

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Dawson, Esq., Office of Insurance Regulation, e-mail: susan.dawson@fldfs.com

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Initial Notice	69O-154.303
Notice of Occurrence of a Qualifying Event	69O-154.304
Election and Premium Notice Form	69O-154.305
Billing and Payment of Premium	69O-154.306

PURPOSE AND EFFECT: These rule amendments provide implementation of COBRA continuation for small groups with fewer than 20 employees, make conforming changes to the rule due to the statutory change and update the form being used. Rule 69O-154.303, F.A.C., is repealed as an outdated provision which was only applicable to the initial implementation in 1997.

SUBJECT AREA TO BE ADDRESSED: Health Insurance Policies.

SPECIFIC AUTHORITY: 624.308(1), 627.6692(9) FS.

LAW IMPLEMENTED: 624.307(1), 627.6692(5) FS.

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

TIME AND DATE: 2:00 p.m., November 2, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com

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

Section II Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:	RULE NO.:
Certification Requirements for Supervisors of	

Elections for Special Qualification Salary	1S-2.0115
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PURPOSE AND EFFECT: The purpose of the proposed rule is to conform with legislative changes in Section 75 of Chapter 2005-277, Laws of Florida, which amended Section 145.09, F.S., relating to special qualification salaries for supervisors of elections. The law clarifies that the Department of State has authority to adopt by rule the certification requirements necessary for the special qualification salary that entitles a certified supervisor of elections to receive an additional \$2,000 per year in salary.

SUMMARY: The proposed rule provides initial and continuing certification requirements involving experience, training and education that supervisors of elections must meet in order to obtain the annual special qualification salary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost 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: 145.09 FS.

LAW IMPLEMENTED: 145.09 FS.

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

TIME AND DATE: 10:30 a.m., Monday, October 31, 2005

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule hearing should contact the Department of State, 1(850)245-6536, no later than October 26, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 (Copies of the proposed rule may be obtained from the proposed rules webpage on the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at 1(850)245-6536.)

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.0115 Certification Requirements for Supervisors of Elections for Special Qualification Salary.

(1) PURPOSE AND APPLICABILITY. This rule is designed to establish requirements for initial and continuing certification of supervisors of elections for purposes of receiving a special qualification salary. The requirements are based primarily on a system of credits which recognizes personal initiative in preparing for and maintaining a wide variety of competencies required to do the work of a supervisor of elections.

(2) INITIAL CERTIFICATION.

(a) In order to obtain initial certification, a supervisor of elections must have:

1. Taken and passed successfully an open book test administered by the Florida State Association of Supervisors of Elections on the provisions of chapters 97 through 106 of the Florida Statutes;

2. Conducted a primary election and a gubernatorial or presidential general election; and

3. Earned fifteen (15) credits which must include at a minimum:

a. Attendance at a mandatory orientation workshop as provided in Area I.

b. A minimum of two-year service as a supervisor of elections as provided in Area III.

c. Five certification credits earned as provided in Area IV.

(b) Credits may be earned in the following five areas:

1. AREA I – MANDATORY ORIENTATION. Within two years after taking office, each newly elected or appointed Supervisor of Elections shall attend a mandatory orientation workshop sponsored by the Florida State Association of Supervisors of Elections. Mandatory orientation workshops will be offered for new Supervisors of Elections after each general election. Mandatory orientation will consist of twelve (12) hours of training in election-related subjects. Twelve (12) hours of training will equal one (1) credit and shall be included as one of the fifteen (15) credits required for initial certification.

2. AREA II – FORMAL EDUCATION. No more than five of the total certification credits may be earned from the following credits in this area:

a. One credit for a high school diploma.

b. One credit, up to a maximum of four, for each successfully completed year of post-secondary higher education in a college, or business school.

c. One credit for each academic or professional degree earned beyond the baccalaureate level.

3. AREA III – EXPERIENCE. No more than five of the total certification credits can be earned from the following credits in this area:

a. One credit for each year served as a Supervisor of Elections.

b. One credit for each year of experience as a Deputy Supervisor of Elections.

4. AREA IV – PARTICIPATION IN TRAINING SEMINARS AND WORKSHOPS. One credit may be earned for each (twelve) 12 hours of participation at events sponsored by the Division of Elections or the Florida State Association of Supervisors of Elections.

5. AREA V – PARTICIPATION IN CONTINUING EDUCATION ACTIVITIES. No more than five of the total certification credits can be earned in this area. One credit may be earned for each twelve (12) hours of participation at continuing education activities approved by Division of Elections as provided in subsection (3).

(c) Each creditable training hour contemplated in Areas I, IV and V shall feature at least 50 minutes of instructional activity programmed for the purpose of mastering information beneficial to the performance of the duties of a supervisor of elections. A supervisor of elections who is unable to attend educational programs conducted may request audio or audiovisual recordings of the proceedings and shall receive full credit accordingly upon the supervisor certifying that he or she has listened to the recordings.

(3) CONTINUING CERTIFICATION. In order to obtain continuing certification, a supervisor of elections must participate annually in a minimum of twenty-four (24) hours in any combination of the following programs, activities, seminars or workshops under paragraphs (a), (b), or (c):

(a) Participation in programs and activities conducted by the Division of Elections or conducted by the Florida State Association of Supervisors of Elections that are approved by the Division of Elections. These programs must emphasize the duties, functions and laws concerning duties of a supervisor of elections.

(b) Participation in training activities approved by the Division of Elections and designed by a university-based person having instructional expertise in any of the following fields having to do with duties of a supervisor of elections:

1. Public administration;

2. Public relations;

3. Stress management;

4. Election law;

5. Staff training;

6. Management information systems; and

7. Voting machines.

(c) Participation in seminars, workshops or conferences sponsored by the Federal Election Commission (FEC), by the International Association of Clerks, Recorders, Elections Officials and Treasurers (IACREOT), by the Election Center or by other organization that have been approved by the Director

of the Division of Elections. Such seminars, workshops, or conferences must cover the following areas of expertise for a supervisor of elections:

1. Public administration;
2. Public relations;
3. Stress management;
4. Election law;
5. Staff training;
6. Management information systems; or
7. Voting machines.

(4) CERTIFICATION APPLICATION FORM. In order to obtain certification, a supervisor of elections must complete form DS-DE 69, titled "Certification Application for Supervisor of Elections Special Qualification Salary," which is incorporated by reference. Such form is available directly from the Division of Elections, 3rd Floor, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, or by calling (850)245-6200, or by downloading the form from the rules webpage at the Division's website at <http://election.dos.state.fl.us/index.html>.

Specific Authority 145.09 FS. Law Implemented 145.09 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria I. Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director, Division of Elections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 22, 2005

DEPARTMENT OF STATE

Division of Elections

RULE TITLE: Elections Fraud Complaints

RULE NO.: 1S-2.025

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to conform to Chapter 2005-277, Laws of Florida, in which the Division of Elections' authority to conduct preliminary investigations into irregularities or fraud involving voter registration or voting is expanded to include investigations of irregularities or fraud involving candidate or issue petition activities. The proposed rule amendment also replaces the definition for voter fraud with a definition for elections fraud to clarify that the findings of irregularities or fraud must constitute a violation of Chapter 104, Florida Statutes, in order to be referred to prosecuting authorities in accordance with the law. The proposed rule amendment also reflects that the Division of Elections is also able to refer findings to the statewide prosecutor who was given statutory authority to investigate and prosecute any crime involving

voter registration, voting, or candidate or issue petition activities when such activities occur in two or more judicial circuits.

SUMMARY: The rule amendment updates the Elections Fraud Complaint Process and Form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost 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: 106.22(9) FS.

LAW IMPLEMENTED: 97.012(12), 106.22(11) FS.

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

TIME AND DATE: 10:30 a.m., Monday, October 31, 2005

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule hearing should contact the Department of State, (850)245-6536, no later than October 26, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 (Copies of the proposed rule may be obtained from the proposed rules webpage on the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at 1(850)245-6536.)

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.025 Elections Voter Fraud Complaints.

(1) The Division of Elections is charged with maintaining a voter fraud hotline, pursuant to Section 97.012(12), F.S. Any person that contacts the voter fraud hotline will be asked if he wishes to file a complaint alleging elections voter fraud.

(2) The Division of Elections is also charged with conducting preliminary investigations into any complaint of elections fraud.

(a) For purposes of this rule, "elections voter fraud" means any irregularities or fraud arising out or in connection with voter registration or voting, or candidate petition or initiative petition activities that may constitute a violation of a prescribed offense set forth in Chapter 104, F.S. intentional misrepresentation, trickery, deceit, or deception, arising out of

or in connection with voter registration or voting, and the prescribed offenses set forth in Chapter 104, F.S. "Elections Voter fraud" does not include violations of Chapter 106, F.S.

(2) A person acts "intentionally" if he knew or reasonably should have known that the act in question constitutes voter fraud and is prohibited by Chapter 104, F.S.

(3) Any person alleging elections voter fraud may file a written complaint with the Division using Form DS-DE 34, entitled titled "Elections Fraud Complaint, Voter Registration or Voting" (Rev. 9/98) (rev. 01/06), which is hereby incorporated by reference. This form is and available by request from the Division at Room 316, R.A. Gray Building, Tallahassee, Florida 32399-0250, by contacting the Division of Elections at (850)245-6200, or by download from the Division of Elections' website at: <http://election.dos.state.fl.us/index.html>.

(4) To be legally sufficient, a complaint must:

(a) Allege an act or acts of elections voter fraud as defined in subsection (2)(4) above; and

(b) Contain allegations that have been stated with particularity. Mere recitation of statutory language, vague generalizations, absence of specific facts, or hearsay will not support a legally sufficient complaint.

(5)(4) If the Division determines that the complaint is legally sufficient, the Division shall forward the complaint to the Florida Department of Law Enforcement (FDLE) for further investigation. If the complaint is referred to FDLE and FDLE finds probable cause that a violation has occurred, the Division shall report FDLE's findings to the statewide prosecutor or the state attorney for the judicial circuit in which the alleged violation occurred for prosecution. If the Division determines that the complaint is illegally insufficient or FDLE finds no probable cause, the Division shall dismiss the complaint. Otherwise, the Division shall dismiss the complaint for legal deficiency.

Specific Authority 97.012(1),(2),(15), 106.22(9) FS. Law Implemented 97.012(9),(12),(15), 106.22(11) FS. History-New 9-21-98, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant
Director of the Division of Elections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:

RULE NO.:

Complaint Process for Violations of the
National Voter Registration Act of
1993 and the Florida Election Code

1S-2.036

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide a uniform complaint form that aggrieved persons can use to submit allegations of violations of the National Voter Registration Act (NVRA) or violations of a voter registration or removal procedures under the Florida Election Code.

SUMMARY: This rule provides a uniform complaint form for alleged violations of the NVRA or voter registration or voter removal processes under the Florida Election Code.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No statement of estimated regulatory
cost 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: 97.023, 97.026 FS.

LAW IMPLEMENTED: 97.012(1),(2),(7),(9), 97.023 FS.

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

TIME AND DATE: 10:30 a.m., Monday, October 31, 2005

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray
Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES
ACT: Any person needing special accommodations to
participate in this proposed rule hearing should contact the
Department of State, (850)245-6536, no later than October 26,
2005. Any person who is hearing or speech impaired may
contact the Department by using the Florida Relay Service,
1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Maria I. Matthews, Assistant General
Counsel, Office of the General Counsel, Division of Elections,
Department of State, 500 S. Bronough Street, Tallahassee,
Florida 32399-0250 (Copies of the proposed rule may be
obtained from the proposed rules webpage on the Division of
Elections' website at: <http://election.dos.state.fl.us/index.html>
or by contacting the above-named person at 1(850)245-6536.)

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.036 Complaint Process for Violations of the National Voter Registration Act of 1993 and the Florida Election Code.

(1) The Florida Department of State has primary jurisdiction to resolve through an informal resolution process complaints submitted by any person who is aggrieved by a violation of the National Voter Registration Act of 1993 or a violation of a voter registration or removal procedure under the Florida Election Code. Such complaints can only be filed under Section 97.023, Florida Statutes, if the alleged violation was committed by the Florida Department of State, a voter registration agency, a supervisor of elections, the Florida Department of Highway Safety and Motor Vehicles, or an Armed Forces Recruitment Center. If the complaint involves the Florida Department of State, a mediator other than a department employee is to be appointed by the Governor.

(2) To initiate the informal dispute resolution process under Section 97.023, Florida Statutes, a person must submit a written complaint to the Florida Department of State. Such person shall use Form DS-DE 118 (eff. 01/06), entitled "NVRA Complaint", which is hereby incorporated by reference. This complaint form may be obtained by contacting the Division of Elections at (850)245-6200, by requesting the form from the Division of Elections, 3rd Floor, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399 or by downloading the form from the Division of Elections home page at: <http://election.dos.state.fl.us/nvra/index.shtml>.

Specific Authority 97.012(9), 97.023 FS. Law Implemented 97.023 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant
Director of the Division of Elections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:

Provisional Ballots

RULE NO.:

1S-2.037

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to conform to changes implemented in Chapter 2005-277 and Chapter 2005-278, Laws of Florida, affecting provisional ballots. In lieu of one certificate form, the rule amendment incorporates three different forms of provisional ballot certificates. The first two forms reflect provisional ballot certificates for use under an optical scan voting system and a touch screen voting system, respectively. The third form is a combined certificate for use in counties where both systems

may be used. In addition, the rule amendment expands and conforms with law the instructions and procedures for processing provisional ballots by the elections official, the supervisor of elections and the canvassing board.

Under the new law, any voter who is challenged at the polls or who fails to provide proper identification at the polls can not vote any ballot other than a provisional ballot. However, the law affords such persons the right to present written evidence within a specified period of time to their respective supervisor of elections. Therefore, the proposed rule amendment requires specific written instructions to be given to provisional ballot voters as to their right to present such written evidence. Instructions regarding their right to present evidence is to be provided in conjunction with instructions given to provisional ballot voters regarding their right to obtain information through the county supervisor of elections' free access system as to whether their provisional ballots were counted.

SUMMARY: The rule amendment updates the certificates and affirmation forms for provisional ballots and instructions to be given provisional ballot voters.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COST: No statement of estimated regulatory
cost 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: 97.012(1),(2), 101.048 FS.

LAW IMPLEMENTED: 97.053(6), 101.043, 101.048,
101.049, 101.111 FS.

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

TIME AND DATE: 10:30 a.m., Monday, October 31, 2005

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray
Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES
ACT: Any person needing special accommodations to
participate in this proposed rule hearing should contact the
Department of State, (850)245-6536, no later than October 26,
2005. Any person who is hearing or speech impaired may
contact the Department by using the Florida Relay Service,
1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Maria I. Matthews, Assistant General
Counsel, Office of the General Counsel, Division of Elections,
Department of State, 500 S. Bronough Street, Tallahassee,
Florida 32399-0250 (Copies of the proposed rule may be
obtained from the proposed rules webpage on the Division of
Elections' website at: <http://election.dos.state.fl.us/index.html>
or by contacting the above-named person at 1(850)245-6536.)

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.037 Provisional Ballots.

(1) Written instructions are to be provided to each person who casts a provisional ballot and shall contain the following:

(a) Information on how to access the respective county supervisor of election's free access system and the information the voter will need to provide to obtain information on whether his or her provisional ballot was counted, and if not, the reason it was not counted.

(b) The statement "If this is a primary election, you should contact the supervisor of elections' office immediately to confirm that you are registered and can vote in the general election."

(c) The statement "You may provide written evidence supporting your eligibility to vote to the Supervisor of Elections at (provide address of the Supervisor) by no later than 5:00 p.m. of the third day following the election."

(d) The statement "If you voted a provisional ballot because you did not have the proper identification, your ballot will be counted if your signature on the provisional ballot Voter's Certificate and Affirmation matches the signature on your registration record and if you voted in the proper precinct. You will not need to provide further written evidence to the Supervisor of Elections."

(2) The Department of State, Division of Elections, is required to establish forms for a Provisional Ballot Envelope Certificates and Affirmations to be used statewide; Form DS DE 49 OS (Eff. 01/06), entitled "Optical Scan, Provisional Ballot Voter's Certificate and Affirmation"; Form DS DE 49 OS/TS (eff. 01/06), entitled "Touch Screen, Provisional Ballot Voter's Certificate and Affirmation"; and Form DS DE 49 OT (eff. 01/06), entitled "Optical Scan/Touchscreen, Provisional Ballot Voter's Certificate and Affirmation," are ~~Form DS DE 49 (Eff. 02/02/2004)~~, which is hereby incorporated by reference. Copies of these forms may be obtained ~~and are available~~ from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division of Elections website at: <http://election.dos.state.fl.us/index.shtml>, or by contacting the Division of Elections at (850)245-6200.

Specific Authority 97.012(1),(2), 101.048 FS. Law Implemented 97.053(6), 101.043, 101.048, 101.049, 101.111 FS. History—New 2-2-04, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Maria Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant
Director of the Division of Elections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF STATE

Division of Elections

RULE TITLE:

RULE NO.:

Statewide Uniform Voter Registration

Application

1S-2.040

PURPOSE AND EFFECT: The primary purpose of the proposed new rule is to implement the requirements of Chapter 2005-277, Laws of Florida, and Chapter 2005-278, Laws of Florida, which affect the content and use of a statewide uniform voter registration application. In addition, the proposed revisions to the application reflect the new voter registration process with the upcoming 2006 implementation of a statewide uniform voter registration system as required by the Help America Vote Act of 2002. Under the Act, the Florida Department of State will have responsibilities in maintaining and administering the Florida Voter Registration System (FVRS) which will contain the official list of registered voters in the state. The Department will also have new responsibilities in association with the Department of Highway Safety and Motor Vehicle to verify and validate the existence or nonexistence of an applicant's valid Florida Driver's License, Florida Identification Card, or social security number if he or she has ever been issued one. Such verification and validation is required even before an application can be processed under state and federal law. Changes in the law also provide for expanded and in some scenarios, mandated use of a statewide uniform application for submitting changes and updates to name, address, political party affiliation or signature which image document and information will be stored in the FVRS.

At a minimum, the application is redesigned: 1) to emphasize the affirmative responses required to certain questions regarding driver's license, identification card, or social security numbers, felony conviction and adjudications of incapacity for purposes of processing the application and subsequent final determinations of eligibility by the supervisors of elections, 2) to reflect the change in the statutory oath, 3) to conform instructions on the identification requirements for certain first-time mail registrants with the new requirements of law, 4) to expand upon the instructions and information at the regarding party affiliation, notice as to confidentiality of certain information, and local and state level contact information, 5) to reflect the replacement of the voter registration identification card with the issuance of a voter information card, and 6) to remove reference to homestead exemption and request for such information.

SUMMARY: The rule provides for the content and form of a uniform statewide voter registration application which is to be used for initial registration and for any changes or updates to a registration record.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost 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: 97.012(1),(2), 97.052 FS.

LAW IMPLEMENTED: 97.051, 97.052, 97.053, 97.1073, 98.077, 101.045(2) FS.

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

TIME AND DATE: 10:30 a.m., Monday, October 31, 2005

PLACE: Florida Heritage Hall, Plaza Level, R. A. Gray Building, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule hearing should contact the Department of State, (850)245-6536, no later than October 26, 2005. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) or 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria I. Matthews, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250 (Copies of the proposed rule may be obtained from the proposed rules webpage on the Division of Elections' website at: <http://election.dos.state.fl.us/index.html> or by contacting the above-named person at 1(850)245-6536.)

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.040 Statewide Uniform Voter Registration Application.

The Department of State, Division of Elections, is required to adopt by rule a uniform statewide voter registration application for use in this state. Form DS-DE 39, entitled "Florida Voter Registration Application" (rev. 01/06), is hereby incorporated by reference. This application is available by request from the Division at Room 316, R.A. Gray Building, Tallahassee, Florida 32399-0250 or by contacting the Division of Elections at (850)245-6200, by download from the Division of Elections' website at: <http://election.dos.state.fl.us/index.html>, or by contacting any supervisor of elections' office.

Specific Authority 97.012(1),(2), 97.052 FS. Law Implemented 97.051, 97.052, 97.053, 97.1031, 98.077, 101.045(2) FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE: Maria I. Matthews, Assistant General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sarah Jane Bradshaw, Assistant Director of Division of Elections

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 22, 2005

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

RULE TITLES: RULE NOS.:

Organization 5N-1.100

Classification of Licenses; Insurance; Fees 5N-1.116

PURPOSE AND EFFECT: The purpose is to: 1) delete the requirement of a certification of insurance for Class "A" private investigative agencies and Class "R" recovery (repossessor) 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, F.A.C., to Section 3, Chapter 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.

SUMMARY: Deletes the requirement that Class "A" and Class "R" agencies carry liability insurance; revises form DACS 16004 Certification of Insurance; increases licensing fees; makes minor editorial changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement has been prepared.

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

SPECIFIC AUTHORITY: 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, 120.54(5)(b)6., 120.55(1)(a), 120.565, 493.6102(6), 493.6105(6), 493.6115(8), 493.6121, 493.6203(2)-(4), 493.6303(2),(3) 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: 10:00 a.m., October 31, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John V. McCarthy, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)245-5506, Fax (850)245-5505

THE FULL TEXT OF THE PROPOSED RULES IS:

5N-1.100 Organization.

The Division of Licensing (Division), Department of Agriculture and Consumer Services (Department) is statutorily empowered with the authority to ensure that the public is protected from private investigation, security, and repossession services by individuals who have a criminal history, or are insufficiently or improperly trained in the field, or are unlicensed, or by agencies that are improperly insured, or are managed in a manner which does not assure compliance with the law and these rules by its licensed employees.

(1) The Division is located at 2520 North Monroe Street, Tallahassee, Florida. The mailing address is: Department of Agriculture and Consumer Services, Division of Licensing, P. O. Box 6687, Tallahassee, Florida 32314. The Division maintains office hours from 8:00 a.m. to 5:00 p.m., Monday through Friday except state holidays.

(2) through (5) No change.

(6) Division Forms. Requests for public information or copies of the following applications and support forms, which are incorporated by reference in this rule, may be made by contacting any Division office. Addresses for each Division office are listed in subsection (2) of this rule.

Firearms Instructors' Training Manual	LC1E100	(eff. 12/94)
Certificate of Firearms Proficiency for Statewide Firearm Permit	DACS-16005	(eff. 7/96)
Election of Rights – Administrative Complaint	DACS-16011	(eff. 8/93)
Election of Rights – License Denial	DACS-16015	(eff. 8/93)
Application for Class “D” Security Officer License	DACS-16007	(eff. 8/95)
Application for Class “G” Statewide Firearm License	DACS-16008	(eff. 8/95)
Personal Inquiry Waiver	DACS-16009	(eff. 1/95)
Disclosure Notice	LC2E009	(eff. 1/95)
Acknowledgment Card – Class “D”	DACS-16037	(eff. 1/95)
Certification of Insurance	DACS-16004	(eff. 1/06 1/95)
Important Notice (Application for Refund Form Enclosed)	LC2E037	(eff. 1/95)
Employee Action Report	DACS-16006	(eff. 1/95)
Application for School or Training Facility License	DACS-16003	(eff. 7/27/04)
Application for Security Officer Instructor License	DACS-16014	(eff. 9/95)
Termination/Completion of Sponsorship for Private Investigator Intern	DACS-16016	(eff. 10/94)

Termination/Completion of Sponsorship for Recovery Agent Intern	DACS-16017	(eff. 10/94)
Application for Private Investigator or Private Investigator Intern License	DACS-16018	(eff. 8/95)
Application for Recovery Agent or Recovery Agent Intern License	DACS-16019	(eff. 1/95)
Application for Firearms Instructor License	DACS-16020	(eff. 7/95)
Application for Manager's License	DACS-16021	(eff. 7/95)
Application for Agency License	DACS-16022	(eff. 8/95)
Affidavit of Experience – Class “C”	DACS-16023	(eff. 1/95)
Affidavit of Experience – Class “E”	DACS-16024	(eff. 1/95)
Application for Branch Agency License	DACS-16025	(eff. 6/95)
Application for Recovery Agent Instructor License	LC2E160	(eff. 11/95)
Letter of Intent to Sponsor Private Investigator Intern	DACS-16026	(eff. 10/94)
Letter of Intent to Sponsor Recovery Agent Intern	DACS-16027	(eff. 10/94)
Affidavit of Experience – Class “MA”, “MB”, “M”, “MR”	DACS-16028	(eff. 1/95)
Firearms Incident Report	DACS-16001	(eff. 4/93)
Affidavit	DACS-16002	(eff. 2/96)
Temporary Class “G” License – Agency Certification	DACS-16013	(eff. 10/94)
Temporary Class “G” License – Criminal History Background Check	LC3E164	(eff. 10/94)
Revised/Duplicate/Renewal License Request	DACS-16029	(eff. 1/95)
Compliance Inspection Report	DACS-16034	(eff. 7/96)
Intern Biannual Progress Report	DACS-16033	(eff. 10/94)
Security Officer Training Curriculum Guide	LC1E186	(eff. 7/96)
Recovery Agent/Intern Curriculum Guide	LC1E187	(eff. 7/96)
New License Inspection Report	DACS-16030	(eff. 7/96)
School Inspection Report	DACS-16031	(eff. 6/95)
Change of Address	DACS-16032	(eff. 7/96)

Specific Authority 493.6103 FS. Law Implemented 120.54(5)(b)6, ~~120.53-120.54(5)(b)5~~, 120.55(1)(a), 120.565, 493.6102(6), 493.6105(6), 493.6115(8), 493.6121, 493.6203(2)-(4), 493.6303(2),(3) FS. History–New 2-4-91, Amended 7-31-96, 2-17-00, Formerly 1C-3.100, Amended _____.

5N-1.116 Classification of Licenses; Insurance; Fees.

(1) No change.

(2) Insurance. Each Class “A”, “B” or “R” agency must file Form DACS-16004, Certification of Insurance, as incorporated in subsection 5N-1.100(4), F.A.C., and available at <http://licgweb.doacs.state.fl.us/forms/index.html>, evidencing commercial general liability coverage issued by an insurance company licensed in Florida that which provides coverage for the actions of all licensed employees in an amount and manner as delineated in Section 493.6110, F.S.

(2)(a) through (c) No change.

(3) License and Fingerprint Fees.

(a) The fees for biennial licenses under this chapter are as follows:

1. Class “A” license. Private Investigative Agency: \$450 ~~\$375~~,
2. Class “B” license. Security Agency: \$450 ~~\$375~~,
3. Class “R” license. Recovery Agency: \$450 ~~\$375~~,
4. Class “C” license. Private Investigator: \$75 ~~\$60~~,
5. Class “D” license. Security Officer: \$45 ~~\$30~~,
6. Class “E” license. Recovery Agent: \$75 ~~\$60~~,
7. Class “CC” license. Private Investigator Intern License: \$60 ~~\$50~~,
8. Class “EE” license. Recovery Agent Intern: \$60 ~~\$50~~,
9. Class “G” license. Statewide Firearm License Permit: \$112 ~~\$75~~,
10. Class “K” license. Firearms Instructor: \$100 ~~\$95~~,
11. Class “AA”, “BB”, “AB”, “RR” license. Branch Office: \$125 ~~\$95~~,
12. Class “M”, “MA”, “MB”, or “MR” license. Agency or Branch Manager: \$75 ~~\$60~~,
13. Class “DS” license. Security Officer School or Training Facility: \$60 ~~\$50~~,
14. Class “DI” license. Security Officer Instructor: \$60 ~~\$50~~,
15. Class “RS” license. Recovery Agent School or Training Facility: \$60 ~~\$50~~,
16. Class “RI” license. Recovery Agent Instructor: \$60 ~~\$50~~.

(b) The application fee for all license types shall be \$50, except Class “D” and “G” which shall have no application fee. Prescribed application fees shall be submitted with the application.

(c) The fee for replacement or revision of laminated licenses shall be \$15. All other licenses may be replaced or revised for \$10.

(d) The examination fee for Class “K” firearms instructors shall be \$50.

(e) Prescribed license fees for Class “C”, “CC”, “D”, “E”, “EE”, “G”, “M”, “MA”, “MB” and “MR” licenses shall be submitted with the application. For all other license types, the prescribed license fee shall be submitted upon notification by the Division that the application has been approved.

(f) All applications for licensure shall include the required set of fingerprint cards and a fingerprint processing fee. A processing fee of \$42 shall accompany each set of fingerprints filed with the Division.

(g) The processing fee for temporary Class “G” licensure shall be \$15.

Specific Authority 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. History—New 2-4-91, Amended 7-31-96, 2-17-00, Formerly 1C-3.116, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John V. McCarthy, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, (850)245-5506, Fax (850)245-5505

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: W. H. “Buddy” Bevis, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLE: RULE NO.:

Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans, Spouses

12D-7.003

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.003, F.A.C., is to implement the provisions of Chapter 2005-42, Laws of Florida, which provides that the unremarried spouse of a deceased disabled veteran is entitled to the \$5,000 veterans’ disability exemption under Section 196.24, F.S.

SUMMARY: The amendment to Rule 12D-7.003, F.A.C., provides that the \$5,000 veterans’ disability exemption may be allowed for the unremarried spouse of a deceased disabled veteran who was married to the veteran for at least five years at the time of the veteran’s death.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.202, 196.24, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., October 28, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing 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 IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Veterans, Spouses.

(1) No change.

(2)(a) The \$5,000 exemption granted by Section 196.24, Florida Statutes, to disabled veterans shall be considered to be the same constitutional disability exemption provided for by Section 196.202, Florida Statutes. The unmarried surviving spouse of a disabled veteran who was married to the veteran for at least 5 years at the time of the veteran's death is allowed the exemption.

(b) The exemptions under Sections 196.202 and 196.24, Florida Statutes, shall be cumulative, but in no event shall the aggregate exemption exceed \$6000 for an individual.

(3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.202, 196.24, 213.05 FS. History—New 10-12-76, Formerly 12D-7.03, Amended 11-21-91, 12-31-98, 12-30-02, 1-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005, Vol. 31, No. 32, p. 2823. A workshop was held on August 26, 2005. Comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLES:

RULE NOS.:

Assessment of Changes, Additions,

or Improvements to a Homestead

12D-8.0063

Procedure for the Correction of Errors

by Property Appraisers

12D-8.021

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-8.0063, F.A.C., is to implement the provisions of Chapter 2005-268, Laws of Florida, which provides for assessment of changes, additions, or improvements to homestead property rendered uninhabitable by a named 2004 storm and to clarify the example for calculation of the replacement just value in excess of 125 percent of property damaged or destroyed by misfortune or calamity.

The purpose of the proposed amendment to Rule 12D-8.021, F.A.C., is to clarify the procedures for corrections of errors by property appraisers that result in an increased assessed valuation of property and subsequently taxes.

SUMMARY: The amendment to Rule 12D-8.0063, F.A.C., provides that the assessment of changes, additions or improvements to homestead property that resulted from damage from the named 2004 storms is limited to square footage exceeding 110 percent of the properties total square footage and certain rebuilt portions of homesteads damaged by the 2004 storms are not considered changes, additions or improvements. The amendment also clarifies the formula for assessment of other changes, additions and improvements to homestead property not related to the named 2004 storms. The amendment to Rule 12D-8.021, F.A.C., provides that a notice of proposed property tax, which includes notice of the right to petition the value adjustment board, be mailed or delivered to property owners where a correction of an error by a property appraiser results in an increased assessed valuation of real property and subsequently increases taxes on the property.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: Chapter 2005-268, L.O.F., 192.042, 193.011, 193.023, 193.155, 194.011(1), 194.032, 196.011, 197.122, 197.182, 197.323, 197.332, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., October 28, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing 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 RULES IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

12D-8.0063 Assessment of Changes, Additions, or Improvements to a Homestead.

(1) through (2) No change.

(3)(a) Changes, additions, or improvements do not include replacement of a portion of real property damaged or destroyed by misfortune or calamity when the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The replacement just value in excess of 125 percent shall be treated as a change, addition, or improvement and added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion.

(b) In lieu of the formula in paragraph (a) and subsection (4), changes, additions or improvements to homestead property rendered uninhabitable in one or more of the named 2004 storms are limited to the square footage exceeding 110 percent of the homestead property's total square footage. Rebuilt portions of such homestead properties with 1350 or less square feet which are rebuilt up to 1500 square feet are not considered changes, additions or improvements subject to assessment at just value. This paragraph shall apply to such homestead properties for which repairs are completed by January 1, 2008 and applies retroactively to January 1, 2005. See Chapter 2005-268, Laws of Florida.

(4) The replacement just value in excess of 125 percent, for purposes of this section, shall be measured directly by considering mass data collected, market evidence, and cost, or computed as follows:

(a) Determine the just value of the total homestead property prior to damage or destruction.

Example: Just value = \$100,000 and assessed value = \$80,000;

(b) Attribute a just value to the damaged or destroyed portion of the homestead property.

Example: \$10,000 (the just value of the remaining property including land is \$90,000);

(c) Compute the replacement just value that will be treated as not a change, addition, or improvement, by multiplying the amount determined under paragraph (b) by 125 percent.

Example: \$10,000 x 125 percent = \$12,500;

(d) Determine the just value of the total property after the damaged or destroyed portion has been replaced.

Example: \$120,000;

(e) Determine the just value of the replaced portion of the property.

Example: \$120,000 - \$90,000 = \$30,000; then

(f) Subtract the amount computed under paragraph (c) from the amount determined under paragraph (e).

Example: \$30,000 - \$12,500 = \$17,500.

This excess value shall be treated as a change, addition, or improvement, and added to the assessed value, including the assessment limitation change for the year, as provided in subsection (3).

Example: \$80,000 + \$2,248 (\$80,000 x 2.81 percent consumer price index (CPI), assessment limitation change) + \$17,500 = \$99,748.

(5) If the damaged portion is not replaced or substantially replaced in the year the damage occurred, but is replaced in a subsequent year, the replacement will be treated as a change, addition, or improvement as provided in subsections (3)(a) and (4), adjusted for changes in market and homestead property assessment limitation values. The just value of the damaged portion of property after the replacement or repair shall be compared to 125 percent of the value of the damaged portion as provided in subsections (3)(a) and (4).

(6) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented Ch. 2005-268, L.O.F., 192.042, 193.011, 193.023, 193.155, 213.05 FS. History—New 12-27-94, Amended 12-25-96, _____.

12D-8.021 Procedure for the Correction of Errors by Property Appraisers.

(1) through (6) No change.

(7) Except when a property owner consents to an increase, as provided in paragraph (10)(a), the correction of any error that will increase the assessed valuation, and subsequently the taxes, shall be presented to the property owner with a notice of proposed property taxes mailed or delivered to the property owner, which includes notice of the right of the property owner to petition the value adjustment board ~~value adjustment board for approval, provided it has not adjourned.~~ Any error that will increase the assessed valuation and taxes shall be certified by the official correcting the error. ~~The certification of the official correcting the error shall be attached to Form DR-409 and~~

~~presented to the value adjustment board which shall have final approval authority for the correction of such errors and, unless approved, no correction shall be made to the tax roll.~~

(8) through (9) No change.

(10) If the value adjustment board has adjourned, the property owner shall be afforded the following options when an error has been made which, when corrected, will have the effect of increasing the assessed valuation and subsequently the taxes. The options are:

(a) The property owner by waiver may consent to the increase in assessed valuation and subsequently the taxes by stating that he does not desire to present a petition to the value adjustment board and that he desires to pay the taxes on the current tax roll. If the property owner makes such a waiver, the property appraiser shall advise the tax collector who shall proceed under rule subsection 12D-13.006(6), F.A.C.

(b) The property owner may refuse to waive the right to petition the value adjustment board at which time the property appraiser shall notify the proper owner and tax collector that the correction shall be placed on the current ~~subsequent~~ year's tax roll and also at such time as the subsequent year's tax roll is prepared, the property owner shall have the right to file a petition contesting the corrected assessment.

(c) If the value adjustment board has adjourned for the year or the time for filing petitions has elapsed, a back assessment shall be considered made within the calendar year if, prior to the end of the calendar year, a signed Form DR-409, certificate of correction (incorporated by reference in Rule 12D-16.002, F.A.C.) or a supplemental assessment roll is tendered to the tax collector and a notice of proposed property taxes with notice of the right to petition the next scheduled value adjustment board is mailed or delivered to the property owner.

(11) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.155, 194.011(1), 194.032, 196.011, 197.122, 197.182, 197.323, 197.332, 213.05 FS. History—New 12-7-76, Formerly 12D-8.21, Amended 12-10-92, 12-27-94, 12-25-96, 12-31-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005, Vol. 31, No. 32, pp. 2824-2825. A workshop was held on August 26, 2005. Comments were received during the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLE:

RULE NO.:

Printing and Posting of Tax Roll by Data

Processing Methods, Delivery of Tax Roll to Tax Collector and Clerk of Court, Destruction of Tax Rolls, and Microfilm or Microfiching of Tax Rolls

12D-13.015

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.015, F.A.C., is to clarify that microfilm and microfiche includes tax rolls in digital format.

SUMMARY: The proposed amendment to Rule 12D-13.015, F.A.C., provides that for purposes of printing or providing copies of tax rolls, microfilm or microfiche includes tax rolls stored in digital format.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.085, 193.114, 193.116, 193.122, 195.002, 195.027, 197.322, 197.323, 197.332, 213.05 FS.

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

TIME AND DATE: 10:00 a.m., October 28, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing 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 IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-13.015 Printing and Posting of Tax Roll by Data Processing Methods, Delivery of Tax Roll to Tax Collector and Clerk of Court, Destruction of Tax Rolls, and Microfilm or Microfiching of Tax Rolls.

(1) In those counties having the capacity to print tax rolls on microfiche or microfilm the property appraiser may print the tax roll on hard copy, microfilm, or microfiche and shall certify the same to the tax collector, value adjustment board, Board of County Commissioners, any taxing district, and any

municipality. It shall only be necessary to certify to taxing districts and municipalities that part of the tax roll that pertains to each taxing district and municipality. It shall not be necessary for the property appraiser to furnish hard copies of the tax roll to any officer or taxing authority if copies of the tax roll are available on either microfilm or microfiche unless the officer or taxing authority does not have the necessary equipment or machinery to review microfilm or microfiche copies of the tax roll and to purchase such items would cause an unnecessary hardship on the officer or taxing authority. In such case, the property appraiser shall print a hard copy of the tax roll at the request of the officer or taxing authority. If the property appraiser intends to print the tax roll on microfilm or microfiche and no hard copies will be printed, then he or she shall notify the officer or taxing authority. For purposes of this rule, microfilm and microfiche includes storage in digital electronic format. The clerk of the court shall accept whatever copy of the tax roll is certified by the property appraiser to the tax collector.

(2) through (3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.085, 193.114, 193.116, 193.122, 195.002, 195.027, 197.322, 197.323, 197.332, 213.05 FS. History—New 6-18-85, Formerly 12D-13.15, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005, Vol. 31, No. 32, pp. 2825-2826. A workshop was held on August 26, 2005. No comments were received during or after the workshop.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE TITLE: Index to Forms

RULE NO.: 12D-16.002

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement forms creations/revisions created in Chapters 2005-42 and 2005-157, Laws of Florida, and incorporate other technical changes made to forms.

SUMMARY: The amendment to Rule 12D-16.002, F.A.C., incorporates 2005 legislative changes and other technical changes to ad valorem property tax forms prescribed by the Department.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

TIME AND DATE: 10:00 a.m., October 28, 2005

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

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing 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 IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date	Specific Authority
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. <u>12/05</u> 12/04)	<u>12/04</u>	195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.196, 196.198, 196.199, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, _____.
(3) through (8) No change.			NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6108, e-mail: gallopss@dor.state.fl.us
(9)(a) DR-409	Certificate of Correction of Tax Roll (r. <u>12/05</u> 12/03)	<u>1/04</u>	NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, (850)414-6109
(b) through (15) No change.			DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2005
(16)(a) DR-453	Notice of Tax Lien for Homestead Exemption and/or Limitation Exclusion (r. <u>12/05</u> 6/96)	<u>12/96</u>	DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005, Vol. 31, No. 32, pp. 2826-2827. A workshop was held on August 26, 2005. No comments were received during or after the workshop.
(b) through (38) No change.			
(39)(a) DR-501S	Eligibility Criteria to Qualify for Property Tax Exemption (r. <u>12/05</u> 12/03)	<u>1/04</u>	
(b) through (56)(a) No change.			BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND
(b) DR-570WF	<u>Application for Recreational and Commercial Working Waterfronts Tax Deferral (n. 12/05)</u>	_____	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."
(c)(b) DR-571	Notice of Disapproval of Application for Homestead Tax Deferral (r. 6/91)	6/91	DEPARTMENT OF CORRECTIONS
(d) DR-571WF	<u>Notice of Disapproval of Application for Recreational and Commercial Working Waterfronts Tax Deferral (n. 12/05)</u>	_____	RULE TITLE: Public Information and Inspection of Records RULE NO.: 33-102.101 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise an incorporated form for consistency with Florida Statutes. SUMMARY: Form DC1-201, Invoice for Production of Records, is being amended to reflect recent revisions to Chapter 119, F.S.
(57)(a) No change.			SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.
(b) DR-572WF	<u>Petition to Value Adjustment Board Recreational and Commercial Working Waterfronts (n. 12/05)</u>	_____	Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.
(c)(b) DR-584	Tax Collectors Budget Schedule (r. 2/94)	12/94	SPECIFIC AUTHORITY: 944.09 FS.
(d)(e) DR-585	Minimum Standards Contract (n. 8/77)	8/77	LAW IMPLEMENTED: 119.07, 120.53 FS.
(58) through (61) No change.			IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

33-102.101 Public Information and Inspection of Records.
(1) through (4) No change.

(5) When copies requested pursuant to this rule are available to be picked up or for mailing, the requestor shall be notified of the costs of reproduction as specified in subsections (2) and (3) on an Invoice for Production of Records, Form DC1-201. Form DC1-201 shall also indicate if any information is redacted from the copies provided as required by state law. Form DC1-201 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of Form DC1-201 is 10-29-01.

Specific Authority 944.09 FS. Law Implemented 119.07, 120.53 FS. History—New 10-8-76, Amended 2-14-81, Formerly 33-1.04, Amended 6-9-86, 2-9-88, Formerly 33-1.004, Amended 10-29-01, .

NAME OF PERSON ORIGINATING PROPOSED RULE:
Louis A. Vargas, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 25, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

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 the revised Florida Medicaid Hospital Services Coverage and Limitations Handbook, June 2005. The revised handbook contains policy and coding changes to comply with the Health Insurance Portability and Accountability Act (HIPAA); revenue center codes, procedure codes, and code descriptions for billing newborn hearing screening services; revisions to the inpatient prior authorization policy; and policy for a recipient coinsurance for using the hospital emergency room for non-emergency services. The effect will be to incorporate in the rule the Florida Medicaid Hospital Services Coverage and Limitations Handbook, June 2005.

SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Hospital Services Coverage and Limitations Handbook, June 2005.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 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: 10:00 a.m., Monday, October 31, 2005

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room B, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Vergeson, Medical Health Care Program Analyst, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7724

THE FULL TEXT OF THE PROPOSED RULE 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, ~~June 2005, March 2003, updated January 2005,~~ and the Florida Medicaid Provider Reimbursement Handbook, UB-92, April 2004, both incorporated by reference in this rule. Both handbooks are available from the Medicaid fiscal agent contractor.

Specific Authority 409.919 FS. Law 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, .

NAME OF PERSON ORIGINATING PROPOSED RULE: Melissa Vergeson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 25, 2005

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Construction Industry Licensing Board**

RULE TITLE: Practical Examination

RULE NO.: 61G4-16.003

PURPOSE AND EFFECT: The proposed new rule is intended to describe practical examination for Swimming Pool Specialty Contractors.

SUMMARY: The proposed new rule provides language with regard to practical examination for Swimming Pool Specialty Contractors.

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

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

SPECIFIC AUTHORITY: 455.217, 489.113 FS.

LAW IMPLEMENTED: 455.217, 489.113 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.003 Practical Examination.

(1) Scope of Rule. The scope of this rule is to provide the practical examination requirements for the voluntary certification of swimming pool specialty contractors.

(2) Practical Examination Required. The examination for licensure for any category of swimming pool specialty contractor as specified in Rule 61G4-15.032, F.A.C., shall consist of a practical examination.

(a) The practical examination shall test the applicant's ability to perform the scope of work for the category of swimming pool specialty contractor for which the applicant applied.

(b) The practical examination for any category of swimming pool specialty contractor shall have a maximum time limit of 14 days.

(c) An applicant must be working under the supervision and within the scope of work of a contractor licensed pursuant to Section 489.105(3)(j)-(k), F.S., at the time of the examination.

(d) An applicant must make all arrangements to secure an appropriate location at which to perform the practical examination. These arrangements include, but are not limited to, all appropriate equipment and permissions for the presence of the practical examiner.

(e) An applicant must arrange for a practical examiner who meets the requirements in subsection (3) to administer the practical examination. These arrangements include, but are not limited to, securing all necessary site permissions and paying of any applicable fee to the proctor.

(3) Examiners for Practical Examinations. The practical examination shall be given by an examiner who is a contractor licensed pursuant to Section 489.105(3)(j)-(k), F.S., and whose scope of work includes the category of swimming pool specialty contractor to be tested.

(a) The practical examiner must register with the department by completing a prescribed form and paying a fee not to exceed \$50 biannually; the department may require such registration and payment of fees electronically.

(b) The practical examiner must take a two (2) hour orientation course addressing protocols and techniques for administering practical examinations from a provider approved by the board. The cost of this orientation course may not exceed \$100. Orientation course approval and provider approval shall follow the processes provided for in Chapter 61G4-18, F.A.C.

(c) The practical examiner must agree to administer any and all practical examinations fairly and without bias for or against an applicant.

(d) The practical examiner must acknowledge that he or she will be subject to discipline for improper acts or administration of any practical examination.

(e) The practical examiner may not charge any more than \$200 for administering, to completion, any practical examination. The practical examiner may not allow any practical examination to go beyond the maximum time limit of fourteen (14) days. The practical examiner may not accept any additional monies related to the administration of the practical examination.

(f) A practical examiner may not employ or contract with an applicant or other contractor on the site at which a practical examination is to be administered.

(g) A practical examiner may not administer practical examinations for more than five (5) applicants at a time on any one site. A practical examiner must, however, take all reasonable efforts to ensure that only the work of the applicant is evaluated in the practical examination.

(h) The practical examiner must agree to notify the department, in the manner prescribed by the department, of the pending administration of any practical examination not less than 24 hours prior to the examination. The department shall have the responsibility of notifying an applicant of the applicant's score on the practical examination.

(i) The practical examiner must agree to notify the department, in the manner prescribed by the department, of the results of any administration of any practical examination not more than 48 hours after the practical examination was completed.

(j) The practical examiner must agree to hold the department harmless for any accident or injury resulting from the administration of any practical examination.

(4) Requirements for All Practical Examinations.

(a) Each practical examination must test the following areas, which shall account for thirty (30) percent of each examination:

1. Reading, understanding and interpreting scaled pool construction plans and surveys.

2. Understanding and complying with job-site safety requirements.

3. Handling and properly disposing of hazardous materials.

4. Recognizing the tools required to do the job and exhibit the ability to properly use those tools.

(b) The score necessary to achieve a passing grade on any swimming pool specialty contractors practical examination shall be no less than seventy (70) percent out of one hundred (100) percent of the total possible points on the practical examination.

(5) Practical Examination for Swimming Pool Layout Specialty Contractors. The practical examination for swimming pool layout specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, the following areas:

(a) 8% Accurately locating and staking out a base line or center line of the pool being built with reference to fixed objects shown on the layout plan.

(b) 8% Laying a pool out ready to be formed, including proper leveling techniques for the shell to plus or minus 1/4th inch and verifying the calculations that illustrate how the layout elevations will accommodate the coping or deck edge trim and how the finished deck elevation will meet existing finished elevations on the project such as existing patios, floors, and the surrounding landscape.

(c) 5% Verifying the calculations necessary to show that the pool layout, including decks and retaining walls will accommodate anticipated water runoff (drainage).

(d) 5% Understanding effective methods of managing ground water (dewatering).

(e) 8% Supervising an excavation according to the swimming pool plan(s) and/or specifications that insures that the walls and floor are shaped according to plans, and demonstrate the skills required to place backboard materials in the event of a cave in.

(f) 8% Properly placing and stabilizing forms.

(g) 8% Installing the piping and fittings required before installing the rough structure of a swimming pool, displaying proper solvent weld procedures.

(h) 15% Cutting and bending steel reinforcing bars, installing the structural steel in accordance with the pool plan, verifying that ties and overlaps are in accordance with code requirements, and showing that by proper blocking, the steel will have adequate and proper concrete coverage.

(i) 5% Maintaining the continuity of bond beam steel in cases where the beam is modified, including skimmer openings and step-ups in the beam such as raised beams and planters.

(6) Practical Examination for Swimming Pool Structural Specialty Contractor. The practical examination for swimming pool structural specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 10% Set guide wires or piano wire to insure that concrete walls are true and proper thickness.

(b) 5% Set up a concrete pump with an air compressor for the proper installation of pneumatically applied concrete.

(c) 10% Conduct an inspection for proper placement of forms, wall fittings, drains, light niches, steel placement, and the use of steel carrier chairs.

(d) 10% Demonstrate an understanding of the properties of concrete, including slump and the importance of taking a batch sample.

(e) 15% Demonstrate proper gunite or shotcrete placement on pool walls and floors, including finishing techniques.

(f) 10% Knowledge of dimensional requirements for features such as steps and benches.

(g) 10% The ability to read and understand manufacturer's installation instructions for fiberglass and/or vinyl liner pool structures, if applicable.

(7) Practical Examination for Swimming Pool Excavation Specialty Contractor. The practical examination for swimming pool excavation specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 5% Prepare a swimming pool construction site by grubbing or removing sod.

(b) 10% Understand effective methods of managing ground water (dewatering).

(c) 10% Operate an excavation machine such as a backhoe, tracked backhoe, or tracked excavator.

(d) 20% Excavate for a swimming pool according to the plan(s) and/or specifications. The walls and floor shall be shaped according to the swimming pool plan and demonstrate an understanding of the angle of repose and shoring requirements.

(e) 10% Understanding of different soil conditions.

(f) 5% Proper placement of excavated materials.

(g) 10% Backfill a swimming pool structure and compact the fill material.

(8) Practical Examination for Swimming Pool Trim Specialty Contractor. The practical examination for swimming pool trim specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 5% Prepare a "brown coat" or "parge" mix. Correct any misalignment in the swimming pool walls with a "brown coat".

(b) 15% Set a vertical waterline tile job with horizontal alignment of plus or minus 1/8 inch.

(c) 10% Demonstrate proper installation procedures for tile and water features per manufacturer's instructions, including step edge tile, to insure a watertight condition and the ability to install a complete waterline with a fully bedded mud bed.

(d) 15% Level the top of the beam(s) to plus or minus 1/8 inch.

(e) 10% Set bullnose brick as the pool coping, including miter joints in the coping.

(f) 5% Mix a custom grout color.

(g) 5% Properly clean tile and coping to remove masonry stains.

(h) 5% Understand effective methods of managing ground water (dewatering).

(9) Practical Examination for Swimming Pool Decking Specialty Contractor. The practical examination for swimming pool decking specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 5% Operate an under-pool dewatering system.

(b) 5% Layout and form a deck, including verification of angles and deck dimensions.

(c) 5% Perform the calculations to show that the deck layout will accommodate anticipated water runoff (drainage). Install a deck drainage system such as a deck drain.

(d) 5% Understanding of backfill and compaction procedures for sub-deck materials.

(e) 5% Demonstrate an understanding of the properties of concrete including time from batching, hydration, slump, and the effects of weather conditions. Calculate the amount of concrete required for the job.

(f) 5% Understand proper elevation and pitch requirements to insure proper drainage.

(g) 5% Understand the geometry of how to create accurate angles and locate pin points.

(h) 5% Understand reinforcement requirements for concrete.

(i) 10% Demonstrate proper placement and finishing procedures for concrete.

(j) 5% Understanding of thermal expansion and contraction of concrete and methods to accommodate it.

(k) 5% Remove and dispose of concrete forms and forming materials.

(l) 5% Set anchors and/or ladders, handrails, etc. straight and true.

(m) 5% Be aware of pressurized piping procedures and the requirement that they be maintained during the forming process and placement of concrete decking.

(10) Practical Examination for Swimming Pool Piping Specialty Contractor. The practical examination for swimming pool piping specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 10% Read, understand, and interpret a swimming pool piping plan.

(b) 15% Install pool piping, including the proper handling and solvent welding of PVC.

(c) 10% Understanding of the different applications for different solvent weld cements.

(d) 10% Proper testing and pressurization procedures for pool piping systems.

(e) 25% Proper installation procedures for pool piping, circulation, sanitation, filtration, hydraulics and venting and related equipment in accordance with manufacturer's instructions.

(11) Practical Examination for Swimming Pool Finishes Specialty Contractor. The practical examination for swimming pool finishes specialty contractors shall evaluate, through the use of a grading sheet which includes spaces for grading and comments by the practical examiner, in the following areas:

(a) 10% Operate an under-pool dewatering system.

(b) 10% Understand proper shell preparation to insure a tight bond and a watertight application, including the areas around all shell penetrations, and the neutralizing of all cleaning agents.

(c) 5% Install/repair step or underwater bench trim tile.

(d) 15% Mix plaster, including admixtures.

(e) 20% Properly apply plaster finish to a swimming pool structure in the correct thickness. Insure that plaster was troweled sufficiently.

(f) 10% Demonstrate an understanding of application and filling procedures per manufacturer's instructions to insure a clean smooth finish and a watertight condition.

(12) Retaking a Practical Examination. An applicant who fails to achieve a passing score on a practical examination must wait two (2) weeks before attempting to retake the practical examination for the category of specialty pool contractor which the applicant failed. The applicant may be required to repay the fees provided in paragraph (3)(e) of this rule.

Specific Authority 455.108, 489.113 FS. Law Implemented 455.108, 489.113 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Construction Industry Licensing
Board
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 23, 2005
DATE NOTICED OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: Deceptive and Misleading Advertising
Prohibited; Policy; Definition

RULE NO.:

64B2-15.001

PURPOSE AND EFFECT: The Board proposes to add language clarifying what advertisement or advertising of acupuncture services shall be deemed by the Board to be fraudulent, false, deceptive or misleading.

SUMMARY: The proposed rule amendment clarifies what advertisement or advertising of acupuncture services shall be deemed by the Board to be fraudulent, false, deceptive or misleading.

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

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

SPECIFIC AUTHORITY: 460.405 FS.

LAW IMPLEMENTED: 456.062, 460.413(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

(1) No change.

(2) No chiropractor shall disseminate or cause the dissemination of any advertisement or advertising which is in any way fraudulent, false, deceptive or misleading. Any advertisement or advertising shall be deemed by the Board to be fraudulent, false, deceptive, or misleading if it:

(a) through (l) No change.

(m) Contains a reference that the chiropractic physician is licensed to practice acupuncture, unless the chiropractic physician is licensed under the provisions of Chapter 457, Florida Statutes. Any chiropractic physician certified to practice acupuncture pursuant to Section 460.403, Florida Statutes, and Rules 64B2-11.012, 64B2-11.013, and 64B2-17.003, F.A.C., and using the term "acupuncture" in the letterhead, business card, or other advertisement, must state that the practitioner is "certified" to practice acupuncture and identify that the practitioner is a chiropractor in the same print size or volume.

(3) No change.

Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS. History—New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00, 10-24-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: August 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Physician Assistant Licensure
Citation Authority

RULE NOS.:

64B8-30.003

64B8-30.014

PURPOSE AND EFFECT: The proposed amendment to Rule 64B8-30.003, F.A.C., is intended to clarify criteria for those who have not passed the NCCPA PANCE exam within 5 attempts. The proposed of rule amendments to Rule 64B8-30.014, F.A.C., are intended to set forth additional violations which are appropriate for issuance of a citation, and to increase the fine for failure to notify of a change in supervisor.

SUMMARY: The proposed amendment to Rule 64B8-30.003, F.A.C., is clarifies criteria for those who have not passed the NCCPA PANCE exam within 5 attempts. The proposed rule amendments to Rule 64B8-30.014, F.A.C., increase the penalty for failure to report a change in supervising physician from \$125 to \$250 per supervising physician. In addition the proposed amendments set forth a fine of \$500 for failure to notify the Board of action taken against the license in another jurisdiction. Finally the rule implements a \$500 fine for the first time failure to pay the fine or costs imposed by final order.

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

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

SPECIFIC AUTHORITY: 456.013, 456.031(2), 456.033(6), 456.077, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.017, 456.031, 456.033, 456.077, 458.347 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-30.003 Physician Assistant Licensure.

(1) No change.

(2) Applicants who have not passed the NCCPA PANCE examination within five (5) attempts and have not practiced as a fully licensed physician assistant shall be required to successfully complete a minimum of three (3) months in a full-time review course at an accredited physician assistant program approved by the Chair of the Physician Assistant Committee prior to sitting for the sixth examination attempt. Said completion shall be documented by a letter signed by the head of the program stating that the applicant has satisfactorily completed the course.

(3) through (5) No change.

Specific Authority 456.013, 456.031(2), 456.033(6), 458.309, 458.347 FS. Law Implemented 456.013, 456.017, 456.031, 456.033, 458.347 FS. History—New 4-28-76, Amended 11-15-78, 10-23-80, 12-4-85, Formerly 21M-17.03, Amended 5-13-87, 11-15-88, 11-15-90, 1-9-92, 5-6-93, Formerly 21M-17.003, Amended 9-21-93, Formerly 61F6-17.003, Amended 9-8-94, 11-30-94, 10-25-95, 3-25-96, Formerly 59R-30.003, Amended 6-7-98, 8-19-99, 5-28-00, 3-3-02, 5-19-03, 10-19-03, 11-17-03, 9-5-05, _____.

64B8-30.014 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) through (f) No change.	
(g) Failure to report to the Department of addition/deletion/change of supervising physician(s). (Section 456.035, F.S.) (Section 458.331(1)(g), F.S.) (Section 458.347(7)(e), (g), F.S.)	\$250 fine per supervising physician \$425 fine
(h) Failure to notify the Board in writing within 30 days if an action as defined in Section 458.331(1)(b), F.S., has been taken against one's license to practice as a physician assistant in another state, territory, or country if that action was based on action taken by the Florida Board of Medicine. (Section 458.331(1)(kk), F.S.) (Section 456.072(1)(w), F.S.)	\$500 fine
(i) First time failure to pay fine or costs imposed by Board Order within 30 days of the due date of the fine or costs. (Failure to pay more than 30 days after the due date will result in an administrative complaint) (Section 456.072(1)(q), F.S.)	\$500 fine

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

~~(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.~~

~~(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.~~

~~(5)(7) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, F.S.~~

Specific Authority 456.077, 458.309, 458.347(7)(g),(12) FS. Law Implemented 456.077, 458.331, 458.347(7)(g),(12) FS. History—New 3-3-02, Amended 5-19-03, 11-17-03, 5-4-04.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Council on Physician Assistants

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Medicine

DATES PROPOSED RULE APPROVED BY AGENCY

HEAD: June 4, 2005 and August 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE TITLE:

RULE NO.:

Continuing Education for

Licensure Renewal

64B10-15.001

PURPOSE AND EFFECT: The Board proposes to amend this rule to provide that all licensees must complete continuing education requirements prior to renewing a license. The Board proposes to eliminate "risk management" from subsection (9) of this rule so that continuing education credits can be earned in areas besides "risk management." The Board also proposes to amend subsection (9) by eliminating the requirement that a licensee attend a board meeting where discipline is imposed. The Board proposes to require continuous attendance at the meeting and new signing in and out procedures.

SUMMARY: Amends the rule for continuing education requirements and compliance procedures.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 456.033, 468.1685(1), 468.1715, 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 468.1715(3), 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.001 Continuing Education for Licensure Renewal.

(1) All licensed Nursing Home Administrators shall be required to obtain continuing education which contributes to increasing or enhancing the licensee-holder's professional skill or which enables the licensee-holder to keep abreast of changes that affect the field of nursing home administration.

(2) Each licensee-holder shall complete forty (40) contact hours of continuing education in accordance with these rules. A licensee-holder shall not be permitted to receive more than fifteen (15) continuing education hours in any one topic for a single program.

~~(3) A newly licensed Nursing Home Administrator shall not be required to complete a continuing education requirement prior to the first renewal of his license, but it shall be required prior to any subsequent renewal.~~

~~(4) During the license renewal period, the Department will send to each license holder at the last address of record, a notice for renewal. Failure to receive any notification does not relieve the continuing education requirements or waive the license expiration date. The application for renewal shall include a statement in which the licensee shall declare that during the biennium preceding renewal, he completed the required hours of approved continuing education.~~

~~(3)(5)~~ Each licensee shall be responsible for maintaining the documentation ~~as may be necessary~~ to prove his/her compliance with the continuing education requirements for a period of four years ~~during the current renewal period and the one immediately preceding~~ and shall provide such documentation to the Department upon request.

~~(4)(6)~~ The Department shall audit at random a number of licensees ~~as necessary~~ to ensure that these continuing education requirements are met.

~~(5)(7)(a)~~ Licensees shall include either the hours obtained from attendance at the HIV/AIDS course required under Section 456.033(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 456.033(9), F.S., as part of the hours required for biennial renewal.

~~(b) As a condition of biennial licensure renewal, each licensee must participate in a Board approved continuing education course on medical errors as required by Section 456.013, F.S. The course shall not be less than two (2) contact hours and must contain the following components: Root cause analysis; error reduction and prevention; and patient safety.~~

~~(6)(8)~~ A licensee who attends a meeting of a national association involved in the establishment of standards of practice for nursing home administrators or the regulation of nursing home administrators may apply to the Board for approval of that activity as a continuing education activity. In order to receive said approval, the licensee must submit a written statement to the Board within sixty (60) days of attendance or participation in said conference, stating the name of the organization conducting the meeting, dates of attendance, and a brief statement as to how the course that activity contributed to the enhancement of the licensee's skills; or otherwise enabled the licensee to keep abreast of changes affecting the practice of nursing home administration. The Board may approve up to 5 hours of continuing education per year in one year under this paragraph.

~~(7)(9)~~ Three hours of continuing education may be obtained by the following:

~~(a) Attending one full day of a board meeting in compliance with the following:~~

~~1. The licensee must sign in with the Executive Director/Program Operations Administrator of the board before the meeting day begins.~~

~~2. The licensee must remain in continuous attendance.~~

~~3. The licensee must sign out with the Executive Director/Program Operations Administrator at the end of the meeting. A licensee shall receive continuing education credit for attending a board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the board meeting for another purpose. A licensee who attends a meeting of the Board of Nursing Home Administrators may receive 3 hours of continuing education in one year for attending said Board meeting. Licensees who are attending the meeting because of pending disciplinary action, and members of the Board, are not eligible to receive credit under this paragraph. In order to receive credit for these continuing education hours, the licensee must deliver a statement, in writing, to the senior staff member present at said Board meeting, of his intention to claim continuing education hours under this paragraph. A maximum of three (3) hours of continuing education credits in risk management may be earned each biennium by licensees in the following manner:~~

~~(b) Serve as a volunteer expert witness for the department in a disciplinary case.~~

~~(c) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).~~

~~(10) In addition to the continuing education credits authorized above, a maximum of three (3) hours of credit in the area of risk management may be earned each biennium in the following manner:~~

~~(a) Attend a board meeting where a licensee is disciplined.~~

~~(b) Serve as a volunteer expert witness for the department in a disciplinary case.~~

~~(e) Serve as a member of a probable cause panel after expiration of the Board's member's term(s).~~

Specific Authority 456.033, 468.1685(1), 468.1715(3), 468.1725 FS. Law Implemented 456.013(6), 456.033, 468.1715(3), 468.1725 FS. History--New 12-11-80, Amended 2-20-83, 5-2-84, Formerly 21Z-15.01, Amended 12-31-86, 2-26-89, 11-19-91, Formerly 21Z-15.001, 61G12-15.001, Amended 9-4-96, 10-20-96, 7-21-97, Formerly 59T-15.001, Amended 5-15-00, 11-4-02,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 8, 2005

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

DEPARTMENT OF HEALTH

Board of Optometry

RULE TITLES:	RULE NOS.:
Licenses and Signs in Office	64B13-3.006
Minimum Procedures for Vision Analysis	64B13-3.007
Corporate, Lay, and Unlicensed Practice of Optometry Prohibited	64B13-3.008
False, Fraudulent, Deceptive and Misleading Advertising Prohibited;	
Policy; Definitions; Affirmative Disclosure	64B13-3.009
Prescriptions	64B13-3.012

PURPOSE AND EFFECT: 64B13-3.006 – To require that the notification that a licensee is not a certified optometrist be in easily readable type size.

64B13-3.007 – To clarify that visual screens for research purposes do not require the minimum procedures set forth in the rule if the patient gives informed consent.

64B13-3.008 – To clarify what constitutes evidence of affecting the independent practice of a licensee.

64B13-3.009 – To establish type size in advertisements for free or discounted services.

64B13-3.012 – To add additional information required on prescriptions.

SUMMARY: 64B13-3.006 – It is required that the notification that a licensee is not a certified optometrist be in easily readable type size.

64B13-3.007 – It is clarified that visual screens for research purposes do not require the minimum procedures set forth in the rule if the patient gives informed consent.

64B13-3.008 – What constitutes evidence of affecting the independent practice of a licensee is clarified.

64B13-3.009 – Type size in advertisements for free or discounted services is established.

64B13-3.012 – Additional information required on prescriptions is added.

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

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

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.072(1)(a),(j),(m),(p), 463.002(3), 463.005, 463.011, 463.012, 463.0135, 463.014, 463.016(1)(f),(g),(k) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B13-3.006 Licenses and Signs in Office.

(1) No change.

(2) A licensed practitioner who is not a certified optometrist shall display at every location at which he practices optometry a sign in Times New Roman 40 point font size or Courier New 44 point font size, or equivalent size which states: “I am a Licensed Practitioner, not a Certified Optometrist, and I am not able to prescribe topical pharmaceutical agents.”

Specific Authority 463.005(1) FS. Law Implemented 463.002(3), 463.011 FS. History–New 11-13-79, Amended 3-13-81, 6-29-82, Formerly 21Q-3.06, Amended 12-16-86, 2-13-90, Formerly 21Q-3.006, 61F8-3.006, 59V-3.006, Amended _____.

64B13-3.007 Minimum Procedures for Vision Analysis.

(1) through (6)(c) No change.

(d) Drug therapy research and contact lenses.

(7) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135, 463.016(1)(g),(k) FS. History–New 11-13-79, Amended 4-17-80, 7-29-85, Formerly 21Q-3.07, Amended 7-18-90, Formerly 21Q-3.007, 61F8-3.007, 59V-3.007, Amended 4-3-00, 4-5-04, _____.

64B13-3.008 Corporate, Lay, and Unlicensed Practice of Optometry Prohibited.

(1) through (9) No change.

(10) For the purposes of this rule, the terms “any aspect of the practice of optometry” and “any term or condition relative to his/her practice of optometry” shall include:

(a) No change.

(b) The type or brand of ophthalmic materials available, prescribed, or dispensed;

(c) through (g) No change.

(h) Fee schedules for optometric services and materials, and the establishment thereof, including billing methods; ~~and~~

(i) Information disseminated to the public regarding optometric services;–

(j) The type of insurance to be accepted or managed care organizations in which the optometrist must agree to participate.

(11) through (15)(k) No change.

(l) Agreeing to any provision of a lease or space agreement (whether oral or written) that in any way impairs, limits, or restricts the licensed practitioner’s full and independent professional judgment and responsibility, including lease or space agreements which include agreements to be evaluated by any employee or agent of the lessee, to provide a business plan or similar information to the lessee;

(m) through (p) No change.

(16) No change.

Specific Authority 463.005(1) FS. Law Implemented 456.072(1)(a),(j),(m),(p), 463.014, 463.016(1)(f),(g), 463.0135 FS. History–New 11-13-79, Amended 4-24-80, 12-19-84, Formerly 21Q-3.08, Amended 12-16-86, 3-25-91, 1-27-92, Formerly 21Q-3.008, 61F8-3.008, Amended 2-14-96, Formerly 59V-3.008, Amended _____.

64B13-3.009 False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

(1) through (7) No change.

(8) Any advertisement for free or discounted services must contain the disclaimer required by Section 456.062, F.S., in Times New Roman 40 point font or Courier New 44 point font, or an equivalent size type.

Specific Authority 463.005 FS. Law Implemented 456.072(1)(a),(m), 463.014, 463.016(1)(f),(g) FS. History–New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, _____.

64B13-3.012 Prescriptions.

(1) through (3) No change.

(4) Spectacle and contact lens prescriptions shall include ~~are defined as follows:~~

(a) Spectacle prescriptions:

1. through 3. No change.

4. Prism amount, if necessary;–

5. Multifocal add power, if necessary.

6. Any other information necessary to accomplish the objective of the prescription.

(b) Contact lens prescriptions, including prescriptions for cosmetic, non-corrective lenses, as applicable:

1. through 3. No change.

4. ~~Range of S~~specific contact lens type/brand,

5. ~~Range of B~~base curve, if not included in type/brand,

6. ~~Range of D~~diameter, if not included in type/brand,

7. No change.

(5) No change.

Specific Authority 463.005 FS. Law Implemented 463.005, 463.012, 463.0135, 463.016(1)(k) FS. History—New 4-10-84, Formerly 21Q-3.12, Amended 3-4-86, 8-30-87, Formerly 21Q-3.012, 61F8-3.012, Amended 2-5-96, Formerly 59V-3.012, Amended 1-2-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 19, 2005

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Citation Authority

RULE NO.:

64B15-6.01051

PURPOSE AND EFFECT: The proposed of rule amendments are intended to set forth additional violations which are appropriate for issuance of a citation, and to increase the fine for failure to notify of a change in supervisor.

SUMMARY: The proposed rule amendments increase the penalty for failure to report a change in supervising physician from \$125 to \$250 per supervising physician. In addition the proposed amendments set forth a fine of \$500 for failure to notify the Board of action taken against the license in another jurisdiction. Finally the rule implements a \$500 fine for the first time failure to pay the fine or costs imposed by final order.

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

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

SPECIFIC AUTHORITY: 456.077, 459.005, 459.022(7)(f),(12) FS.

LAW IMPLEMENTED: 456.077, 459.015, 459.022(7)(f),(12) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-6.01051 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(1) through (2) No change.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

VIOLATIONS	PENALTY
(a) through (f) No change.	
(g) Failure to report to the Department of addition/deletion/change of supervising physician(s). (Sections 456.035, 459.015(1)(g), 459.022(7)(e), (g), F.S.)	\$250 fine per supervising physician \$125 fine
(h) Failure to notify the Board in writing within 30 days if an action as defined in Section 459.015(1)(b), F.S., has been taken against one's license to practice as a physician assistant in another state, territory, or country if that action was based on action taken by the Florida Board of Osteopathic Medicine. (Section 456.072(1)(w), F.S.)	\$500 fine
(i) First time failure to pay fine or costs imposed by Board Order within 30 days of the due date of the fine or costs. (Failure to pay more than 30 days after the due date will result in an administrative complaint) (Section 456.072(1)(q), F.S.)	\$500 fine

(4) Citations shall be issued to licensees by the Bureau of Investigative Services only after review by the legal staff of the Department of Health, Division of Regulation. Such review may be by telephone, in writing, or by facsimile machine.

~~(5) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedures of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with other violations, then the procedures of Section 456.073, F.S., shall apply.~~

~~(6) The subject has 30 days from the date the citation becomes a final order to pay any fine imposed and costs. All fines and costs are to be made payable to the "Department of Health" and sent to the Department of Health in Tallahassee. A copy of the citation shall accompany the payment of the fine.~~

(5)(7) The Department of Health shall, at the end of each calendar quarter, submit a report to the Board of the citations issued, which report shall contain the name of the subject, the violation, fine imposed, and the number of subjects who dispute the citation and chose to follow the procedures of Section 456.073, F.S.

Specific Authority 456.077, 459.005, 459.022(7)(f),(12) FS. Law Implemented 456.077, 459.015, 459.022(7)(f),(12) FS. History--New 3-10-02, Amended 1-12-04, 5-4-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: RULE NO.:

Definitions 64B15-9.0055

PURPOSE AND EFFECT: The proposed rule is intended to address the definition of administrative medicine.

SUMMARY: The proposed rule sets for the definition of administrative medicine.

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

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

SPECIFIC AUTHORITY: 456.013(13), 459.005 FS.

LAW IMPLEMENTED: 456.036(9), 459.007(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-9.0055 Definitions.

The term "administrative medicine" as used in this rule chapter, shall be defined as the administration or management of a private or government organization, by a licensed physician, wherein the physician is required to apply and utilize the medical and clinical knowledge, skills, and judgment that are unique to a licensed physician. Administrative medicine shall include, but is not limited to,

administering or managing a hospital or other health service, developing health operational policy, planning or purchasing health services or administering or managing a government healthcare benefit program. Administration medicine does not include diagnosing or treating patients or the prescription of drugs or controlled substances.

Specific Authority 456.013(13), 459.005 FS. Law Implemented 456.036(9), 459.007(5) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: RULE NO.:

Violations and Penalties 64B15-19.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to address the penalty for licensees who have been terminated or failed to comply with a treatment program.

SUMMARY: The proposed rule amendments sets forth the penalty for licensees who have been terminated or failed to comply with a treatment program.

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

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

SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation

and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (57) No change.

(58) Being terminated from a treatment program for impaired practitioners, as described in s. 456.076, for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug-treatment or alcohol-treatment program. (456.072 (1), (gg) F.S.)

FIRST OFFENSE:	<u>stayed suspension and probation and \$2,500 fine</u>	<u>suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$ 5,000 fine</u>
SECOND OFFENSE:	<u>suspension until licensee is able to demonstrate to the Board ability to practice with reasonable skill and safety to be followed by probation and \$ 7,500 fine.</u>	<u>revocation and \$10,000 fine</u>

Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079 FS. History—New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Emergency Medical Services

RULE CHAPTER NO.: 64E-2

RULE TITLE: Emergency Medical Technician

RULE NO.: 64E-2.008

PURPOSE AND EFFECT: The United States military has determined that it is beneficial to use Florida as a training ground for many of its emergency medical units. Florida desires individuals who are undergoing military training to promptly obtain certification in Florida so that they are not uncertified while working in Florida. This amendment will expedite the certification process for military personnel. The amended rule will allow military emergency medical technicians, who demonstrate competency by holding National Registry certification, to not have to sit for the Florida administered examination to undergo training in Florida.

SUMMARY: The Department of Health has determined that it is necessary to amend the rule relating to the certification of Emergency Medical Technicians to set forth an abbreviated procedure for the certification of certain members of the United States military who are temporarily assigned to Florida and meet certain criteria.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.23, 401.27, 401.34, 401.41, 401.411, 401.414 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Don L. Bennett, M.B.A., Chief, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4053, e-mail: Don_Bennett@doh.state.fl.us, Fax (850)488-2512

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-2.008 Emergency Medical Technician.

(1) through (4)(b) No change.

(5) Individuals who document their possession of the following in their application shall be deemed to satisfy subsection 64E-2.010(4), F.A.C., for certification as an EMT only while these criteria are applicable:

(a) Status as a member of the United States military;

(b) Valid EMT certification from the National Registry of Emergency Medical Technicians; and

(c) Assignment to Florida as part of a training program to operate as an EMT.

Specific Authority 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS. Law Implemented 381.001, 401.23, 401.27, 401.34, 401.35, 401.41, 401.411, 401.414, FS. History—New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.56, Amended 11-2-86, 4-12-88, 8-3-88, 12-10-92, 11-30-93, 12-10-95, 1-26-97, Formerly 10D-66.056, Amended 8-4-98, 1-3-99, 9-3-00, 4-15-01, 6-3-02, 11-3-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa M. Walker, Government Analyst II

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Don L. Bennett, M.B.A., Chief, Bureau of Emergency Medical Services

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE TITLES:	RULE NOS.:
Definitions	65D-30.002
Department Licensing and Regulatory Standards	65D-30.003
Common Licensing Standards	65D-30.004
Standards for Intensive Inpatient Treatment	65D-30.0061
Standards for Day or Night Treatment with Community Housing	65D-30.0081
Standards for Aftercare	65D-30.011

PURPOSE AND EFFECT: Chapter 65D-30, F.A.C., titled Substance Abuse Services, is being amended in response to Legislative mandate, the need for additional levels of care within the substance abuse system of care, and the need to correct specific standards in administrative rules under Chapter 65D-30, F.A.C., that are in conflict with statutory requirements under Chapter 397, F.S.

SUMMARY: Chapter 397, F.S., provides the Department of Children and Family Services the authority to license substance abuse services. This includes the authority to license various levels of residential treatment. During the 2005 session of the Florida Legislature, Senate Bill 356 was passed and signed into law creating a new level of treatment which the department is authorized to license. This new level provides a higher intensity of treatment than is currently available in any level of residential treatment. This is because some clients are in need of a more intensive level of care than is typical of the services provided in even the highest level of residential treatment. This would be characteristic of short term, acute care services that are typically provided in an "intensive inpatient treatment" program. Also, insurance carriers are more likely to reimburse for intensive inpatient treatment which, in turn, will increase access to services for people who would benefit from this level of care.

Along with the addition of intensive inpatient treatment, the department is proposing to add another category of services to close a current gap in its system of care. This level of care will be called day or night treatment with community housing. This level of care, authorized by statute under day and night treatment, will fill a gap in the current system of care for persons with substance abuse problems who need housing while undergoing treatment in a day or night setting.

Finally, the amendment will further align the conditions currently stated in Chapter 65D-30, F.A.C., under which an interim license may be issued, with the conditions for issuance in Chapter 397, F.S.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: The cost to the department will be limited to the cost of adopting the amendments to Chapter 65D-30, F.A.C. It is estimated that the department will not experience any additional costs. The substance abuse provider

agencies should not anticipate any increase in costs relative to the adoption of these proposed rules since the amendments merely add two categories of services which the department will be authorized to license and includes clarifying language regarding issuance of interim licenses.

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

SPECIFIC AUTHORITY: 397.321(5),(6) FS.

LAW IMPLEMENTED: 20.19(10), 397.311(18), 397.409(4) FS.

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

TIME AND DATE: 10:00 a.m., Monday, October 31, 2005

PLACE: Department of Children and Family Services, 1317 Winewood Boulevard, Building 6, Conference Room A, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Phil Emenheiser, Senior Management Analyst Supervisor, Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Rm. 306, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

65D-30.002 Definitions.

(1) through (15) No change.

(16) "Component" means the operational entity of a provider that is subject to licensing. The primary components are listed and defined below.

(a) through (b) No change.

(c) "Intensive Inpatient Treatment" includes a planned regimen of evaluation, observation, medical monitoring, and clinical protocols delivered through an interdisciplinary team approach provided 24 hours per day, 7 days per week in a highly structured, live-in environment.

(c) through (d) renumbered (d) through (e) No change.

(f) "Day or Night Treatment with Community Housing" is provided on a nonresidential basis at least 5 hours each day and at least 25 hours each week and is intended for clients who can benefit from living independently in peer community housing while undergoing treatment.

(e) through (k) renumbered (g) through (m) No change.

(17) No change.

(18) "Co-occurring Disorder" means a diagnosis of a substance abuse disorder and a concurrent diagnosis of a psychiatric disorder.

(18) through (27) renumbered (19) through (28) No change.

(28) "Dual Diagnosis" means a diagnosis of a substance abuse disorder and a concurrent diagnosis of a psychiatric disorder.

(29) through (39) No change.

(40) “Medical Monitoring” means evaluation, care, and treatment, by medical personnel who are licensed under Chapter 458, Chapter 459, or Chapter 464, F.S., of clients whose substance abuse and related problems are severe enough to require intensive inpatient treatment using an interdisciplinary team approach.

(40) through (76) renumbered (41) through (77) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311, 397.321(1), 397.419 FS. History—New 5-25-00, Amended 4-3-03, _____.

65D-30.003 Department Licensing and Regulatory Standards.

(1) Licensing.

(a) No change.

(b) Licenses Issued by Premises. One license is required:

1. For each facility that is maintained on separate premises even if operated under the same management; and

2. Where all facilities are maintained on the same premises and operated under the same management.

In both cases, all components shall be listed on the license.

For the purposes of paragraph (b), living arrangements utilized for clients of day or night treatment with community housing do not constitute facilities or separate premises.

(c) No change.

(d) Special Information Displayed on Licenses. In the case of addictions receiving facilities, detoxification, intensive inpatient treatment, and residential treatment, each license shall include the licensed bed capacity. The department shall identify on the license those components provided in each facility that are accredited by a department recognized accrediting organization such as the Commission on Accreditation of Rehabilitation Facilities (CARF), the Joint Commission on the Accreditation of Healthcare Organizations (JCAHO), and Council on Accreditation (COA). In the case of providers or components of providers that are accredited, licenses shall also include the statement, “THIS LICENSE WAS ISSUED BASED, IN PART, ON THE SURVEY REPORT OF A DEPARTMENT RECOGNIZED ACCREDITING ORGANIZATION.” This statement would not be included on the license when issuance is also based on the results of the department’s licensing inspections.

(2) Categories of Licenses; issuance.

(a) through (b) No change.

(c) Interim License.

1. Conditions Permitting Issuance. An interim license will replace a regular license for a period not to exceed 90 days, where the department finds that any one of the following conditions exist.

a. No change.

b. The provider has failed to provide proof of compliance with local fire, safety, or health, ~~or zoning~~ requirements.

c. No change.

2. No change.

(3) through (4) No change.

(5) Licensing Fees. Applicants for a license to operate as a licensed service provider as defined in subsection 397.311(18), F.S., shall be required to pay a fee upon submitting an application to the district office. The fees paid by privately funded providers shall exceed fees paid by publicly funded providers, as required in subsection 397.407(1), F.S. Applicants shall be allowed a reduction, hereafter referred to as a discount, in the amount of fees owed the department. The discount shall be based on the number of facilities operated by a provider. The fee schedules are listed by component as follows:

Publicly Funded Providers

Licensable Service Component Fee	
Addictions Receiving Facility	\$325
Detoxification	325
<u>Intensive Inpatient Treatment</u>	<u>325</u>
Residential Treatment	300
Day or Night Treatment/Host Home	250
<u>Day or Night Treatment/Community Housing</u>	<u>250</u>
Day or Night Treatment	250
Intensive Outpatient Treatment	250
Outpatient Treatment	250
Medication and Methadone	350
Maintenance Treatment Aftercare	200
Intervention	200
Prevention	200

Schedule of Discounts

Number of Licensed Facilities Discount	
2-5	10%
6-10	15%
11-15	20%
16-20	25%
20+	30%

Privately Funded Providers

Licensable Service Component Fee

Detoxification	375
<u>Intensive Inpatient Treatment</u>	<u>350</u>
Residential Treatment	350
Day or Night Treatment/Host Home	300
<u>Day or Night Treatment/Community Housing</u>	<u>300</u>
Day or Night Treatment	300
Intensive Outpatient Treatment	300
Outpatient Treatment	300
Medication and Methadone	400
Maintenance Treatment Aftercare	250
Intervention	250
Prevention	250

Schedule of Discounts
Number of Licensed Facilities Discount

2-5	5%
6-10	10%
11-15	15%
16-20	20%
20+	25%

(6) Application for Licensing. Applications for licensing shall be submitted initially and annually thereafter to the department along with the licensing required fee. Unless otherwise specified, all applications for licensure shall include the following:

(a) through (d) No change.

(e) A comprehensive outline of the services to be provided, including the licensed bed capacity for addictions receiving facilities, residential detoxification, intensive inpatient treatment, and residential treatment, to be submitted with the initial application, with the addition of each new component, or when there is a change of ownership;

(f) through (s) No change.

(t) Proof of the availability and provision of meals for addictions receiving facilities, residential detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, and day or night treatment, if applicable in the case of the two latter components (Inmate Substance Abuse Programs operated within Department of Corrections facilities are exempt from this requirement);

(u) Verification that a medical director has been designated for addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, and medication and methadone maintenance treatment; and

(v) No change.

(7) through (16) No change.

Specified Authority 397.321(5) FS. Law Implemented 20.19(10), 397.321(1), 397.401, 397.403, 397.405, 397.406, 397.407, 307.409, 397.411, 397.415, 397.419, 397.752, 633.022 FS. History—New 5-25-00, Amended 4-3-03,

65D-30.004 Common Licensing Standards.

(1) through (5) No change.

(6) Medical Director. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, and medication and methadone maintenance treatment. Providers shall designate a medical director who shall oversee all medical services. The medical director's responsibilities shall be clearly described. The provider shall notify the district office in writing when there is a change in the medical director and provide proof that the new medical director holds a current license in the state of Florida. In those cases where a provider operates treatment components

that are not identified in this subsection, the provider shall have access to a physician through a written agreement who will be available to consult on any medical services required by clients involved in those components ~~and as required by these rules~~.

(7) through (8) No change.

(9) Universal Infection Control. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment.

(a) through (b) No change.

(10) No change.

(11) Meals. At least three meals per day shall be provided to clients in addictions receiving facilities, residential detoxification, intensive inpatient treatment, residential treatment, and day or night treatment with host homes. In addition, at least one snack shall be provided each day. For day or night treatment with community housing and day or night treatment, the provider shall make arrangements to serve a meal to those clients involved in services a minimum of five hours at any one time. Clients with special dietary needs shall be reasonably accommodated. Under no circumstances may food be withheld for disciplinary reasons. The provider shall document and ensure that nutrition and dietary plans are reviewed and approved by a Florida registered dietitian at least annually.

Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this subsection but shall provide such services as required by Chapter 33-204, F.A.C., titled Food Services. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile justice.

(12) Client/Participant Records.

(a) through (b) No change.

(c) Information Required in Client/Participant Records.

1. The following applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment. Information shall include:

a. Name and address of the client and referral source;

b. Screening information;

c. Voluntary informed consent for treatment or an order to treatment for involuntary admissions and for criminal and juvenile justice referrals;

- d. Informed consent for a drug screen, when conducted;
- e. Informed consent for release of information;
- f. Documentation of client orientation;
- g. Physical health assessment;
- h. Psychosocial assessment, except for detoxification;
- i. Diagnostic services, when provided;
- j. Client placement information;
- k. Abbreviated treatment plan, for addictions receiving facilities and detoxification;
- l. Initial treatment plans, where indicated, and treatment plans, and subsequent reviews, except for addictions receiving facilities and detoxification;
- m. Progress notes;
- n. Record of disciplinary problems, when they occur;
- o. Record of ancillary services, when provided;
- p. Record of medical prescriptions and medication, when provided;
- q. Reports to the criminal and juvenile justice systems, when provided;
- r. Copies of service-related correspondence, generated or received by the provider, when available;
- s. Transfer summary, if transferred; and
- t. A discharge summary.

In the case of medical records developed and maintained by the Department of Corrections on inmates participating in inmate substance abuse programs, such records shall not be made part of information required in subparagraph 1. Such records shall be made available to authorized agents of the department only on a need-to-know basis.

2. through 4. No change.

(13) Screening. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, medication and methadone maintenance treatment, and intervention.

(a) through (d) No change.

(14) Assessment. ~~This requirement applies to Each client placed into an~~ addictions receiving facilities facility, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment. Clients shall undergo an assessment of the nature and severity of their substance abuse problem. The assessment shall include a physical health assessment and a psychosocial assessment.

(a) Physical Health Assessment. Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections are exempt from the requirements of this paragraph but shall provide such services as required in

Chapter 33-19, F.A.C., titled Health Services. Juvenile Justice Commitment Programs and detention facilities operated by or under contract with the Department of Juvenile Justice are exempt from the requirements of this subsection but shall provide such services as required in the policies, standards, and contractual conditions established by the Department of Juvenile Justice.

1. Nursing Physical Screen. A nursing physical screen shall be completed on each person considered for placement in ~~an~~ addictions receiving facilities facility, ~~or a detoxification, or intensive inpatient treatment component~~. The screen shall be completed by an R.N. or by an L.P.N. and countersigned by an R.N. The results of the screen shall be documented by the nurse providing the service and signed and dated by that person. If the nursing physical screen is completed in lieu of a medical history, further action shall be in accordance with the medical protocol established under subsection 65D-30.004(7), F.A.C.

2. Medical History. A medical history shall be completed on each client.

a. For intensive inpatient treatment, the history shall be completed within 1 calendar day of placement. In those cases where a client is placed directly into intensive inpatient treatment from detoxification or residential treatment, the medical history completed on the client while in detoxification or residential treatment may be accepted.

~~b. a.~~ For residential treatment, day or night treatment with host homes, and medication and methadone maintenance treatment, the history shall be completed within 30 calendar days prior to placement, or within 1 ~~one~~ calendar day of placement.

~~c. b.~~ For day or night treatment with community housing, day or night treatment, intensive outpatient treatment, and ~~for~~ outpatient treatment, a medical history shall be completed within 30 calendar days prior to or upon placement.

For the components identified in sub-subparagraphs a. and b., the medical history shall be completed by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. Further, the history shall be reviewed, signed and dated by the physician in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. For the components identified in sub-subparagraph ~~c. b.~~, the medical history shall be completed by the client or the client's legal guardian. For all components, the medical history shall be maintained in the client record and updated annually if a client remains in treatment for more than 1 year.

3. Physical Examination. A physical examination shall be completed on each client.

a. No change.

b. For intensive inpatient treatment, the physical examination shall be completed within 7 calendar days prior to placement or within 1 calendar day of placement. In those cases where a client is placed directly into intensive inpatient

treatment from detoxification or residential treatment the physical examination completed on the client while in detoxification or residential treatment may be accepted.

~~c.b.~~ For residential treatment and ~~for~~ day or night treatment with host homes, the physical examination shall be completed within 30 calendar days prior to placement or 10 calendar days after placement.

~~d.e.~~ No change.

For components identified in sub-subparagraphs a.-~~d.e.~~, the physical examination shall be completed by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. Further, the examination shall be reviewed, signed and dated by the physician in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C.

4. Laboratory Tests. Clients shall provide a sample for testing blood and urine, including a drug screen.

a. For addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, and day or night treatment with host homes, all laboratory tests will be performed in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C. Further, the results of the laboratory tests shall be reviewed, signed and dated during the assessment process and in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C.

b. No change.

5. Pregnancy Test. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, and medication and methadone maintenance treatment. Female clients shall be evaluated by a physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., to determine the necessity of a pregnancy test. In those cases where it is determined necessary, clients shall be provided testing services directly or by referral as soon as possible following placement.

6. Tests For Sexually Transmitted Diseases and Tuberculosis. A serological test for sexually transmitted diseases and a screening test for tuberculosis to determine the need for a Mantoux test shall be conducted on each client.

a. For intensive inpatient treatment, residential treatment, and day or night treatment with host homes, tests will be conducted within the time frame specified for the physical examination. The results of both tests shall be reviewed and signed and dated by the physician, or in accordance with the medical protocol established in subsection 65D-30.004(7), F.A.C., and filed in the client record.

b. No change.

7. No change.

8. Additional Requirements for Intensive Inpatient Treatment, Residential Treatment, and Day or Night Treatment with Host Homes. If a client is readmitted within 90 calendar days of discharge to the same provider, a physical examination

shall be conducted as prescribed by the physician. If a client is readmitted to the same provider after 90 calendar days of the discharge date, the client shall receive a complete physical examination.

9. No change.

(b) Psychosocial Assessment.

1. No change.

2. Requirements for Components. Any psychosocial assessment that is completed within 30 calendar days prior to placement in any component identified in sub-subparagraphs a.-~~f. e.~~ may be accepted by the provider placing the client. Otherwise, the psychosocial assessment shall be completed according to the following schedule.

a. No change.

b. For intensive inpatient treatment, the psychosocial assessment shall be completed within 3 calendar days of placement.

~~c.b.~~ No change.

~~d.e.~~ For residential treatment levels 2, 3, 4, 5, day or night with host homes, day or night treatment with community housing, and day or night treatment, the psychosocial assessment shall be completed within 10 calendar days of placement.

d. through e. renumbered e. through f. No change.

3. through 5. No change.

(c) No change.

(15) Client Placement Criteria and Operating Procedures. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, outpatient treatment, intervention, and medication and methadone maintenance treatment. Providers shall have operating procedures that clearly state the criteria for admitting, transferring, and discharging clients. This would include procedures for implementing these placement requirements.

(16) Primary Counselor, Orientation, and Initial Treatment Plan. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment.

(a) through (c) No change.

(17) Treatment Plan, Treatment Plan Reviews, and Progress Notes.

(a) Treatment Plan. Each client shall be afforded the opportunity to participate in the development and subsequent review of the treatment plan. The treatment plan shall include goals and related measurable behavioral objectives to be achieved by the client, the tasks involved in achieving those

objectives, the type and frequency of services to be provided, and the expected dates of completion. The treatment plan shall be signed and dated by the person providing the service, and signed and dated by the client. If the treatment plan is completed by other than a qualified professional, the treatment plan shall be reviewed, countersigned, and dated by a qualified professional within 10 calendar days of completion. In the case of Inmate Substance Abuse Programs operated by or under contract with the Department of Corrections, the treatment plan shall be reviewed, countersigned, and dated by a qualified professional within 30 calendar days of completion. A written treatment plan shall be completed on each client.

1. No change.

2. For intensive inpatient treatment, the treatment plan shall be completed within 3 calendar days of placement.

~~3. For residential treatment level 1, the treatment plan shall be completed prior to, or within 7 calendar days of placement. For residential treatment levels 2, 3, 4, and 5, and for day or night treatment with host homes, the treatment plan shall be completed prior to or within 15 calendar days of placement.~~

4. For residential treatment levels 2, 3, 4, and 5, day or night treatment with host homes, and day or night treatment with community housing, the treatment plan shall be completed prior to or within 15 calendar days of placement.

3. through 5. renumbered 5. through 7. No change.

(b) Treatment Plan Reviews. Treatment plan reviews shall be completed on each client.

1. For intensive inpatient treatment, treatment plan reviews shall be completed every 7 calendar days.

~~2. For residential treatment levels 1, 2, and 3, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, and outpatient treatment, treatment plan reviews shall be completed every 30 calendar days.~~

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

(c) Progress Notes. Progress notes shall be entered into the client record documenting a client's progress or lack of progress toward meeting treatment plan goals and objectives. When a single service event is documented, the progress note will be signed and dated by the person providing the service. When more than one service event is documented, progress notes may be signed by any clinical staff member assigned to the client. The following are requirements for recording progress notes.

1. For addictions receiving facilities, residential detoxification, outpatient detoxification, short-term residential methadone detoxification, short-term outpatient methadone detoxification, and intensive inpatient treatment, progress notes shall be recorded at least daily.

2. For residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, and long-term outpatient methadone detoxification, progress notes shall be recorded at least weekly.

3. through 4. No change.

(18) Ancillary Services. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, aftercare, and medication and methadone maintenance treatment. Ancillary services shall be provided directly or through referral in those instances where a provider can not or does not provide certain services needed by a client. The provision of ancillary services shall be based on client needs as determined by the treatment plan and treatment plan reviews. In those cases where clients need to be referred for services, the provider shall use a case management approach by linking clients to needed services and following-up on referrals. All such referrals shall be initiated and coordinated by the client's primary counselor or other designated clinical staff who shall serve as the client's case manager. A record of all such referrals for ancillary services shall be maintained in the client record, including whether or not a linkage occurred or documentation of efforts to confirm a linkage when confirmation was not received.

(19) No change.

(20) Record of Disciplinary Problems. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, medication and methadone maintenance treatment, aftercare, and intervention. A record of disciplinary problems encountered with clients and specific actions taken to resolve problems shall be maintained.

(21) No change.

(22) Discharge and Transfer Summaries. This requirement applies to addictions receiving facilities, detoxification, intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, medication and methadone maintenance treatment, aftercare, and intervention.

(a) through (b) No change.

(23) through (33) No change.

(34) Facility Standards. Facility standards in paragraphs (a)-(k) apply to addictions receiving facilities, residential detoxification facilities, intensive inpatient treatment, and residential treatment facilities. Facility standards in paragraphs (f)-(k) apply to day or night treatment with host homes, day or

night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, and medication and methadone maintenance treatment.

(a) through (c) No change.

(d) Laundry Facilities. Laundry facilities or laundry services shall be available which ensure the availability of clean clothing, bed linens, and towels.

(e) through (k) No change.

(35) through (37) No change.

Specific Authority 397.321(5) FS. Law Implemented 20.19(10), 232, 384, 397.311(23), 397.311(28), 397.321(1), 397.405, 397.419, 397.451, 397.471, 397.501, 397.601, 397.675, 397.705, 397.706, 633.022, 944.026, 948 FS. History—New 5-25-00, Amended 4-3-03, _____.

65D-30.0061 Standards for Intensive Inpatient Treatment.
In addition to Rule 65D-30.004, F.A.C., the following standards apply to intensive inpatient treatment.

(1) Specialized Services. Providers shall make provisions to meet the needs of clients with a co-occurring substance abuse and mental health disorder and related biomedical disorders. This will include protocols for:

(a) Providing clinical services daily by an interdisciplinary team of qualified staff;

(b) Planned clinical program activities designed to stabilize acute addictive and psychiatric symptoms, adapted to the client's developmental stage and level of comprehension;

(c) Monitoring the client's compliance in taking prescription medication on a regular basis, including medication education;

(d) Reviewing the client's recent psychiatric history and mental status examination;

(e) Developing a comprehensive psychiatric history and conducting a mental status examination as determined by the client's needs;

(f) Providing co-occurring enhanced services as defined in the American Society of Addiction Medicine (ASAM) Patient Placement Criteria; and

(g) Providing related biomedical services, as determined by the client's needs.

(2) Standard Services. Standard services shall include a specified number of hours of counseling as provided for in subsection 65D-30.0061(3), F.A.C. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling, it is not intended that all services listed below be provided. Services shall be provided in accordance with the needs of the client as identified in the treatment plan as follows:

(a) Individual counseling;

(b) Group counseling;

(c) Counseling with families;

(d) Substance abuse education, such as strategies for avoiding substance abuse or relapse, information on health problems related to substance abuse, motivational enhancement, and strategies for achieving a substance-free lifestyle;

(e) Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery management, decision-making, relationship skills, and symptom management;

(f) Non-verbal therapies such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the client with alternative means of self expression and problem resolution;

(g) Training or advising in health and medical issues;

(h) Employment or educational support services to assist clients in becoming financially independent; and

(i) Mental health services for the purpose of:

1. Managing clients with disorders who are stabilized;

2. Evaluating clients' needs for in-depth mental health assessment;

3. Training clients to manage symptoms; and

4. Timely referral to an appropriate provider for mental health crises or for the emergence of a primary mental health disorder, if the provider is not staffed to address primary mental health problems which may arise during treatment.

(3) Required Hours of Services.

(a) Clients shall receive services each week in accordance with subsections 65D-30.0061(1) and (2), F.A.C., including at least 14 hours of counseling and 20 hours of other structured activities.

(4) Observation of Clients. Clients requiring close medical observation, as determined and documented by medical staff, shall be visible and readily accessible to nursing staff. Clients who do not require close medical observation shall be in a bed area that allows for general nursing observation.

(5) Staff Coverage.

(a) There shall be nursing coverage 24 hours per day, 7 days per week. An R.N. shall supervise all nursing staff and an R.N. or L.P.N. shall be on-site. Nursing staff shall be responsible for monitoring each client's progress and medication administration. An R.N. or L.P.N. shall conduct a mental health focused nursing assessment at the time of placement. A physician shall be on-call 24 hours per day, 7 days per week.

(b) A psychiatrist or psychiatric A.R.N.P. or P.A. shall be available by telephone to assess the client's mental condition, if needed. A face-to-face assessment shall be conducted on clients with a co-occurring disorder within 3 calendar days of placement.

(c) A qualified professional licensed under Chapter 490 or 491, F.S., shall be a member of the interdisciplinary team and shall be on-site daily. At least one member of the non-medical clinical staff shall be on-site between the hours of 7:00 a.m. and 11:00 p.m. and on-call between 11:00 p.m. and 7:00 a.m.

(6) Caseload. No primary counselor may have a caseload that exceeds 10 currently participating clients.

(7) Transportation. Each provider shall arrange for or provide transportation services to clients who are involved in activities or in need of services that are provided at other facilities.

Specific Authority 397.321(5) FS. Law Implemented 397.311(18)(c), 397.321(1), 397.419 FS. History—New _____.

65D-30.0081 Standards for Day or Night Treatment with Community Housing.

In addition to Rule 65D-30.004, F.A.C., the following standards apply to day or night treatment with community housing.

(1) Description. Day or night treatment with community housing is appropriate for clients who do not require structured, 24-hours-a-day, 7-days-a-week residential treatment. This component allows clients to live in a supportive, community housing location while participating in treatment. This means that no treatment takes place in the housing where the clients live and that the housing is utilized solely for the purpose of assisting clients in making a transition to independent living. Clients who are considered appropriate for this level of care:

(a) Would not have active suicidal or homicidal ideation or present a danger to self or others;

(b) Are able to demonstrate motivation to work toward independence;

(c) Are able to demonstrate a willingness to live in supportive community housing;

(d) Are able to demonstrate commitment to comply with rules established by the provider;

(e) Are not in need of detoxification or residential treatment; and

(f) Typically need ancillary services such as transportation, assistance with shopping, or assistance with medical referrals and may need to attend and participate in certain social and recovery oriented activities in addition to other required clinical services.

(2) Services. Services shall include counseling as provided for in subsection 65D-30.0081(3), F.A.C. Each provider shall be capable of providing or arranging for the services listed below. With the exception of counseling and life skills training, it is not intended that all services listed be provided. For clients participating under subsection 65D-30.004(35), F.A.C., services shall be provided according to the conditions of the Department of Corrections' contract with the provider.

Otherwise, services shall be provided in accordance with the needs of the client as identified in the treatment plan, as follows:

(a) Individual counseling;

(b) Group counseling;

(c) Counseling with families;

(d) Substance abuse education, such as strategies for avoiding substance abuse or relapse, information on health problems related to substance abuse, motivational enhancement, and strategies for achieving a substance-free lifestyle;

(e) Life skills training such as anger management, communication skills, employability skills, problem solving, relapse prevention, recovery management, decision-making, relationship skills, symptom management, and food purchase and preparation;

(f) Non-verbal therapies such as recreation therapy, art therapy, music therapy, or dance (movement) therapy to provide the client with alternative means of self expression and problem resolution;

(g) Training or advising in health and medical issues;

(h) Employment or educational support services to assist clients in becoming financially independent;

(i) Nutrition education;

(j) Mental health services for the purpose of:

1. Managing clients with disorders who are stabilized;

2. Evaluating clients' needs for in-depth mental health assessment;

3. Training clients to manage symptoms; and

4. Timely referral to an appropriate provider for mental health crises or for the emergence of a primary mental health disorder if the provider is not staffed to address primary mental health problems that may arise during treatment.

(3) Required Hours of Services. Each client shall receive a minimum of 25 hours of services per week in accordance with subsection 65D-30.0081(2), F.A.C. This shall include individual counseling, group counseling, or counseling with families. In those instances where a provider requires fewer hours of participation in the latter stages of the client's treatment process, this shall be clearly described and justified as essential to the provider's objectives relative to service delivery.

(4) Staff Coverage. Each provider shall have an awake, paid employee on the premises at all times at the treatment location when one or more clients are present. In addition, the provider shall have a paid employee on call during the time when clients are at the community housing location.

(5) Caseload. No primary counselor may have a caseload that exceeds 15 clients.

(6) Transportation. Each provider shall arrange for or provide transportation services, if needed and as appropriate, to clients who reside in community housing.

(7) Inspection. Providers shall have evidence that the community housing complies with fire and safety and health codes as required at the local level.

Specific Authority 397.321(5) FS. Law Implemented 397.311(18)(e), 397.321(1), 397.419 FS. History—New _____.

65D-30.011 Standards for Aftercare.

In addition to Rule 65D-30.004, F.A.C., the following standards apply to aftercare.

(1) Client Eligibility. Clients who have successfully completed intensive inpatient treatment, residential treatment, day or night treatment with host homes, day or night treatment with community housing, day or night treatment, intensive outpatient treatment, outpatient treatment, or medication and methadone maintenance treatment are eligible for aftercare services.

(2) No change.

Specific Authority 397.321(5) FS. Law Implemented 397.311(18)(f)(19)(e), 397.321(1), 397.419 FS. History—New 5-25-00, Amended 4-3-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Phil Emenheiser

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Bryant, Acting Director, Substance Abuse Program Office

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 29, 2005

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE TITLE: Employer Worksites
PURPOSE AND EFFECT: Section 440.107(7)(a), F.S., declares that a stop-work order requires an employer to cease all business operations. Further, the section states that "[i]n addition to serving a stop-work order at a particular worksite which shall be effective immediately, the department shall immediately proceed with service upon the employer which shall be effective upon all employer worksites in the state for which the employer is not in compliance." The purpose of this rule is to prescribe the scope of a stop-work order issued against an employer who violates the coverage requirements or the records production requirements specified in the Workers' Compensation Law, Chapter 440, F.S. In effect, this rule codifies worksites for which an employer is not in compliance for purposes of serving a stop-work order directing an employer to cease all business operations at all worksites in the state or at a particular worksite in the state. Also the rule declares that a penalty assessed under Section 440.107(7)(d)1., F.S., shall be based on an employer's payroll at all worksites where the employer is not in compliance.

RULE NO.:
69L-6.029

SUMMARY: The scope of stop-work orders issued under Section 440.107, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.107(7)(a), 440.107(7)(d)1. FS.

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

TIME AND DATE: 9:30 a.m., October 31, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.029 Employer Worksites.

(1) "Worksite" for purposes of this rule means a place in Florida where an employer conducts business operations.

(2) Upon service of a stop work order on an employer, the stop work order shall be effective upon all employer worksites in the state for which the employer is not in compliance.

(3) The worksites for which an employer is not in compliance shall be determined as follows:

(a) If the employer failed to meet the coverage requirements of Chapter 440, F.S. and the Florida Insurance Code, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer's worksites requiring the cessation of all business operations for such employer in the state.

(b) If an out-of-state employer that is required to provide workers' compensation coverage for employees engaged in work in Florida, pursuant to Rule 69L-6.019, F.A.C., failed to obtain or maintain a Florida policy or endorsement that utilizes Florida class codes, rates, rules, and manuals that are in compliance with and approved under the provisions of Chapter 440, F.S., and the Florida Insurance Code, all worksites of the employer in the state are not in compliance and the stop work

order shall be in effect for all the employer's worksites requiring the cessation of all business operations for such employer in the state.

(c) If the employer failed to produce the required business records within five business days after receipt of the written request of the department, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer's worksites requiring the cessation of all business operations for such employer in the state.

(d) If the employer has materially understated or concealed payroll, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer's worksites requiring the cessation of all business operations for such employer in the state.

(e) If the employer materially misrepresented or concealed employee duties so as to avoid proper classification for premium calculations, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for all the employer's worksites requiring the cessation of all business operations for such employer in the state.

(f) If the employer materially misrepresented or concealed information pertinent to the computation and application of an experience modification factor, all worksites of the employer in the state are not in compliance and the stop work order shall be in effect for the employer's worksites requiring the cessation of all business operations for such employer in the state.

(g) If the employer is a contractor that sublets any work at a particular worksite to a subcontractor and the contractor and subcontractor each failed to secure the payment of compensation for the subcontractor or the employees of the subcontractor engaged in work at the particular worksite, then a stop-work order issued to the contractor shall require the cessation of all business operations of the contractor at that particular worksite.

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

specific Authority 440.107(9), 440.591 F.S. Law Implemented 440.107(7)(a), 440.107(7)(d)1. F.S. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Andrew Sabolic, Bureau Chief, Bureau of Compliance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Workers' Compensation, Assistant Director

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

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-11.002	Standards of National Fire Protection Association Adopted
5F-11.044	Out-of-gas, leak call, and interrupted service procedure
5F-11.046	Introducing Gas into Containers for Transportation; Dealer to Insure Compliance
5F-11.050	Installation of Unvented Room Heaters

NOTICE OF CORRECTION

Notice is hereby given that the following corrections are made to the above proposed rules which were published in the August 26, 2005, issue of the Florida Administrative Weekly, Vol. 31, No. 34, pages 2987 through 2990. These corrections are technical in nature and do not affect the substance of the proposed rule.

Proposed Rule paragraph 5F-11.002(a). The section "3.2.10" is the deleted language and should be stricken.

Proposed Rule paragraph 5F-11.044(2)(c). The words "Section 4.2" are deleted language and should be stricken.

Proposed Rule 5F-11.046. The words "Chapter 6" are deleted language and should be stricken.

Proposed Rule 5F-11.050. The words "1992 edition" are deleted language and should be stricken.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vicki O'Neil, Bureau Chief, Bureau of Liquefied Petroleum Gas Inspection, 3125 Conner Blvd., Suite N, Tallahassee, Florida 32399-1650, (850)921-4944

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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."