

## 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."

**WATER MANAGEMENT DISTRICTS****St. Johns River Water Management District**

RULE TITLE: Agreements  
RULE NO.: 40C-3.035

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to incorporate by reference the water well permitting delegation agreement between St. Johns River Water Management District and the Florida Department of Health, Baker County Health Department

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the permitting of the construction of water wells less than six inches in diameter by the Florida Department of Health, Baker County Health Department.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.309 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459, e-mail: [nmesser@sjrwmd.com](mailto:nmesser@sjrwmd.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (14) No change.

(15) An agreement between Florida Department of Health, Baker County Health Department and St. Johns River Water Management District regarding water well permitting dated (effective date).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.309 FS. History—New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035, Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-6-01, 6-25-02, 7-25-02, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS****Southwest Florida Water Management District**

RULE CHAPTER TITLE: Water Levels and Rates of Flow  
RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C., to incorporate minimum flows for the middle segment of the Peace River pursuant to Section 373.042, F.S.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum low, medium and high flows for the middle Peace River. The middle segment of the Peace River is generally that portion lying between Zolfo Springs and Arcadia.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

TIME AND DATE: 6:00 p.m., Tuesday, October 11, 2005

PLACE: Southwest Florida Water Management District's Bartow Service Office, 170 Century Blvd., Bartow, Florida 33830-7700

WHAT: Public workshop on proposed minimum flows for the middle Peace River. One or more governing board or basin board members may attend.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martin Kelly, Manager, Ecologic Evaluation Section, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4235

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

**WATER MANAGEMENT DISTRICTS****Southwest Florida Water Management District**

RULE CHAPTER TITLE: Water Levels and Rates of Flow  
RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C., to incorporate the next priority lake pursuant to Section 373.042, F.S.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lakes Parker and Bonnie in Polk County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

TIME AND DATE: 6:00 p.m., Thursday, October 13, 2005

PLACE: Southwest Florida Water Management District's Bartow Service Office, 170 Century Blvd., Bartow, Florida 33830-7700

WHAT: Public workshop on proposed minimum and guidance levels for Lakes Parker and Bonnie in Polk County, Florida. One or more governing board or basin board members may attend.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

#### AGENCY FOR HEALTH CARE ADMINISTRATION

##### Medicaid

RULE TITLE: Freestanding Dialysis Center Services

RULE NO.: 59G-4.105

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate by reference the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, July 2005. The revised handbook includes updated policy, the Health Insurance Portability and Accountability Act (HIPAA) requirements, and the 2005 fees.

This notice replaces the Notice of Rule Development that was published in the Florida Administrative Weekly, Vol. 30, No. 43, on October 22, 2004.

SUBJECT AREA TO BE ADDRESSED: Freestanding Dialysis Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 3:00 p.m., Monday, October 17, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan Rinaldi, Medical Health Care Program Analyst, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. #20, Tallahassee, Florida 32308, (850)922-7308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.105 Freestanding Dialysis Center Services.

(1) No change.

(2) All freestanding dialysis center services providers enrolled in the Medicaid program must comply with the Florida Medicaid Freestanding Dialysis Center Coverage and Limitations Handbook, July 2005 ~~November 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, which is incorporated in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 8-24-99, Amended \_\_\_\_\_.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Division of Alcoholic Beverages and Tobacco

RULE CHAPTER TITLE: Manufacturers and Distributors

RULE CHAPTER NO.: 61A-4

RULE TITLE: Primary American Source of Supply

RULE NO.: 61A-4.056

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions relating to the regulation of alcoholic beverage sales.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to the sales of alcoholic beverages.

SPECIFIC AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 564.045, 565.095 FS.

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

TIME AND DATE: 10:00 a.m. – 11:00 a.m., Thursday, October 20, 2005

PLACE: Division of Alcoholic Beverages and Tobacco, Roscoe Hargett Conference Room, Suite 26, 1940 North Monroe Street, Tallahassee, Florida 32399-1020

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Angela Desmond, Assistant General Counsel, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-2563

## THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

## 61A-4.056 Primary American Source of Supply.

(1) One primary American source of supply shall be designated for each brand of spirituous liquors and wines handled in this state by any Florida distributor. The manufacturer or owner of the spirituous liquor or wine at the time the same became a marketable product shall designate the primary American source of supply and such primary American source of supply shall file a registration application, DBPR ABT-6018, Division of Alcoholic Beverages and Tobacco Primary American Source of Supply and Brand/Label Registration Application, herein incorporated by reference, with the Division on forms provided by the Division. Each brand of such spirituous liquor or wine shall be individually listed on such registration.

(a) Upon receipt by the Division of brand registration and fee(s), as prescribed in Section 565.095(3), F.S., for liquor and Section 564.045(3), F.S., for wine, brands registered and issued by the United States Alcohol and Tobacco Trade and Tax Bureau will be presumptively valid within Florida.

(b) In order to be presumptively valid, a certification of label approval and a completed primary American brand registration form, DBPR ABT-6018, shall be completed and submitted to the Division. The temporary brand registration is valid for 30 days under the federal brand registration approval.

(2) No manufacturer, owner, agent of such person or primary American source of supply shall ship or cause to be shipped into Florida nor shall any Florida distributor receive any spirituous liquors or wines unless the primary American source of supply for such spirituous liquor or wine has filed an application for registration as primary American source which application has been approved by the Division.

(3) The Division shall register only one primary American source of supply for any one brand of spirituous beverages or wine.

(4) Distributors licensed in the State of Florida shall not purchase, receive or be in possession of any spirituous liquors or wines unless the same were obtained directly from a registered primary American source of supply and the invoice to the distributor for such product is from the registered primary American source of supply.

(5) Nothing in this rule shall prohibit subsequent intrastate sales, transfer, and invoicing of spirituous liquor or wine between licensed Florida distributors.

(6) It shall be the responsibility of the primary American source to report on forms provided by the Division, all shipments of product to any Florida distributors and to provide copies of invoices going to such distributors.

Specific Authority 561.11, 564.045, 565.095 FS. Law Implemented 564.045, 565.095 FS. History—New 8-31-83, Formerly 7A-4.56, 7A-4.056, Amended

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

## Board of Professional Engineers

RULE TITLE: Educational Requirements

RULE NO.: 61G15-20.006

PURPOSE AND EFFECT: Purpose and effect are to comply with the Mandate of the Court in Gaudet v. Board of Professional Engineers, and promulgate more detailed rules regarding board approval of non-ECA/ABET approved engineering programs.

SUBJECT AREA TO BE ADDRESSED: Educational Requirements.

SPECIFIC AUTHORITY: 471.013(1)(a)3. FS.

LAW IMPLEMENTED: 471.013(1)(a)3., 471.005(6) 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

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

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

## Florida Real Estate Appraisal Board

RULE TITLE: Probable Cause Panel

RULE NO.: 61J1-1.009

PURPOSE AND EFFECT: Reduce the number of probable cause panel members from 3 to 2.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Panel.

SPECIFIC AUTHORITY: 455.225, 475.614 FS.

LAW IMPLEMENTED: 455.225 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Application by Individuals  
 RULE NO.: 61J1-3.001  
 PURPOSE AND EFFECT: Require applicants to submit certified copies of legal documents along with their applications for licensure. Also to correct a typographical error.  
 SUBJECT AREA TO BE ADDRESSED: Application by Individuals.  
 SPECIFIC AUTHORITY: 475.614 FS.  
 LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLES: Education Requirements  
 RULE NOS.: 61J1-4.001  
 Notice of Satisfactory Course Completion 61J1-4.005  
 PURPOSE AND EFFECT: The amendments to Rule 61J1-4.001, F.A.C., changes the number of classroom hours that trainee appraiser applicants must complete for licensure, changes the types of courses that licensees must complete, and changes the number of hours that each licensee must complete in course subject areas. The amendment to Rule 61J1-4.005, F.A.C., changes the word "designation" to "license."  
 SUBJECT AREA TO BE ADDRESSED: Education Requirements; Notice of Satisfactory Course Completion.  
 SPECIFIC AUTHORITY: 475.614 FS.  
 LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.6175, 475.618 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Experience Requirement  
 RULE NO.: 61J1-6.001  
 PURPOSE AND EFFECT: Changes the time period for when experience may be claimed to comply with new Appraisal Subcommittee requirements.  
 SUBJECT AREA TO BE ADDRESSED: Experience Requirement.  
 SPECIFIC AUTHORITY: 475.614 FS.  
 LAW IMPLEMENTED: 455.213, 475.617 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE TITLE: Advertising  
 RULE NO.: 61J1-7.003  
 PURPOSE AND EFFECT: Clarifies trainee appraiser advertising requirements.  
 SUBJECT AREA TO BE ADDRESSED: Advertising.  
 SPECIFIC AUTHORITY: 475.614 FS.  
 LAW IMPLEMENTED: 475.622 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

#### **DEPARTMENT OF HEALTH**

##### **Board of Clinical Laboratory Personnel**

RULE TITLE: Technologist

RULE NO.: 64B3-5.003

PURPOSE AND EFFECT: The Board proposes to determine licensure requirements for the molecular pathologist technologist.

SUBJECT AREA TO BE ADDRESSED: Technologist.

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

A WORKSHOP ON THIS RULE DEVELOPMENT HAS BEEN NOTICED SEPARATELY IN THIS 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 Medicine**

RULE TITLE: Applications

RULE NO.: 64B8-4.009

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the licensure requirements for those physicians affected by Hurricane Katrina who are seeking licensure in Florida.

SUBJECT AREA TO BE ADDRESSED: Licensure requirements for physicians affected by Hurricane Katrina.

SPECIFIC AUTHORITY: 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

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

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

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

#### **DEPARTMENT OF HEALTH**

##### **Board of Medicine**

RULE TITLE: Prohibition Against Payment of Physician Supervisors/Monitors

RULE NO.: 64B8-8.0021

PURPOSE AND EFFECT: The Board proposes the development of a rule to address payment of physicians who supervise or monitor other physicians on probation.

SUBJECT AREA TO BE ADDRESSED: Payment of physicians who supervise or monitor other physicians on probation.

SPECIFIC AUTHORITY: 458.309, 459.331 FS.

LAW IMPLEMENTED: 458.331 FS.

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

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

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

**DEPARTMENT OF HEALTH****Board of Nursing**

RULE TITLES: RULE NOS.:  
 Definitions 64B9-15.001  
 Certified Nursing Assistant Authorized Duties 64B9-15.002  
 Eligibility for Certification 64B9-15.003  
 Certified Nursing Assistant Registry 64B9-15.004  
 PURPOSE AND EFFECT: To implement 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S.  
 SUBJECT AREA TO BE ADDRESSED: Definitions; Certified Nursing Assistant Authorized Duties; Eligibility for Certification; Certified Nursing Assistant Registry.  
 SPECIFIC AUTHORITY: 464.202, 464.203 FS.  
 LAW IMPLEMENTED: 464.203, 464.2085 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: Dan Coble, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-15.001 Definitions.

(1) through (5) No change.

(6) "General Supervision" means a registered nurse or a licensed practical nurse currently licensed under Chapter 464, F.S., to the extent allowed under Section 400.23(3), F.S., authorizing procedures being carried out by a certified nursing assistant but who need not be present when such procedures are performed. The certified nursing assistant must be able to contact the registered nurse or licensed practical nurse acting in accordance with Section 400.23(3), F.S., when needed for consultation and advice either in person or by communication devices. This definition is not applicable to a certified nursing assistant providing services in accordance with Sections 400.506(10)(b) and (c), F.S., or Part III of Ch. 400, F.S.

(7) "Direct Supervision" means the physical presence within the patient care unit of a healthcare facility or physical presence within a healthcare agency of a program instructor who assumes responsibility for the practice of the certified nursing assistant.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New 8-31-03, Amended \_\_\_\_\_.

64B9-15.002 Certified Nursing Assistant Authorized Duties.

(1) A certified nursing assistant shall provide care and assist residents with the following tasks related to the activities of daily living only under the general supervision of a registered nurse or licensed practical nurse:

(a) Tasks associated with personal care:

1. Bathing;

2. Dressing;

3. Grooming;

4. Shaving;

5. Shampooing and caring for hair;

6. Providing and assisting with oral hygiene and denture care;

7. Caring for the skin;

8. Caring for the feet;

9. Caring for the nails;

10. Providing pericare;

11. Bed making and handling linen; and

12. Maintaining a clean environment.

(b) Tasks associated with maintaining mobility:

1. Ambulating;

2. Transferring;

3. Transporting;

4. Positioning;

5. Turning;

6. Lifting;

7. Performing range of motion exercises; and

8. Maintaining body alignment.

(c) Tasks associated with nutrition and hydration:

1. Feeding and assisting the resident with eating; and

2. Assisting the resident with drinking.

(d) Tasks associated with elimination:

1. Toileting;

2. Assisting with the use of the bedpan and urinal;

3. Providing catheter care;

4. Collecting specimens;

5. Emptying ostomy bags, or changing bags that do not adhere to the skin; and

6. Bowel and bladder training.

(e) Tasks associated with the use of assistive devices:

1. Caring for dentures, eyeglasses, contact lenses, and hearing aids;

2. Applying established prosthetic and orthotic devices;

3. Applying braces;

4. Applying antiembolus stockings;

5. Assisting with wheelchairs, walkers, or crutches;

6. Using comfort devices such as pillows, cradles, footboards, wedges, and boots;

7. Assisting with and encouraging the use of self-help devices for eating, grooming, and other personal care tasks;

8. Utilizing and assisting residents with devices for transferring, ambulation, alignment, and positioning; and

9. Using restraints.

(f) Tasks associated with maintaining environment and resident safety, including handling of blood and body fluid and cleaning resident care areas.

(g) Tasks associated with data gathering:

1. Measuring temperature, pulse, respiration, and blood pressure;

2. Measuring height and weight;

3. Measuring and recording oral intake;

4. Measuring and recording urinary output, both voided and from urinary drainage systems;

5. Measuring and recording emesis; and

6. Measuring and recording liquid stool.

(h) Recognition of and reporting of abnormal resident findings, signs, and symptoms.

(i) Post mortem care.

(j) Tasks associated with resident socialization, leisure activities, reality orientation, and validation techniques.

(k) Tasks associated with end of life care.

(l) Tasks associated with basic first aid, CPR skills, and emergency care.

(m) Tasks associated with compliance with resident's/patient's rights.

(n) Tasks associated with daily documentation of certified nursing assistant services provided to the resident.

(2) A certified nursing assistant shall perform all tasks with knowledge of and awareness of a resident's/patient's rights and developmental level.

(3) A certified nursing assistant shall not perform any task which requires specialized nursing knowledge, judgment, or skills.

(4) A certified nursing assistant may receive additional training beyond that required for initial certification and upon validation of competence in the skill by a registered nurse may perform such skills as authorized by the facility.

(5) A certified nursing assistant shall not work independently without the supervision of a registered nurse or a licensed practical nurse.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New \_\_\_\_\_.

#### 64B9-15.003 Eligibility for Certification.

(1) An applicant for initial certification as a certified nursing assistant shall apply to the vendor approved by the department to administer the certified nursing assistant examination.

(2) An applicant for certification as a certified nursing assistant shall meet the requirements of Section 464.203, F.S.

(3) An applicant for initial certification must demonstrate competency to read and write if the applicant passes the clinical skills portion of the certified nursing assistant examination given in English only.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New \_\_\_\_\_.

#### 64B9-15.004 Certified Nursing Assistant Registry.

(1) Definition: The Certified Nursing Assistant Registry is a listing of certified nursing assistants who receive certification pursuant to Section 464.203, F.S., and maintain an active certificate pursuant to Sections 464.203(5) and (8), F.S.

(2) The registry is available through the Internet and contains the name and address of the certified nursing assistant.

(3) Records of certified nursing assistants in the registry who have been disciplined for any crime, or for any abuse, neglect, or exploitation as provided under Chapter 435, F.S., or for any violation of Chapters 456 and 464, F.S., or rules of the board, are so indicated on the Internet look up screen.

(4) A certified nursing assistant may be removed from the registry if the certified nursing assistant fails to maintain an active certificate pursuant to Sections 464.203(5) and (8), F.S., or by an order of the board.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History--New \_\_\_\_\_.

### **DEPARTMENT OF HEALTH**

#### **Council of Licensed Midwifery**

RULE TITLE: \_\_\_\_\_ RULE NO.: \_\_\_\_\_

Licensure by Examination 64B24-2.003

PURPOSE AND EFFECT: To update the rule by incorporating a form by reference.

SUBJECT AREA TO BE ADDRESSED: Licensure by Examination.

SPECIFIC AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 456.017, 467.011 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

**FLORIDA HOUSING FINANCE CORPORATION****RULE TITLES:**

Definitions	67-32.002
General Program Restrictions	67-32.004
Application Procedures	67-32.005
Terms and Conditions of Loan	67-32.006
Scoring, Ranking, and Funding Guidelines	67-32.007
EHCL Credit Underwriting Procedures	67-32.009
Fees	67-32.011

**PURPOSE AND EFFECT:** Pursuant to Section 420.5087(3)(d), F.S., the Florida Housing Finance Corporation administers the Elderly Housing Community Loan (EHCL) Program. This program provides loans to sponsors of affordable rental housing for very low income elderly households. Chapter 67-32, F.A.C., provides the procedures for the administration of this loan program and criteria for receiving, evaluating, and competitively ranking all applications for loans under the EHCL program. The intent of this Rule is to provide loans to sponsors of housing for the elderly to make building preservation, health, or sanitation repairs or improvements which are required by federal, state, or local regulation or code, or life-safety or security-related repairs or improvements to such housing.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to program requirements as specified in Rule Chapter 67-32, Florida Administrative Code.

**SPECIFIC AUTHORITY:** 420.5087 FS.

**LAW IMPLEMENTED:** 420.5087 FS.

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

**TIME AND DATE:** 10:30 a.m., September 30, 2005

**PLACE:** Florida Housing Finance Corporation, Seltzer Room, 227 North Bronough Street, Tallahassee, Florida 32301

Any person requiring special accommodations at this workshop because of a disability or physical impairment should contact: Derek Helms, (850)488-4197. If you are hearing or speech impaired, please use the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Vicki Robinson, EHCL Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE FHFC WEBSITE:** WWW.FLORIDAHOUSING.ORG

**FINANCIAL SERVICES COMMISSION****Office of Insurance Regulation**

<b>RULE TITLE:</b>	<b>RULE NO.:</b>
Title Insurance Rates	69O-186.003

**PURPOSE AND EFFECT:** The Financial Services Commission, Office of Insurance Regulation, has received petitions for rulemaking, which request that it commence rulemaking proceedings to set appropriate rates for use with Mortgage Foreclosure Title Insurance and Mortgage Priority Guarantee Title Insurance policies that have been filed with the Office of Insurance Regulation for approval. Copies of the petitions for rulemaking are available from the Office of Insurance Regulation, Property and Casualty Product Review, (850)413-5312.

**SUBJECT AREA TO BE ADDRESSED:** Title Insurance Rates; Mortgage Foreclosure Title Insurance and Mortgage Priority Guarantee Title Insurance.

**SPECIFIC AUTHORITY:** 624.308(1), 626.9611, 627.782, 627.7825, 627.793 FS.

**LAW IMPLEMENTED:** 624.307(1), 626.9541(1)(h)3.a., 627.777, 627.782, 627.7825, 627.783, 627.7831, 627.7841, 627.7845, 697.04(1) FS.

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

**TIME AND DATE:** 9:00 a.m., November 2, 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 IS:** Steve Alexander, Actuary, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: [steve.alexander@fldfs.com](mailto:steve.alexander@fldfs.com)

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



