

## Section I

### Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF STATE**

RULE TITLES: Use of the Seal of the State of Florida  
 RULE NOS.: 1-2.0021

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and conform the criteria for using the Great Seal to current administrative practice and to ensure that the Great Seal is only used in a manner that is in the best interest of the State of Florida.

SUBJECT AREA TO BE ADDRESSED: The Office of the Secretary proposes to develop the rule to clarify and revise the criteria upon which decisions regarding use of the Great Seal are made.

SPECIFIC AUTHORITY: 15.03 FS.

LAW IMPLEMENTED: 15.03 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: 3:00 p.m., October 14, 2005

PLACE: Large Conference Room, Office of Secretary Suite 100, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Stephen S. Mathues, Assistant General Counsel, Office of the General Counsel, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6208

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1-2.0021 Use of the Seal of the State of Florida.

(1) No person, without express written authorization from the Department, shall manufacture, use, display or otherwise employ a facsimile or reproduction of the Great Seal of the State of Florida (Great Seal ~~or Seal~~), except as provided in this rule.

(2) Any person desiring to obtain approval from the Department for the manufacture or use of ~~a the~~ facsimile or reproduction of the Great Seal shall make application on the form prescribed by the Department. The form, Application for Manufacture or Use of the Great Seal of the State of Florida, Form DS-19, effective ~~5/96~~, is incorporated by reference herein and is available from the Office of the Secretary.

(3) Department approval for use of the Great Seal is for a term of 4 years, unless otherwise stated by the Department, and can be renewed upon the completion and approval of a new application.

~~(4)(3)~~ Applications and supporting documents shall be filed with the Office of the General Counsel, Department of State, R. A. Gray Building, 500 South Bronough Street ~~LL-10, The Capitol~~, Tallahassee, Florida 32399-0250. For manufactured items, a separate application for each unique item to be manufactured shall be required.

(5) Definitions. The following words shall have the following meanings for the purposes of this rule:

(a) “Political or campaign purposes” shall include all uses related to a past, present, or future political campaign;

(b) “Official government stationery” means stationery intended for use by a state governmental agency when specific written approval for use of the Great Seal has been granted by the head of that agency;

(c) “Official government business cards” means business cards in use by a current state governmental agency when specific written approval for use of the Great Seal has been granted by the head of that agency;

(d) “State governmental agency” includes entities defined by subsections 120.52(1) and (2), F.S., but not including subparagraph 120.52(1)(b)8., F.S., and authorized staff members of those entities;

(e) “Local governmental agency” includes any local governmental agency, including counties, municipalities, special districts or other separate units of local government created or established by law, and authorized staff members of such entities;

(f) “Official government publications” are publications published by or on behalf of the State of Florida;

(g) “Publications serving a governmental purpose” are those publications not published by the State of Florida, which the Department of State, within its discretion, determines are of significant interest to the state, including but not limited to educational publications, where use of the Great Seal would not mislead the public to believe that the publication carries official State sanction or approval.

~~(6)(4)~~ Standards for Approval. A non-transferable letter of authority, ~~which is not transferable~~, may be issued to the applicant if the applicant affirmatively demonstrates to the Department that the Great Seal will be used for a proper purpose. In order to determine what constitutes a proper purpose, the Department shall consider, at a minimum, the following:

(a) The specific item to be manufactured;

(b) The manner in which the Great Seal is to be displayed on the item to be manufactured;

(c) The nature of the proposed use, including manner, purpose and place of use;

(d) Whether the public would tend to be misled by the appearance of the Great Seal on the product to believe that the product carries official State sanction or approval;

(e) Whether the use of the Great Seal would tend to mislead the public into believing that a person, meeting, project or event carries official State sanction or approval;

(f) Whether the dignity of the Great Seal will be preserved if approval is granted;

(g) Whether the requested use of the Great Seal will promote a specific State interest.

~~(7)(5)~~ In no event shall approval be given for the use of the Great Seal for the following:

- (a) Political or campaign purposes;
- (b) Stationery other than official government stationery;
- (c) Decorative automobile license tags;
- (d) Business cards other than official government business cards;

(e) Designation of landmarks not listed in the National Registry of Historical Places or designated as a historical site under a local ordinance;

(f) T-shirts, jackets, or other clothing which might lead the public to believe that the person wearing such apparel is an official of the state, not including official state government uniforms or apparel approved by the head of the state governmental agency;

(g) Publications other than official state government agency publications or publications serving a governmental purpose; or

(h) Advertising and news releases.

~~(8)(6)~~ A letter of authority issued pursuant to this rule shall not become a vested property right in the grantee and approval may be revoked at the discretion of the Department any time prior to the expiration of the authorized term. The Department shall revoke any approval issued ~~by it~~ if the applicant fails to preserve the dignity of the Great Seal or the use no longer promotes a specific state interest. Approval shall also be revoked where the Department ~~it~~ finds that the holder or his/her agent submitted false or inaccurate information in the application or has violated state law, Department rules, regulations or conditions of approval relating to the use of the Great Seal.

~~(9)(7)~~ State and Local Government Agencies. Subject to the requirements of subsection 1-2.0021~~(6)(4)~~, F.A.C., state and local governmental agencies as defined in paragraphs 1-2.0021(4)(d) and (e), F.A.C., the following governmental entities and authorized staff members may use and display the Great Seal in connection with official business without application to the Department, ~~members of the Legislature; members of the Judiciary; and any governmental agency, including state, county, municipal, district or other separate unit of government created or established by law~~ when specific written approval for use of the Great Seal has been granted by the agency's head of the governmental entity.

Specific Authority 15.03 FS. Law Implemented 15.03 FS. History—New 10-2-79, Amended 6-22-83, Formerly 1-2.021, Amended 5-6-96, \_\_\_\_\_.

FLORIDA DEPARTMENT OF STATE  
GLENDA E. HOOD, SECRETARY OF STATE

Application for Manufacture or Use of the  
Great Seal of the State of Florida, Form DS-19  
Under Section 15.03(3), Florida Statutes

Please Type or Print Legibly

\_\_\_\_\_  
Name, street address, city, state, and zip code of applicant:

\_\_\_\_\_  
\_\_\_\_\_

The period of time for which permission to manufacture or use the Great Seal is sought:

\_\_\_\_\_

Describe the manner in which the Great Seal will be manufactured or reproduced including a description of materials used:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

How many copies or reproductions of the Great Seal do you plan to make (if for use in a printed publication, please specify the number of copies)?

\_\_\_\_\_

How much revenue do you expect to receive from the proposed use of the Great Seal and what will be the purchase price of each item on which the Great Seal is used or reproduced?

\_\_\_\_\_

Where, to whom, and how will the item on which the Great Seal is used or reproduced be sold?

\_\_\_\_\_  
\_\_\_\_\_

IN ORDER FOR THIS APPLICATION TO BE CONSIDERED COMPLETE, AN ILLUSTRATION, REPRODUCTION, OR SAMPLE OF THE MANNER IN WHICH THE GREAT SEAL WILL BE USED MUST BE ATTACHED TO THIS APPLICATION. IF THE APPLICATION IS FOR THE USE OF THE GREAT SEAL IN A BOOK OR BROCHURE, PLEASE ATTACH A PROPOSED LAY-OUT OR MANUSCRIPT OF THE PUBLICATION.

_____	_____
Date	Signature of Applicant
_____	_____
Telephone Number	Print or Type Name of Applicant

PLEASE RETURN THIS APPLICATION TO: DEPARTMENT OF STATE, OFFICE OF THE GENERAL COUNSEL, R. A. GRAY BUILDING, 500 SOUTH BRONOUGH STREET, TALLAHASSEE, FLORIDA 32399

**DEPARTMENT OF STATE**

RULE TITLE: PUBLIC RECORDS REQUESTS: SPECIAL SERVICE CHARGE

RULE NO.: 1-2.0031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set out the circumstances under which the Department may impose a special service charge on parties requesting public records in conformance with Section 119.07(4)(d), F.S., and current administrative procedure.

SUBJECT AREA TO BE ADDRESSED: The Office of the Secretary proposes to develop the rule to clarify procedures relating to public records requests.

SPECIFIC AUTHORITY: 20.10(3), 119.07(4)(d) FS.

LAW IMPLEMENTED: 119.07(4)(d) FS.

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

TIME AND DATE: 2:00 p.m., Friday, October 14, 2005

PLACE: Large Conference Room, Office of the Secretary, Suite 100, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Stephen S. Mathues, Assistant General Counsel, Office of the General Counsel, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6208

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1-2.0031 Public Records Requests: Special Service Charge.

(1) When the nature or volume of public records requested to be examined or copied requires extensive use of Department clerical and supervisory personnel, or extensive use of information technology resources, or both, the Department may charge in addition to the actual cost of duplication, a special service charge, as provided in paragraph 119.07(4)(d), Florida Statutes.

(a) The special service charge shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of personnel

providing the service that is actually incurred by the Department or attributable to the Department for the clerical and supervisory assistance required.

(b) The term "extensive" means more than 15 minutes expended by personnel to complete all tasks defined in paragraphs (c) and (d) below.

(c) The term "clerical or supervisory assistance" includes searching for and or locating the requested record, reviewing for statutorily exempt information, deletion of statutorily exempt information, and preparing, copying and re-filing of the requested record.

(d) The term "use of information technology resources" includes the setup and implementation of an information technology defined in subsection 282.0041(7), Florida Statutes.

(2)(a) The Department will determine which personnel are appropriate to provide assistance in fulfilling the request. The special service charge will be computed to the nearest quarter of an hour exceeding 15 minutes based on the current pay grade of the personnel who performed the service. The special service charge shall be in addition to the duplication charge as provided in paragraphs 119.07(4)(a) and (b), Florida Statutes, and will be assessed regardless of the number of individual copies made. Payment for special services shall also be imposed where extensive use of personnel or information technology is necessary to determine whether the public record exists or is exempt from public disclosure.

(b) The requestor shall be required to pay any estimated special service charges, as determined by the Department, prior to personnel rendering such services. The Department will refund to the requestor any monies deposited with the Department in excess of the actual costs incurred to fulfill a request, or, in the alternative, the requestor shall be required to remit additional monies to pay for any costs in excess of the deposit. In the event the requestor fails to remit additional monies to cover costs in excess of the monies deposited, the Department may withhold releasing any public records identified pursuant to that request until those amounts are paid in full.

Specific Authority 20.10(3), 119.07(4)(d) FS. Law Implemented 119.07(4)(d) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

RULE TITLES: CLASSIFICATION OF LICENSES; INSURANCE; FEES

RULE NOS.: 5N-1.116

Organization 5N-1.100

PURPOSE AND EFFECT: The purpose is to: 1) delete the requirement of a certification of insurance for Class "A" and Class "R" agencies; 2) amend the certification of insurance form accordingly (DACS 16004); and 3) raise fees for licenses issued under Chapter 493, F.S. The effect is to: 1) conform

Rule 5N-1.116 to s. 3, ch. 2005-143, Laws of Florida; 2) update the certification of insurance form; and 3) increase license fees for applicants for licensure under Chapter 493, F.S. SUBJECT AREA TO BE ADDRESSED: Certification of insurance for private investigative agencies and recovery (repossessor) agencies; license fees.

SPECIFIC AUTHORITY: Section 3, ch. 2005-143, Laws of Florida, 215.405, 493.6103, 493.6105(3)(j), 493.6107, 493.6202, 493.6302, 493.6402 FS.

LAW IMPLEMENTED: 215.405, 493.6105(1), 493.6105(3)(j), 493.6107, 493.6110, 493.6115(13), 493.6201, 493.6202, 493.6301, 493.6302, 493.6401, 493.6402 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., October 24, 2005

PLACE: Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John V. McCarthy, Assistant General Counsel, Division of Licensing, Department of Agriculture and Consumer Services, 2520 North Monroe Street, Tallahassee, FL 32303, (850)245-5506, Fax (850)245-5505

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

**DEPARTMENT OF REVENUE**

**Child Support Enforcement Program**

RULE TITLE: RULE NO.:

Consumer Reporting Agencies 12E-1.012

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12E-1.012, F.A.C. (Consumer Reporting Agencies) is to change the dollar threshold used in determining which cases are eligible to be reported to consumer reporting agencies, provide a definition for the term “delinquency” that supports the new threshold, amend the notice provision, and create criteria that exclude recipients of temporary cash assistance and Supplemental Security Income (SSI) benefits from having their overdue support reported. The amendments create a written agreement provision under which the department will forego reporting an obligor’s overdue support to consumer reporting agencies for as long as the obligor complies with an agreed payment plan. The amendments change the contest provision to require an obligor to have an informal review with department staff before the obligor can request an administrative hearing.

The effect of these amendments is to change the eligibility factors for reporting cases to consumer reporting agencies, give obligors an ability to opt out of being reported to consumer

reporting agencies by complying with a payment plan, and change the contest provision to allow disputes to be resolved informally.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to develop improvements in the procedures for reporting overdue child support to consumer reporting agencies.

SPECIFIC AUTHORITY: 61.1354(5), 409.2557 FS.

LAW IMPLEMENTED: 61.1354 FS.

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

TIME AND DATE: 9:30 a.m., October 17, 2005

PLACE: Room 301, 4070 Esplanade Way, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting: Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mike Vergenz, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, (850)922-9568, e-mail: vergenzm@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12E-1.012 Consumer Reporting Agencies.

(1) Definitions. As used in this rule:

(a) through (b) No change.

(c) “Delinquency” means the total amount of support that has come due and is unpaid pursuant to the payment schedule set forth in the initial support order or the arrearage as adjudicated in the most recent order that established an arrearage.

(2) No change.

(3) Periodic Reporting to Consumer Reporting Agencies.

(a) Pursuant to Section 61.1354(2), F.S., the department shall report periodically to consumer reporting agencies ~~periodically~~, no more frequently than monthly, the names, social security numbers, and amounts of overdue support owed by obligors. The initial report concerning an obligor shall not be released until the department has complied with subsection (4) of this rule; subsequent periodic reports which update the amounts owed by an obligor shall be released without complying with subsection (4).

(b) The department shall use the following criteria in determining whether an obligor’s overdue support shall be periodically reported pursuant to this subsection ~~section~~:

1.(a) Overdue support in the case must equal or exceed two times the monthly obligation, if any, and the delinquency in the case must equal or exceed \$5, according to the records of the department. The amount of the overdue support owed by the obligor, according to the records of the department, is greater than \$500 and there is a delinquency in the payment of the obligor's obligation under the order at the time the information is reported;

2.(b) The obligor's case has not been placed by the department in a closed status;

3.(e) The obligor's case has not been referred by the department to another state's IV-D agency to enforce the support obligation.

4. The obligor is not a Supplemental Security Income (SSI) recipient.

5. The obligor does not receive temporary cash assistance.

(c)1. The department shall not release the initial report concerning an obligor's overdue support in a case that otherwise meets the criteria in paragraph (b) above if, after the obligor receives notice pursuant to subsection (4) below, the department and the obligor enter into a written agreement establishing a payment plan in accordance with Rule 12E-1.027, F.A.C. The department may not release the initial report for as long as the obligor complies with the written agreement.

2. If the obligor subsequently fails to make a payment due under the written agreement, the department shall release the initial report and subsequent periodic reports without further notice to the obligor, which shall be stated in the written agreement.

(4) Notice and Right to Hearing. Prior to releasing a report or providing information concerning an obligor in an instance governed by this section, the following procedures shall be followed:

(a) The department shall give notice to the obligor by regular mail at his or her last known mailing address and at the address of record with the tribunal that entered the support order with Department of Revenue Form CS-EF32, 'Notice of Intent to Report to Consumer Reporting Agencies', incorporated herein by reference with a revision date of February 2000. Members of the public may obtain a copy of this form by a written request to: Department of Revenue, Child Support Enforcement Program, attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030. The notice will inform the obligor that the department will report the amount of overdue support owed by the obligor to consumer reporting agencies. The notice will also inform the obligor of the department's duty to release the information, that the obligor may request the department to enter into a written agreement that establishes a payment plan in lieu of reporting the overdue support, and that the obligor has the right to contest the accuracy of the information proposed to be released by requesting an informal review. Form CS-EF32 shall provide

notice to the obligor of the intent of the department to release the following information to one or more consumer reporting agencies: the obligor's name, social security number, and the amount of overdue support owed by the obligor.

(b) An obligor may contest the reporting of his or her overdue support to consumer reporting agencies under subsections (2) and (3) above as follows.

1. The obligor must submit a written request for informal review to the department at the address specified in the notice (form CS-EF32) within 25 calendar days after the mailing date of the notice.

2. If a written request for informal review is received timely, the department must conduct the informal review to determine whether reporting to consumer reporting agencies is appropriate. The department must conclude its review within 20 calendar days after receiving the request.

3. The department shall conclude its review by hand delivering or sending to the obligor by regular mail a notice of decision. The notice shall inform the obligor whether the department intends to report the obligor's overdue support amount to the consumer reporting agencies. The notice must inform the obligor of the right under Chapter 120, Florida Statutes, to file a petition for administrative hearing to contest the accuracy of the information to be reported.

4. The obligor may contest the notice of decision by filing with the department at the address indicated in the notice a written petition for administrative hearing within 15 calendar days after receipt of the notice of decision. A petition is filed when it is received by the department, not when it is mailed.

5. If a petition for administrative hearing is received timely by the department, the department may not report information to consumer reporting agencies concerning overdue support owed by the obligor until the matter is disposed of by the obligor withdrawing the petition, by agreement of the parties, or by the entry of a final order authorizing the release of the information following a hearing or other administrative proceeding under Chapter 120, F.S. The notice shall inform the obligor of the department's duty to release the information, and that the obligor has the right to contest the accuracy of the information proposed to be released by requesting a hearing with the department by following the procedures in the next subsection:

(e) To request a hearing with the department, the obligor shall:

1. File a written petition for administrative hearing with the department at the address indicated in the notice within 15 consecutive calendar days of the obligor's receipt of the notice (Form CS-EF32). A petition is filed when it is received by the department, not when it is mailed.

2. Include in the petition the information required by Rule 28-106.201, F.A.C. if the obligor disputes issues of material fact raised by the notice; or the information required by Rule 28-106.301, F.A.C. if the obligor does not dispute issues of material fact raised by the notice.

(d) If a petition for administrative hearing is received by the department within the 15 day period following the obligor's receipt of the notice, the department shall not release the information concerning overdue support owed by the obligor until the matter is disposed of by an order dismissing the petition on procedural grounds, by agreement of the parties, or by the entry of a final order authorizing the release of the information following a hearing or other administrative proceeding under Chapter 120, F.S.

(e) If a notice (CS-EF32) is returned to the department undelivered by the U. S. Postal Service, the department shall give a new notice to the obligor in compliance with this section prior to releasing a report or providing information concerning the obligor to consumer reporting agencies.

(5) No change.

(6) Department Requests for Consumer Reports. The department is authorized to request consumer reports from consumer reporting agencies pursuant to Section 61.1354(3) and (4), F.S., according to the following procedures:

(a) Before the department submits any requests for consumer reports to a consumer reporting agency, the executive director of the Department of Revenue or his or her designee shall certify one-time to the consumer reporting agency that every subsequent request for a consumer report from that agency will meet the requirements set forth in Section 61.1354(3), F.S.

(b) The department shall provide notice to an individual whose consumer report is sought by sending Department of Revenue Form ~~CS-EF15~~ ~~CS-EF10~~, 'Notice of Consumer Report Inquiry', by certified mail to the individual's last known address at least 15 calendar days prior to transmitting the request to the consumer reporting agency. ~~Form CS-EF10 is incorporated herein by reference with a revision date of January 1999. Members of the public may obtain a copy of this form by a written request to: Department of Revenue, Child Support Enforcement Program, attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030.~~

Specific Authority 61.1354(5), 409.2557 FS. Law Implemented 61.1354 FS. History—New 6-17-92, Amended 7-20-94, Formerly 10C-25.009, Amended 10-22-00, \_\_\_\_\_.

**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."

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: RULE NO.:

Application 19B-4.001

PURPOSE AND EFFECT: To update the form numbers for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form and Master Covenant form.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan New Account Application and Master Covenant.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

TIME AND DATE: 2:00 p.m., October 17, 2005

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2005-10, is hereby incorporated by reference and may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB ~~2005-02~~ ~~2004-02~~, is hereby incorporated by reference and may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLE: RULE NO.:

Contract Prices 19B-4.002

PURPOSE AND EFFECT: To update the actuarial assumption utilized to calculate the rise in university tuition.

SUBJECT AREA TO BE ADDRESSED: The actuarial assumption utilized to calculate the rise in university tuition.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.  
 LAW IMPLEMENTED: 1009.98(2) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 2:00 p.m., October 17, 2005  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.002 Contract Prices.

The Board will evaluate prices for revision annually. All contract prices will be published annually in the Florida Administrative Weekly. Contract prices are based on the actuarial assumption that university tuition will rise at an average of ~~6.5~~ 7.5 percent per annum for two years, then ~~6.8 percent per annum~~, community college tuition will rise at an average of 6 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee contract prices are based on the actuarial assumption that university local fees will rise at an average of 6 percent per annum and community college local fees will rise at an average of 6 percent per annum.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE TITLES: Application for Participation in the Program  
 RULE NO.: 19B-16.002  
 PURPOSE AND EFFECT: To update the form number for the Florida Prepaid College Plan and Florida College Investment Plan New Account Application.  
 SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan New Account Application.  
 SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.  
 LAW IMPLEMENTED: 1009.981 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 2:00 p.m., October 17, 2005  
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 19B-16.002 Application for Participation in the Program.
  - (1) No change.
  - (2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2005-10, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).
  - (3) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Holding Cells  
 RULE NO.: 33-602.224  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate an unnecessary form.  
 SUBJECT AREA TO BE ADDRESSED: Holding cells.  
 SPECIFIC AUTHORITY: 944.09 FS.  
 LAW IMPLEMENTED: 20.315, 944.09 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-602.224 Holding Cells.
  - (1) through (3) No change.
  - (4) A holding cell log will be maintained at the holding cell location. Each institution will be responsible for recording using the ~~Holding Cell Log, Form DC6-208, to record~~ the reasons for placement in the cell, the length of time held in cell, and the record of frequent checks. ~~Form DC6-208 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is February 3, 2000.~~

(5) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 2-3-00, Amended 8-7-03, 10-24-04, \_\_\_\_\_.

**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 Deaton, Okahumpka, Miona and Big Gant Lake in Sumter 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:

TIMES AND DATE: 4:00 p.m. and 7:30 p.m., Thursday, October 20, 2005

PLACE: Southwest Florida Water Management District's Brooksville headquarters, Conference Rooms A & B, First Floor, 2379 Broad Street, Brooksville, FL 34604-6899

WHAT: Public workshop on proposed minimum and guidance levels for Lakes Deaton, Okahumpka, Miona and Big Gant Lake in Sumter 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: Lisa Henningsen, Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4268

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

RULE CHAPTER TITLE: Disputed Reimbursement Rule  
RULE CHAPTER NO.: 59A-31

RULE TITLES: Disputed Reimbursement Avoidance  
RULE NOS.: 59A-31.001  
Disputed Reimbursement 59A-31.002

PURPOSE AND EFFECT: To repeal Rule 59A-31.001, F.A.C., Reimbursement Avoidance Process, for which the Agency has no grant of rule authority to implement and to amend Rule 59A-31.002, F.A.C., to reflect the Agency's current Utilization and Reimbursement Dispute Process.

SUBJECT AREA TO BE ADDRESSED: The Agency's Utilization and Reimbursement Dispute process.

SPECIFIC AUTHORITY: 440.13(7) FS.

LAW IMPLEMENTED: 440.13(7) 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: Beverly Williams, Medical Health Care Program Analyst, AHCA, Workers' Compensation Unit, 2727 Mahan Drive, Mail Station 27, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

UTILIZATION AND REIMBURSEMENT DISPUTE  
RULE DISPUTED REIMBURSEMENT

59A-31.001 Disputed Reimbursement Avoidance.

Specific Authority 440.13(7) FS. Law Implemented 440.13(2)(a),(i) FS. History--New 5-15-1991, Formerly 38F-7.517, 4L-7.517, Repealed \_\_\_\_\_.

59A-31.002 Disputed Reimbursement.

~~In those instances when a provider does not agree with a carrier's reconsidered reimbursement decision, the Agency will, upon request provide for a settlement of such reimbursement dispute through a review process conducted by the Agency's Bureau of Managed Health Care.~~

(1) through (3)(b) No change.

Specific Authority 440.13(7) FS. Law Implemented 440.13(2)(a),(i) FS. History--New 5-15-1991, Formerly 38F-7.517, 4L-7.517, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Outpatient Hospital Services  
RULE NO.: 59G-4.160

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference update August 2005 to the Florida Medicaid Provider Reimbursement Handbook, UB-92. The update contains revisions to the instructions for completing a UB-92 claim form. The revisions are necessary in order to maintain compliance with the Health Insurance Portability and Accountability Act (HIPAA).

SUBJECT AREA TO BE ADDRESSED: Outpatient Hospital Services.



SPECIFIC AUTHORITY 409.919 FS.  
 LAW IMPLEMENTED 409.905, 409.908, 409.9081 FS.  
 IF REQUESTED WITHIN 14 DAYS AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.  
 TIME AND DATE: 10:00 a.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 IS: Melissa Bassett, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, FL 32308, (850)922-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.160 Outpatient Hospital Services.

(1) No change.

(2) All hospital providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Hospital Services Coverage and Limitations Handbook, March 2003, updated January 2005, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004, updated August 2005, both incorporated by reference in this rule. Both handbooks are available from the Medicaid fiscal agent contractor.

Specific Authority 409.919 FS. Laws Implemented 409.905, 409.908, 409.9081 FS. History—New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, 2-25-03, 8-14-03, 11-28-04, 8-18-05.

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE TITLE: Requirements for Sworn Invoices

RULE NO.: 60DD-1.001

Submitted by or on Behalf of  
 Wireless Service Providers

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

SUBJECT AREA TO BE ADDRESSED: The requirements for itemization of charges submitted for reimbursement.

SPECIFIC AUTHORITY: 365.172(6)(a)12., 365.173(2)(b) FS.

LAW IMPLEMENTED: 365.173(2)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John C. Ford, Chair, Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60DD-1.001 Requirements for Sworn Invoices Submitted by or on Behalf of Wireless Service Providers.

All wireless service providers seeking reimbursement for actual costs incurred to provide 911 or E911 service pursuant to Section 365.173(2)(b), F.S., shall complete and submit a sworn invoice containing the following:

(1) through (3) No change.

(4) Itemization of non-recurring charges, ~~by county~~, for which reimbursement is sought, including:

(a) through (d) No change.

(5) Itemization of monthly recurring charges, ~~by county~~, for which reimbursement is sought, including:

(a) through (d) No change.

(6) Itemization of other recurring charges for which reimbursement is sought, including:

(a) Timing of each recurring item, e.g., annual, quarterly, bi-monthly, etc.:

(b) Description of each item:

(c) Quantity of each item provided:

(d) Unit cost of each item: and,

(e) Total cost of each item.

(7) Totaled Phase I recurring charges, Phase I non-recurring charges, Phase II recurring charges and Phase II non-recurring charges.

(6) through (9) renumbered (8) through (11) No change.

Specific Authority 365.172(6)(a)12., 365.173(2)(b) FS. Law Implemented 365.173(2)(b) FS. History—New 5-22-03, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLES: Approved Form; Incorporation Fee

RULE NOS.: 61G4-12.006

61G4-12.009

PURPOSE AND EFFECT: The Board proposes to include a form and fee for the reinstatement of null and void licenses, consistent with SB 1012.

SUBJECT AREA TO BE ADDRESSED: Forms and fees.  
 SPECIFIC AUTHORITY: 455.213(2), 455.217(2), 455.219(1), 455.271(8), 489.108, 489.118 FS.

LAW IMPLEMENTED: 119.07(1)(a), 120.52(15), 455.213(2), 455.217(2), 455.219(1), 455.271(7),(8), 489.108, 489.109, 489.143 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: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF HEALTH

##### Board of Pharmacy

RULE TITLE: Retired License Election; Renewal; Fees  
 RULE NO.: 64B16-26.1005  
 PURPOSE AND EFFECT: The Board proposes the Rule Development for legislation from 2005 Session to implement Court Supplement for Senate Bill 410.

SUBJECT AREA TO BE ADDRESSED: Retired License, renewal and fees.

SPECIFIC AUTHORITY: 456.036(15) FS.

LAW IMPLEMENTED: 456.013, 456.036(4)(b) 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: Rebecca R. Poston, Executive Director, Board of Pharmacy /MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.1005 Retired License Election; Renewal; Fees.

(1) A licensee may elect to place his or her license on retired status.

(a) At the time of license renewal, to place the license on retired status, the licensee must submit a written request with the board for retired status and submit the retired status fee of \$50.00 pursuant to Section 456.036(4)(b), F.S., and the current unlicensed activity fee.

(b) At a time other than license renewal, to place the license on retired status, the licensee must submit a written request to the Board for the retired status plus submit the retired status fee of \$50.00 pursuant to Section 456.03(4)(b), F.S., plus a change of status fee of \$25.00 plus the current unlicensed activity fee.

(c) Before the license of a retired status licensee is reactivated, the licensee must meet the continuing education requirements in Rule 64B16-26.103, F.A.C., and pay any renewal fees imposed on an active status licensee for all biennial licensure periods plus the current unlicensed activity fee during which the licensee was on retired status.

(2) Any person applying for an active status license who has been on retired status for 5 years or more, or if licensed elsewhere has not been active during the past 5 years, shall as a condition of licensure demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety, and welfare of the public by:

(a) If inactive for less than 5 years, the licensee must pass a jurisprudence Examination;

(b) If inactive for 5 or more years, in addition to paragraph (a), the licensee must pass the NAPLEX.

(3) Any person applying for an active status license by endorsement who has not been active in his or her state of licensure during the past 5 years, shall as a condition of licensure demonstrate that he or she is able to practice with the care and skill sufficient to protect the health, safety, and welfare of the public by:

(a) If inactive for less than 5 years, the applicant must pass a jurisprudence Examination;

(b) If inactive 5 or more years, in addition to paragraph (a), the applicant must pass the NAPLEX.

Specific Authority 456.036(15) FS. Law Implemented 456.013, 456.036(4)(b) FS. History--New \_\_\_\_\_.

#### DEPARTMENT OF HEALTH

##### Board of Pharmacy

RULE TITLE: Consultant Pharmacist Licensure  
 RULE NO.: 64B16-26.300  
 PURPOSE AND EFFECT: The Board proposes the amendment to the rule to strike out language accepted on May 5, 2005 as the wrong language and to implement the correct language.

SUBJECT AREA TO BE ADDRESSED: Consultant Pharmacist Licensure.

SPECIFIC AUTHORITY: 465.005, 465.0125 FS.

LAW IMPLEMENTED: 465.0125 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-26.300 Consultant Pharmacist Licensure.

(1) through (2)(b) No change.

(c) Successfully complete, a period of assessment and evaluation under the supervision of a preceptor within one (1) year of completion of the course set forth in paragraph (b) above. This period of assessment and evaluation shall be completed over no more than three (3) consecutive months and shall include at least 40 hours of training in the following practice areas, 60% of which shall occur on-site at an institution that holds a pharmacy permit. The training shall include:

<u>Minimum Skill Required</u>	<u>Percent of Time</u>	<u>Hours</u>
Minimum of 40 Hours in Maximum of Three Months		
1. Regimen review, documentation and communication.	50- <del>60%</del>	20- <del>24</del>
a. Demonstrate ability to carry our process and understand documentation functions.		
b. Understand and perform drug regimen review. Communicate findings to appropriate individuals or groups.		
c. <u>The Consultant pharmacist is responsible for learning other skills needed to perform in his/her type of facility where he/she is or will be the consultant Pharmacist of Record</u>		
2. Facility review.	<del>20%</del> <del>15-</del>	6-8
Demonstrate areas that should be evaluated, documentation, and reporting procedures.		
3. Committee and Reports.	5%	2
<u>Review Attend</u> quarterly Quality of Care Committee <u>minutes</u> and preparation and delivery of pharmacist quarterly report.		

4. through 6. No change.

~~7. Additional skills-~~

~~The Consultant pharmacist is responsible for learning other skills needed to perform in his/her type of facility where he/she is or will be the consultant Pharmacist of Record.~~

(3) through (7) No change.

~~(8) A consultant pharmacist who has never completed a period of assessment and evaluation shall meet the requirements of paragraph (2)(c) within one (1) year after the effective date of this rule.~~

Specific Authority 465.005, 465.0125 FS. Law Implemented 465.0125 FS. History—New 5-19-72, Revised 4-19-74, Repromulgated 12-18-74, Amended 10-17-79, 4-8-80, 7-29-81, 7-1-83, 4-10-84, 4-30-85, Formerly 21S-1.26, 21S-1.026, Amended 7-31-91, 10-14-91, Formerly 21S-26.300, 61F10-26.300, Amended 9-19-94, 3-28-95, 3-10-96, Formerly 59X-26.300, Amended 5-22-01, 5-5-05, \_\_\_\_\_.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances 64B16-30.001

PURPOSE AND EFFECT: The Board proposes the Rule Development for Legislation from 2005 Session to implement Court Supplement for Senate Bill 366.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

SPECIFIC AUTHORITY: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2)(o)19. No change.

	<u>PENALTY RANGE</u>	
<u>20. VIOLATION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
<u>Being terminated from or failing to successfully complete an impaired practitioners treatment program (456.072(1)(gg), F.S.)</u>	<u>Suspension until successful completion or receipt of written confirmation or denial of licensure compliance with ongoing treatment and a fine of up to \$1000</u>	<u>Revocation</u>

(3) through (4) No change.

Specific Authority 456.072, 456.079, 465.005 FS. Law Implemented 456.072,456.079 FS. History--New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96, Formerly 59X-30.001, Amended 12-3-97, 11-15-98, 5-3-00, 1-2-02,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Qualifications to Evaluate and Treat Sex Offenders Under “Qualified Practitioner” Status  
 RULE NO.: 64B19-18.001

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to implement new legislation regarding the qualifications of licensed psychologists to complete risk assessments and prepare safety plans pursuant to Chapter 947, F.S.

SUBJECT AREA TO BE ADDRESSED: Qualifications to Evaluate and Treat Sex Offenders Under “Qualified Practitioner” Status.

SPECIFIC AUTHORITY: 947.005(9), 490.004(4) FS.

LAW IMPLEMENTED: 947.005(9) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Speech Language Pathology and Audiology**

RULE TITLE: Retired Status and Reactivation of Retired Status License; Fees  
 RULE NO.: 64B20-5.0022

PURPOSE AND EFFECT: The Board proposes the development of this rule to address retired status licenses in order to implement Section 456.036, F.S., 2005 and other laws.

SUBJECT AREA TO BE ADDRESSED: Retired Status and Reactivation of Retired Status License; Fees.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 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

E. King, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH**

**Board of Speech Language Pathology and Audiology**

RULE TITLE: Disciplinary Guidelines  
 RULE NO.: 64B20-7.001

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

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 468.1135(4) FS.

LAW IMPLEMENTED: 456.063, 456.072, 456.076, 468.1295, 468.1296 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 E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE CHAPTER TITLE: General Child Welfare Provisions  
 RULE CHAPTER NO.: 65C-30

PURPOSE AND EFFECT: The purpose of this rule development is to provide definitions, procedures, and requirements that relate to child protective services. It has the effect of consolidating duplicate child protective services requirements that currently appear in several separate rule chapters.

SUBJECT AREA TO BE ADDRESSED: This rule draft will include all general procedures and practice requirements common to all Child Welfare Rules authorized by Section 39.012, F.S., from protective investigations through post-placement supervision and termination of supervision. The subject matter will also cover issues common to both in-home and out-of-home protective supervision.

SPECIFIC AUTHORITY: 39.012, 39.0121 FS.

LAW IMPLEMENTED: Chapter 39 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., October 24, 2005

PLACE: Building 4, 1317 Winewood Blvd., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Nelson Simmons, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)922-0375

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE AFTER FRIDAY, OCTOBER 14, 2005.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE CHAPTER TITLE: Parent Education and Family Stabilization

RULE CHAPTER NO.: 65C-32

PURPOSE AND EFFECT: The purpose of this rule development is to provide appropriate and effective parameters for the classes mandated by statute for parents currently in the marriage dissolution process.

SUBJECT AREA TO BE ADDRESSED: This rule draft will include the requirements to obtain Department of Children and Family Services approval to provide a Parent Education and Family Stabilization class and the procedures that the Department shall take to revoke such approval.

SPECIFIC AUTHORITY: 61.21(3)(e) FS.

LAW IMPLEMENTED: 61.21 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., October 24, 2005

PLACE: Building 4, 1317 Winewood Blvd., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Badland, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)922-2298

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE AFTER FRIDAY, OCTOBER 14, 2005.

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Marketing and Development**

RULE CHAPTER TITLE: Dealers in Agricultural Products

RULE CHAPTER NO.: 5H-1

RULE TITLES: Bond and/or Certificate of Deposit Required;

RULE NOS.:

Agricultural Products 5H-1.001

License Fee to be Paid 5H-1.003

Certificates of Deposit in Lieu of Surety Bonds 5H-1.004

PURPOSE AND EFFECT: The purpose and effect of this rule is to specify, detail, and clarify the surety bond and/or certificate of deposit requirements and license fees for issuance of an agricultural dealers license.

SUMMARY: This rule proposes modifications and updates in the requirements for surety bonds and/or certificates of deposit and license fees in response to changes to the Florida License and Bond Law as amended by Chapters 570-604, F.S., enacted by the 2005 Florida Legislature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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 within 21 days of this notice.

SPECIFIC AUTHORITY: 604.27 FS.

LAW IMPLEMENTED: 604.19, 604.20, 604.21(1),(2),(8) FS., as amended by Chapters 570-604 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: Friday, 3:00 p.m., October 28, 2005

PLACE: The Mayo Building, Training Room, Room 306, 407 S. Calhoun St., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Christopher E. Green, Management Review Specialist, Bureau of License and Bond, Division of Marketing and Development, Rm. 208, 407 S. Calhoun St., Tallahassee, FL 32399-0800, (850)488-4101, Fax (850)921-8312