

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Library and Information Services

RULE TITLE: Library Grant Programs
RULE NO.: 1B-2.011

PURPOSE AND EFFECT: The purpose of this amendment is to modify clauses in the grant agreement for the Community Libraries in Caring grant program.

SUBJECT AREA TO BE ADDRESSED: Grant agreement clauses for the Community Libraries in Caring grant program administered by the Division of Library and Information Services.

SPECIFIC AUTHORITY: 257.14, 257.15, 257.193 FS.

LAW IMPLEMENTED: 257.14, 257.15, 257.193 FS.

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

TIME AND DATE: 9:00 a.m., Wednesday, November 2, 2005

PLACE: Archives Conference Room, First Floor, State Library and Archives of Florida, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Judith A. Ring, Director, Division of Library and Information Services, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600, Suncom 205-6600

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLES: Special Programs for Students who are Deaf or Hard-of-Hearing
RULE NOS.: 6A-6.03013

Special Programs for Students who are Physically Impaired
6A-6.03015

Special Programs for Students who are Emotionally Handicapped
6A-6.03016

Special Programs for Students who are Autistic
6A-6.03023

PURPOSE AND EFFECT: The purpose of the rule development is to incorporate the revisions required for programs for students with disabilities by the amendments to the federal law, the Individuals with Disabilities Education Act (IDEA) 20 U.S.C. Chapter 33, and its implementing regulations and to update rule language to reflect current

knowledge in the field. The effect of the development of amendments will be consistency with the federal requirements and current knowledge in the respective fields.

SUBJECT AREA TO BE ADDRESSED: Federal and state requirements for programs for students with disabilities who are identified as emotionally handicapped, deaf or hard-of-hearing, autistic, and physically impaired. Definition, procedures for referral, procedures for student evaluation, criteria for eligibility, re-evaluation, and instructional program.
SPECIFIC AUTHORITY: 1001.02(1), 1003.57(5) FS.

LAW IMPLEMENTED: 1001.03, 1003.57(5), 1003.01(3), 1011.62(1)(c) FS., Individuals with Disabilities Education Act 20, U.S.C. Chapter 33

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

TIME AND DATE: 9:00 a.m. – 12:00 Noon, November 1, 2005

PLACE: Panhandle Area Educational Consortium (PAEC), 753 W. Boulevard, Chipley, FL 32428, (850)638-6131; and Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316, (954)315-1323

TIME AND DATE: 9:00 a.m. – 12:00 Noon, November 2, 2005

PLACE: Doubletree Hotel, 3050 N. Rocky Point Dr., Tampa, FL 33607, (813)739-8805

TIME AND DATE: 12:00 Noon – 3:00 p.m., November 2, 2005

PLACE: Best Western Gateway, 4200 N. W. 97th Blvd., Gainesville, FL 32606, (352)331-3336

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Bambi J. Lockman, Chief, Bureau of Exceptional Education and Student Services, Florida Department of Education, 325 West Gaines Street, Room 601, Tallahassee, Florida 32399-0400, (850)245-0475

Copies will be available at the rule development workshop. Written comment following the workshops will be accepted through close of business on December 2, 2005.

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

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE TITLE: Instructional Personnel Assessment Systems
RULE NO.: 6B-4.010

PURPOSE AND EFFECT: The purpose of the rule development is to review current practices and requirements for district instructional personnel assessment systems to determine what amendments should be proposed. The effect of the amendment will be; the development of district-based assessment systems that fulfill statutory requirements for assessment and performance-based pay.

SUBJECT AREA TO BE ADDRESSED: Instructional personnel assessment systems.

SPECIFIC AUTHORITY: 1012.22, 1012.34 FS.

LAW IMPLEMENTED: 1012.22, 1012.34 FS.

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

TIME AND DATE: 4:00 p.m. – 6:00 p.m., November 8, 2005

PLACE: 325 West Gaines Street, Room 1703/07, Turlington Building, Tallahassee, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., November 16, 2005

PLACE: Broward Community College, Central Campus, President’s Dining Room, Building 19, Room 126, 3501 S. W. Davie Road, Davie, Florida

TIME AND DATE: 4:00 p.m. – 6:00 p.m., November 17, 2005

PLACE: Seminole Community College, Board Room, A-200, 100 Weldon Boulevard, Sanford, Florida

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Stewart, Deputy Chancellor, Educator Quality, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Contractors – Highway – Qualification to Bid
 RULE CHAPTER NO.: 14-22

RULE TITLES: Current Capacity Rating 14-22.006
 Over-Bidding 14-22.009
 Forms 14-22.015

PURPOSE AND EFFECT: This amendment incorporates a revised version of Form 375-020-22, Certification of Current Capacity and deletes 375-020-21 Status of Contracts on Hand, which becomes page two of the revised version of Form 375-020-22.

SUBJECT AREA TO BE ADDRESSED: This amendment incorporates a revised version of Form 375-020-22, Certification of Current Capacity, which includes the Status of Contracts on Hand as page two instead of being a separate form.

SPECIFIC AUTHORITY: 334.044(2), 337.14(1), 337.167(2) FS.

LAW IMPLEMENTED: 337.14, 337.16, 337.164, 337.165, 337.167 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-22.006 Current Capacity Rating.

(1) No change.

(2) In determining the Current Capacity of a prospective bidder, the deduction for uncompleted work shall include work subcontracted from others. The bidder will be given credit for work sublet to others; provided, for contracts with the Department, the request for authorization to sublet the work has been approved in writing. The Department, in determining the bidder’s eligibility to be issued a bid proposal, will decrease a bidder’s uncompleted work by deducting ten percent per month from the “Status of Contracts on Hand” report in the Certification of Current Capacity form submitted with the bidder’s most recent bid or the uncompleted work listed in the bidders’s Application for Qualification, whichever is most current, which will increase the Current Capacity accordingly.

(3) In order for the Department to have the information required to determine a bidder’s Current Capacity, it is necessary that the bidder submit on the day of the letting, a Certification of Current Capacity, Form 375-020-22, Rev. ~~05/05 08/00~~, that shall be executed under oath ~~and be accompanied and supported by a Status of Contracts on Hand, Form 375-020-21, Rev. 10/93, report.~~ This form ~~These documents~~ must be included in at least one bid proposal for each letting bid upon that the bidder submits bids. Failure to submit ~~this~~ these documents may result in a determination that all bids submitted by the bidder for that letting are non-responsive or irregular and not to be considered. The Department shall include the Certification of Current Capacity, Form 375-020-22, Rev. ~~05/05 08/00~~, ~~and the Status of Contracts on Hand, Form 375-020-21, Rev. 10/93~~, with the proposal documents issued to the bidder.

(4) In preparing the Certification of Current Capacity, Form 375-020-22, Rev. ~~05/05 08/00~~, ~~and Status of Contracts on Hand, Form 375-020-21, Rev. 10/93, reports~~, the following shall apply:

(a) If the letting is not later than the 25th day of the month, the certification and report shall reflect the uncompleted work as of the 15th day of the month preceding the month of the letting.

(b) If the letting is after the 25th day of the month, the certificate and report shall reflect the uncompleted work in progress as of the 15th day of the month of the letting.

(c) In determining a bidder's Current Capacity, any projects in a prior letting pending award by the Department to such bidder also shall be debited against the bidder's Current Capacity unless the award is to be delayed for an indefinite period of time. Further, no credit shall be given for proposed subcontracting of any work included in such proposal pending award.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.164 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 7-24-75, Formerly 14-22.01(8), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.06, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 7-2-95,

14-22.009 Over-Bidding.

(1) through (2) No change.

(3) Before the Department takes action under the provisions of either of the preceding two paragraphs, the bidder shall be notified in writing of the Department's action and, except for the AF provisions of Rule subparagraph 14-22.003(2)(a)2.a., above, shall be allowed a period of 10 days from the date the bid was opened to submit a Certification of Current Capacity ~~current Status of Contracts on Hand~~ form.

(4) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.165 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.09, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01,

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-32	12/98	Application for Qualification
375-020-21	10/93	Status of Contracts on Hand
375-020-22	<u>05/05</u> 08/00	Certification of Current Capacity
700-010-25	03/01	Contractor Past Performance Report

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01,

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 CITRUS

RULE CHAPTER TITLE: Standards for Processed Citrus Products

RULE CHAPTER NO.: 20-64

RULE TITLE: Florida Quality Systems Certification Program for Finished Product Inspection

RULE NO.: 20-64.025

PURPOSE AND EFFECT: New rule prescribing the Florida Quality Systems Certification Program for Finished Product allowing approved Florida citrus processors to qualify for an additional alternative audit-based inspection process.

SUBJECT AREA TO BE ADDRESSED: Provides Florida citrus processors an additional alternative audit-based inspection process in order to bring down the cost of finished product inspection.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.24, 601.27, 601.49, 601.51 FS.

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

TIME AND DATE: 1:30 p.m., October 25, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Designating Grade on Container, Registration of Labels for Grade, and Notice of Labeling – Processed Products

RULE CHAPTER NO.: 20-70

RULE TITLE: Notice Required

RULE NO.: 20-70.006

PURPOSE AND EFFECT: Amendment exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.

SUBJECT AREA TO BE ADDRESSED: Exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.

SPECIFIC AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.11, 601.48 FS.

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

TIME AND DATE: 1:30 p.m., October 25, 2005
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Manifests for Processed Products	20-71
RULE TITLE:	RULE NO.:
Manifest Requirements and Statements for Transports of Processed Citrus Products	20-71.006

PURPOSE AND EFFECT: Amendment exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.
 SUBJECT AREA TO BE ADDRESSED: Exempting participants in the Florida Quality Systems Certification Program from the rule requiring notice.
 SPECIFIC AUTHORITY: 601.10(1),(7), 601.11, 601.49, 601.51 FS.
 LAW IMPLEMENTED: 601.10(7), 601.11, 601.49, 601.52 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 1:30 p.m., October 25, 2005
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Certificate of Grade Inspection – Processed Products	20-72
RULE TITLE:	RULE NO.:
Hours of Inspection	20-72.006

PURPOSE AND EFFECT: Amendment incorporating the Florida Quality Systems Certification Program for Finished Product in the rule governing hours of inspection.
 SUBJECT AREA TO BE ADDRESSED: Incorporating the Florida Quality Systems Certification Program for Finished Product in the rule governing hours of inspection.
 SPECIFIC AUTHORITY: 601.10(1),(7) FS.
 LAW IMPLEMENTED: 601.02(4),(5), 601.10(7), 601.27, 601.31 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 1:30 p.m., October 25, 2005
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Certificate of Grade Inspection – Processed Products	20-72
RULE TITLE:	RULE NO.:
Form of Certificate of Grade Inspection	20-72.008

PURPOSE AND EFFECT: Amendment clarifying Department of Agriculture.
 SUBJECT AREA TO BE ADDRESSED: Amendment clarifying Department of Agriculture.
 SPECIFIC AUTHORITY: 601.10(1), 601.9901 FS.
 LAW IMPLEMENTED: 601.9901 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:
 TIME AND DATE: 1:30 p.m., October 25, 2005
 PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Certificate of Grade Inspection – Processed Products

RULE CHAPTER NO.: 20-72

RULE TITLE: Issuance of Certificates Under FQSC Program

RULE NO.: 20-72.010

PURPOSE AND EFFECT: New rule prescribing the issuance of certificates under the Florida Quality Systems Certification Program.

SUBJECT AREA TO BE ADDRESSED: Prescribing the issuance of certificates under the Florida Quality Systems Certification Program.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.27 FS.

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

TIME AND DATE: 1:30 p.m., October 25, 2005

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow

RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C., to establish minimum flows and levels for the freshwater segment of the Alafia River pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum flows and levels for the freshwater segment of the Alafia River in Hillsborough County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

TIME AND DATE: 6:00 p.m., Tuesday, November 1, 2005

PLACE: Tampa Service Office, Southwest Florida Water Management District, 7601 Highway 301 North, Tampa, Florida 33637-6759

WHAT: Public workshop on proposed minimum flows and levels for the freshwater segment of the Alafia River in Hillsborough County, Florida.

One or more governing board or basin board members may attend.

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

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow

RULE CHAPTER NO.: 40D-8

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

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Fort Cooper Lake and the Floral City Pool (Floral City Lake, Hampton Lake, Tussock Lake) of Tsala Apopka Lake in Citrus County and Lake Marion in Levy County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

TIME AND DATE: 6:00 p.m., Wednesday, November 2, 2005

PLACE: Southwest Florida Water Management District, Brooksville Headquarters, 2379 Broad Street, Brooksville, FL 34604-6899

WHAT: Public workshop on proposed minimum lake levels and guidance levels for Fort Cooper Lake and the Floral City Pool (Floral City Lake, Hampton Lake, Tussock Lake) of Tsala Apopka Lake in Citrus County and Lake Marion in Levy County, Florida.

One or more governing board or basin board members may attend.

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

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for the Inverness Pool (Davis Lake, Spivey Lake, Henderson Lake, Little Henderson Lake) and Hernando Pool (Point Lonesome Lake, Van Ness Lake, Croft Lake, Hernando Lake, Todd Lake, Bellamy Lake, Dodd Lake) of the Tsala Apopka Lake in Citrus County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

TIME AND DATE: 6:00 p.m., Thursday, November 3, 2005

PLACE: Southwest Florida Water Management District, Brooksville Headquarters, 2379 Broad Street, Brooksville, FL 34604-6899

WHAT: Public workshop on proposed minimum lake levels and guidance levels for the Inverness Pool (Davis Lake, Spivey Lake, Henderson Lake, Little Henderson Lake) and Hernando Pool (Point Lonesome Lake, Van Ness Lake, Croft Lake, Hernando Lake, Todd Lake, Bellamy Lake, Dodd Lake) of the Tsala Apopka Lake in Citrus County, Florida.

One or more governing board or basin board members may attend.

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

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C., to establish minimum flows and levels for the upper Myakka River pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum flows and levels for the upper Myakka River in Manatee and Sarasota Counties, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

TIME AND DATE: 6:00 p.m., Monday, November 7, 2005

PLACE: Sarasota Service Office, Southwest Florida Water Management District, 6750 Fruitville Road, Sarasota, FL 34240-9711

WHAT: Public workshop on proposed minimum flows and levels for the upper Myakka River in Manatee and Sarasota Counties, Florida.

One or more governing board or basin board members may attend.

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

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

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

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

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lakes Allen, Harvey and Virginia in Hillsborough County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

TIME AND DATE: 6:00 p.m., Monday, November 7, 2005

PLACE: Southwest Florida Water Management District, Tampa Service Office, 7601 U.S. Highway 301, Tampa, Florida 33637-6759

WHAT: Public workshop on proposed minimum lake levels and guidance levels for Lakes Allen, Harvey and Virginia in Hillsborough County, Florida.

One or more governing board or basin board members may attend.

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

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

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

LAND AND WATER ADJUDICATORY COMMISSION

Arborwood Community Development District

RULE CHAPTER TITLE: Arborwood Community Development District
 RULE CHAPTER NO.: 42RR-1

RULE TITLE: Boundary
 RULE NO.: 42RR-1.002

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule amendment is to expand the boundaries of the Arborwood Community Development District (“CDD”), pursuant to Chapter 190, F.S. The Petition was filed by the Arborwood Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to amend the land area presently serviced by the District by adding approximately 12.28 acres. The District currently covers approximately 2,466.85 acres of land and after expansion the District will encompass approximately 2,479.13 acres. Approximately 4.74 acres of the expansion parcel is owned by Lee County and is right-of-way for Treeline Avenue. The remaining 7.54 acres of the expansion parcel is currently owned by Worthington Holdings Southwest, LLC, and consists of developable land. Petitioner has obtained consent to include the 7.54 acres expansion parcel within the boundary of the District from the current owner, Worthington Holdings Southwest, LLC. As to the consent to include the 4.74 acres expansion parcel owned by Lee County, the Petitioner is not required to obtain the consent of Lee County. Lee County is a governmental entity and therefore not included within the

definition of landowner. However, the Petitioner has notified Lee County of its intent to expand the boundaries of the District. On June 14, 2005, Lee County adopted Resolution 05-06-14 supporting the amendment of the boundary of the District. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition for expansion by the District Board of Supervisors constitutes consent of the landowners within the District. On June 6, 2005, the City of Fort Myers adopted Resolution 2005-28 supporting the petition to amend the District’s boundary.

SUBJECT AREA TO BE ADDRESSED: Expansion of the boundaries of the Arborwood Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 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 (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

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

PLACE: Room 1703G, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314-6526, (850)222-7500 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Health Care Clinics
 RULE CHAPTER NO.: 59A-33

PURPOSE AND EFFECT: The Agency proposes to adopt new rules, Chapter 59A-33, F.A.C., consistent with provisions of the Health Care Clinic Act that created Section 400.9925, F.S. That statutory section was effective October 1, 2003, and requires the development of rules necessary to administer the health care clinic administration, regulation, and licensure program.

SUBJECT AREA TO BE ADDRESSED: The proposed initial Rule Ch. 59A-33, Florida Administrative Code, includes administration and regulation of the health care clinic licensure program, medical and clinic directors, survey, Magnetic Resonance Imaging (MRI), background screening, certificates

of exemption, change of ownership, financial instability, cessation of business and medical records, rules establishing the specific licensure requirements, procedures, forms, policies, fees, procedures for biennial licensure, expiration dates for licenses, financial responsibility requirements and other conditions of renewal of licenses.

SPECIFIC AUTHORITY: 400.9925 FS.

LAW IMPLEMENTED: 400.990-.995 FS.

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

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

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Roger Bell, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS 53, Tallahassee, Florida 32308-5407, (850)488-1365, e-mail: bellr@ahca.myflorida.com

The Preliminary text is available at the address link, 2005 Proposed Rules at http://www.fdhc.state.fl.us/MCHQ/Health_Facility_Regulation/HealthCareClinic/index.shtml.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE CHAPTER TITLE: Florida Clean Indoor Air Act and

RULE CHAPTER NO.:

Stand-Alone Bar Smoking Designations 61A-7

RULE TITLE: Triennial Renewal Requirements

RULE NO.:

61A-7.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement statutory provisions relating to the Florida Clean Indoor Air Act and stand-alone bars.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the implementation of statutory provisions relating to the Florida Clean Indoor Air Act.

SPECIFIC AUTHORITY: 386.2125, 561.695(9) FS.

LAW IMPLEMENTED: 386.203(11), 561.695(6) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Renee Alsobrook, Chief Attorney, Department of Business and Professional

Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-9677

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61A-7.005 Triennial Renewal Requirements.

Every third year after the initial designation, on or before the licensee’s annual beverage license renewal, in order to renew the designation, a licensed vendor holding an “ssf” designation shall provide to the division an Agreed Upon Procedures Report, prepared by a Florida certified public accountant, on DBPR Form ABT 4000A-400 and containing the license name, license number, physical location address, the owner of the license and the period of the report, along with the CPA company name, accountant name, ~~and signature~~ and the accountant’s license number with date of expiration, and the vendors signature. DBPR Form ABT 400A-400, herein incorporated by this reference, effective 2-15-05, may be obtained by writing the division at 1940 North Monroe Street, Tallahassee, FL 32399-1022 or may be downloaded from the internet at <http://www.state.fl.us/dbpr/abt/forms/index.shtml>.

The report must:

(1) Provide the actual percentage of food sales for consumption on premises calculated pursuant to subsection (3) of this rule; and

(2) Provide information for the preceding 36-month period from the renewal date; and

(3) Provide the total gross sales revenue for each year, with a total for the 3-year period, as well as the total gross sales revenue from food for consumption on premises for each year and a total for the 3-year period, and the percentage of food sales for consumption on premises to total revenue for each year and for the 3-year period.

Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History—New 6-14-05, Amended.

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 Dentistry

RULE TITLE: Selection of Examiners

RULE NO.: 64B5-2.020

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

SUBJECT AREA TO BE ADDRESSED: Selection of Examiners.

SPECIFIC AUTHORITY: 456.017(1)(b), 466.004(3) FS.
 LAW IMPLEMENTED: 456.017(1)(b) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Retired Status and Reactivation of Retired Status License
 RULE NO.: 64B5-10.011
 PURPOSE AND EFFECT: The Board proposes the development of this rule to address retired status licenses in order to implement Section 456.036, F.S., 2005 and other laws.
 SUBJECT AREA TO BE ADDRESSED: Retired Status and Reactivation of Retired Status License.
 SPECIFIC AUTHORITY: 456.036 FS.
 LAW IMPLEMENTED: 456.036 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Continuing Education Requirements
 RULE NO.: 64B5-12.013
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements.
 SPECIFIC AUTHORITY: 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017 FS.
 LAW IMPLEMENTED: 456.013(8), 456.031, 466.0135, 466.014, 466.017, 466.028(1)(i),(bb) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE CHAPTER TITLE: Fee Schedule
 RULE CHAPTER NO.: 64B5-15
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments and new rules to address retired status licenses and other issues in order to implement Section 456.036, F.S., 2005 and other laws.
 SUBJECT AREA TO BE ADDRESSED: Fee Schedule.
 SPECIFIC AUTHORITY: 456.013, 456.017(2), 456.023, 456.025(4), 456.036, 466.004, 466.006(1), 466.007(1), 466.013, 466.015, 466.017 FS.
 LAW IMPLEMENTED: 456.013, 456.017(2), 456.023, 456.025, 456.036, 466.006(1), 466.007(1), 466.009(1), 466.013, 466.015, 466.017 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Remediable Tasks Delegable to a Dental Hygienist
 RULE NO.: 64B5-16.006
 PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Remediable Tasks Delegable to a Dental Hygienist.
 SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.
 LAW IMPLEMENTED: 466.023, 466.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Inactive, Delinquent and Retired Status Fees
 RULE NO.: 64B8-3.004

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the fee for those licensees electing retired status.

SUBJECT AREA TO BE ADDRESSED: Retired Status Fees.

SPECIFIC AUTHORITY: 456.036, 458.309 FS.

LAW IMPLEMENTED: 456.036, 458.3145, 458.316, 458.3165, 458.345 FS.

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

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Applications
 RULE NO.: 64B8-4.009

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the requirements for HIV/AIDS course requirement.

SUBJECT AREA TO BE ADDRESSED: The application requirements with regard to the HIV/AIDS course.

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-4.009 Applications.

(1) through (7) No change.

(8) The applicant must submit statements attesting to the following:

(a) Completion of three hours of ~~all Category I, American Medical Association~~ Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. This continuing medical education shall be approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.

(b) through (c) No change.

(9) No change.

Specific Authority 120.53, 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 120.53, 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLES: Disciplinary Guidelines
 Citation Authority
 RULE NOS.: 64B8-8.001
 64B8-8.017

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes in the disciplinary guidelines and changes in the citation rule.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines and citations.

SPECIFIC AUTHORITY: 456.077, 458.309 FS.
 LAW IMPLEMENTED: 456.072(2)(d), 456.077 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.001 Disciplinary Guidelines.
 (1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), F.S., 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 verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

RECOMMENDED RANGE OF PENALTY

VIOLATION	FIRST OFFENSE	SECOND OFFENSE
(a) through (w) No change. (x)1. Violation of law, rule or failure to comply with subpoena. (458.331(1)(m)(x), F.S.) (456.072(1)(b),(q), F.S.)	(x)1. For any offense not specifically listed herein, based upon the severity of the offense and the potential for patient harm, from a reprimand to revocation or denial and an administrative fine from \$1,000.00 to \$10,000.00.	(x)1. From probation to revocation or denial and an administrative fine from \$5,000.00 to \$10,000.00.
2. Violation of an order of the Board. (458.331(1)(x), F.S.)	2. Reprimand and an administrative fine from \$5,000.00 to \$10,000.00, to revocation or denial based upon the severity of the offense and the potential for patient harm.	2. From suspension and a \$10,000.00 fine or denial to revocation.
(y) through (ss) No change.		

(3) through (7) No change.

Specific Authority 456.0375(4)(c), 456.0575, 456.079, 458.309, 458.331(5) FS. Law Implemented 456.0375(4)(c), 456.0575, 456.072, 456.079, 458.331(5) FS. History—New 12-5-79, Formerly 21M-20.01, Amended 1-11-87, 6-20-90, Formerly 21M-20.001, Amended 11-4-93, Formerly 61F6-20.001, Amended 6-24-96, 12-22-96, Formerly 59R-8.001, Amended 5-14-98, 12-28-99, 1-31-01, 7-10-01, 6-4-02, 9-10-02, 12-11-02, 8-20-03, 6-7-04, 8-17-04, _____.

64B8-8.017 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) CME violations. (Sections 458.321, 458.331(1)(g),(x), 456.072(1)(e),(s), F.S.)	Within twelve months of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued; prior to renewing the license for the next biennium, Respondent must document compliance with the CME requirements for the relevant period; AND
1. Failure to document required HIV/AIDS and related infections of TB CME.	\$250 \$500 fine
2. Failure to document required domestic violence CME.	\$250 \$500 fine
3. Failure to document required medical errors CME.	\$250 \$500 fine
4. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence and medical errors CME.	\$500 \$1,000 fine
5. No change.	
(b) through (p) No change.	
(4) through (5) No change.	

Specific Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History—New 12-20-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03, 7-24-04, 2-7-05, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Time for Payment of Civil Penalties or Administrative Fines; Time Frames for Completion of Requirements
 RULE NO.: 64B8-8.002

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address time frames for completion of requirements imposed by Board order.

SUBJECT AREA TO BE ADDRESSED: Time frames for completion of requirements imposed by Board order.

SPECIFIC AUTHORITY: 456.072(2), 458.309 FS.

LAW IMPLEMENTED: 456.072(2) FS.

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

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Dispensing Drugs

RULE NO.: 64B8-30.006

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify dispensing procedures for physician assistants.

SUBJECT AREA TO BE ADDRESSED: Physician assistants practice with regard to dispensing drugs.

SPECIFIC AUTHORITY: 458.309, 458.347 FS.

LAW IMPLEMENTED: 458.347 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-30.006 Dispensing Drugs.

Only those physician assistants authorized by law and rule to prescribe shall be permitted to dispense sample drugs to patients. Dispensing of sample drugs to patients shall be permitted only when no charge is made to the patient or a third party for the service or the drugs and if the sample being dispensed could otherwise have been legally prescribed by the physician assistant. This rule shall not be construed to prohibit a physician assistant employed in a county health department from ordering and providing patients with prepackaged and pre-labeled drugs in accordance with Section 154.04(1)(c), F.S.

Specific Authority 458.309, 458.347 FS. Law Implemented 458.347 FS. History—New 7-25-95, Formerly 59R-30.006, Amended _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLES: Physician Assistant Licensure Renewal and Reactivation

RULE NOS.: 64B15-6.0035

Physician Assistant Fees 64B15-6.013

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the retired status physician assistant licensure and fees.

SUBJECT AREA TO BE ADDRESSED: The Board proposes the development of rule amendments to set forth the criteria and fees for those physician assistants seeking retired status.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Dispensing Drugs

RULE NO.: 64B15-6.00365

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to clarify dispensing procedures for physician assistants.

SUBJECT AREA TO BE ADDRESSED: Physician assistants practice with regard to dispensing drugs.

SPECIFIC AUTHORITY: 456.033, 459.022 FS.

LAW IMPLEMENTED: 459.022 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.00365 Dispensing Drugs.

Only those physician assistants authorized by law and rule to prescribe shall be permitted to dispense sample drugs to patients. Dispensing of sample drugs to patients shall be permitted only when no charge is made to the patient or a third party for the service or the drugs and if the sample being dispensed could otherwise have been legally prescribed by the physician assistant. This rule shall not be construed to prohibit a physician assistant employed in a county health department from ordering and providing patients with prepackaged and pre-labeled drugs in accordance with Section 154.04(1)(c), F.S.

Specific Authority 456.033, 459.022 FS. Law Implemented 456.033, 459.022 FS. History--New 5-12-98, Amended _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Emergency Medical Services
RULE CHAPTER NO.: 64E-2
RULE TITLES: Definitions 64E-2.001
Trauma Registry 64E-2.018
Funding for Verified Trauma Centers 64E-2.040

PURPOSE AND EFFECT: To provide a precise method for determining funding allocations for distribution to Florida's trauma centers in accordance with the legislative directives included in House Bill 497 and House Bill 1697 passed during the 2005 Legislative Session and to revise the Trauma Registry Manual, December, 2004.

SUBJECT AREA TO BE ADDRESSED: Trauma Center Funding Allocation, Definitions and Revisions to the Trauma Registry Manual, December, 2004.

SPECIFIC AUTHORITY: 395.4036 FS.

LAW IMPLEMENTED: 381.0011(13), 395.4001, 395.4036, 395.404 FS.

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

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

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin #C18, Tallahassee, Florida 32399-1738, (850)245-4440, Ext. 2760; e-mail: susan_mcdevitt@doh.state.fl.us, Fax (850)488-2512

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.001 Definitions.

In addition to the definitions provided in Sections 395.401, 401.107, and 401.23, F.S., the following definitions apply to these rules:

(1) No change.

(2) Administrative Trust Fund – means the department's trust fund wherein the fines and penalties imposed in support of trauma centers and trauma services shall be deposited.

(3)(2) Application – means a completed application form, as specified by the department, together with all documentation required by these rules and the required fee.

(4) Attestation – means the annual attestation made by a trauma center and submitted to the department regarding funding received.

(5)(3) Burn – means a tissue injury resulting from excessive exposure to thermal, chemical, electrical or radioactive agents.

(6) Calendar year – means January through December of any given year or the portion thereof that a trauma center is verified or certified.

(7) Caseload Volume – means the number of verified trauma patients reported by the individual trauma center's to the department's Trauma Registry.

(8)(4) Controlled Substances – means those drugs listed in Chapter 893, F.S.

(9)(6) Chief – means the chief of the department's Bureau of EMS.

(10)(7) Emergency Medical Services Provider – means any entity licensed in the State of Florida to provide air, or ground ambulance, whether basic life support (BLS) or advanced life support (ALS), and whether it is a non-transportation or a transportation service.

(11)(8) Glasgow Coma Scale Score – means the neurological assessment developed by G. Teasdale and B. Jennitte in "Assessment of Coma and Impaired Consciousness: A Practical Scale" Lancet, 1974; 2: 81-84, which is incorporated by reference and available from the department.

(12)(9) ICD-9-CM – means the "International Classification of Disease, 9th Revision, Clinical Modification," March, 1989, U.S. Department of Health and Human Services Publication No. (PHS) 89-1260; an internationally applied method by which diseases or groups of medical conditions or injuries are coded for the purpose of statistical analyses. This book is incorporated by reference and available for purchase from the American Hospital Association, Central Office on ICD-9-DM, 1(800)242-2626, AHA, Post Office Box 92683, Chicago, IL 60675-2683.

~~(13)~~~~(10)~~ Injury Severity Score (ISS) – means the sum of the squares of the highest AIS-90 code in each of the three most severely injured body regions. The method for computing ISS is found in the “Abbreviated Injury Scale 1990 – Update 98,” or means an injury severity scoring system otherwise defined in statute.

(14) Intergovernmental Transfer Funds – means those funds appropriate for use as matching dollars under Title XIX, Medicaid.

~~(15)~~~~(11)~~ Neonatal Ambulance – means an ALS permitted vehicle which is designated solely to interfacility transports of neonates to a Level II or Level III neonatal intensive care unit.

(16) Local Funding Contribution – means local municipal, county or tax district funding or private foundation funding received by a hospital or healthcare system that operates a verified trauma center.

~~(17)~~~~(12)~~ Neonatal Transport – means the transport of any neonate requiring emergency transfer from a hospital licensed under Chapter 395, F.S., to a Level II or Level III neonatal intensive care unit.

~~(18)~~~~(13)~~ Neonate – means an infant less than 28 days of life and or less than 5 kg.

~~(19)~~~~(14)~~ “Operate”, “Operates” or “Operation” – means providing, offering to provide, soliciting, or advertising prehospital or interfacility ALS services or BLS transportation services as further described in Rule 64E-2.032, F.A.C.

~~(20)~~~~(15)~~ Patient Care Record – means the record used by each EMS provider to document patient care, treatment and transport activities that at a minimum includes the information required under paragraphs 64E-2.003(5)(a),(b), Rule 64E-2.013, subsection 64E-2.015(5), subsections 64E-2.017(5),(6),(7), 64E-2.0175(4), F.A.C.

~~(21)~~~~(16)~~ Pediatric Trauma Patient – means a trauma patient with anatomical and physical characteristics of a person 15 years of age or younger.

(22) Region – means a trauma service area established pursuant to Section 395.4015(1), F.S.

~~(23)~~~~(17)~~ Training Program – means an educational institution having one designated program director, one designated medical director, and single budget entity; for the purposes of providing EMT or paramedic education programs, as approved by the department.

~~(24)~~~~(18)~~ Trauma – means a blunt, penetrating or burn injury caused by external force or violence.

~~(25)~~~~(19)~~ Trauma Alert – means a notification initiated by EMS informing a hospital that they are en route with a patient meeting the trauma alert criteria or a patient presenting at a trauma center meeting the trauma alert criteria.

~~(26)~~~~(20)~~ Trauma Alert Patient – means a person whose primary physical injury is a blunt, penetrating or burn injury, and who meets one or more of the adult trauma scorecard criteria in Rule 64E-2.017, F.A.C., or the pediatric trauma scorecard criteria in Rule 64E-2.0175, F.A.C.

~~(27)~~~~(21)~~ Trauma Patient – means any person who has incurred a physical injury or wound caused by trauma and who has accessed an emergency medical services system.

~~(28)~~~~(22)~~ Trauma Registry – means a statewide database which integrates medical and system information related to trauma patient diagnosis and the provision of trauma care by prehospital, hospital, and medical examiners.

~~(29)~~~~(23)~~ Trauma Transport Protocols (TTPs) – means a document which describes the policies, processes and procedures governing the dispatch of vehicles, and the triage and transport of trauma patients.

Specific Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.4001, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History–New 4-26-84, Amended 3-11-85, Formerly 10D-66.485, Amended 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, 6-9-05,_____.

64E-2.018 Trauma Registry.

Instructions for completing and submitting data are defined in the Florida Trauma Registry Manual, December 2005 ~~December 2004~~, which is incorporated by reference and available from the department.

Specific Authority 395.405, 401.35 FS. Law Implemented 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35 FS. History–New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.103, Amended 7-14-99, 11-19-01, 6-3-02, 6-9-05,_____.

64E-2.040 Funding for Verified Trauma Centers.

(1) Funds collected under Section 318.18(14), F.S., and Section 318.19(1),(2), F.S., and

(2) Funds collected pursuant to Section 318.18(14), F.S., shall be allocated as follows:

(a) The funding formula is as follows:

$$a \times .50 = c$$

b

a = total funds collected under Section 318.18(4), F.S.

b = total number of verified/certified trauma centers

c = amount each trauma center receives in recognition of readiness costs for maintaining trauma services

(b) The funding formula is as follows:

$$a \times .50 \times b = d$$

c

a = total funds collected under Section 318.18(4), F.S.

b = each trauma center’s relative volume of trauma cases reported to the department’s Trauma Registry for the previous calendar year

c = total trauma caseload volume reported to the department’s Trauma Registry for the previous calendar year

d = amount the trauma center receives based on trauma caseload volume

(3) Funds collected pursuant to Section 318.19(1),(2), F.S., and deposited in the department's Administrative Trust Fund shall be allocated as follows:

(a) The funding formula is as follows:

$$a \times .20 \times b = d$$

$$c$$

a = total funds collected under Section 316.075(1)(c)1., F.S.

b = each trauma center's relative volume of trauma cases reported to the department's Trauma Registry for the previous calendar year for trauma centers that have a local funding contribution

c = total trauma caseload volume reported to the department's Trauma Registry for the previous calendar year for trauma centers that have a local funding contribution

d = amount the trauma center located in a region that has a local funding contribution receives based on trauma caseload volume

(b) The funding formula is as follows:

$$a \times .40 \times b = d$$

$$c$$

a = total funds collected under Section 316.075(1)(c)1., F.S.

b = each trauma center's relative volume of trauma cases reported to the department's Trauma Registry for the previous calendar year

c = total trauma caseload volume reported to the department's Trauma Registry for the previous calendar year

d = amount the trauma center receives based on trauma caseload volume

(c) The funding formula is as follows:

1. ISS scores of 1-14

$$a \times .40 \times b = f$$

$$d$$

2. ISS scores of 15 plus

$$a \times .40 \times (c \times i) = g$$

$$e$$

$$f + g = h$$

a = total funds collected under Section 316.075(1)(c)1., F.S.

b = each trauma center's relative volume of trauma cases reported to the department's Trauma Registry for the previous calendar year ... ISS scores of 1-14

c = each trauma center's relative volume of trauma cases reported to the department's Trauma Registry for the previous calendar year ... ISS scores of 15 plus

d = total trauma caseload volume of ISS scores (some records do not have ISS scores) reported to the department's Trauma Registry for the previous calendar year based on ISS scores of 1-14

e = total trauma caseload volume of ISS scores (some records do not have ISS scores) reported to the department's Trauma Registry for the previous calendar year based on ISS scores of 15 plus

f = amount the trauma center receives based on ISS scores of 1-14

g = amount the trauma center receives based on weighted ISS scores of 15 plus

h = total amount the trauma center receives based on the severity of trauma patients

i = weighting for ISS scores of 15 plus

(4) Trauma centers that voluntarily or involuntarily lose their verification/certification shall receive their allocation of funding based on a pro-rated share of funds collected while a verified/certified trauma center.

(5) Request for distribution from the Administrative Trust Fund shall be on the intergovernmental transfer from DOH Form # _____.

(6) Annually, each trauma center shall attest on DOH Form # _____ to the department on forms developed by the department that any funds distributed shall be and are expended in the furtherance of trauma services.

Specific Authority 395.4036 FS. Law Implemented 381.0011(13), 395.4001, 395.4036, 395.404 FS. History--New _____.

NOTE: AT THE CONCLUSION OF ALL OF THE WORKSHOPS, A FINAL DRAFT OF THE PROPOSED RULE WILL BE POSTED ON THE BUREAU WEB PAGE PRIOR TO THE RULE GOING TO PUBLIC HEARING.
P.O. B00829

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Standards and Training
PART I Qualification for Certificate of Compliance

RULE CHAPTER NO.: 69A-37

RULE TITLE: Firefighter Training Course Medical Examination

RULE NO.: 69A-37.037

PURPOSE AND EFFECT: To conform existing rule to changes made to Section 633.34, F.S., in the 2005 legislative session.

SUBJECT AREA TO BE ADDRESSED: Firefighter training course medical examination.

SPECIFIC AUTHORITY: 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.34(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. (IF NOT REQUESTED, THIS WORKSHOP WILL BE NOT HELD):

TIME AND DATE: 1:00 p.m., November 10, 2005
 PLACE: Main Auditorium, Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, Florida 34482-1486

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting: Angie Cain, (352)369-2818.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 N. W. Gainesville Road, Ocala, Florida 34482-1486, (352)369-2833

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART I Qualification for Certificate of Compliance

69A-37.037 Firefighter Training Course Medical Examination.

(1) No change.

(2) The medical examination shall be given by a physician, ~~or surgeon, or physician assistant~~ licensed to practice in the State of Florida pursuant to Chapter 458, F.S.; ~~or an osteopathic physician, or surgeon, or physician assistant~~ licensed to practice in the State of Florida pursuant to Chapter 459, F.S.; or an advanced registered nurse practitioner licensed to practice in the State of Florida pursuant to Chapter 464, F.S. An individual shall receive this examination within the 6 month period prior to the date the application for firefighter certification is received by the Bureau of Fire Standards and Training.

(3) through (4) No change.

Specific Authority 633.45(2)(a) FS. Law Implemented 633.34(5) FS. History--New 9-7-81, Formerly 4A-37.05, 4A-37.37, Amended 11-26-85, 1-3-90, 6-30-91, 3-20-95, 12-10-01, Formerly 4A-37.037, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Firefighter Standards and Training	69A-37
RULE TITLES:	RULE NOS.:
PART IV: Live Fire Training	
Definitions	69A-37.401
Authorizations for Certified Personnel	69A-37.402
Compliance with Other Applicable Laws, Rules	69A-37.403
Requirements for Live Fire Training for Certified Personnel	69A-37.404
Requirements for Live Fire Training During Recruit Training	69A-37.405
Certification Prerequisites for Live Fire Training	69A-37.406

Live Fire Instructor Training	69A-37.407
Live Fire Trainer Certification and Renewal	69A-37.408
Instructor Certification Revocation	69A-37.409

PURPOSE AND EFFECT: To adopt rules for procedures and standards involving live fire training as mandated by Section 633.821, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Live fire training procedures and standards.

SPECIFIC AUTHORITY: 633.821(6) FS.

LAW IMPLEMENTED: 633.821 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 (IF A WORKSHOP IS NOT REQUESTED, NO WORKSHOP WILL BE HELD):

TIME AND DATE: 1:00 p.m., November 10, 2005
 PLACE: Main Auditorium, Florida State Fire College, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Angie Cain, (352)369-2818.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dave Casey, Chief, Bureau of Fire Standards and Training, 11655 Northwest Gainesville Road, Ocala, Florida 34482-1486, (352)369-2818

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART IV: Live Fire Training

69A-37.401 Definitions.

The following words or terms have the following definitions unless the context clearly requires otherwise.

(1) “Live Fire Trainer,” sometimes referred to as LFT, means any person certified by the Florida State Fire College as an Instructor I, II, or III who has completed the Live Fire Trainer program, and who has successfully passed the certification examination.

(2) “Live Fire Adjunct Trainer,” sometimes referred to as “LFAT,” means any person certified by the Florida State Fire College as a Live Fire Adjunct Trainer.

(3) “Live Fire Instructor Trainer” means any person that meets all of the requirements for LFT and has completed the train-the-trainer course of study.

(4) “Live Fire Master Trainer” means any person certified by the Florida State Fire College as a Live Fire Master Trainer.

(5) “Live Fire Trainer Course” means the 40-hour training program required to become a Live Fire Trainer. This program includes practical evolutions and is only available in a “live” traditional delivery format.

(6) “Live Fire Adjunct Trainer Course” means the 16-hour training program required to become a Live Fire Adjunct Trainer. This program includes practical evolutions and is only available in a “live” traditional delivery format.

(7) “Live Fire Training” means the training of certified firefighters or candidates for firefighter certification involving:

(a) Acquired structures,

(b) Permanent training structures, and

(c) Liquid, gas fueled, or ordinary combustibles fires or props involving fire that are beyond the incipient stage and are not capable of being extinguished by the use of a single standard fire extinguisher.

(8) “NFPA” means the National Fire Protection Association

(9) “Instructor in Charge,” sometimes referred to as IIC, means any person certified as an instructor and designated by the authority having jurisdiction to be in charge of the live fire training evolution.

(10) “Safety Officer,” sometimes referred to as SO, means any person appointed by the authority having jurisdiction to maintain a safe working environment at all live fire training evolutions. The SO should not be confused with the “safety coordinator” as defined and used in Chapter 69A-62, F.A.C.

(11) “Student” means a current Florida certified firefighter or any individual undergoing training to become a Certified Firefighter 1 or a Certified Firefighter 2.

(12) “These rules” means Part IV of Chapter 69A-37, F.A.C.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History—New _____.

69A-37.402 Authorizations for Certified Personnel.

(1) A Live Fire Trainer is permitted to serve in any position during live fire training.

(2) A Certified Live Fire Adjunct Trainer is permitted to lead crews, operate safety lines and perform in all other positions during live fire training except Instructor in Charge or Safety Officer.

(3) A Live Fire Instructor Trainer is permitted to provide training to eligible instructors under the auspices of a certified training center for both the “Live Fire Trainer” course and the “Live Fire Adjunct Trainer” course.

(4) A Live Fire Master Trainer is authorized to confer credentials to persons having successfully completed the prerequisites for Live Fire Trainer and Live Fire Adjunct Trainer and to conduct instructor train-the-trainer courses. No more than one person is authorized to hold the position of Live Fire Master Trainer in any facility.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History—New _____.

69A-37.403 Compliance with Other Applicable Laws, Rules.

(1) Nothing in these rules supersedes any other Florida Administrative Code requirement such as those adopted by rule of the Department of Environmental Protection, any state law, or any local ordinance that is equal to, or that provides a greater degree of life safety than, these rules. These rules are in addition to and supplemental to any law, rule, or ordinance that provides an equal degree of safety as, or greater degree of safety than, these rules.

(2) Student training as part of the Firefighter 1 or 2 program must comply with certified trainer to student ratios according to the most current edition of NFPA 1403 as adopted in these rules.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History—New _____.

69A-37.404 Requirements for Live Fire Training for Certified Personnel.

(1) Each IIC and SO must be certified as an LFTI.

(2) Any other person identified as actually leading a crew inside a structure or in the immediate proximity of an exterior prop and immediately supervising such training operations must be a Certified “Live Fire Adjunct Trainer.”

(3) Any person operating a safety hoseline shall be selected based on his or her experience and capabilities, but is not required to be a certified instructor.

(4) Each firefighter, regardless of tenure, shall be trained to constantly identify hazards and alternative escape routes during interior fire suppression operations, inclusive of training exercises.

(5) Prior to live fire training drills, each firefighter must identify two means of egress or escape from each area.

(6) Live fire training in any structure must include instruction of the student in planning for a secondary means of egress or escape in case of an unexpected fire condition change. The use of any room with limited access shall not be used for live fire training instruction.

(7) No fire room shall be used when there are not at least two separate means of egress or escape available.

(8) Live fire used in training must not block the main or planned secondary exit of firefighters.

(9) Emergency ventilation must be planned to limit fire spread and improve habitability in the event such action is necessary. Neither the primary nor secondary egress point is permitted to be used for normal room venting.

(10) Each window used as a secondary means of egress shall have clear access, with the glass and impedances such as frame cross members removed. Windows are permitted to be loosely boarded to allow ventilation and to be easily removed without tools from the inside or outside. No exterior obstruction shall impede egress.

(11) A safety team with a hoseline having sufficient flow, but with not less than a minimum of 95 GPM, to extinguish a fire involving the entire fire room must be in place to monitor the fire and the training personnel. The safety team shall at all times monitor the progress of the crew being trained.

(12) Training mannequins must be readily identifiable as such and shall not be dressed in structural firefighter protective clothing that is possible to confuse with the clothing of an actual firefighter.

(13) Any person or agency conducting "search and rescue" types of training should limit their use of live fire. Realistic conditions can be simulated without the danger of live fire.

(14) Thermal imaging equipment should be used to monitor fire conditions and the location of firefighters during fire training. Thermal imaging is a valuable tool for firefighter safety, for more rapid victim search and rescue, and for fire suppression operations in hostile structural fires.

(15) Every pumper or other unit equipped with a pump supplying hoselines during interior fire operations shall have an assigned qualified pump operator present at that unit in case immediate operational changes are necessary.

(16) All internal crews and command staff shall have two way radio communications with verified performance throughout the entire structure or hot zone prior to beginning any evolution. Operations shall be conducted on a dedicated radio channel that shall not be a channel used for dispatching or for any other use during live fire evolutions.

(17)(a) The "two-in – two-out" rule shall at all times be in effect during any live fire training.

(a) A minimum of two individuals shall be located outside the immediately dangerous to life and health (IDLH) atmosphere prepared to immediately make entry for the purpose of locating and rescuing a student or other person.

(b) Such person may be assigned an additional role that does not take him or her away from the immediate location or diminish his or her ability to immediately react; and such additional role shall not jeopardize the safety or health of anyone onsite by abandoning that other assignment.

(c) The Instructor In Charge, Safety Officer, and primary pump operator are not permitted to serve as members of the "two-out" personnel.

(18) The local emergency medical services (EMS) provider shall be apprised of the location and time of the evolution. Basic Life Support shall be provided on the scene and whenever possible Advance Life Support care and transport is recommended to be on scene. Planning shall include a landing zone for air transport, such as an emergency medical service helicopter.

(19)(a) The following portions of the 2002 edition of the National Fire Protection Association, Inc., Publication 1402, "Guide to Building Fire Service Training Centers," are hereby adopted and incorporated by reference:

1. 1402-7.2 Selecting An Architect/Engineer (A/E).
2. 1402-8.16 Emergency Care.
3. 1402-8.17 Building Maintenance.
4. 1402-10.2 Fire Temperature, and
5. 1402-11.3 Safety.

(b) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in these rules are also available for public inspection during regular business hours at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 33482-1486.

(20)(a) The 2002 edition of the National Fire Protection Association, Inc., Publication 1403, "Standard on Live Fire Training Evolutions," is hereby adopted and incorporated by reference, excluding, however:

1. Any chapter entitled "Referenced Publications."
2. References to the National Fire Protection Association, Inc., Publication 1975, Station Uniform.
3. The National Fire Protection Association, Inc., Publication 1001, or any references to such publication in the National Fire Protection Association, Inc., Publication 1975.
4. Any reference to an authority having jurisdiction in the National Fire Protection Association, Inc., publication 1403, defined as the organization, office, or individual responsible for approving equipment, materials, installations, and procedures.

(b) The codes and standards published by the National Fire Protection Association may be obtained by writing to the NFPA at: 1 Batterymarch Park, Quincy, Massachusetts 02269-9101. All standards adopted and incorporated by reference in these rules are also available for public inspection during regular business hours at the Bureau of Fire Standards and Training, Division of State Fire Marshal, 11655 Northwest Gainesville Road, Ocala, Florida 33482-1486.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History—New _____.

69A-37.405 Requirements for Live Fire Training During Recruit Training.

(1) All requirements of Chapter 69A-37, F.A.C., must be met.

(2) The initial exposure to live-fire conditions in recruit training must be under the strict supervision and control of the authorized person or persons in charge, with immediate egress capabilities available at ground level.

(3) To observe basic fire behavior, each trainee shall be exposed to very basic props or scenarios and progressively build to more complex scenarios that approximate realistic conditions.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History—New _____.

69A-37.406 Certification Prerequisites for Live Fire Training.

(1) The Instructor I and Firefighter II certifications are prerequisites for taking Live Fire Instructor Training.

(2) The person must be sponsored by the agency for which they will utilize certification such as a training center or fire department.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New _____.

69A-37.407 Live Fire Instructor Training.

(1) LFT training must be conducted at a certified training center meeting the current requirements of Chapter 633, F.S. and Chapter 69A-37, F.A.C., inclusive of interior and exterior burn props. All training must be completed by a certified LFT.

(2) Training to be a Live Fire Trainer must be provided directly through the Florida State Fire College by a Live Fire Master Trainer.

(3) Qualification by local agency for fixed facility operation. The local agency utilizing fixed gas fired or ordinary combustible type training buildings shall require all instructors to be trained and approved to operate said equipment in accordance with the manufacturer guidelines and local agency requirements.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New _____.

69A-37.408 Live Fire Trainer Certification and Renewal.

(1) Successful completion of a Florida State Fire College approved certification test encompassing course objectives and materials with a passing score of 85% is required for certification.

(2) For triennial renewal, a person is required to complete the 8 hour LFT renewal course and each person seeking renewal must have participated as a primary instructor, IIC, or SO during the three year period on a fully compliant live training fire exercise.

(3) Any Live Fire Trainer must be associated with a fire department pursuant to Chapter 69A-62, F.A.C. or certified training center pursuant to this chapter.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New _____.

69A-37.409 Instructor Certification Revocation.

LFMT, LFT, LFAT or LFIT Certification shall be revoked if:

(1) Any instructor certification renewal requirement is not met;

(2) Any medical treatment for injured participants is not provided or any participant is abandoned during any live fire exercise;

(3) Any prohibited material outside of the requirements of this rule and as defined in the adopted portions of NFPA 1403 is permitted to be used for Live Fire Training;

(4) Each established safety rule is not enforced;

(5) Full compliance with the adopted portions of NFPA 1403 is not met, excluding the identified exceptions.

Specific Authority 633.821(6) FS. Law Implemented 633.821 FS. History--New _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES:	RULE NOS.:
Calculation of Premium Rates	69O-149.037
Employee Health Care Access Act Statement	

Reporting Requirement	69O-149.038
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PURPOSE AND EFFECT: The proposed rules require that: insurers submit rate filings to the Office of Insurance Regulation that contain individual age rates for one life groups; amend biennial reporting requirements regarding the underwriting impact of using +/- 15% in the small group market; provide clarification regarding credits that may be applied where an employer has submitted a group application; and specify how appropriate COBRA rates should be determined.

SUBJECT AREA TO BE ADDRESSED: Small Employer Health Care Access.

SPECIFIC AUTHORITY: 624.308(1), 627.6699(5)(i)4., (6),(16), 627.9175 FS.

LAW IMPLEMENTED: 624.424(6), 627.410, 627.6699, 627.9175 FS.

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

TIME AND DATE: 9:30 a.m., November 3, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.