

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE TITLE: Admissible Reading Material
RULE NO.: 33-501.401

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: amend the definition of "sexual conduct" in the rule and in Form DC5-101, Notice of Rejection or Impoundment of Publications, for consistency with amendments to Section 847.001, F.S.; clarify that publications will not be rejected based upon inclusion of specific advertising that is incidental to, rather than the focus of, the publication; provide for a date-stamped copy of the DC5-101 and attachments to be provided to the literature review committee; allow for denial of a publication to a specific inmate when determined by health services or mental health services to be detrimental to the inmate; revise the composition of the literature review committee; and provide for written notification of the literature review committee's decision to be sent to the publisher or sender.

SUBJECT AREA TO BE ADDRESSED: Admissible Reading Material.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 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:

33-501.401 Admissible Reading Material.

(1) through (2) No change.

(3) Inmates shall be permitted to receive and possess publications per terms and conditions established in this rule unless the publication is found to be detrimental to the security,

order or disciplinary or rehabilitative interests of any institution of the department, or any privately operated institution under contract with the department, or when it is determined that the publication might facilitate criminal activity. Publications shall be rejected when one of the following criteria is met:

(a) through (h) No change.

(i) It depicts sexual conduct as follows:

1. Actual or simulated sexual intercourse;

2. Deviate sexual intercourse;

~~3.2.~~ Sexual bestiality;

~~4.3.~~ Masturbation;

~~5.4.~~ Sadomasochistic abuse;

6. Actual lewd exhibition of the genitals;

~~7.5.~~ Actual physical contact with a person's unclothed genitals, pubic area, buttocks, or, if such person is a female, breast with the intent to arouse or gratify the sexual desire of either party;

~~8.6.~~ Any act or conduct which constitutes sexual battery or simulates that sexual battery is being or will be committed.

(j) It presents ~~depicts~~ nudity ~~or a lewd exhibition of the genitals~~ in such a way as to create the appearance that sexual conduct is imminent, i.e., display of contact or intended contact with a person's unclothed genitals, pubic area, buttocks or female breasts orally, digitally or by foreign object, or display of sexual organs in an aroused state.

(k) No change.

~~(l) Contains or appears to contain unknown or unidentifiable substances; or~~

~~(1)(m)~~ No change.

(4) Advertising. A publication will not be rejected based upon inclusion of an advertisement promoting any of the following if the publication is otherwise admissible and the advertisement is merely incidental to, rather than being the focus of, the publication.

(a) Three-way calling services;

(b) Pen pal services;

(c) The purchase of products or services with postage stamps; or

(d) Conducting a business while incarcerated.

~~(5)(4)~~ No change.

~~(6)(5)~~ No change.

~~(7)(6)~~ Inmates who are foreign nationals shall be permitted to receive publications in their native language that are mailed direct from government agencies, diplomatic missions, and consular offices of their country of citizenship. Such publications can be new or used, however, all other restrictions on admissible reading material established in this rule shall apply.

~~(8)(7)~~ Incoming publications previously rejected by the literature review committee. An incoming publication that has previously been rejected by the department's literature review

committee due to inclusion of subject matter held to be inadmissible per the criteria established in subsection (3) shall not be reviewed again unless the publisher presents proof to the literature review committee that it has been revised and in the revision process the material resulting in the original rejection has been removed. When a rejected publication is received at an institution, it shall be impounded and shall not be issued to inmates. The warden or designee shall notify the inmate in writing on Form DC5-101, Notice of Rejection or Impoundment of Publications, within 15 calendar days of receipt that the publication has been rejected by the department's literature review committee and cannot be received. Form DC5-101 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ ~~12-30-04~~. For purposes of this subsection, the warden's "designee" may include the mailroom supervisor. A Notice of Rejection or Impoundment of Publications, Form DC5-101, shall address only one publication. If a single mailing notice includes more than one rejected publication, a Notice of Rejection or Impoundment of Publications, Form DC5-101 shall be prepared for each.

(8) through (9) renumbered (9) through (10) No change.

~~(11)(10)~~ Single issues of periodicals and newspapers, any book, and any other printed material addressed to a specific inmate or found in the property of an inmate shall be impounded when circumstances detailed in an individual inmate's criminal conviction, detailed in departmental disciplinary reports, or detailed in prior criminal convictions, indicates it would be a threat to the security, order or rehabilitative objectives of the correctional system or the safety of any person to allow the inmate access to subject matter in that publication.

(a) When a warden or assistant warden believes that an individual should be denied a publication because receipt of same would be contrary to treatment or rehabilitative objectives or might encourage or contribute to the conduct or commission of acts that violate department rules, he or she shall forward the publication to institutional health or mental health services professionals for review and evaluation. If health or mental health services professionals concur that the inmate should be denied access to the publication, the warden or assistant warden shall impound the publication. The warden or assistant warden shall provide the literature review committee with a copy of the opinion prepared by the health or mental health services professional and any other information that justifies denying the inmate the publication.

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

~~(e)(4)~~ Publications that are impounded pursuant to this subsection shall be handled as provided in subsections ~~(9)(8)~~ and ~~(10)(9)~~ of this rule.

~~(f)(e)~~ Inmates may appeal impoundment decisions undertaken pursuant to this subsection through use of the inmate grievance procedure as provided in subsections ~~(14)(13)~~ and ~~(15)(14)(c)~~ of this rule and Chapter 33-103, F.A.C.

1. through 2. No change.

~~(g)(f)~~ Impoundment decisions that are approved pursuant to this subsection are individualized in nature and do not have affect on any other inmate. If institution staff believe that a publication is inadmissible per the criteria established in subsection (3) of this rule, and should be denied to all inmates, they shall follow the procedures established in subsections ~~(9)(8)~~ and ~~(10)(9)~~ of this rule.

~~(h)(g)~~ No change.

~~(12)(11)(a)~~ Rejected and impounded publications shall be held at the institution for 30 days. Upon receipt of a Form DC5-101, Notice of Rejection or Impoundment of Publications, an inmate shall have 30 days from date of receipt of the form to make arrangements to have the publication picked up by an approved visitor or sent to a relative or friend or the sender at the inmate's expense. If the publication is not picked up or mailed out within 30 days, the institution shall destroy it. The 30 day limit shall not include any time that a grievance appeal is pending provided that the inmate has provided the warden with the written notice required in paragraph ~~(14)(13)(b)~~ of this rule. However, if the inmate fails to provide the warden with written notice of his or her appeal within 15 days of the impoundment or rejection, the institution shall not be required to store the publication beyond 30 days.

(b) No change.

~~(13)(12)~~ No change.

~~(14)(13)~~ Inmates may appeal the impoundment or rejection of reading material through use of the inmate grievance procedure, Chapter 33-103, F.A.C.

(a) No change.

(b) When publications are impounded or rejected pursuant to the criteria established in subsections (3) and ~~(11)(10)~~ this rule, inmates shall bypass the informal and formal institutional level of review, and file grievances direct to the office of the secretary. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, which documents the impoundment or rejection, must be attached to the grievance. The complaint must be filed within 15 days from the date of impoundment or rejection. The grievance appeal shall be addressed to the office of the secretary and not to the literature review committee or to the library services administrator.

(c) through (f) No change.

~~(15)(14)~~ Literature Review Committee.

(a) There shall be a literature review committee to act as the final reviewing authority for appeals regarding reading material impounded or rejected pursuant to criteria established in this rule. The committee shall be composed of:

- 1. Chief of bureau of security operations or designee;
- 2. Chief of bureau of inmate grievance appeals or designee;
- 3. Library services administrator or designee;
- ~~4. Chief of bureau of classification or designee.~~

(b) through (e) No change.

~~(16)(15)~~(a) No change.

(b) The library services administrator shall forward this information to the literature review committee for review. ~~The library services administrator shall provide~~ ~~if the appeal is approved,~~ the publisher, mail order distributor, bookstore or sender written notification of the literature review committee's ~~shall be notified of the decision.~~ The decision shall also be communicated to all correctional facilities ~~institutions of the department, and all privately operated institutions under contract with the department.~~

~~(17)(16)~~(a) through (d) No change.

(e) Inmates may only receive and possess print media publications. Incoming publications published on non-print media or print media publications that include non-print media that are an integral part of the publication will be rejected and returned to the sender along with an explanation as to why the material is being rejected. However, unsolicited promotional computer diskettes and CD-ROMs that are mailed with a periodical issue, e.g, the CD-ROMs promoting America Online's Internet service, will be handled as provided in subsection ~~(25)(24)~~ of this rule.

(f) through (g) No change.

(17) through (24) renumbered (18) through (25) No change.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History--New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, 7-2-03, 12-30-04, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Use of Force

RULE NO.: 33-602.210

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add a provision to the Incident Report, Form DC6-210, providing for assignment of a "PREA Number," used to allow the department to track incidents of sexual assault in accordance with the Prison Rape Elimination Act, 42 USC 15601.

SUBJECT AREA TO BE ADDRESSED: Reporting Sexual Assault.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.35 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:

33-602.210 Use of Force.

(1) through (19) No change.

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

(a) through (f) No change.

(g) DC6-210, Incident Report, effective _____ ~~2-7-00~~.

(h) through (n) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.35 FS. History--New 4-8-81, Amended 10-10-83, 9-28-85, Formerly 33-3.066, Amended 3-26-86, 11-21-86, 4-21-93, 7-26-93, 11-2-94, 2-12-97, 11-8-98, Formerly 33-3.0066, Amended 10-6-99, 2-7-00, 7-25-02, 8-25-03, 2-25-04, 11-7-04, 4-17-05, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Approval of Continuing Education Courses

RULE NO.: 61G4-18.004

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the criteria for approval of continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Approval of continuing education courses.

SPECIFIC AUTHORITY: 455.2123, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213, 455.2179, 489.115 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 IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-18.004 Approval of Continuing Education Courses.

(1) Each registered course provider shall submit an application for approval of a continuing education course. The application shall be submitted on the provider/course approval application provided by the Department referred to in Rule 61G4-12.006, F.A.C.

(2) through (5) No change.

(6) A course which constitutes a sales presentation or promotion will not be approved for continuing education credit.

(6) through (10) renumbered (7) through (11) No change.

Specific Authority 455.2123, 489.108, 489.115 FS. Law Implemented 455.2123, ~~455.213~~, 455.2179, 489.115 FS. History--New 12-2-93, Amended 7-20-94, 1-18-95, 7-2-95, 11-25-97, 5-30-00, 3-25-01, 11-10-03, 1-24-05,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Definitions
 RULE NO.: 61G6-9.003

PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 455.2123, 489.507(3) FS.

LAW IMPLEMENTED: 455.2123, 489.513(3), 489.517(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Electrical Contractors' Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLE: Continuing Education Requirements for
 Renewal for Certificateholders
 and Registrants
 RULE NO.: 61G6-9.004

PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Renewal for Certificateholders and Registrants.

SPECIFIC AUTHORITY: 120.52(15), 120.54(1), 455.2124, 489.507(3) FS.

LAW IMPLEMENTED: 455.2124, 489.513(3), 489.517(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Electrical Contractors' Licensing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing

RULE TITLE: Reporting of Change of Status Required;
 Effect on Licensees; Change
 of Licensee Name
 RULE NO.: 61G7-10.002

PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name.

SPECIFIC AUTHORITY: 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS.

LAW IMPLEMENTED: 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Employee Leasing, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: Definitions
RULE NO.: 64B3-2.003

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

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.803, 483.811, 483.821, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: Continuing Education
RULE NOS.: 64B3-11.001
Standards for Continuing Education Courses 64B3-11.002

PURPOSE AND EFFECT: The Board proposes to update the existing language in these rules.

SUBJECT AREA TO BE ADDRESSED: Continuing Education, Standards for Continuing Education Courses.

SPECIFIC AUTHORITY 456.013, 483.821 FS.

LAW IMPLEMENTED 456.013, 483.821 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: Joe

Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Healthy Start Care Coordination
RULE CHAPTER NO.: 64F-3

RULE TITLES: Definitions
RULE NOS.: 64F-3.001

County Health Department Responsibility 64F-3.002

Healthy Start Care Coordination System 64F-3.004

Care Coordination Services 64F-3.005

Enhanced Services 64F-3.006

PURPOSE AND EFFECT: The Department proposes to review the existing language in the entirety of this chapter to determine if amendments and/or new rules are necessary.

SUBJECT AREA TO BE ADDRESSED: The new rules and/or rule amendments will address all aspects of Healthy Start Care Coordination including, but not limited to, definitions, screening, transfer of care, and enhanced services.

SPECIFIC AUTHORITY: 383.011, 120.535 FS.

LAW IMPLEMENTED: 383.011, 120.535 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Peck, Department of Health, 4052 Bald Cypress Way, Bin #A13, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-3.001 Definitions.

For the purposes of this rule chapter, the following definitions will apply:

(1) through (6) No change.

(7) “Healthy Start ~~child infant~~” means an ~~child infant~~, less than ~~three years of age (0-36 months)~~ ~~twelve months of age~~, at increased risk for impairment in health, intellect, or functional ability due to environmental, medical, nutritional, behavioral, or developmental risk factors as determined by the department’s risk screening instrument as defined in Chapter 64C-7, F.A.C., or by risk assessments conducted subsequent to the initial screen and whose parent or family agrees to participate in Healthy Start care coordination or enhanced services.

(8) “Healthy Start participant” and “participant” mean a Healthy Start pregnant (antepartum) or postpartum woman or a Healthy Start ~~child~~ infant as defined in this section.

(9) “Healthy Start ~~postpartum~~ woman” and “Healthy Start mother” mean a woman in the antepartum or postpartum period who has increased risk of poor birth outcome due to environmental, medical, nutritional, behavioral or developmental risk factors ~~was a participant in Healthy Start care coordination during pregnancy~~ or a woman in the postpartum period who has delivered an Healthy Start infant and agreed to participate in Healthy Start care coordination or enhanced services.

(10) through (15) No change.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(e) FS. History—New 3-29-92, Amended 3-30-94, 5-8-96, Formerly 10D-114.002, Amended.

64F-3.002 County Health Department Responsibility.

The County Health Department (CHD) is responsible for:

(1) through (3) No change.

(4) Monitoring screening instruments for completeness and obtaining corrections as needed before the screening data are entered into the statewide prenatal and infant confidential registry sending to the Office of Vital Statistics.

(5) Sending the screening forms to the county health department in the county of residence ~~Office of Vital Statistics.~~

(6) through (7) No change.

Specific Authority 120.535, 383.011(1)(e)1.,(2) FS. Law Implemented 383.011 FS. History—New 3-30-94, Formerly 10D-114.007, Amended.

64F-3.004 Healthy Start Care Coordination System.

The Healthy Start care coordination system will assure:

(1) Funding is available to support the CHD ~~Vital Statistics~~ screening infrastructure specified in subsections 64F-3.002(1) through 64F-3.002(6), F.A.C.

(2) through (3) No change.

(4) The provider of care coordination services will:

(a) Receive and review screening reports from the State Health Office ~~and the Office of Vital Statistics~~ and reconcile discrepancies in screening data.

(b) Provide ongoing quality control for data related to Healthy Start screening and care coordination as specified by the department.

(5) through (9) No change.

(10) Development or review of local written procedures in collaboration with CMS Early Steps ~~DEI~~ or Neonatal Intensive Care Units (NICU) staff addressing care coordination of participants admitted to CMS Early Steps ~~DEI~~ or NICU.

(11) No change.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(e) FS. History—New 3-30-94, Amended 5-8-96, Formerly 10D-114.009, Amended.

64F-3.005 Care Coordination Services.

(1) Initial contact after screening.

(a) Initial contact after screening is provided to all pregnant women and families of infants receiving positive Healthy Start screens who consent to be contacted and all ~~pregnant~~ women and families of children under age 3 ~~infants~~ who have been referred to the care coordination provider by a professional, themselves, or their families for Healthy Start care coordination services.

(b) In the event the participant is unable to access health care services or is in need of further care coordination services, a face-to-face assessment of service needs is provided.

(2) through (3) No change.

(4) Care coordination closure.

(a) Healthy Start care coordination services include initial contact after Healthy Start risk screening, assessment of service needs, and care coordination. Care coordination closure occurs anytime during the course of Healthy Start care coordination service delivery when one of the following situations applies:

1. The participant or family of the child ~~infant~~ requests to discontinue participation.

2. The family and health care provider or health-related professional agree there is no longer a need for services.

3. The participant transfers to another provider of care coordination.

4. Three years have elapsed since the Healthy Start woman’s most recent delivery. The maternity participant has received postpartum health and family planning services.

5. The Healthy Start child ~~infant participant~~ reaches three years ~~one year~~ of age.

6. The participant cannot be located and three documented attempts have been made to locate.

(b) Care coordination closure activities include the following.

1. Notification of the participant’s primary service providers of the date and reason for closure.

2. Completion of referrals to other service providers if continuing or additional services are needed and desired.

3. Transition to another care coordination provider with release of information and record transfer.

4. Documentation of all attempts to locate participants who have been lost to follow-up.

5. Care coordination closure within five working days in the department’s management information system.

6. Documentation of an explanation of care coordination closure in the participant’s record.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(e) FS. History—New 3-30-94, Amended 5-8-96, Formerly 10D-114.010, Amended.

64F-3.006 Enhanced Services.

Enhanced services are those services that improve the outcome of pregnancies, the health and well-being of mother and families, and optimize the health and development of children. Enhanced services include client and participant identification, childbirth education, parenting education and support, nutritional counseling, psychosocial counseling, smoking cessation counseling, breastfeeding education and support, home visiting to provide care coordination and other enhanced services, and other services which improve health and developmental outcomes and access to care. Enhanced services are part of the care coordination system and can be provided individually or in group settings, in the home, neighborhood, school, workplace, or clinic, wherever the concerns, priorities, and needs of the participant and family can best be met. All client and service reporting requirements for enhanced services must be documented on the department’s management information system.

(1) through (4) No change.

(5) Psychosocial counseling shall be provided by professionals with one of the following credentials:

(a) Social Worker with a master’s degree or a Ph.D. from an accredited School of Social Work.

(b) Registered Nurse with specialized education, training, and experience in psychosocial counseling.

(c) Professionals with a license in Marriage and Family Therapy, Mental Health Counseling, or Clinical Social Work.

(d) Counselor with a Master of Science or Master of Arts degree in counseling.

(e) Psychologist with a Master of Science, Master of Arts or Doctorate.

(6) Smoking cessation counseling shall be provided by individuals who have received ~~particular~~, specialized training in an approved curriculum to provide smoking cessation information, education and support. Smoking cessation counseling and services are provided by a Healthy Start care coordinator through a contract, or under the supervision of a Healthy Start care coordinator, health care provider, or other health-related professional.

(7) through (8) No change.

Specific Authority 383.011(2) FS. Law Implemented 383.011(1)(e) FS. History–New 3-30-94, Amended 5-8-96, Formerly 10D-114.011, Amended

DEPARTMENT OF HEALTH

Office of Statewide Research

RULE TITLE: Institutional Review Board
 PURPOSE, EFFECT AND SUMMARY: The purpose of this rule is to adopt federal regulations concerning human research protections. The effect is that the Institutional Review Board will conduct business according to federal regulations pursuant

RULE NO.: 64H-2.001

to Section 381.86, F.S. The federal regulations set forth requirements for conducting research involving human subjects.

SUBJECT AREA TO BE ADDRESSED: Institutional Review Board.

SPECIFIC AUTHORITY: 381.86 FS.

LAW IMPLEMENTED: 381.86 (1) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 120.54(6), F.S.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Marcia Reed, Office of Statewide Research, Department of Health, 4052 Bald Cypress Way, Mail Bin A24, Tallahassee, FL 32399-1749.

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULE IS:

64H-2.001 Institutional Review Board.

The Institutional Review Board adopts the federal regulations for human research protections as set forth in 45 C.F.R. part 46 and 21 C.F.R. parts 50 and 56.

Specific Authority 381.86 FS. Law Implemented: 381.86(1) FS. History–New 6-6-05.

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manatees	68C-22
RULE TITLE:	RULE NO.:
Scope and Purpose	68C-22.001

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

SUBJECT AREA TO BE ADDRESSED: Manatee protection rule development protocols.

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

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

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

TIME AND DATE: 2:00 p.m., June 1, 2005

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68C-22.001 Scope and Purpose.

(1) No change.

(2) When establishing manatee protection zones as provided above, the Commission shall utilize the standards provided under paragraph (2)(a), below, in determining whether restrictions are necessary to protect manatees or manatee habitat. The Commission shall not establish restrictions that result in undue interference with the rights of fishers, boaters, and water skiers (as they apply under Section 370.12(2)(k), F.S.).

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

1. No change.

2. In determining whether restrictions are necessary, the Commission will consider, but not be limited to an examination of, the following factors:

- a. The patterns and intensity of known boating activities in the area;
- b. Seasonal and/or year-round patterns of manatee use;
- c. The number of manatees that the Commission has concluded use the area on a regular or periodic basis;
- d. The manatee mortality trends within the area;
- e. The existence of features within the area that are essential to the survival of, or are known to attract, manatees, such as seagrasses or other food sources, favorable water depths, and fresh or warm water sources; ~~and~~
- f. The characteristics of the waterway; and

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

(b) Regarding the measurable biological goals referenced in paragraph (2)(a), above, the Commission shall put increased importance on evaluating the need for new or amended rules in regions where the goals are not being achieved. In regions where the goals are being achieved, the Commission shall give great weight to existing state manatee protection rules; however, the Commission may amend existing rules or adopt new rules in these areas to address risks or circumstances in a particular area or water body.

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

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Florida Workers' Compensation Health Care

RULE NO.:

Provider Reimbursement Manual 69L-7.020

PURPOSE AND EFFECT: To amend Rule 69L-7.020, F.A.C., to adopt the 2005 Second Edition of the Florida Workers' Compensation Health Care Provider Reimbursement Manual, incorporate 2005 Medicare values and implement the statewide schedules of maximum medical reimbursement allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), Florida Statutes, at its meeting on November 19, 2004, and otherwise address issues raised by the Three-Member Panel.

SUBJECT AREA TO BE ADDRESSED: Reimbursement of health care providers that provide medical services for workers' compensation claimants.

SPECIFIC AUTHORITY: 440.13(14)(b), 440.591 FS.

LAW IMPLEMENTED: 440.13(7),(12),(14) FS.

IF REQUESTED 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: 9:30 a.m., June 1, 2005

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, (850)413-1711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2005 Second Edition, is adopted by reference as part of this rule. The manual contains reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The Physicians' Current Procedural Terminology (CPT®), 2005 ~~2004~~ Professional Edition, Copyright 2004 ~~2003~~, American Medical Association; the Current Dental Terminology, CDT-2005 (~~CDT-4~~), ~~Fourth Edition~~, Copyright 2004 ~~2002~~, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2005 ~~2004~~", Seventeenth ~~Sixteenth~~ Edition, Copyright 2004 ~~2003~~, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service, which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2005 Second Edition incorporated above, the provider must use a code contained in the CPT®, CDT-2005 ~~CDT-4~~ or HCPCS as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2005 Second Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com>.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12),(14) FS. History--New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, _____.

FINANCIAL SERVICES COMMISSION

OIR Insurance Regulation

RULE TITLE: Financial, Rate and Market Conduct

RULE NO.:

Examination Reimbursement Expenses 69O-138.002

PURPOSE AND EFFECT: The rule being amended addresses reimbursement expenses for examinations; clarifying calculation of the number of days; clarifying the application of NAIC Examiners Handbook for certain personnel; and setting forth reimbursement amounts for other personnel.

SUBJECT AREA TO BE ADDRESSED: Examination reimbursement.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.316, 624.3161, 624.320 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: 9:30 a.m., June 3, 2005

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Stephen Szygula, Property and Casualty Financial Oversight, Office of Insurance Regulation, e-mail: steve.szygula@fldfs.com

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

FINANCIAL SERVICES COMMISSION

OIR Insurance Regulation

RULE TITLES: Definitions

RULE NOS.:

69O-149.0025

Rate Filing Procedures 69O-149.003

PURPOSE AND EFFECT: The definition of stop loss was determined to have been incorrectly drafted and has led to some inquiries as to the meaning. The rule was intended to be consistent with the NAIC model and is being amended to be that.

SUBJECT AREA TO BE ADDRESSED: Rate Filing Procedures.

SPECIFIC AUTHORITY: 624.308(1), 624.424(1)(c), 627.410(6)(b),(e) FS.

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

IF REQUESTED IN WRITING 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: 9:30 a.m., June 1, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, Florida 32399-7000
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE FULL TEXT OF THE PROPOSED RULES IS:

**Section II
 Proposed Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ELDER AFFAIRS

Health Facility and Agency Licensing

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

PURPOSE AND EFFECT: The purpose of this rule is to clarify the requirements of ADRD training for home health agency employees in accordance with provisions set forth in Section 400.4785, F.S. The proposed rule was developed in consultation with the Agency for Health Care Administration.

SUMMARY: The proposed rule clarifies the ADRD training requirements for home health agency employees and requirements and procedures for applicants seeking approval as ADRD training providers and approval of ADRD curricula. Two applications are also created for ADRD training: a training provider certification, DOEA form HH/ADR-001, and a training curriculum certification, DOEA form HH/ADR-002.

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

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

SPECIFIC AUTHORITY: 430.08, 400.4785(1)(f) FS.

LAW IMPLEMENTED: 400.4785 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 p.m., Wednesday, May 25, 2005

58A-8.001 Alzheimer's Disease and Related Disorders (ADR) Training Requirements.

(1) Each home health agency licensed under Part IV of Chapter 400, Florida Statutes, shall ensure that agency employees providing direct care to patients receive the following training.

(a) Completion of the required two hours of training after June 30, 2005, shall satisfy the requirement referenced in subsection 400.4785(1)(b), F.S. Agency employees who meet the requirements for Alzheimer's Disease or Related Disorders training providers under paragraph (c) of this subsection shall be considered as having met this requirement. The two-hour training shall address the following subject areas:

1. Understanding Alzheimer's Disease or Related Disorders;
2. Characteristics of Alzheimer's Disease or Related Disorders; and
3. Communicating with patients with Alzheimer's Disease or Related Disorders.
4. Behavior management;
5. Assistance with activities of daily life;
6. Activities for patients;
7. Stress management for the caregiver;
8. Family issues;
9. Patient environment;
10. Ethical issues; and
11. Medical information.

(b) A detailed description of the subject areas that shall be included in an ADRD curriculum which meets the requirements of paragraph (a) of this subsection can be found in the document "Training Guidelines for the Special Care of Home Health Agency Patients with Alzheimer's Disease or Related Disorders", May 2005, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(c) Persons who seek to provide ADRD training in accordance with this subsection shall provide the Department of Elder Affairs, or its designee, documentation that they hold a Bachelor's degree from an accredited college or university or hold a license as a registered nurse, and:

1. Have 1 year teaching experience as an educator of caregivers for persons with ADRD; or
2. Have 1 year of practical experience in a program providing care to persons with ADRD; or