

(4) A penalty assessed under Section 440.107(7)(d)1., F.S., that exceeds the statutory minimum penalty shall include the employer's payroll and any violations of Section 440.107, F.S., for all its worksites where the employer is not in compliance.

Specific Authority 440.107(9), 440.591 F.S. Law Implemented 440.107(7)(a), 440.107(7)(d)1. F.S. History—New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Healthy Lifestyle Rebate  
 RULE NO.: 69O-149.0055  
 PURPOSE AND EFFECT: To provide implementation of the healthy lifestyle rebate provisions enacted into law in 2005.  
 SUBJECT AREA TO BE ADDRESSED: Healthy Lifestyle Rebate.  
 SPECIFIC AUTHORITY: 624.308(1), 627.410(6), 641.31(2), 641.36 FS.  
 LAW IMPLEMENTED: 624.307(1), 627.6402, 627.65626, 641.31(40) 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., August 5, 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, Actuary, 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.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Healthy Lifestyle Rebate  
 RULE NO.: 69O-191.0545  
 PURPOSE AND EFFECT: To provide implementation of the healthy lifestyle rebate provisions enacted into law in 2005.  
 SUBJECT AREA TO BE ADDRESSED: Healthy Lifestyle Rebate.  
 SPECIFIC AUTHORITY: 641.36, 641.31(2) FS.  
 LAW IMPLEMENTED: 641.31(40) 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., August 5, 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, Actuary, 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.

**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 CORRECTIONS**

RULE TITLE: Searches of Inmates  
 RULE NO.: 33-602.204  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to ensure that searches of female inmates are conducted by female staff except in emergency situations.  
 SUMMARY: The proposed rule requires that searches of female inmates be conducted by female staff except in emergency situations.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09, 944.473 FS.  
 LAW IMPLEMENTED: 944.09, 944.47, 944.472, 944.473 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.204 Searches of Inmates.

Searches of inmates will be conducted to control the introduction and movement of contraband as well as to prevent escapes. These searches are to be made with discretion.

(1) Searches while clothed.

(a) Searches of clothed male inmates ~~may shall~~ be conducted ~~only~~ by ~~appropriate~~ staff who ~~are may be~~ of the opposite sex from the inmates. Clothed searches of female inmates by male staff will only be conducted during an emergency situation as determined by the shift supervisor. The only exception to this provision is an instance when time and circumstances do not permit the arrival of female staff or consultation with the shift supervisor prior to conducting the search due to an imminent threat of physical violence and a search is needed to secure the inmate to prevent injury to staff or inmates.

(b) through (3) No change.

Specific Authority 944.09, 944.473 FS. Law Implemented 944.09, 944.47, 944.472, 944.473 FS. History--New 4-8-81, Amended 7-3-85, Formerly 33-3.065, Amended 11-2-86, 6-2-94, 1-25-96, 3-24-97, 9-9-97, 12-15-98, Formerly 33-3.0065, Amended 2-8-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: James Upchurch, Chief of Security Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2005

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

DEPARTMENT OF ELDER AFFAIRS

Division of Volunteer and Community Services

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Aging Resource Centers	58B-1
RULE TITLES:	RULE NOS.:
Definitions	58B-1.001
Oversight Standards for the Aging Resource Center Governing Body	58B-1.003
Operating Procedures	58B-1.005
Monitoring and Sanctioning of Service Providers	58B-1.007
Outcome Measures	58B-1.009

PURPOSE AND EFFECT: The purpose of the proposed rules is to implement Section 430.2053(12), F.S. This statute establishes requirements under which aging resource centers shall operate.

SUMMARY: Proposed rule shall establish definitions, governing body oversight standards, operational procedures, quality assurance standards, and required outcome measures for aging resource centers in order to meet the requirements set forth in Section 430.2053(12), F.S.

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, 430.2053(12) FS.

LAW IMPLEMENTED: 430.2053 FS.

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

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)414-2100

THE FULL TEXT OF THE PROPOSED RULES IS:

58B-1.001 Definitions.

In addition to the definitions included in Chapter 430, F.S., the following terms shall apply:

(1) Aging Resource Center (ARC) – An administrative entity designated by the Department of Elder Affairs (DOEA) accessible through multiple entry points that provides access to economic and long-term care services for all elders and their families, regardless of ability to pay. The eligibility functions are determined by the Comprehensive Assessment and Review for Long-term Care Services (CARES)/DOEA and the Department of Children and Families (DCF) Economic-Self Sufficiency programs integrated through collocation of DOEA and DCF staff, either physically or virtually.

(2) Aging Resource Center client – An individual currently receiving services through any of the programs administered through the ARC. This definition includes individuals referred by the ARC to private providers.

(3) Executive Director – An individual who shall be delegated responsibility for the ARC management and implementation of governing body policy; and who shall be accountable to the governing body for the ARC’s performance. The ARC executive director may be the same individual who serves as the AAA executive director.

(4) Governing Body – The board of the area agency on aging as described in Section 20.41(7), F.S.

(5) Information and Referral Specialist – The ARC staff person responsible for providing:

(a) Information to individuals about available long-term care resources and services;

(b) Referral of individuals to the resources most capable of meeting their needs; and

(c) Follow-up on referrals.

(6) Intake, Screening and Triaging Professional – The ARC staff person responsible for determining the following:

(a) The individual’s prioritized need for long-term care services;

(b) The individual’s preliminary risk level for institutional placement;

(c) The individual’s eligibility for financial and program assistance;

(d) The potential cost of the individual’s care plan; and

(e) The need for a comprehensive long-term care client assessment.

Specific Authority 400.408, 430.2053(12) FS. Law Implemented 430.2053 FS. History–New \_\_\_\_\_.

58B-1.003 Oversight Standards for the Aging Resource Center Governing Body.

The Department shall monitor the performance and oversight activities of the ARC governing body to ensure the appropriateness and quality of care received by clients. The governing body shall be accountable for minimum oversight standards for the ARC including, but not limited to:

(1) Compliance with legal and contractual requirements, established Department policies, and effective management principles;

(2) Ensuring the maximum number of clients residing within the ARC geographic service area receives services in the community to avoid unnecessary institutional care;

(3) Review of the implementation of policies, governing body directives and overall organizational accountability;

(4) Review of human resource management;

(5) Ensuring the ARC has a system for recruiting, hiring, evaluating, and terminating employees;

(6) Ensuring cooperative relationships exist with community service agencies and providers;

(7) Ensuring compliance with program guidelines;

(8) Ensuring information management and data integrity, including accurate and reliable collection of client specific data; and

(9) Completing a written annual performance evaluation of the executive director.

Specific Authority 400.408, 430.2053(12) FS. Law Implemented 430.2053 FS. History–New \_\_\_\_\_.

58B-1.005 Operating Procedures.

(1) At a minimum, information shall be provided by telephone, the Internet, or in person to all persons accessing the ARC.

(2) The executive director shall be a full-time employee having designated authority over the administrative staff and all activities of the ARC.

(3) In addition to the executive director, executive staff shall include, at a minimum, a fiscal officer.

(4) The ARC shall employ sufficient number of staff to adequately meet the needs of elders residing within the area served by the center.

(5) The ARC staff shall meet minimum standards for education and experience and be able to demonstrate competency in job knowledge pertinent to their areas of responsibility. The following are the criteria for ARC staff:

(a) The executive director shall meet the following minimum standards:

Have a Bachelor’s Degree from an accredited college or university in public administration, education, social work, or a related academic area with a minimum of five years of professional or administrative supervisory experience in social, economic, health, or rehabilitative services. A Master’s degree can substitute for one year of required work experience.

1. Work experience as indicated above may be substituted for the required college education on a year for year basis.

2. Five years experience in project management or community organization and planning related to elderly services is preferred.

(b) The fiscal officer shall meet the following minimum standards:

1. Have the appropriate educational and accounting experience as indicated below:

a. A current CPA certification; or

b. A Bachelor’s Degree in accounting with two years of cost accounting experience in a non-profit setting; or

c. Have at least four years experience with Medicaid fiscal regulations and four years with state accounting procedures. The four years experience for each category may occur simultaneously.

2. Have a working knowledge of cost principles and internal control procedures for grants and contracts with the federal government for non-profit organizations (OMB circulars A-87, A-110, A-122, and A-133).

(c) The Information and Referral Specialist shall meet the following minimum standards:

1. Have a Bachelor’s Degree from an accredited college or university in a human services related field; or

2. Have an Associate of Arts Degree from an accredited entity in a human services related field and a minimum of two years experience in information and referral services, case management, call center services, social services, or related work experience; or

3. Have a High School Diploma or GED and three years experience in information and referral services, case management, call center services, social services, or related work experience.

(d) The Intake, Screening and Triaging Professional shall meet the following minimum standards:

1. Have a Bachelor's Degree from an accredited college or university in a human services related field; or

2. Have an Associate of Arts Degree from an accredited entity in a human service related field and a minimum of two years experience as a caseworker, case manager, intake specialist, or related work experience with the long-term care client population; or

3. Have four years experience as a caseworker, case manager, intake specialist, or related work experience with the long-term care client population.

(6) The ARC shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting principles and sound business practices that sufficiently and properly reflect all revenues and expenditures of funds provided by the Department and shall comply with all state and federal rules and regulations governing the accounting of funds. This documentation shall be made available upon request for monitoring and auditing purposes.

(a) All financial documents shall be filed, retained, and made available in the manner described in the contract with the Department for a period of at least five (5) years after termination of the contract, or if an audit has been initiated and audit findings have not been resolved at the end of the five (5) years, the records shall be retained at least until resolution of the audit findings. These records may be subject to additional retention requirements set by law.

(b) The ARC shall be audited annually by an independent accounting firm and shall submit the final report of the audit to the Department within nine months after the end of the ARC's fiscal year.

(7) The ARC shall, at a minimum, maintain regular business hours from 8 a.m. to 5 p.m., Monday through Friday, excluding state and national holidays.

(a) An ARC staff member shall be assigned to answer the published, main telephone number of the ARC during regular business hours.

(b) The ARC shall have a system for answering and responding to calls received outside of the regular business hours.

1. The system shall, at a minimum, identify the agency, hours of operation and give callers the option to leave a message or speak with an attendant.

2. The system shall instruct callers to dial "911" in the event of an emergency.

3. Messages shall be responded to on the next business day.

(8) The ARC shall meet the minimum standards for information technology provided below:

(a) Computer hardware and software shall meet the Department's computer requirements.

(b) Information technology shall have measures in place that meet security requirements, compliance with the Federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) and other applicable federal regulations, and configurations to affect maximum stability of the network.

(c) Operational security shall be maintained including, but not limited to, current security patches that ensure stability of the network.

(d) Information technology shall be utilized that ensures compatibility and connectivity with the Department.

Specific Authority 400.408, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New \_\_\_\_\_.

#### 58B-1.007 Monitoring and Sanctioning of Service Providers.

(1) The ARC shall perform administrative, programmatic, quality assurance, and fiscal monitoring, if applicable, of contracted providers and other entities to ensure contractual compliance and compliance with applicable state and federal rules and regulations.

(2) The ARC shall include language in its contract with service providers to ensure appropriate methods for monitoring and sanctioning service providers, including a grievance process.

Specific Authority 400.408, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New \_\_\_\_\_.

#### 58B-1.009 Outcome Measures.

The governing body shall ensure that client specific data is collected and entered into the appropriate Department prescribed database. Actual performance standards, measured as a percentage in the applicable categories below, are determined for each fiscal year from the General Appropriations Act passed by the Florida Legislature. The data shall be available to compute the following:

(1) Percent of individuals, age 60 and older, determined to be eligible for nursing home placement that are placed in home and community based services.

(2) Percent of individuals, age 60 and older, at imminent risk of nursing home placement that are placed in home and community based services.

(3) Percent of individuals, age 60 and older, determined to be most frail and at risk of nursing home placement that remain at home or in the community.

(4) Percent of individuals, age 60 and older, referred by Adult Protective Services that are in need of immediate services to prevent further harm.

(5) Average monthly savings per client for home and community based services as compared to nursing home care for comparable client groups.

(6) Total number of CARES assessments performed.

Specific Authority 400.408, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Jim Crochet, Office of the General Counsel, Department of  
 Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida  
 32399-7000, (850)414-2000

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Carole Green, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: June 20, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: January 25, 2005

**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 59C-1.008(1)(g) and (3)(a), 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.

SUMMARY: 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.

SUMMARY OF STATEMENT OF ESTIMATED  
 REGULATORY COST: None 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: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033, 408.037, 408.038, 408.039  
 FS.

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

TIME AND DATE: 2:00 p.m. (EST), August 2, 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 IS: Rommel Bain, Certificate of Need,  
 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida  
 32308

THE FULL TEXT OF THE PROPOSED RULE 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—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

<u>Hospital Beds and Facilities</u>		<u>Hospital Beds and Facilities</u>	
<u>1st Batching Cycle – 2005</u>		<u>2nd Batching Cycle – 2007</u>	
Summary Need Projections Published in F.A.W.	1-28-05	<u>Summary Need Projections Published in F.A.W.</u>	<u>7-27-07</u>
Letter of Intent Deadline	2-14-05	<u>Letter of Intent Deadline</u>	<u>8-13-07</u>
Application Deadline	3-16-05	<u>Application Deadline</u>	<u>9-12-07</u>
Completeness Review Deadline	3-23-05	<u>Completeness Review Deadline</u>	<u>9-19-07</u>
Application Omissions Deadline	4-20-05	<u>Application Omissions Deadline</u>	<u>10-17-07</u>
Agency Initial Decision Deadline	6-17-05	<u>Agency Initial Decision Deadline</u>	<u>12-14-07</u>
 <u>Hospital Beds and Facilities</u>		 <u>Other Beds and Programs</u>	
<u>2nd Batching Cycle – 2005</u>		<u>1st Batching Cycle – 2003</u>	
Summary Need Projections Published in F.A.W.	7-29-05	<u>Summary Need Projections Published in F.A.W.</u>	<u>4-11-03</u>
Letter of Intent Deadline	8-15-05	<u>Letter of Intent Deadline</u>	<u>4-28-03</u>
Application Deadline	9-14-05	<u>Application Deadline</u>	<u>5-28-03</u>
Completeness Review Deadline	9-21-05	<u>Completeness Review Deadline</u>	<u>6-04-03</u>
Application Omissions Deadline	10-19-05	<u>Applicant Omissions Deadline</u>	<u>7-02-03</u>
Agency Initial Decision Deadline	12-16-05	<u>Agency Initial Decision Deadline</u>	<u>8-29-03</u>
 <u>Hospital Beds and Facilities</u>		 <u>Other Beds and Programs</u>	
<u>1st Batching Cycle – 2006</u>		<u>2nd Batching Cycle – 2003</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>1-27-06</u>	<u>Summary Need Projections Published in F.A.W.</u>	<u>10-10-03</u>
<u>Letter of Intent Deadline</u>	<u>2-13-06</u>	<u>Letter of Intent Deadline</u>	<u>10-27-03</u>
<u>Application Deadline</u>	<u>3-15-06</u>	<u>Application Deadline</u>	<u>11-26-03</u>
<u>Completeness Review Deadline</u>	<u>3-22-06</u>	<u>Completeness Review Deadline</u>	<u>12-03-03</u>
<u>Application Omissions Deadline</u>	<u>4-19-06</u>	<u>Applicant Omissions Deadline</u>	<u>1-02-04</u>
<u>Agency Initial Decision Deadline</u>	<u>6-16-06</u>	<u>Agency Initial Decision Deadline</u>	<u>2-27-04</u>
 <u>Hospital Beds and Facilities</u>		 <u>Other Beds and Programs</u>	
<u>2nd Batching Cycle – 2006</u>		<u>1st Batching Cycle – 2004</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>7-28-06</u>	<u>Summary Need Projections Published in F.A.W.</u>	<u>4-09-04</u>
<u>Letter of Intent Deadline</u>	<u>8-14-06</u>	<u>Letter of Intent Deadline</u>	<u>4-26-04</u>
<u>Application Deadline</u>	<u>9-13-06</u>	<u>Application Deadline</u>	<u>5-26-04</u>
<u>Completeness Review Deadline</u>	<u>9-20-06</u>	<u>Completeness Review Deadline</u>	<u>6-02-04</u>
<u>Application Omissions Deadline</u>	<u>10-18-06</u>	<u>Applicant Omissions Deadline</u>	<u>6-30-04</u>
<u>Agency Initial Decision Deadline</u>	<u>12-15-06</u>	<u>Agency Initial Decision Deadline</u>	<u>8-27-04</u>
 <u>Hospital Beds and Facilities</u>		 <u>Other Beds and Programs</u>	
<u>1st Batching Cycle – 2007</u>		<u>2nd Batching Cycle – 2004</u>	
<u>Summary Need Projections Published in F.A.W.</u>	<u>1-26-07</u>	<u>Summary Need Projections Published in F.A.W.</u>	<u>10-08-04</u>
<u>Letter of Intent Deadline</u>	<u>2-12-07</u>	<u>Letter of Intent Deadline</u>	<u>10-25-04</u>
<u>Application Deadline</u>	<u>3-14-07</u>	<u>Application Deadline</u>	<u>11-24-04</u>
<u>Completeness Review Deadline</u>	<u>3-21-07</u>	<u>Completeness Review Deadline</u>	<u>12-01-04</u>
<u>Application Omissions Deadline</u>	<u>4-18-07</u>	<u>Applicant Omissions Deadline</u>	<u>12-29-04</u>
<u>Agency Initial Decision Deadline</u>	<u>6-15-07</u>	<u>Agency Initial Decision Deadline</u>	<u>2-25-05</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 – 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

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>

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  
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  
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>

(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.

(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,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rommel Bain, Health Services and Facilities Consultant

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Rivera, Consultant Supervisor

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standard of Care for Office Surgery  
 RULE NO.: 64B8-9.009

PURPOSE AND EFFECT: The proposed rule amendment is intended to address appropriate ACLS certification for office surgery settings.

SUMMARY: The proposed rule amendments set forth criteria for office surgery personnel with regard to ACLS certification.

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

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

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w), 458.351 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) through (3) No change.
- (4) Level II Office Surgery.
  - (a) No change.
  - (b) Standards for Level II Office Surgery.
    - 1. No change.

2. Training Required. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board

approved by the American Board of Medical Specialties or any other board approved by the Board of Medicine or must be able to establish comparable background, training, and experience. ~~One The surgeon and one~~ assistant must be currently certified in Basic Life Support and the surgeon ~~or at least one assistant~~ must be currently certified in Advanced Cardiac Life Support ~~or have a qualified anesthesia provider practicing within the scope of the provider’s license manage the anesthesia.~~

3. through 4. No change.

Equipment and Supplies Required.

- (5) No change.
- (6) Level III Office Surgery.
  - (a) No change.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

- 1. Training Required.
  - a. No change.
  - b. ~~One The surgeon and one~~ assistant must be currently certified in Basic Life Support and the surgeon ~~or at least one assistant~~ must be currently certified in Advanced Cardiac Life Support.

2. through 4. No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g),(t),(v),(w), 458.351 FS. History–New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Surgical Care Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 10, 2005

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Physician Assistant Licensure  
 RULE NO.: 64B8-30.003

PURPOSE AND EFFECT: The proposed rule amendment is intended to remove all references to the Florida Physician Assistant Licensure Examination (FPALE).

SUMMARY: The Board no longer administers the Florida Physician Assistant Licensure Examination (FPALE), so this provision is being removed from the licensure rule.

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



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

SPECIFIC AUTHORITY: 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 458.347 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.003 Physician Assistant Licensure.

(1) through (2) No change.

~~(3) The physician assistant examination for graduates of foreign medical schools:~~

~~(a) Beginning with the 2000 administration, the Florida physician assistant licensure examination (FPALE) for graduates of foreign medical schools shall consist of an examination that is similar to the last National Commission on Certification of Physician Assistant's exam, which is called the Physician Assistant National Certification Exam (PANCE), administered on or before December 31<sup>st</sup> of the preceding year, in the following manner:~~

~~1. The FPALE shall have the same number of parts as the PANCE.~~

~~2. The number of questions on the FPALE shall be the same as on the PANCE.~~

~~3. The general areas of competency on the FPALE shall be the same as on the PANCE, based upon those categories of testing revealed on the last publicly available PANCE outline.~~

~~(b) The minimum passing score for the examination shall be the average needed to pass at the last administration of the PANCE on or before December 31<sup>st</sup> of the preceding year.~~

~~(c) The examination fee shall not exceed \$300, plus the actual cost to the Department to provide the examination.~~

(4) through (6) renumbered (3) through (5) No change.

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Council on Physician Assistants

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 4, 2005

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLES: RULE NOS.:

Citations 64B12-8.021

Mediation 64B12-8.022

PURPOSE AND EFFECT: The Board proposes the rule amendments to eliminate outdated language and clarify existing provisions of the rule.

SUMMARY: The rule amendments will delete outdated language and clarify provisions of the rule.

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

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

SPECIFIC AUTHORITY: 456.077, 456.078, 484.005 FS.

LAW IMPLEMENTED: 456.073, 456.077, 456.078, 484.014 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B12-8.021 Citations.

(1) through (2) No change.

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

(a) Failing to make a fee or price information readily available by providing such information upon request or upon the presentation of a prescription pursuant to Section 484.014(l)(d), F.S., \$200.00;

(b) Failing to keep written prescription files pursuant to Section 484.014(l)(m), F.S., \$200.00;

(c) Failing to give notice of withdrawal of services pursuant to Rule 64B12-10.003, F.A.C., \$200.00;

~~(d) Failing to display a current license pursuant to Rule 64B12-10.004, F.A.C., \$200.00;~~

~~(d)(e) Failing to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C., \$200.00;~~

~~(e)(f)~~ Failing to assure that duplicate prescription forms contain the information required by Rule 64B12-10.0065, F.A.C., \$200.00;

~~(f)(g)~~ Failing to return certificates and licenses to the Department, \$500.00;

~~(g)(h)~~ Failing to pay any civil penalty imposed by order of the Board or as required by Rule 64B12-8.017, F.A.C., \$200.00;

~~(h)(i)~~ Failing to complete the continuing education requirements prescribed in Section 484.008, F.S., and the rules promulgated thereto, \$500 plus \$25 per credit hour missing;

~~(i)(j)~~ Negligently failing to file a report or record required by state or federal law which person is required to make or file as an optician pursuant to Section 484.014(1)(c), F.S., \$150.00;

~~(j)(k)~~ Practicing opticianry with an inactive license, so long as the license has been inactive for a period not to exceed two months, pursuant to Section 456.036(1), F.S., \$500.00;

~~(k)(l)~~ Failing to file the proper report upon termination of terminate an apprenticeship properly; so long as the required reports are filed as required by Rule 64B12-16.004, F.A.C., \$200.00;

~~(l)(m)~~ Failing to file the proper report upon termination of notify the Department properly of termination as a sponsorship, so long as the required reports are filed as required by Rule 64B12-16.004 16.006, F.A.C., \$200.00;

~~(m)(n)~~ Failing to file complete reports and information timely, so long as they are filed as require by Rule 64B12-16.008, F.A.C., \$200.00; and

~~(n)(o)~~ Failing to provide change of address, pursuant to Rule 64B12-10.012, F.A.C., \$200.00.

(4) through (5) No change.

Specific Authority 456.077, 484.005 FS. Law Implemented 456.073, 456.077, 484.014 FS. History--New 1-19-92, Amended 5-7-92, Formerly 21P-8.021, Amended 5-2-94, Formerly 61G13-8.021, Amended 12-4-95, Formerly 59U-8.021, Amended 8-6-97, 6-14-01, 8-16-04,\_\_\_\_\_.

64B12-8.022 Mediation.

The Board finds that mediation is an acceptable resolution of following violations where the subject has an explanation and a differing view from the complainant as to the nature or extent of the violation because they are economic in nature or can be remedied by the licensee:

(1) through (3) No change.

(4) Failing to file the proper report upon termination or apprenticeship, as required by Rule 64B12-16.004, F.A.C. Failure to give notice of withdrawal of services as required by Rule 64B12-13.003, F.A.C.

(5) Failing to file the proper report upon termination of sponsor, as required by Rule 64B12-16.004, F.A.C. Failure to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C.

~~(6) Failure to assure that duplicate prescription forms contain all the information required by Rule 64B12-10.0065, F.A.C.~~

Specific Authority 456.078 FS. Law Implemented 456.078 FS. History--New 10-24-94, Formerly 59U-8.022, Amended 8-16-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Opticianry

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLES:	RULE NOS.:
Examination for Licensure	64B12-9.001
Application for Examination and Licensure	64B12-9.0015
Re-Examination	64B12-9.002

PURPOSE AND EFFECT: The Board proposes the rule amendment to add that the practical examination must be state board approved; to delete gender language from the rules; to change the examination fee to the one specified in Rule 64B-1.016, F.A.C.

SUMMARY: The practical examination must be state board approved; gender specific language will be deleted from the rule; the examination fee will be the one specified in Rule 64B-1.016, F.A.C.

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

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

SPECIFIC AUTHORITY: 456.013, 456.017, 456.072, 484.005, 484.007, 484.014(2) FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.072, 484.007, 484.014(2) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B12-9.001 Examination for Licensure.

(1) There shall be three parts to the examination for Florida licensure in opticianry: a national written opticianry competency examination; a national written contact lens examination; and a state board approved practical examination.

(2) The national written opticianry competency examination portion of the examination shall be the National Opticianry Competency Examination developed by the American Board of Opticianry. This portion of the licensure examination shall be completed through the American Board of Opticianry, and proof of successful completion shall be required prior to a candidate's taking of the state board approved practical examination.

(3) The national written contact lens examination portion of the examination shall be the Contact Lens Registry Examination developed by the National Contact Lens Examiners. This portion of the licensure examination shall be completed through the National Contact Lens Examiners, and proof of successful completion shall be required prior to a candidate's taking of the state board approved practical examination.

(4) No change.

(5) Proof of having successfully completed the national portions of the examination shall consist of certification of the candidate's scores from the testing body directly to the Board. It is the candidate's responsibility to arrange for transfer of scores. The scores shall reflect that the candidate successfully completed the examinations within the three years preceding application for licensure. ~~If however, or that the candidate successfully completed the examinations after August, 1979 and has maintained a current certificate since having successfully completed the examinations~~ by having completed continuing education courses. ~~The Board shall accept a copy of the original certificate of National Certification as evidence of successful completion.~~

(6) An applicant who has completed all the requirements for the state board approved practical examination and who has been certified eligible by the Board will be admitted to the practical examination.

(7) through (10) No change.

Specific Authority 456.017(1),(5), 484.005 FS. Law Implemented 456.017(1),(5) FS. History—New 12-6-79, Amended 8-10-80, 3-11-81, 10-29-81, 6-30-82, 8-11-82, 2-2-83, 8-29-85, Formerly 21P-9.01, Amended 9-17-87, 3-30-89, 2-18-93, Formerly 21P-9.001, Amended 5-2-94, Formerly 61G13-9.001, Amended 5-4-97, Formerly 59U-9.001, Amended 4-20-98, 9-12-99, 1-7-03,\_\_\_\_\_.

64B12-9.0015 Application for Examination and Licensure.

(1) Any person seeking licensure as an optician shall submit to the Board a completed application to take the examination on form DH-MQA 1065, 3/02 provided by the Department. The application shall be accompanied with the application fee specified in Rule 64B12-11.002, F.A.C., which is non-refundable, and the examination fee specified in Rule ~~64B-1.016 64B12-11.003~~, F.A.C., which shall be refunded if the applicant is denied examination or does not timely complete application.

(2) through (4) No change.

(5) Upon certifying applicants for the licensure examination, the Board shall also certify applicants for licensure, contingent and effective upon the following:

(a) Successful completion of required examinations,

(b) Successful completion of a two-hour laws and rules course by Board approved laws and rules course provider, ~~to be effective March 1, 2003,~~

(c) through (e) No change.

(6) through (7) No change.

Specific Authority 456.013, 456.017, 456.072, 484.005, 484.007, 484.014(2) FS. Law Implemented 456.013, 456.017, 456.072, 484.007, 484.014(2) FS. History—New 3-30-89, Amended 3-29-92, 2-18-93, Formerly 21P-9.0015, Amended 5-2-94, Formerly 61G13-9.0015, 59U-9.0015, Amended 1-4-98, 11-28-02,\_\_\_\_\_.

64B12-9.002 Re-Examination.

An applicant who fails any portion of the state examination for licensure shall be required to pay the re-examination fee as set forth in Rule 64B12-11.004, F.A.C., and to retake only that portion of the examination on which the applicant ~~he~~ has not yet achieved a passing grade. However, an applicant may only retake any portion twice and must complete the allowed retakes within 2 years of the original failed examination date ~~of his original failure~~. An applicant who has not achieved a passing score on all portions of the original examination within 2 years of the original examination date must apply for and take the entire current licensure examination excluding ABO and NCLE, provided current certification is maintained.

Specific Authority 456.017(2), 484.005 FS. Law Implemented 456.017(2) FS. History—New 12-6-79, Amended 8-29-85, Formerly 21P-9.02, Amended 3-10-86, 3-5-87, Formerly 21P-9.002, Amended 5-2-94, Formerly 61G13-9.002, 59U-9.002, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLES:	RULE NOS.:
Responsibility to Client	64B12-10.003
Prescription Files and Transfer	64B12-10.006

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the language relating to gender. The rule amendment also gives a time limit for providing notice to clients regarding practice relocation, termination of practice, or death of optician.

SUMMARY: Rule amendment will update gender language. Also gives 60 day time limit for informing clients of practice relocation, termination of practice, or death of optician.

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

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

SPECIFIC AUTHORITY: 456.058, 484.005 FS.

LAW IMPLEMENTED: 456.057(11), 456.058, 484.005(3), 484.012(1) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B12-10.003 Responsibility to Client.

An optician shall give due notice to the client when ~~he withdraws his services~~ are withdrawn so that the client may make other arrangements for replacement services. For purposes of this rule, due notice shall consist of publication in a newspaper of general circulation in the area of the optician's practice for one (1) day for four (4) consecutive weeks informing the clients of the need to seek replacement services and the closing of the practice.

Specific Authority 484.005 FS. Law Implemented 484.005(3) FS. History--New 12-6-79, Formerly 21P-10.03, 21P-10.003, 61G13-10.003, Amended 12-4-95, Formerly 59U-10.003, Amended \_\_\_\_\_.

64B12-10.006 Prescription Files and Transfer.

Prescription files which are less than 2 years old when exist at the time the optician dies, terminates ~~the his~~ practice, or relocates and is no longer available to ~~the his~~ patients, shall be transferred the optician or the optical establishment shall transfer all prescription files which are less than 2 years old to a location where they may be obtained by clients. The prescription files must be retained 2 years after the optician's death, termination of practice, or relocation. The optical establishment shall also provide notice, within 60 days, to its clients of the establishment's closing and advertise where the prescription files may be obtained, pursuant to Section 456.057 (11), F.S. (2005).

Specific Authority 456.058, 484.005(3) FS. Law Implemented 456.057(11), 456.058, 484.012(1) FS. History--New 12-6-79, Formerly 21P-10.06, Amended 3-5-87, 12-23-90, Formerly 21P-10.006, 61G13-10.006, 59U-10.006, Amended 8-6-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

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

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLES: RULE NOS.:

Licensure by Endorsement 64B32-2.001

Fees for Application and Initial Licensure 64B32-2.003

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

SUMMARY: The proposed rule amendment updates the existing language in this rule.

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

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

SPECIFIC AUTHORITY: 456.013(2), 456.065, 468.353(1), 468.358(3), 468.364 FS.

LAW IMPLEMENTED: 456.065, 468.358(2),(3), 468.364, 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

LICENSURE REQUIREMENTS ADMISSION OF REGISTERED RESPIRATORY THERAPISTS

64B32-2.001 Licensure Registration by Endorsement.

(1) Each applicant applying for licensure shall pay an application fee in the form of a check or money order payable to the Department of Health. The initial application must be accompanied by the application fee. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application and application fee, a new application and new fee shall be required from any applicant who desires to be considered for licensure.

(2) Every applicant for licensure registration as a registered respiratory therapist or certified respiratory therapist by endorsement shall demonstrate the following:

(a)1.(1)(a) That the applicant holds the "Registered Respiratory Therapist" or "Certified Respiratory Therapist" credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or

2.(b) That the applicant holds licensure registration, or the equivalent, to deliver respiratory care in another state and such licensure registration was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(b)(2) That the applicant is not otherwise disqualified by reason of a violation of Chapter 456, or Chapter 468, Part V, Florida Statutes, or the rules promulgated thereunder.

(c)(3) That the applicant has completed a Board approved 2-hour course in medical error prevention meeting the criteria set forth in Rule 64B32-6.006, F.A.C.

Specific Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2),(3), 468.365 FS. History--New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, \_\_\_\_\_.

64B32-2.003 Fees for Application; and Initial Licensure and Renewal Registration.

(1) The application fee for a person desiring to be granted licensure registration as a registered respiratory therapist shall be \$50.00.

(2) through (3) No change.

Specific Authority 456.013(2), 456.065, 468.364 FS. Law Implemented 456.065, 468.364 FS. History--New 4-29-85, Formerly 21M-34.04, 21M-34.004, Amended 2-15-94, Formerly 61F6-34.004, Amended 9-29-94, Formerly 59R-71.004, 64B8-71.004, Amended 4-27-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care

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

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

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLE: SSI-Related Medicaid Post-Eligibility Treatment of Income RULE NO.: 65A-1.714

PURPOSE AND EFFECT: This action repeals Rule 65A-1.714, F.A.C., SSI-Related Post-Eligibility Treatment of Income, in accordance with the ruling of the District Court of Appeal, First District, and the Division of Administrative Hearings, State of Florida.

SUMMARY: The proposed repeal of Rule 65A-1.714, F.A.C., SSI-Related Post-Eligibility Treatment of Income is in accordance with the ruling of the District Court of Appeal, First District, and the Division of Administrative Hearings, State of Florida, Case No. 1D03-1441.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., August 1, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Nathan Lewis, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 449, Tallahassee, FL 32399-0700, (850)414-5927

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.714 SSI-Related Medicaid Post-Eligibility Treatment of Income.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History--New 10-8-97, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pat Bailey

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Nathan Lewis

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 10, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-2.0010 RULE TITLE: Educational Facilities NOTICE OF CHANGE

Notice is hereby given that the following amendments have been made to the proposed rule in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 20, of the May 20, 2005, issue of the Florida Administrative Weekly. Table A in Section 6.1 of the 2005 Addendum to State Requirements for Educational Facilities was amended as follows: