

69O-211.290 Forms.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History--New 4-11-94, Formerly 4-211.290, Repealed

69O-211.300 Transition Time in the Event of Rule Changes.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History--New 4-11-94, Formerly 4-211.300, Repealed

69O-211.310 Penalties.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.418, 624.4211, 626, 611, 626.621, 626.681, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History--New 4-11-94, Formerly 4-211.310, Repealed

69O-211.320 Curriculum Standards for Special Designation.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History--New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven H. Parton, General Counsel, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2005

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-302.111
RULE TITLE: Early Termination of Supervision
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 34, August 26, 2005, Florida Administrative Weekly.

33-302.111 Early Termination of Supervision.

(1) Before a correctional probation officer considers submitting an offender's request for early termination of supervision to the court, the offender shall meet the following criteria:

(a) through (g) No change.

(2) In order for an officer to submit an offender's request for consider an early termination of supervision to the court, approval must be obtained from the officer's supervisor, the circuit administrator, the State Attorney's Office, and the victim, if the offense involved a victim. If the State Attorney's office denies the request, or the victim opposes the early termination, the department will not submit the offender's proceed with the early termination request. The officer shall not disclose a victim's objection to the offender.

(3) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 11-26-01, Amended 6-29-03, 12-2-04,

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

Table with 2 columns: RULE CHAPTER TITLE and RULE CHAPTER NO.:. Includes entries for Guardianship (58M-2), Professional Guardian Registration (58M-2.001), Registration for Employees with Fiduciary Responsibilities (58M-2.002), Professional Guardian Coursework and Competency Examination (58M-2.003), Confidentiality (58M-2-005), and Denial of Professional Guardian Registration (58M-2.007).

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 37, September 16, 2005 issue of the Florida Administrative Weekly. Additionally, DOEA/SPGO Form 001, Professional Guardian Registration Form, incorporated by reference in Rule 58M-2.001, F.A.C., has been revised to include professional guardian employee information. DOEA/SPGO Form 002, Employee/Prospective Employee Registration Form, also incorporated by reference in Rule 58M-2.002, F.A.C., has been deleted.

58M-2.001 Professional Guardian Registration.

Applicants must score a minimum of 75% on the Professional Guardian Competency Examination or must receive a waiver from the Department of Elder Affairs' Statewide Public Guardianship Office (SPGO) before the application for registration will be considered.

(1) through (4) No change.

(5) The following items must either accompany the form or must be on file with SPGO for the application to be deemed complete:

(a) Credit history for guardians as specified in Section 744.3135, F.S. ~~At the applicant's request, SPGO will complete the credit history and may charge an additional registration fee of \$5.00 per credit history check.~~

(b) through (d) No change.

(e) A registration fee of twenty-five dollars (\$25) not to exceed one hundred dollars (\$100) in the form of a personal check, money order, or cashier's check made payable to the Statewide Public Guardianship Office.

~~(f) Employee/Prospective Employee Registration Form(s), if applicable.~~

(6) through (7) No change.

(8) If a professional guardian hires an employee with assigned fiduciary responsibilities during the professional guardian's registration period, then the professional guardian shall submit an amended DOEA/SPGO Form 001 that includes the new employee information to SPGO for approval prior to the employee assuming any fiduciary responsibilities.

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New 5-4-03, Amended _____.

~~58M-2.002 Registration for Employees with Fiduciary Responsibilities.~~

58M-2.003 Professional Guardian Coursework and Competency Examination

(1) Information about the professional guardian coursework and competency examination may be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or online at <http://elderaffairs.state.fl.us>.

(2) Completion of the required professional guardian instruction and training course is a mandatory requirement in order for the applicant to be eligible to take the competency examination.

(3) The applicant must achieve a score of 75 % or better on the Professional Guardian Competency Examination.

(4) If the applicant fails to successfully complete the Professional Guardian Competency Examination in three (3) attempts, then the applicant is required to re-take the professional guardian instruction and training course before sitting again for the competency examination.

~~(5) A public guardian having five (5) or more years experience as a guardian in the State of Florida shall be exempt from the competency examination provided that the guardian submits a letter of recommendation from a circuit judge in the State of Florida before whom the public guardian has practiced for at least one (1) year. The letter shall state that the public guardian has demonstrated competency to the court.~~

Specific Authority 744.1083(6), 744.1085(6)(b) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New _____.

58M-2.005 Confidentiality

~~Any social security number, bank account number, and debit, charge, and credit card numbers obtained by SPGO in association with the registration of professional guardians and employees with fiduciary responsibilities are confidential and exempt from public disclosure in accordance with Section 119.0721, F.S., and s. 24(a), Art. I of the Florida Constitution.~~

Specific Authority 744.1083(6) FS. Law Implemented 744.1083, 744.1085, 744.3135, 744.102(16) FS. History--New _____.

~~58M-2.007 Denial of Professional Guardian Registration.~~

**AGENCY FOR HEALTH CARE ADMINISTRATION
State Center for Health Statistics**

RULE NOS.:	RULE TITLES:
59B-14.002	Definitions
59B-14.004	Satisfaction Survey Reporting Requirements

NOTICE OF CHANGE

The proposed rules were originally published in Vol. 31, No. 31 of the Florida Administrative Weekly, dated August 5, 2005. The proposed rules are being changed to address comments from the Joint Administrative Procedures Committee received October 13, 2005. Accordingly, these subsections have been changed so that when adopted the rules will read as follows:

59B-14.002 Definitions.

~~(1) "Health insurer" means an entity that provides health benefit plans in this state, including an authorized insurer, a health maintenance organization, a multiple employer welfare arrangement or any other person providing a health benefit plan that is subject to insurance regulation in this state. However, the term does not include a multiple employer welfare arrangement, which multiple employer welfare arrangement operates solely for the benefit of the members or the members and the employees of such members, and was in existence on January 1, 1992.~~

(2) through (5) renumbered (1) through (4) No change.

59B-14.004 Satisfaction Survey Reporting Requirements.

(1) No change.

(2) Health insurers shall use the most current version of the NCQA CAHPS questionnaire available on the effective date of this rule December 31 of the measurement year to perform the member satisfaction survey. The NCQA CAHPS questionnaire may be obtained by contacting the National Committee for Quality Assurance at: www.ncqa.org.

(3) No change.

(4) No change.

(5) Health insurers shall administer the survey in a manner that meets or exceed the survey protocol standards of the National Committee for Quality Assurance (NCQA) ~~for the applicable measurement year~~ as set forth in the most current version of the Specifications for Survey Measures available on

the effective date of this rule. The Specifications for Survey Measures may be obtained by contacting available from the NCQA at: www.ncqa.org. The required final sample size submitted to the agency must equal or exceed 411 surveys except that a health insurer with less than 20,000 covered lives in Florida will not be penalized if the health insurer can document that the survey was administered according to the NCQA survey protocol.

~~(6) Health insurers shall use an independent NCQA certified auditor to perform an audit of the data file used to perform the survey or a NCQA certified vendor to perform the survey. Information on certified auditors and vendors is available from the website: www.ncqa.org Health insurers will submit a copy of the signed audit report electronically or by mail prior to or concurrent with the reporting of the survey results. Health insurers shall submit a statement from the auditor documenting an acceptable audit of the data file. Health insurers shall report the name of the survey vendor and the auditor, if any, as specified in Rule 59B-14.006, F.A.C.~~

(7) through (9) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lisa Rawlins, Bureau Chief, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.:	RULE TITLES:
61G17-6.002	Definitions
61G17-6.003	General Survey, Map, and Report Requirement
61G17-6.004	Specific Survey, Map, and Report Requirement

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Professional Surveyors and Mappers hereby gives notice of a public hearing on the above-referenced rules, pursuant to Section 120.54(3)(c)1. F.S., to be held on January 12, 2005 at 8:00 a.m., at the Department of Business and Professional Regulation Board Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399. The rule was originally published in Vol. 30, No. 52, of the December 23, 2004, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knapp, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32362-07676. Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact

the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.:	RULE TITLE:
64B3-2.003	Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in accordance with subparagraph 120.54(3)(d)1., F.S. to the proposed rule, published in Vol. 31, No. 30 of the July 29, 2005 issue of the Florida Administrative Weekly:

64B3-2.003 Definitions.

(1) through (18) No change.

(19) Manual Pretesting procedures means collecting and labeling specimens; initially separating specimens by centrifugation prior to testing; receiving specimens and requisitions, processing, sorting, accessioning, prior to testing and delivering specimens to the appropriate testing sites; specimen processing for storage and shipping to a reference laboratory; routine hematology and microbiology slide preparation from a primary sample; loading automated stainers; loading specimens onto automated sampling or processing systems; cytopreparatory staining; measuring and aliquoting specimens; and direct primary inoculation of microbiology cultures; ~~and loading specimens onto automated sampling or processing systems~~. Placement of specimens onto an automated instrument or system is considered a manual pretesting duty, provided it does not include any activity that initiates the analytic process.

Specific Authority 483.805(4), 483.811(2) FS. Law Implemented 483.803, 483.811, 483.821, 483.823 FS. History—New 11-4-93, Formerly 61F3-2.003, Amended 11-21-94, 11-30-94, 12-26-94, 5-3-95, 7-12-95, Formerly 59O-2.003, Amended 3-19-98, 12-13-98, 3-28-99, 9-12-99, 11-15-99, 3-24-02, 10-30-02, 2-1-04, _____.

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.:	RULE TITLE:
64B10-15.0021	Approved Providers

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed Rule published in Vol. 31, No. 20, May 20, 2005, issue of the Florida Administrative Weekly. The Board held a public hearing on this Rule on July 8, 2005, in Ft. Lauderdale, Florida, and determined a change to subsection (8) of the Rule should be made. Changes to subsections (2), (4) and (6), are being made in response to comments from the Joint Administrative Procedures Committee.

These Subsections will now read as follows:

~~(2) The Board accepts approves those courses approved as continuing education for nursing home administrators by the National Continuing Education Review Service of the National Association of Boards of Examiners of Nursing Home Administrators, Inc., when attendance is properly certified by the program provider.~~

~~(3)(4) Those applying for approved provider status shall pay an initial approval fee of \$100.00 \$250. A provider seeking to renew approved provider status, shall pay a biennial renewal fee of \$50.00 \$250.~~

~~(5)(6) The approved continuing education provider shall be granted authority to give continuing education courses and the board will conduct audits for cause and randomly during renewal of the continuing education programs without additional board approval. During the applicable biennium, an approved provider may offer additional programs or courses different than the one initially approved by the board if an outline is submitted in advance and approved by the Board before its use or presentation. The outline shall be submitted to the Board office no less than 45 days before the proposed date of the course and shall contain an agenda, the course learning objectives, the applicable Domains of Practice covered by the course or program, the number of continuing education hours that will be earned, a sample program evaluation form, the method of presentation and the curriculum vitae of the course or program speakers or instructors. This additional course or program outline may be submitted through electronic format to the Board.~~

~~(6)(7) No change.~~

~~(8) The Board shall periodically monitor and review at random or upon the filing of a complaint, all continuing education programs and shall rescind the provider status or reject individual programs offered by a provider if the provider disseminates any false or misleading information in connection with the continuing education programs, fails to conform to rules of the Board, or if the provider or its faculty member(s) are found to be in violation of any of the provisions of Chapter 468, Part II or 456, F.S.~~

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-3.001
RULE TITLE: Definitions

NOTICE OF PUBLIC HEARING

The Board of Orthotists and Prosthetists hereby gives notice of a public hearing on the above-referenced rules to be held on November 18, 2005, 11:00 a.m. at the Board Meeting in the Embassy Suites Ft. Lauderdale, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316. The rule were originally published in Vol. 31, No. 35 of the September 2, 2005 Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.110
RULE TITLE: Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic

NOTICE OF PUBLIC HEARING

The Board of Orthotists and Prosthetists hereby gives notice of a public hearing on the above-referenced rules to be held on November 18, 2005, 11:00 a.m. at the Board Meeting in the Embassy Suites Ft. Lauderdale, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316. The rule were originally published in Vol. 31, No. 35 of the September 2, 2005 Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

