<u>11-28-07</u>
<u>Application Omissions Deadline</u>	<u>12-26-07</u>
<u>Agency Initial Decision Deadline</u>	<u>2-22-08</u>

Other Beds and Programs
2nd Batching Cycle – 2005

Summary Need Projections Published in F.A.W.	10-07-05
Letter of Intent Deadline	10-24-05
Application Deadline	11-23-05
Completeness Review Deadline	11-30-05
Applicant Omissions Deadline	12-28-05
Agency Initial Decision Deadline	2-24-06

(h) through (j) No change.

(2) No change.

(3) Filing Fees. Certificate of need applications shall not be accepted by the agency at the time of filing unless accompanied by the minimum base certificate of need application filing fee in accordance with Section 408.038, F.S. The minimum base fee shall be \$10,000. In addition to the base fee of \$10,000, the fee shall be 0.015 of each dollar of the proposed expenditure, except that no fee shall exceed \$50,000.

(a) For the sole purpose of calculating the application fee, the proposed expenditure includes only the items of cost contributing to the capital expenditures of the proposed project. An application filing fee is non-refundable, unless the application is not accepted by the agency; or unless an accepted application is deemed incomplete and withdrawn by the agency as a result of the omissions review, and the withdrawal is not challenged by the applicant, in which case all but the \$105,000 base fee shall be refunded. No fees shall be refunded for applications deemed complete by the agency but subsequently voluntarily withdrawn by the applicant, or for applications deemed incomplete as a result of a legal challenge.

Other Beds and Programs
1st Batching Cycle – 2006

<u>Summary Need Projections Published in F.A.W.</u>	<u>4-07-06</u>
<u>Letter of Intent Deadline</u>	<u>4-24-06</u>
<u>Application Deadline</u>	<u>5-24-06</u>
<u>Completeness Review Deadline</u>	<u>5-31-06</u>
<u>Application Omissions Deadline</u>	<u>6-28-06</u>
<u>Agency Initial Decision Deadline</u>	<u>8-25-06</u>

- (b) through (c) No change.
- (4) through (5) No change.

Specific Authority 408.034(6), 408.15(8) FS. Law Implemented 408.033, 408.037, 408.038, 408.039 FS. History—New 1-1-77, Amended 11-1-77, 9-1-78, 6-5-79, 2-1-81, 4-1-82, 7-29-82, 9-6-84, Formerly 10-5.08, Amended 11-24-86, 3-2-87, 6-11-87, 11-17-87, 3-23-88, 5-30-90, 12-20-90, 1-31-91, 9-9-91, 5-12-92, 7-1-92, 8-10-92, Formerly 10-5.008, Amended 4-19-93, 6-23-94, 10-12-94, 10-18-95, 2-12-96, 7-18-96, 9-16-96, 11-4-97, 7-21-98, 12-12-00, 4-2-01, 1-10-02, 6-26-03, 12-13-04, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Transportation Coverage, Limitations, and Reimbursement Handbook, November 2004. The revised handbook includes the provision of non-emergency transportation services through a contracted vendor, policy for authorizing ambulance transportation based on Medicare’s ambulance transportation medical condition codes, and modifications to procedure codes and claim forms for HIPAA compliance. The effect will be to incorporate the revised Florida Medicaid Transportation Coverage, Limitations, and Reimbursement Handbook, November 2004, into rule. This Notice of Rule Development replaces the notice that was published in the Florida Administrative Weekly, Vol. 30, No. 23, on June 4, 2004. We are publishing a new Notice of Rule Development, because we changed the handbook effective date to November 2004.

SUBJECT AREA TO BE ADDRESSED: Transportation Services.

SPECIFIC AUTHORITY: 409.919 FS.

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

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

TIME AND DATE: 2:00 p.m., Monday, May 23, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Glen Davis, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7305

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.330 Transportation Services.

(1) No change.

(2) All transportation providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Transportation Coverage, Limitations and

Reimbursement Handbook, November 2004 July—1997, incorporated by reference. The handbook is available from the Medicaid fiscal agent.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Traumatic Brain and Spinal Cord Injury Services
 RULE NO.: 59G-13.130

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, January 2005. This handbook includes the provider requirements, covered services, service limitations, procedure codes, and fees for the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Program. The effect will be to incorporate by reference in the rule the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Traumatic Brain and Spinal Cord Injury Services.

SPECIFIC AUTHORITY: 409.919 FS.

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

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

TIME AND DATE: 2:00 p.m., Tuesday, May 24, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wendy Smith, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-2618

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.130 Traumatic Brain and Spinal Cord Injury Services.

(1) This rule applies to all traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program.

(2) All traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, January 2005, 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.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: RULE NO.:

Initial Licensure or Registration Requirement
for Instruction on Human Immunodeficiency
Virus and Acquired Immune Deficiency
Syndrome; Course Content and
Approval Requirements 61G5-18.011

PURPOSE AND EFFECT: The amendment requires that educational courses taught to fulfill the initial licensure or registration requirement are 4 hours in length.

SUBJECT AREA TO BE ADDRESSED: The number of hours for educational courses taught to fulfill the initial licensure or registration requirement.

SPECIFIC AUTHORITY: 455.2228(5), 477.016 FS.

LAW IMPLEMENTED: 455.2228 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-18.011 Initial Licensure or Registration Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: Course Content and Approval Requirements.

(1) through (2) No change.

(3) All educational courses on HIV and AIDS which are taught to fulfill the requirements for initial licensure or registration under Chapter 477, F.S., shall be approved by the Board. To be considered for the Board's approval, courses on HIV and AIDS shall consist of 4 hours combined education of:

(a) Education on the modes of transmission, infection control procedures, clinical management, and prevention of HIV and AIDS;

(b) Discussion of attitudes towards HIV and AIDS as well as appropriate behavior in dealing with persons who may have the virus or syndrome.

(4) through (7) No change.

Specific Authority 455.2228(5), 477.016 FS. Law Implemented 455.2228 FS. History—New 9-2-90, Amended 4-9-91, 10-27-91, 6-14-93, Formerly 21F-18.011, Amended 2-1-95, 12-21-97, 1-31-99, 3-8-00, 5-10-01, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: RULE NO.:

Salon Requirements 61G5-20.002

PURPOSE AND EFFECT: The amendment adds a requirement for compliance with local building and fire codes.
SUBJECT AREA TO BE ADDRESSED: Requirement prior to opening a salon.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G5-20.002 Salon Requirements.

(1) Prior to opening a salon, the owner shall:

(a) through (c) No change.

(d) Submit proof of compliance with all local building and fire codes.

(2) through (6) No change.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 4-22-81, Amended 9-11-81, 1-17-83, 8-10-83, 6-28-84, 10-6-85, Formerly 21F-20.02, Amended 6-18-86, 10-18-87, 8-20-90, 5-19-91, 1-30-92, 5-11-92, 4-15-93, 5-31-93, Formerly 21F-20.002, Amended 1-9-95, 4-5-95, 8-8-95, 2-28-96, 6-16-97, 8-27-98, 4-13-99, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: RULE NO.:

Qualifications of Applicants for a
Certificate as a Deputy Pilot 61G14-11.002

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

SUBJECT AREA TO BE ADDRESSED: Qualifications of Applicants for a Certificate as a Deputy Pilot.

SPECIFIC AUTHORITY: 310.071(2), 310.185 FS.

LAW IMPLEMENTED: 310.071(2), 310.073 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
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

Board of Dentistry

RULE TITLE: Requirements for General Anesthesia or Deep Sedation
RULE NO.: 64B5-14.008

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

SUBJECT AREA TO BE ADDRESSED: Requirements for accessible drugs to the operatory and recovery room.

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLE: Fees
RULE NO.: 64B33-3.001

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify the fee for change of status and to implement a fee for a duplicate wall certificate.

SUBJECT AREA TO BE ADDRESSED: Clarification of change of status fee and implementation of a duplicate wall certificate fee.

SPECIFIC AUTHORITY: 456.025, 468.705, 468.709 FS.

LAW IMPLEMENTED: 456.025, 456.036, 468.709 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B33-3.001 Fees.

The following fees are prescribed for athletic trainers:

(1) through (6) No change.

(7) At any time other than renewal, the ~~The~~ change of status fee shall be \$25.

(8) No change.

(9) The fee for a duplicate wall certificate shall be \$25.

Specific Authority 456.025, 468.705, 468.709 FS. Law Implemented 456.025, 456.036, 468.709 FS. History--New 7-12-95, Amended 5-29-96, Formerly 61-25.001, 64B30-25.001, Amended 8-22-00, _____.

DEPARTMENT OF HEALTH

Board of Athletic Training

RULE TITLES: Citations
RULE NOS.: 64B33-5.003
Mediation 64B33-5.005

PURPOSE AND EFFECT: The Board proposes the development of amendments to Rule 64B33-5.003, F.A.C., which are intended to address additional violations appropriate for issuance of citations. In addition, the Board proposes a new rule, Rule 64B33-5.005, F.A.C., to address mediation as an acceptable process for resolution of a legally sufficient complaint for a specified offense.

SUBJECT AREA TO BE ADDRESSED: Citation violations and mediation.

SPECIFIC AUTHORITY: 456.077, 456.078, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.077, 456.078, 468.705, 468.719 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B33-5.003 Citations.

(1) through (2) No change.

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

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

(a) Failing to complete the continuing education requirements prescribed in Section 468.711(2), F.S., and the rules promulgated thereto; \$25.00 fine per continuing education hour plus proof of completing the continuing education within three months;

(b) Failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the practice of athletic training pursuant to Section 468.719(1)(b), F.S.; \$50.00 fine, plus proof of compliance within 30 days, and costs;

(c) Failure to notify the Department of a change in the licensee's current mailing address as required by Section 456.035, F.S.; \$50.00 fine, plus proof of compliance within 30 days, and costs;

(d) Practice on an inactive license for less than four months; \$100.00 fine for each month or fraction thereof, plus proof of compliance within 30 days, and costs;

(e) Failure to timely pay required fees and fines: \$100.00 fine, plus proof of compliance within 30 days, and costs;

(f) First time issuance of a bad check to the Department for the payment of a fee or fine if not satisfied within 45 days: \$100.00 fine, plus proof of compliance, and costs;

(g) First time failure to respond to a continuing education audit within 30 days: \$50.00 fine, plus proof of compliance, and costs;

(h) First time failure to notify the Board in writing within 60 days of action taken against one's license in another jurisdiction or of a criminal felony conviction within 30 days: \$250.00 fine, plus proof of compliance, and costs;

(i) First time falsely certifying completion of required continuing education: \$100.00 fine, plus proof of completing the continuing education within three months, and costs;

(j) Failure to sign, file or render any report required by statute as part of a licensee's responsibility: \$50.00 fine, plus proof of compliance, and costs;

(k) Failure to report to the Department any person whom the licensee knows is in violation of the laws and rules of the Department: \$50.00 fine, and costs; and

(l) Improper use of practice title or credentials: \$50.00 fine, plus proof of compliance, and costs.

~~(4)(5)~~ If the subject does not dispute the matter in the citation in writing within 30 days after the citation is served by personal service or within 30 days after receipt by certified mail, the citation shall become a public final order of the Board of Athletic Training and does not constitute discipline for a first offense, but does constitute discipline for a second subsequent offense. The subject has 30 days from the date the citation becomes a final order to pay the fine and costs. All fines and costs are to be made payable to "Board of Athletic Training – Citation."

~~(6) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.~~

~~(5)(7)~~ No change.

Specific Authority 456.077, 468.705, 468.719 FS. Law Implemented 456.077, 468.705, 468.719 FS. History—New 5-9-02, Amended _____.

64B33-5.005 Mediation.

(1) "Mediation" means a process whereby a mediator appointed by the Department acts to encourage and facilitate resolution of a legally sufficient complaint. It is an informal and non-adversarial process with the objective of assisting the parties to reach a mutually acceptable agreement.

(2) For the purpose of Section 456.078, F.S., the Board designates as being appropriate for mediation first time violations of the following provision of subsection 468.719(1), F.S.: failing to include the athletic trainer's name and license number in any advertising, including, but not limited to, business cards and letterhead, related to the business of athletic training.

(3) Such violations are appropriate for mediation only if:

(a) The economic harm caused by an act or omission is not due to intentional misconduct;

(b) There is no allegation of physical harm or injury to a patient related to such violation;

(c) The violation does not result in an adverse incident as defined in Section 456.078(2), F.S.

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History—New _____.

DEPARTMENT OF HEALTH

Division of Health Awareness 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.

SUBJECT AREA TO BE ADDRESSED: The surety bond is one method to satisfy the \$100,000 bond security requirement for in-state and out-of-state prescription drug wholesalers. The Surety Bond Form is revised to clarify that the department may make claims against the bond for up to a year after any cancellation of the bond consistent with the provisions in Section 499.012(2)(a) and (c), Florida Statutes. The other two forms, Application for Certification as a Designated Representative and Notification of Designated Representative, are revised to facilitate receipt of information necessary to certify a person as a designated representative or to designate a person to serve as the designated representative for an in-state or out-of-state prescription drug wholesaler. Since the testing provision as a prerequisite for certification of a designated representative will soon be fully effective, the rule language providing for provisional certification with subsequent testing is repealed.

SPECIFIC AUTHORITY: 499.012 FS.

LAW IMPLEMENTED: 499.012 FS.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY DUE TO THE NON-SUBSTANTIVE NATURE OF THESE TECHNICAL AMENDMENTS.

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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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.

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

1. through 4. No change.

8. 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 May 2005 ~~January 2004~~, which is incorporated by reference herein.

9. No change.

10. 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 must ~~may~~ use Notification of Designated Representative form DH 2130, effective May 2005 ~~January 2004~~, which is incorporated by reference herein, for ~~the initial notification or for communicating~~ changes in the designated representative.

11. through 9. No change.

(c) through (g) No change.

(8) No change.

(9) DESIGNATED REPRESENTATIVE.

~~(a) In order to provide a method for drug wholesalers to comply with Section 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 Section 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)(4) 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 May 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 mail of the applicant's eligibility to schedule the laws and rules examination. 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 May 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, _____.

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLES:

RULE NOS.:

Administration of Statewide

Pharmaceutical Contract

64F-15.001

Agency Contact

64F-15.002

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.

SUBJECT AREA TO BE ADDRESSED: The references to various offices with the Department of Management Services and the Department of Health are revised to reflect current office titles. Also two forms are no longer used, so these forms are being deleted from the rule.

SPECIFIC AUTHORITY: 381.0011(4),(13) FS.

LAW IMPLEMENTED: 381.0011(4),(13) FS.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY DUE TO THE NON-SUBSTANTIVE NATURE OF THESE TECHNICAL AMENDMENTS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT 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 PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT 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 Sections 381.0011(4) and (13), F.S., 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 "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(11), F.S., and subsection 64F-12.031(2), F.A.C.~~

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

DEPARTMENT OF HEALTH

Biomedical Research Advisory Council

RULE TITLE: Biomedical Research Grant Applications

RULE NO.: 64H-1.001

PURPOSE AND EFFECT: Amendment to this rule is necessary to provide the availability of the Call for Grant Applications and the Grant Application Form required to apply for research grants under the Florida Biomedical Research Program, pursuant to the provisions of Section 215.5602, F.S.

SUBJECT AREA TO BE ADDRESSED: Availability of the Call for Grant Applications and the Grant Application Form.

SPECIFIC AUTHORITY: 215.5602(9) FS.

LAW IMPLEMENTED: 215.5602(5) 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: 2:00 p.m. – 3:00 p.m. (EST), Wednesday, June 1, 2005

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Marcia Reed, Office of Statewide Research, Department of Health, 4052 Bald Cypress Way, Mail Bin A24, Tallahassee, FL 32399-1749, (850)245-4444, Ext. 3581

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64H-1.001 Biomedical Research Grant Applications.

~~Grant applications shall be conducted in accordance with the Call for Grant Applications and submitted on the Biomedical Research Program Grant Application Form DH 2117 that are available at the Biomedical Research Program website, <http://www.floridabiomed.com> or <http://www.doh.state.fl.us/execstaff/biomed/index.html> or by contacting the Department of Health at: Biomedical Research Program, 4052 Bald Cypress Way, Mail Bin A-24, Tallahassee, Florida 32399, (850)245-4444. Grant applications shall be conducted in accordance with the Call for Grant Applications dated September 9, 2002, incorporated by reference herein. Application must be submitted on the Biomedical Research Program Grant Application Form DH 2117, 7/02, incorporated by reference herein.~~

~~Specific Authority 215.5602(9) FS. Law Implemented 215.5602(5) FS. History--New 3-11-02, Amended 4-6-03, _____.~~

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE CHAPTER TITLE: Pest of Honeybees and Unwanted

RULE CHAPTER NO.:

Races of Honeybees 5B-54

RULE TITLES: Regulated Honeybee Pests 5B-54.003

Issuance of Compliance Agreements and Certificates 5B-54.014

Destruction of Treatment of Infested or Infected Hives 5B-54.017

PURPOSE AND EFFECT: The purpose of the rule amendment is to remove specific reference to the Varroa mite, Varroa spp., as a regulated honeybee pest since the Varroa mite has now become widely distributed throughout the state, and to remove the requirement that as a condition of movement all hives must meet a post treatment tolerance level of no more than two Varroa mites in an ether roll of 200 honeybees.

SUMMARY: The list of regulated honeybee pests in Florida requiring quarantine action is being amended to remove the Varroa mite, Varroa spp., since this mite has now become widely distributed throughout the state, and to remove the requirement to issue inspection certificates based on treatments achieving a tolerance level of no more than two Varroa mites in an ether role of 200 honeybees.