

2. An explanation of how the discount plan applicant is an eligible individual for coverage under the group pursuant to the group's eligibility standards.

Specific Authority 636.232 FS. Law Implemented 636.230 FS. History—  
New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Frank Dino, Actuary, Life and Health Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 23, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NO.: IT-1.001                      RULE TITLE: Division of Cultural Affairs

**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., in response to comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 31, No. 38 of the September 23, 2005 issue of the Florida Administrative Weekly.

When adopted the rule will read as follows:

IT-1.001 Division of Cultural Affairs.

The purpose of the rule is to establish administrative procedures for all Division of Cultural Affairs (Division) activities.

(1) through (7) No change.

(8) Programs for Local and Statewide Service Organizations. The purpose of this program is to foster the development of local and statewide arts service organizations. There are two funding categories as outlined below:

(a) Local Arts Agency Program. The purpose of this program is to assist in the development of local arts agencies and to strengthen and stabilize their statewide network to further local and statewide cultural goals and objectives. A local arts agency is defined as an umbrella agency that serves its county or counties' arts and cultural constituencies. This includes county arts councils established pursuant to Section 265.32, F.S. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must be officially

recognized by one or more county commissions as the local arts agency, commission alliance, or division of a county or city government.

1. New applications will be reviewed for all eligible agencies on a three-year application cycle. New applications will be accepted annually from any agency not funded in this program in the current cycle, or an agency that qualifies mid-cycle to move up a higher funding category.

2. Funding categories. The following four categories will be used to determine funding eligibility:

a. Pre-Level I has no minimum budget requirement. Organizations may only receive funding in this category once. Funding for Pre-Level is \$5,000 and will be awarded on a non-matching basis.

b. Level I has no minimum budget requirement, but there must be at least one full-time or part-time paid staff member in the organization. The applicant may request up to 25% of their last completed fiscal year operating revenue, or \$25,000, whichever is less.

c. Level II is open to organizations whose last completed fiscal year operating revenue is at least \$100,000, has been in operation for at least three years at the time of application, and has at least one full-time paid staff member. The applicant may request up to 15% of their last completed fiscal year operating revenue, or \$40,000, whichever is less.

d. Level III is open to organizations whose last completed fiscal year operating revenue is at least \$1,000,000, has been in operation for at least five years at the time of application, and has more than one full-time paid staff member. The applicant may request up to 10% of their last completed fiscal year operating revenue, or \$60,000, whichever is less.

3. Review Criteria and Scoring. New applications will be evaluated by a review panel consisting of community cultural leaders, arts administrators and other professionals knowledgeable about community and cultural development. The panel will evaluate each new proposal according to how well the local arts agency demonstrates that its activities are community-based and mission-driven through the following criteria:

a. The agency's method for determining the needs of its community (Up to 20 points).

b. The agency's goals and objectives and the general methods for meeting community needs as referred to in sub-subparagraph 3.a. (Up to 20 points).

c. Activities such as services, programs, projects, or initiatives planned for the application cycle achieve the agency's goals and objectives (Up to 40 points).

d. Agency's method for managing and evaluating specific activities described in criteria sub-paragraphs 3.a. and b. Management areas addressed may include the roles of staff and board members; professional development opportunities; and

areas of evaluation such as “customer surveys” and quantitative or qualitative performance measurements (Up to 20 points).

4. Funding Recommendations. All applications that receive an average score of at least 75 out of 100 possible points will be recommended for funding. Applications that score less than 75 will not be recommended for funding by the panel. Award levels will be determined by the amount of the applicants’ grant requests and prorated according to funding allocated to the Local Arts Agency Program. Second and third year recommended funding amounts will be determined on a prorata basis according to the availability of funding for the program and the number of eligible local arts agencies.

(b)- State Service Organization Program. The purpose of this program is to support the efforts of state service organizations through stabilized funding and to work collaboratively with state service organizations to achieve statewide goals and objectives. A state service organization is defined as a not-for-profit organization that implements programs which have substantial cultural significance, giving emphasis to American creativity and the maintenance and encouragement of professional excellence. Statewide is defined as at least 50% of the state’s population, or 34 or more Florida counties. The goal of the program is to foster quality and professionalism in support of cultural excellence, access, and inclusion to the benefit of the public. In order to be eligible for funding, an organization must be designated as a State Service Organization by the Department, if recommended by the Florida Arts Council to the Secretary of State pursuant to the procedures contained in Section 265.285, F.S. Upon designation, an organization retains this status for a three-year cycle at which time designation will again be reviewed by the Florida Arts Council and recommended by the Secretary of State. Organizations are arranged in three clusters:

1. Cluster 1 organizations are those with a last completed fiscal year’s operating budget of \$50,000 or less. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization’s membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, networking opportunities, and initiatives in support of the Division’s mission; a board-approved mission statement; a long-range strategic or visioning plan; and documentation of the organization’s services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

2. Cluster 2 organizations are those with a last completed fiscal year’s operating budget of between \$50,001 and \$150,000. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization’s membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, and networking opportunities, and initiatives in support of the Division’s mission; a board-approved mission statement; a long-range strategic plan; and documentation of the organization’s services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Cluster 2 applicants will be expected to demonstrate more extensive services than Cluster 1; this is accomplished through the narrative portion of the application. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

3. Cluster 3 organizations are those with a last completed fiscal year’s operating budget of \$150,001 or more. In addition to the basic eligibility requirements, as detailed in subsection (5), the applicant must also provide: a narrative description of its annual services that details ongoing statewide planning and assessment, promotion of the constituency including state service organization’s membership, dissemination of topical information, representation of the constituency served, educational and lifelong learning benefits, networking opportunities, and initiatives in support of the Division’s mission; a board-approved mission statement; a long-range strategic plan; and documentation of the organization’s services through the inclusion of printed brochures, newsletters, website address and sample content, annual reports, and other materials that demonstrate services. Cluster 3 applicants will be expected to demonstrate more extensive services than Cluster 2; this is done through the narrative portion of the application. Potential new organizations to the program are eligible to apply for designation only during the first year of each application cycle.

4. Designation Review Process: With the submission of required materials, the applicant will be assigned an application number. The Division will review each application and determine whether the information is complete and in compliance with eligibility requirements. Staff will then make designation and funding recommendations to the Florida Arts Council based on the eligibility requirements listed for each cluster. All applicants will be notified in writing of their eligibility status. The list of eligible applications and recommended funding will be presented to the Florida Arts Council for their approval and recommendation to the Secretary of State.

5. Funding: Designated state service organizations will receive annual funding, subject to appropriation, for a three-year review cycle. Organizations are clustered by size of budget and scope of programming into the three cluster levels described above. Upon designation, Cluster 1 organizations will receive a \$5,000 award minimum; organizations in Clusters 2 and 3 will each receive an equal amount of funding within the total available budget with Cluster 3 receiving a higher amount than Cluster 2.

(9) through (21) No change.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(2),(3),(4),(5),(6), 265.2861(2)(b)(d), 265.2865(6), 265.51, 265.605(1), 2265.608, 265.609, 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-603, 265.605-606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History-New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-2-05, 5-16-05, 6-21-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Morgan Barr, Division of Cultural Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Gaylen Phillips, Division of Cultural Affairs

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005

**DEPARTMENT OF EDUCATION**

**State Board of Education**

| RULE NOS.: | RULE TITLES:   |
|------------|--|
| 6A-10.019  | Required Annual Calendar for Schools and Colleges  |
| 6A-10.024  | Articulation Between and Among Universities, Community Colleges, and School Districts  |
| 6A-10.030  | Other Assessment Procedures for College-Level Communication and Computation Skills   |
| 6A-10.0331 | Deletion of Courses from Catalogs and Statewide Course Numbering System  |
| 6A-10.038  | Postsecondary Feedback of Student Information to High Schools  |
| 6A-10.041  | Substitution for Requirements for Eligible Disabled Students at State Universities, Community Colleges, and Postsecondary Career Centers |
| 6A-10.043  | Nonpublic College Participation in the Statewide Course Numbering System   |

Notice is hereby given that the following amendments have been made to the proposed rules listed above in accordance in subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 36, of the September 9, 2005, issue of the Florida Administrative Weekly.

Paragraph 6A-10.019(2)(a) and subsection (3) were amended as follows:

(2)(a) Unless an exception is granted by the Department of Education, as appropriate, three (3) common entry periods shall be established so that the first day of classes will fall within each of the three (3) periods listed below:

(3) An official copy of the annual calendar adopted by each school board, community college board of trustees, and the university board of trustees ~~board of regents~~ for each school or institution operated by said boards shall be filed with the Department in the manner prescribed by the Commissioner. Subsections 6A-10.024(2), (2)(g), (2)(l) through (o), (3)(b), (5)(d)2., (6)(a), (7)(a), and (13) were amended to read:

(2) Articulation Coordinating Committee. The Commissioner shall establish an Articulation Coordinating Committee which shall report to the Commissioner and consist of eighteen (18) members. The committee shall have four (4) standing members from the Department of Education to represent the state university system, the community college system, public workforce education, and the public pre-K-12 schools. Fourteen (14) are appointed by the Commissioner for two-year terms: three (3) members representing the state university system; three (3) members representing the state community college system; one (1) member representing career education; three (3) members representing public schools; two (2) members representing nonpublic postsecondary institutions; one (1) member representing nonpublic secondary education; and one (1) member representing students; ~~and one (1) additional member~~. The Commissioner will appoint a chair from the membership. Ten members of the committee shall constitute a quorum. No business may be transacted at any meeting unless a quorum is present. The Committee shall:

~~(g)(h)~~ Recommend the priority to be given research conducted cooperatively by the Department of Education Divisions of Community Colleges, Universities, and Public Schools with individual institutions. Such research shall be encouraged and conducted in areas such as admissions, grading practices, curriculum design, and follow-up of transfer students. Research findings shall be used to evaluate current policies, programs, and procedures.

(l) Document, maintain, and publish the statewide associate in science to bachelor of arts/bachelor of science articulation agreements between the community colleges and the state universities. The agreements must be consistent with the policies of the Board of Governors and the State Board of Education and shall be reviewed by the Department of Education.

(m) Document, maintain, and publish statewide applied technology diploma to associate in applied science/associate in science degree articulation agreements between the career education centers and the community colleges.

(n) Maintain and review annually the accelerated articulation mechanism examinations, minimum scores guaranteed for transfer, maximum credits guaranteed to transfer, and recommended course equivalencies.

(o)(4) Perform such other duties as may be assigned in law or by the ~~State Board~~ or the Commissioner.

(3)(b) After a state university or community college has published its general education core curriculum, the integrity of that curriculum shall be recognized by the other public ~~postsecondary institutions universities and community colleges~~. Once a student has been certified by such an institution on the official transcript as having completed satisfactorily its prescribed general education core curriculum, regardless of whether the associate degree is conferred, no other public postsecondary institution to which he or she may transfer shall require any further such general education courses.

~~(5)(d)2.3.~~ The statewide associate in science to baccalaureate degree program articulation agreements between public postsecondary institutions shall be documented and maintained by the Articulation Coordinating Committee. The ~~Department of Education State Board of Education and the Board of Governors~~, in consultation with ~~their member~~ institutions, shall review periodically, as necessary, but no more than once a year, the provisions of the state articulation agreements and the prescribed curricula to ensure the continued effectiveness of the articulation between the A.S. and B.A./B.S. programs. Any recommendations for revisions to the state articulation agreements will be forwarded to the Articulation Coordinating Committee for review. The revisions may be approved after the Board of Governors and the State Board of Education make independent determinations that the recommended revisions are consistent with board policies.

(6)(a) Students must have a high school diploma, a high school equivalency diploma, or a certificate of completion pursuant to Section 1003.433(2)(b), Florida Statutes; or in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program pursuant to the requirements of Section 1002.41, Florida Statutes, to be admitted to an applied technology diploma program. Within six (6) weeks of entry, students in applied technology diploma programs of 450 or more hours must be tested pursuant to Rule 6A-10.040, FAC., and, if below minimum standards for completion from the program as defined in the program standards document adopted in Rule 6A-6.0571, FAC., must receive remedial instruction. The minimum standards must be at least the equivalent of a score of ten (10) on all sections of any basic skills test approved in Rule

6A-10.040, FAC. Students must successfully complete all remedial instruction before completing the Applied Technology Diploma.

~~(7)(8)~~ Credit by Examination.

(a) General Provisions.

~~(13)~~ All postsecondary courses offered for college credit, ~~career vocational~~ credit, college preparatory credit, or career-preparatory credit as they are defined in Rule 6A-10.033, FAC., shall be entered in the statewide course numbering system. Each course shall be assigned a single prefix and a single identifying number in the course numbering system.

Subsection (3) of Rule 6A-10.030 was amended to read:

(3) Exemptions and Waivers. Any public community college or university desiring to exempt its students from the requirements of subsection 6A-10.030(2), F.A.C., shall submit an alternative plan to the ~~Department of Education State Board of Community Colleges or Board of Regents~~, respectively. Upon approval of the plan by the ~~Department~~ respective board, the plan shall be submitted to the State Board of Education or the Board of Governors as appropriate. Upon approval by the State Board of Education or the Board of Governors, said plan shall be deemed effective in lieu of the requirements of subsection 6A-10.030(2), F.A.C.

The title and subsection (3) of Rule 6A-10.0331 was amended to read:

6A-10.0331 Deletion of Courses from Catalogs and ~~Statewide Common Course Designation and~~ Numbering System.

(3) The president of each university and the president of each community college shall annually certify to the board of trustees for that university or college that the institution has complied with Section 1007.24, Florida Statutes ~~the law~~.

Subsection 6A-10.038(1), (2), (2)(k) and (5) were amended as follows:

(1) From data provided by the state universities, community colleges, and state-supported career centers, the ~~Department of Education Divisions of Universities, Community Colleges, and Public Schools~~ shall maintain information on the performance of Florida's public high school graduates on the entry-level placement tests, pursuant to Rules 6A-10.0315 and 6A-10.040, F.A.C.

(2) By October 31 each year, the ~~Department of Education Divisions of Universities, Community Colleges~~, shall provide the Commissioner of Education the following information on students enrolled during the most recent academic year, beginning with the summer session and ending with the spring semester, who were prior year graduates of Florida public high schools:

(k) The name of the entry-level placement test used to place each student and subtest scores on the entry-level placement test in the areas of reading, writing/language, or

mathematics shall be maintained by the Department of Education ~~Division of Community Colleges and the Division of Universities~~ and made available to the Commissioner of Education upon request.

(5) From information data bases maintained by the Department of Education ~~Division of Universities, the Division of Community Colleges, and the Division of Public Schools,~~ the Commissioner shall provide to the State Board of Education, the Board of Governors, and Legislature by November 30, and to the school districts and high schools by January 31, summary reports on the performance of Florida's public high school graduates who enroll in public postsecondary institutions within one (1) year after graduation. The Commissioner shall provide summary report for the state as a whole, for each school district, and for each public high school. Student level reports shall be provided to the high schools from which students graduate. The summary reports shall indicate the number of prior year graduates who enrolled in state-supported career centers, community colleges, and state universities in Florida during the previous summer, fall, and spring terms and the number of those students whose scores on the entry-level placement tests indicate readiness for postsecondary education or the need for remediation through basic skills instruction or college-preparatory instruction pursuant to Sections 1004.92 and 1008.30, Florida Statutes.

The title of Rule 6A-10.041, FAC. was amended to read:

6A-10.041 Substitution for Requirements for Eligible Disabled Students at State Universities, Community Colleges, and Postsecondary Career Centers ~~Vocational Institutions~~.

The introductory paragraph and paragraph (2)(b) of Rule 6A-10.043 were amended to read:

6A-10.043 Nonpublic College Participation in the Statewide Common ~~Course Numbering and Designation~~ System.

Nonpublic colleges may participate in the statewide common ~~course numbering and designation~~ system pursuant to Section 1007.24 ~~246.013~~, Florida Statutes.

(2) Fee Schedule. The fees charged to participating institutions shall be:

(b) Entry Fee. The unit cost per course of entering, modifying, or terminating courses in the statewide ~~course numbering and designation~~ system, including administrative, personnel, expense, and capital costs of the system.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER NO.: 9G-19

RULE CHAPTER TITLE:  
Base Funding for County  
Emergency Management  
Agencies, Emergency  
Management Competitive  
Grant Program and Municipal  
Competitive Grant  
Program Rule

RULE NOS.:  
9G-19.005  
9G-19.008

RULE TITLES:  
Base Grant Distribution Formula  
Procedures for Awarding  
Competitive Grants

**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. 25, June 24, 2005, edition of the Florida Administrative Weekly. The changes are incorporated within the amended portions as they appeared in the Florida Administrative Weekly.

9G-19.005 Base Grant Distribution Formula.

(1) No change.

(2) Funds shall be allocated to implement and administer county emergency management programs including management and administration, training, and operations, 40.8 percent of the Trust Fund, or that amount designated pursuant to Section 3(1)(a), Chapter 93-128, Laws of Florida or by other Legislative appropriation, as available for distribution, shall be initially allocated for base grants to County Emergency Management Agencies. All allocations shall be subject to any pertinent Legislative appropriation.

(3) through (6) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 216.052, 252.35, 252.373, 252.83 FS. History--New 1-12-94, Amended 6-21-95,\_\_\_\_\_.

9G-19.008 Procedures for Awarding Competitive Grants.

(1) No change.

(2) Applications for a competitive award shall may include a statement from the County Emergency Management Agency describing the extent to which the project is consistent with the county's Comprehensive Emergency Management Plan. A copy of the applicant's letter requesting this statement must be included in the application. If such a consistency statement is desired, The applicant shall supply a description of the project to the applicable County Emergency Management Agency(ies) at the time of the request for a consistency statement, at least thirty (30) days prior to the deadline for submitting the application. If The applicable Emergency Management Agency(ies) will make a consistency determination determines

~~that of that~~ the project, and also address other issues that may be relevant to the project, such as duplication of an existing capability is consistent, no further explanation is required. ~~When~~ If the applicable Emergency Management Agency(ies) determines that the project is consistent or inconsistent, or is unable to make a consistency determination for any reason, it (they) shall provide a written explanation of the inconsistency or its inability to respond to the Division Department. If a county fails to respond to an applicant's timely submitted request for such a statement, as evidenced by inclusion of a dated copy of the project description letter in the application, the application shall be considered consistent with the applicable Comprehensive Emergency Management Plan. ~~In the event that the county fails to respond, the application shall describe the steps, including pertinent dates, by which the county consistency review was requested.~~ The county's consistency determination shall be considered by the review committee, provided it is received at least thirty (30) days before the deadline for transmitting preliminary scores and resulting rankings. Failure to supply the project description to the County Emergency Management Agency at least thirty (30) days prior to the deadline for submitting application shall result in no award of points for consistency with local government plans and objectives.

(3) The Department hereby adopts by reference the Emergency Management, Preparedness, and Assistance Trust Fund Competitive Grant Program Application Packet, Form No. 008, July 2005 ~~2003~~ version, which provides forms, instructions, and other information necessary for submission of an application for Competitive Grant funds submitted pursuant to Rule 9G-19.008, F.A.C.

(4) Application packets may be obtained from the website www.floridadisaster.org as identified in the Application Packet or from the Department of Community Affairs, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Attention: EMPATF Program. Requests should specify the Competitive Grant Program Application Packet.

(5) All applications shall conform to the following requirements, and shall be reviewed for technical conformity in accordance with the following procedures:

(a) All applications shall adhere to the format specified in the Application Packet, Form No. 008, July 2005 ~~2003~~ version.

(b) through (8) No change.

Specific Authority 252.35, 252.373 FS. Law Implemented 252.35, 252.373, 252.38 FS. History—New 1-12-94, Amended 6-21-95, 11-13-96, 11-10-97, 10-14-98, 10-11-00, 10-22-02, 11-27-03,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED CHANGES IS: Dianne Smith, Community Assistance Consultant, Finance and Logistics Section, Department of Community Affairs, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)413-9966

**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."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.030  
 RULE TITLE: Payment Methodology for Outpatient Hospital Services  
**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule as noticed in Vol. 31, No. 42, October 21, 2005, beginning on page 3718 of the Florida Administrative Weekly has been withdrawn. This proposed rule incorporated Version XIV of the Florida Title XIX Outpatient Hospital Reimbursement Plan by reference.

**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 Nursing**

RULE NOS.: 64B9-17.001, 64B9-17.002, 64B9-17.003  
 RULE TITLES: Statement of Intent of Purpose, Definitions, Competency and Knowledge Requirements

**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. 11 of the March 18, 2005 issue of the Florida Administrative Weekly:

**ROLE OF THE REGISTERED NURSE IN CONSCIOUS SEDATION**

64B9-17.001 Statement of Intent of Purpose.

(1) The "practice of professional nursing" as defined by Section 464.003(3)(a), F.S., includes "the administration of treatments and medications as prescribed or authorized by a duly licensed practitioner authorized by the laws of this state to prescribe such medicines and treatments." As medical science advances, new drugs and procedures are introduced to provide health services to the public. A registered nurse, when qualified by training and education as required in Rule 64B9-17.003, F.A.C., and when approved by the institution at which the registered nurse is employed, may engage in the

limited administration of medications ~~drugs~~ for conscious and deep sedation under specific conditions set forth in subsections 64B9-17.003(2) and (3), F.A.C.

(2) The purpose of this rule is to protect the public by ensuring that competent registered nurses administer conscious sedation and deep sedation. The rule sets out the education and/or competency verification necessary to administer medications for conscious sedation and deep sedation under specific conditions. Pursuant to Section 464.018(1)(h), F.S., the act of administering medications for conscious sedation by a registered nurse without the education and verification of competency outlined in this rule would constitute unprofessional conduct and would also be a violation of Sections 464.018(1)(j) and (n), F.S. Further, this role is beyond the scope of practice for the licensed practical nurse or the tasks allowed for unlicensed assistive personnel. The administration of medications via any route for the purpose of general anesthesia is not within the scope of registered nursing or licensed practical nursing practice.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1), (5), 464.018(1)(h) FS. History–New \_\_\_\_\_.

64B9-17.002 Definitions.

(1) Conscious sedation, or moderate sedation, is produced by the administration of medications (pharmacological agents) administered singly or in combination. A patient under conscious sedation has a depressed level of consciousness, but retains the ability to independently and continuously maintain a patent airway and respond appropriately to physical stimulation and/or to verbal command. Conscious sedation may easily be converted into deep sedation or the loss of consciousness, because of the unique characteristics of the drugs used, as well as the physical status and drug sensitivities, of the individual patient. The administration of medications for conscious sedation requires continuous monitoring of the patient and the ability to respond immediately to deviations from the norm. Medications for cconscious sedation ~~shall~~ should only be administered provided by a registered nurse an individual who is competent in thorough patient assessment, is able to administer medications ~~drugs~~ through a variety of routes, is able to identify responses which are a deviation from the norm, and is able to intervene as necessary. Conscious sedation is used in short-term, therapeutic, diagnostic, or surgical procedures. Because sedation is a continuum, it is not always possible to predict how an individual patient will respond. For the purposes of this rule, the level of sedation intended determines whether administration and monitoring of the patient is within the scope of practice of the registered nurse. The nurse must be able to respond to unintended deepening of sedation. It is important to differentiate among the levels of sedation as delineated by the American Society of Anesthesiologists:

(a) No change.

(b) Moderate Sedation/Analgesia (“Conscious Sedation”) is a drug-induced depression of consciousness during which patients respond purposefully to verbal commands, either alone or accompanied by light tactile stimulation. No interventions are required to maintain a patent airway, and spontaneous ventilation is adequate. Cardiovascular function is usually maintained.

(c) through (d) No change.

(2) For purposes of this rule, institution means a hospital or ambulatory surgery center licensed under provisions of Chapter 395, F.S., a physician office setting, clinic, or any other setting in which conscious sedation is utilized. It would be a violation of this rule for any registered nurse to administer medications for conscious sedation in any other setting that is not appropriately licensed or registered, to the extent required by state law, to enable surgical procedures to take place in that setting.

(3) A qualified anesthesia provider is an anesthesiologist or physician licensed under Chapter 458 or 459, F.S., or a certified registered nurse anesthetist licensed under Chapter 464, F.S., with a protocol as specified in Sections 464.012(3) and (4)(a), F.S.

(4) Medications used to achieve conscious sedation include benzodiazepines, opioids, dissociative agents, sedatives, and hypnotics and should be given in small, incremental doses that are titrated to the desired endpoints of analgesia and sedation. Sufficient time must elapse between doses to allow the effect of each dose to be assessed before subsequent medication administration. The administration of these medications alone or in combination may produce profound synergistic effects.

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1), (5), 464.018(1)(h) FS. History–New \_\_\_\_\_.

64B9-17.003 Competency and Knowledge Requirements.

(1) A registered nurse may administer medications to achieve conscious sedation during therapeutic, diagnostic, or surgical procedures; provided the registered nurse has completed the knowledge, education and competency requirements in this rule and may manage patients who are receiving and recovering from conscious sedation, ~~provided the following criteria are met:~~

(a) The registered nurse administers medications only in dosages titrated to achieve only non-anesthetic drugs for conscious sedation, ~~unless the registered nurse is also certified as a nurse anesthetist or unless the registered nurse administers anesthetic agents during an emergency under the direction and supervision of a physician;~~

(b) The registered nurse, or an institution-based emergency response team, a facility-based Code Team, must have demonstrated skill in age-specific airway management and emergency resuscitation through advanced cardiac life support (ACLS), pediatric advanced life support (PALS), neonatal resuscitation program (NRP), or equivalent training.;

(c) The registered nurse must have successfully completed a program in conscious sedation developed by the institution or by an approved continuing education provider. The content of that program must, at a minimum, be four hours in length, contain information on the definitions, knowledge, education and competency requirements in this rule, including the continuum of levels of sedation, and on drugs used during conscious sedation, including reversal agents, their actions, side-effects and untoward effects, and assessment and monitoring of the patient receiving the medication. The program must also address recognition of emergency situations, institution of appropriate nursing interventions, and evaluation of physiologic measurements, such as respiratory rate, oxygen saturation, blood pressure, cardiac rate and rhythm, and the patient's level of consciousness.;

(d) The registered nurse administers medications to achieve conscious sedation by executing the order of a qualified anesthesia provider or physician licensed under Chapter 458 or 459, F.S. Although the determination of medical dosage and the patient's medical status is a medical decision, the registered nurse has the right and the obligation to question orders and decisions which are contrary to acceptable standards of nursing practice, and to refuse to participate in procedures which may result in harm to the patient, and to refuse to administer or continue to administer medications in amounts that may induce general anesthesia or loss of consciousness.;

(e) If medications are given intravenously, a continuous, patent intravenous access must be in place throughout the procedure and until the patient is recovered. If the medications for conscious sedation are given intranasal, intramuscular, oral or rectal route, staff capable of establishing an intravenous access should it become necessary must be immediately available.;

(f) through (g) No change.

(h) Emergency and resuscitative equipment that complies with the American Heart Association's current Advanced Cardiac Life Support or other age-specific protocols and that contain reversal agents for the medications to be administered must be available in the immediate area where the procedure is being performed.;

(i) through (j) No change.

(2) A registered nurse who meets the education, knowledge and competency requirements and conditions in this rule; may administer medications, ~~including anesthetic agents,~~ to achieve deep sedation only to a monitored, intubated, and mechanically ventilated patient who is located in an intensive care, critical care or emergency setting (or during the transport of such a patient within the institution).

(3) No change.

~~(4) For severely compromised or medically unstable patients, a qualified anesthesia provider must be present.~~

~~(4)(5) A registered nurse shall not administer general anesthesia unless licensed under Section 464.012, F.S., as a certified registered nurse anesthetist to the extent authorized by established protocol pursuant to Sections 464.012(3)(a) and 464.012(4)(a), F.S., or unless licensed as a certified nurse midwife to the extent authorized by established protocol pursuant to Section 464.012(3)(b), F.S.~~

Specific Authority 464.003(a), 464.006 FS. Law Implemented 464.003(a), 464.012(3), 464.015(1), (5), 464.019(1)(h) FS. History--New\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, R.N., Ph.D., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-17.004  
 RULE TITLE: Effective Date

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 16, April 24, 2005 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-12.006  
 RULE TITLE: Examination Fee

**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 the above-referenced Rule should be made. When changed, the Rule shall read as follows.:

The fee for processing the application of an applicant by examination is \$250.00. This fee is in addition to the fee charged by the Nursing Home Administrators Examination (NAB).

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

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-15.002  
 RULE TITLE: Criteria for Approved Continuing Education



## 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 changes to subsections (2), (5), (6), (7), (8), (9) and (10) of the Rule should be made. Also, some changes were made in response to comments from the Joint Administrative Procedures Committee.

These Subsections will now read as follows:

(2) Continuing education will be approved for credit if it is in one of the ~~six (6)~~ Domains of Practice as defined in Rule 64B10-16.005, F.A.C. ~~the method of presentation is effective in meeting the purpose of this chapter and the instructor is well qualified in his particular field by training and experience. Subject matter shall be directly related to the duties and responsibilities of a nursing home administrator. Program objectives should describe expected learner licensee's outcome in behavioral terms, can be evaluated, are attainable and are relevant to the profession of nursing home administrators. Attendance of individuals at all portions of the program must be documented by the provider. Contents of the program must be in one or more of the following Domains of Practice:~~

~~(a) through (f).~~

~~(3) Continuing education may be granted on an hour for hour basis for successful completion of an approved preceptor training program.~~

~~(3)(4) Fifteen hours of continuing education credit shall be granted for each college credit course in the domains of practice successfully completed during the biennium. The college transcript shall be accepted as proof of attendance.~~

~~(4)(5) Administrator certification or re-certification by American College of Health Care Administrators may be accepted as satisfying the total continuing education requirement for license renewal for the biennium in which certification is completed. Verification of certification shall be accepted as proof of attendance.~~

~~(5)(6) To satisfy the requirements of this rule, attendance in the programs or courses of continuing education include personal presence at a live presentation or video conferencing offering, except a maximum of 10 hours credit may be obtained in any biennium through correspondence courses, home study courses, tape and/or video cassette courses or internet courses in the domains of practice provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must be in one of the domains of practice listed in Rule 64B10-16.005, F.A.C. paragraphs 64B10-15.002(1)(a) through (f), F.A.C. A validation form shall be signed by the vendor and the licensee verifying the specific domains of practice covered in the video cassette course and total viewing time. Such~~

verification/validation shall clearly indicate the course is a "correspondence course," "home study course," "tape or video cassette course" or "internet course" and that the licensee passed the course in order to be accepted as proof of attendance.

~~(6)(7) Any licensee who acts as a preceptor for an Administrator-in-Training and completes such preceptorship within any biennium shall be allowed a maximum of ten (10) hours of continuing education credit for that biennium.~~

~~(7)(8) Any licensee who acts as a preceptor for an internship and completes such preceptorship within any biennium shall be allowed a maximum of five (5) hours of continuing education credit for that biennium.~~

~~(8)(9) The Board shall disapprove any or all credit if the Board determines the program fails to meet the requirements of subsection 64B10-15.002(1), F.A.C. Continuing education courses offered and approved by the National Association of Boards of Examiners of Long Term Care Administrators are accepted as long as the requirements are similar to or more stringent than those required by the Board in subsection 64B10-15.002(1) and Rule 64B10-16.005, F.A.C.~~

~~(9)(10) The Board shall not accept credit for continuing education programs of less than 1 contact hour. Attendance credit in fractions of an hour shall not be granted.~~

~~(10) Any subject matter dealing with internal affairs of an organization will not qualify for credit hours.~~

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

## DEPARTMENT OF HEALTH

## Board of Nursing Home Administrators

RULE NO.: 64B10-16.001  
 RULE TITLE: General Information  
 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. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

Subsection (2) has been changed as follows:

(2) An applicant for the AIT program must meet those qualifications established by Section 468.1695, F.S., ~~which are in effect~~ at the time of application, and pay the application fee specified in Rule 64B10-12.013, F.A.C. The form title and number is, Administrator in Training Application, DH-MQA-NHA003 (Revised 10/05).

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 Nursing Home Administrators**

RULE NO.: 64B10-16.002  
 RULE TITLE: Preceptor

**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. These changes are being made in response to comments from the Joint Administrative Procedures Committee.

Subsection (1) has been changed as follows:

(1) The Board will approve persons to act as preceptors in AIT programs based on the completion of application and an oral interview. The approval shall be effective indefinitely, so long as the preceptor maintains an active license to practice nursing home administration in this state. The form title and number is, Preceptor Certification, DH-MQA-NHA014 (Revised 10/05). ~~However, the Board shall disapprove a preceptor for a training program who has failed to remain in compliance with these requirements.~~

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 Optometry**

RULE NO.: 64B13-5.002  
 RULE TITLE: Criteria for Approval

**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. 38 of the September 23, 2005 issue of the Florida Administrative Weekly. These changes were made to address concerns expressed by the Joint Administrative Procedure Committee. When changed, the rule shall read as follows:

64B13-5.002 Criteria for Approval.

(1) No change.

(2) A non-transcript quality continuing education program that satisfies the following criteria or course content shall be approved upon presentation of the information specified in subsection 4. below:

(a) through (g) No change.

(3) A transcript-quality course that satisfies the following requirements, in addition to the criteria or course content in subsection (2) above, shall be approved upon presentation of the information specified below as well as the information specified in subsection (4) below:

(a) through (b) No change.

(c) The course must be taught by instructors approved by the Board. Faculty members that instruct regular courses for the sponsoring school or equivalent – educational entity will automatically be approved. Instructors not fitting into this category must be approved by the Board.

(d) through (e) No change.

(4) To obtain Board approval, the following information must be provided by the program or course provider or by a licensed practitioner who attended the course:

(a) through (g) No change.

(h) Notwithstanding paragraphs (a)-(c) above, if the program is non-transcript quality and has been previously approved by the Council on Optometric Practitioner Education (COPE), or by any other recognized organization that sponsors optometric education utilizing the criteria set forth in subsection (2) above, the Board shall approve the program upon submission of the approved course number issued by COPE or other recognized organization and compliance with paragraph (g) above.

(5) through (6) No change.

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.: 64B32-5.003  
 RULE TITLE: Unprofessional Conduct; Acceptable Standards Definition

**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. 24 of the June 17, 2005 issue of the Florida Administrative Weekly. These changes were made to address concerns expressed by the Joint Administrative Procedure Committee and were approved by the Board at its October 14, 2005 meeting. When changed, the rule shall read as follows:

64B32-5.003 Unprofessional Conduct; Acceptable Standards Definition.

(1) A licensee is guilty of unprofessional conduct, which is defined as any departure from, or failure to conform to, acceptable standards related to the delivery of respiratory care services. Some examples of unprofessional conduct shall include the following acts:

(a) Violating the confidentiality of information or knowledge concerning a patient.

(b) Falsely misrepresenting the facts on an application for employment as a respiratory therapist.

(c) Leaving a respiratory therapy assignment before properly advising appropriate supervisory personnel.

(d) Providing false or incorrect information to an employer regarding the status of the certification or registration.

(e) Failing to report another licensee in violation of the laws and/or rules pertaining to the profession.

(f) Using foul or abusive language in patient care or public areas.

(2) Acceptable standards means practicing respiratory care with the level of care, skill, and treatment which is recognized by a reasonably prudent respiratory therapist as being acceptable under similar conditions and circumstances.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

**DEPARTMENT OF HEALTH**

**Division of Children’s Medical Services**

RULE NO.: 64C-4.003  
 RULE TITLE: CMS Cardiac Facilities Diagnostic and Treatment Facilities or Services – Specific

**SECOND NOTICE OF RULE 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. 30, No. 29, July, 16, 2004, issue of the Florida Administrative Weekly. The changes are in response to comments received from two public hearings, a challenge to the proposed rule and written comments received from the Joint Administrative Procedures Committee (JAPC). The rule shall now read as follows:

CMS approved cardiac facilities must comply with the CMS Cardiac Facilities Standards, September 2005, and must collect and submit quality assurance data annually in accordance with the following forms:

- Pediatric Non-Invasive Cardiology Laboratory Procedures DH-CMS 2056, 9/05;
- Cardiac Catheterization Procedures DH-CMS 2057, 4/05;
- Cardiac Catheterization Cases – Primary Cardiac Diagnoses DH-CMS 2058, 3/05;
- Pediatric Cardiac Surgical Procedures – Closed Heart Procedures DH-CMS 2059, 4/05; and
- Pediatric Cardiac Surgical Procedures – Open Heart Procedures DH-CMS 2060, 4/05.

The standards and forms are incorporated herein by reference and are available from CMS Headquarters, 4052 Bald Cypress Way, Bin A06, Tallahassee, FL 32399-1707.

Specific Authority 391.026(18), 391.035 FS. Law Implemented 391.026, 391.035 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tobi Goodman, Government Analyst II, Department of Health, CMS Network Operations Bureau, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, ext. 2226, or FAX (850)488-3813

**Section IV  
 Emergency Rules**

**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 TITLE: Grapefruit 2005-2006 Maturity Standards  
 RULE NO.: 20ER05-8

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Section 120.54(4)(b), Florida Statutes, states that those rules pertaining to perishable agricultural commodities shall be included in the definition of rules relating to the public health, safety, or welfare.

The Department received a petition requesting emergency rulemaking from the Indian River Citrus League, a non-profit industry organization located in Vero Beach, Florida. This emergency is due to the rapid spread of canker in the grapefruit growing regions in the state and the increasing need for growers to get some value out of their crop before the trees are pushed and burned in accordance with state and federal canker regulations. Strict enforcement of the minimum ratio of total soluble solids to anhydrous citric acid content requirements shall result in economic waste by causing good and safe food to be ruled immature.

After taking testimony and discussing the matter at an emergency public meeting and hearing in Lakeland, Florida on October 19, 2005, the Florida Citrus Commission found that there exists unusual circumstances and voted to adopt Emergency Rule 20ER05-8, adjusting the minimum ratio of total soluble solids to anhydrous citric acid content requirement for grapefruit for processed use to 7.5 to 1 from the regulated 8 to 1.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Adequate notice procedures were used by the Department of Citrus to inform the public and the Florida citrus industry of the pending adoption of Emergency Rule 20ER05-8 in that notice was made via emailing of the meeting notice on October 18, 2005,