

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

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

PURPOSE AND EFFECT: The purpose of this amendment will be to establish in rule the procedures for the Division’s online grant and information services system; amend existing language for clarity; and delete programs no longer in existence.

SUBJECT AREA TO BE ADDRESSED: Online grant application and information procedures and grant program language amendments.

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), 265.32, 265.51, 265.605(1), 265.608, 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.

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., Monday, March 20, 2006

PLACE: Division of Cultural Affairs, 500 S. Bronough Street, R. A. Gray Building, 3rd Floor, Tallahassee, FL 32399-0250

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure a verbatim recording of the proceedings in order to provide a record for judicial review. To request special aids or services, contact Division staff at least 72 hours prior to the above stated schedule, (850)245-6356, Text Telephone 711.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. Gaylen Phillips, Division of Cultural Affairs, 500 S. Bronough Street, R. A. Gray Building, 3rd Floor, Tallahassee, FL 32399-0250

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE CHAPTER TITLE: Food
 RULE CHAPTER NO.: 5K-5

RULE TITLE: Grading Services for Poultry
 RULE NO.: 5K-5.014

PURPOSE AND EFFECT: The rule amendment changes the fee and cost schedule for grading services provided by Department graders.

SUBJECT AREA TO BE ADDRESSED: The Florida Department of Agriculture and Consumer Services provides grading services to food establishments that process poultry. The Department charges the poultry processor an hourly fee to recover the costs of this service. This rule amendment increases the hourly fees charged to a processor.

SPECIFIC AUTHORITY: 570.07(23), 583.04 FS.

LAW IMPLEMENTED: 583.051, 583.052 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: Dr. John Fruin, Chief, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, (850)245-5520

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-5.014 Grading Services for Poultry.

(1) through (2) No change.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

(a) Grader’s time per hour for:

1. Resident location	\$ 30.30 27.50
2. Overtime	\$ 31.00 34.30
3. Non-resident location	\$ 34.00 37.30
4. Non-specified days	\$ 34.00 37.30

5. In addition to the charge for the grader’s time per hour, an additional charge of \$1.40 per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 1:00 p.m.

(b) Travel time and costs:

1. Time for travel to and from the grader’s headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be charged at the same rate as grading services provided.

2. Mileage and per diem to and from the grader’s headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

(4) through (5) No change.

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History—New 8-13-92, Formerly 5E-7.014, Amended 9-30-96, 9-5-01.

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 CORRECTIONS

RULE TITLE: Inmate Discipline – Investigations
RULE NO.: 33-601.305

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the means of documentation of the determination that a requested tape does not provide evidence to support an inmate’s statement.

SUBJECT AREA TO BE ADDRESSED: Inmate discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 945.04 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.305 Inmate Discipline – Investigations.

The investigating officer shall initiate the investigation of the infraction within 24 hours of the writing of the disciplinary report. The investigating officer is responsible for the following:

- (1) through (3) No change.
- (4) Reviewing documentary or physical evidence referenced by the charging staff person or identified by the charged inmate on Form DC6-151, Documentary or Physical Evidence Disposition. When the evidence is a videotape or audiotape identified by the inmate, the inmate must also include a written statement on Form DC6-151 describing what he expects the tape to show. Failure to complete and sign Section II on Form DC6-151 will result in a waiver of the opportunity to have documentary or physical evidence presented at hearing. The investigator shall determine whether, based upon review of the tape itself or the capabilities of the particular taping equipment, the tape described by the inmate does or does not provide evidence to support the inmate’s

statement. If the investigator determines that the tape provides evidence to support the inmate’s statement, he shall prepare a summary for the investigative report. If the investigator determines that the tape does not provide evidence to support the inmate’s statement, the inmate will be provided with the following written statement in the basis of findings section of the disciplinary report: “Based upon review of the identified tape or the capabilities of the particular taping equipment, the tape requested does not provide evidence to support the inmate’s statement.” The investigator shall provide on Form DC6-2028, Disposition of Videotape/Audiotape Evidence, a detailed description of why the tape did not provide evidence to support the inmate’s statement. In the interest of institutional security, this form shall not be provided to the inmate, but shall be retained with the other disciplinary report documentation.

(5) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History—New 10-1-95, Formerly 33-22.0055, Amended 5-21-00, 2-11-01, 3-22-05.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Visiting Denial
RULE NO.: 33-601.717

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify criteria for denial of visiting for possession, introduction, or attempted introduction of contraband.

SUBJECT AREA TO BE ADDRESSED: Visiting.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.717 Visiting Denial.

- (1) through (4) No change.
- (5) Any person shall be denied ~~subject to denial of~~ permission to visit based upon the following criteria:
 - (a) The possession, introduction or attempted introduction of contraband as defined in Section 944.47, F.S. into any facility;
 - (b) through (1) No change.
 - (6) No change.

Specific Authority 20.315, 944.09, 944.23 FS. Law Implemented 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.706 and 33-601.707, Amended 5-27-02, 9-29-03,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Procedural	40D-1
RULE TITLE:	RULE NO.:
Delegation of Authority	40D-1.002

PURPOSE AND EFFECT: The proposed rule amendment will incorporate an amendment to the District's existing well construction permitting program delegation agreement with Sarasota County into Rule 40D-1.002, F.A.C. The effect of the proposed rule amendment will authorize Sarasota County to delegate implementation of the program to the Sarasota County Department of Health.

SUBJECT AREA TO BE ADDRESSED: Delegation of the District's well construction permitting program to Sarasota County.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.103, 373.149, 373.219, 373.223, 373.224, 373.226, 373.308, 373.309, 373.427 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 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: Margaret M. Lytle, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE:	RULE NO.:
Payment Methodology for Nursing Home Services	59G-6.010

PURPOSE AND EFFECT: The purpose of the proposed rule is to incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan payment methodology, effective upon the final adoption of this rule:

The Agency is deleting the low occupancy adjustment for the direct care component of the nursing home reimbursement rate.

SUBJECT AREA TO BE ADDRESSED: Low occupancy adjustment.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., March 22, 2006

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Division of Retirement	60S-1
RULE TITLE:	RULE NO.:
Special Risk Class; Legislative Intent and Procedures	60S-1.005

PURPOSE AND EFFECT: The purpose of the proposed rule is to define the term "primary duties and responsibilities" as used to determine eligibility to participate in the Special Risk Class. Under the provisions of Sections 121.031 and 121.0515, Florida Statutes, employees who meet the requirements as established in the administrative rules are allowed to participation in the Special Risk Class.

SUBJECT AREA TO BE ADDRESSED: Eligibility to participate in the Retirement System's Special Risk Class. Specifically, the meaning of the term "primary duties and responsibilities," as used to describe the job requirements and functions necessary of participation in the Special Risk Class.

SPECIFIC AUTHORITY: 121.031, 121.0515 FS.

LAW IMPLEMENTED: 121.021(15), 121.0515 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Monday, March 20, 2006

PLACE: Department of Management Services, Room 101, (Lobby), 4050 Esplanade Way, Tallahassee, Florida

Pursuant to the American Disabilities Act, persons needing special accommodations to participate in the meeting should advise the Department of Management Services, Division of Retirement, at least two (2) calendar days before the workshop, by contacting Garry Green, at (850)414-6349.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Garry Green, Administrator, Division of Retirement, Department of Management Services, P. O. Box 9000, Tallahassee, Florida 32315-9000, (850)414-6349

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60S-1.005 Special Risk Class; Legislative Intent and Procedures.

(1) Legislative Intent. – In creating the special risk class of membership within the Florida Retirement System, it is the intent and purpose of the Legislature to recognize that persons employed in certain categories of law enforcement, firefighting, criminal detention, and emergency medical care positions are required as one of the essential functions of their positions to perform work that is physically demanding or arduous, or work that requires extraordinary agility and mental acuity, and that such persons, because of diminishing physical and mental faculties may find that they are not able, without risk to the health and safety of themselves, the public, or their co-workers, to continue performing such duties and thus enjoy the full career and retirement benefits enjoyed by persons employed in other positions, and that, if such persons find it necessary, due to the physical and mental limitations of their age, to retire at an earlier age and usually with less service, they will suffer an economic deprivation therefrom. Therefore, as a means of recognizing the peculiar and special problems of this class of employees, it is the intent and purpose of the Legislature to establish a class of retirement membership that awards more retirement credit per year of service than that awarded to other employees; nothing contained herein shall require ineligibility for special risk membership upon reaching age 55.

(2) Eligibility. Any member who is employed as a law enforcement officer, a firefighter, a correctional officer, or an emergency medical technician or paramedic who meets the criteria as set forth in Rule 60S-1.0051, 60S-1.0052, 60S-1.0053 or 60S-1.00535, F.A.C., shall be eligible for approval for special risk membership as provided in this section. Whenever the term “primary duties and responsibilities” is used in Rule 60S-1.0051, 60S-1.0052, 60S-1.0053, or 60S-1.00535, F.A.C., it means that more than 50% of the member’s required job duties as listed in the official position description in effect at the time of employment.

Specific Authority 121.031, 121.0515 FS. Law Implemented 121.021(15), 121.0515, 121.23 FS. History—New 1-1-72, Amended 10-20-72, 12-31-74, 8-9-76, 1-16-77, 10-2-78, 1-19-82, 9-9-82, 11-6-84, 4-17-85, Formerly 22B-1.05, Amended 2-7-89, 11-14-91, Formerly 22B-1.005, Amended 1-25-94, 9-17-03,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE TITLE: RULE NO.:

Audio or Video Recording of 61B-75.004
Cooperative Meetings

PURPOSE AND EFFECT: To provide reasonable rules governing audio or video recording of a cooperative’s administrative meetings.

SUBJECT AREA TO BE ADDRESSED: Section 719.106(1)(c), Florida Statutes, requires the Division to adopt reasonable rules to govern a member’s tape recording and videotaping of a cooperative association’s board of administration meetings. This proposed rule would provide that unit owners are entitled to tape record or videotape board, committee or unit owner meetings, but only through the use of electronic audio or video equipment or devices that do not produce distracting light or sound. The rule also provides that the board or unit owners may adopt written rules requiring set up of such audio or video recording equipment before the beginning of the meeting; restricting the person recording the meeting from moving around the meeting room to facilitate such recording; and obliging that advance notice to the board or unit owners be given of one’s intent to record the meeting.

SPECIFIC AUTHORITY: 719.106(1)(c) FS.

LAW IMPLEMENTED: 719.106(1)(c) 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.

TIME AND DATE: 9:30 a.m., March 20, 2006

PLACE: Conference Room Suite 16, The Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop by contacting: Sharon A. Malloy, Senior Management Analyst II, (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

The preliminary draft rule is also available on line:
<http://www.state.fl.us/dbpr/lsc/index.shtml>

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

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 TITLE: RULE NO.:

Active Status Renewal Licensure Fee 64B3-9.004

PURPOSE AND EFFECT: The Board’s proposed amendment will lower active status license renewal fees for clinical laboratory personnel supervisors, technologists, and technicians.

SUBJECT AREA TO BE ADDRESSED: Active status renewal licensure fees.

SPECIFIC AUTHORITY: 456.025(4), 456.036, 483.807(1) FS.

LAW IMPLEMENTED: 456.025(4), 456.036, 483.807 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS, Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-9.004 Active Status Renewal Licensure Fee.

- (1) Director – \$150.
- (2) Supervisor – ~~\$130~~ \$143.
- (3) Technologist – ~~\$110~~ \$121.
- (4) Technician – ~~\$75~~ \$82.
- (5) through (6) No change.

Specific Authority 456.025(4), 456.036, 483.807(1) FS. Law Implemented 456.025(4), 456.036, 483.807 FS. History–New 12-7-93, Formerly 61F3-9.004, Amended 12-26-94, Formerly 59O-9.004, Amended 5-26-98, 3-9-00, 5-16-02,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Prohibitions

64B5-14.002

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: Prohibitions.

SPECIFIC AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) 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: 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Disciplinary Guidelines

64B8-8.001

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

SUBJECT AREA TO BE ADDRESSED: Changes to the disciplinary guidelines.

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.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: 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: RULE NO.:
 Citation Authority: 64B8-8.017
 PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify citation violations.
 SUBJECT AREA TO BE ADDRESSED: Citation violations.
 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 SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: 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 TITLES: RULE NOS.:
 Requirements for Reactivation of an Inactive License 64B8-13.004
 Requirements for Reactivation of Retired Status License 64B8-13.0045

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address the continuing education hours requirement in Rule 64B8-13.004, F.A.C., and to set forth the requirements for the reactivation of a retired status license in Rule 64B8-13.0045, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Continuing education for licensure reactivation and the requirements for reactivation of a retired status license.

SPECIFIC AUTHORITY: 456.036, 458.309, 458.317, 458.321(1) FS.

LAW IMPLEMENTED: 456.036, 458.317, 458.321(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT 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:

64B8-13.004 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B8-3.004, F.A.C., and has complied with the following requirements:

(1) As a condition to the reactivation of an inactive license, a physician must submit proof of successful completion of an average of twenty (20) hours per year of Category I, American Medical Association approved continuing medical education for each year of inactive status.

(2) through (4) No change.

Specific Authority 456.036(9), 458.309, 458.317, 458.321(1) FS. Law Implemented 456.036(9), 458.317, 458.321(1) FS. History—New 2-3-82, Formerly 21M-28.01, Amended 1-1-92, Formerly 21M-28.001, 61F6-28.001, Amended 3-1-95, Formerly 59R-13.004, Amended 6-4-02,_____.

64B8-13.0045 Requirements for Reactivation of Retired Status License.

A retired status license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B8-3.004, F.A.C., and has complied with the following requirements:

(1) As a condition to the reactivation of a retired status license, a physician must:

(a) Submit documentation of successful completion of an average of twenty (20) hours per year of Category I, American Medical Association approved continuing medical education for each year of retired status;

(b) Document compliance with the financial responsibility requirements of Section 458.320, F.S., and Rule Chapter 64B8-12, F.A.C.; and

(c) Document compliance with Section 456.033, F.S., and Rule 64B8-13.005, F.A.C.

(2) Any physician whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of medicine within the past five (5) years shall be required to appear before the Credentials Committee of the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician must:

(a) Demonstrate compliance with subsection (1) above;

(b) Demonstrate successful completion of the SPEX with a score of at least 75 achieved within the year immediately preceding the appearance before the Credentials Committee; and

(c) Account for any activities related to the practice of medicine during the period that the license was on retired status or not practicing in another jurisdiction and establish an absence of malpractice or disciplinary actions pending in any jurisdiction.

(3) The Department shall refuse to reactivate the license of a retired status physician who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: Duplicate License and Wall Certificate Fee RULE NO.: 64B21-501.013

PURPOSE AND EFFECT: To update the rule text.

SUBJECT AREA TO BE ADDRESSED: Duplicate License and Wall Certificate Fee.

SPECIFIC AUTHORITY: 456.025(2),(7) FS.

LAW IMPLEMENTED: 456.025(2),(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Program Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

School Psychology

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B21-504.001

PURPOSE AND EFFECT: To update the rule text.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Program Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLES:	RULE NOS.:
General Regulations; Definitions	64F-12.001
Records of Drugs, Cosmetics and Devices	64F-12.012
Prescription Drugs; Receipt, Storage and Security	64F-12.013
Licensing, Application, Permitting Fees	64F-12.015
Restricted Prescription Drug Distributor Permits; Special Provisions	64F-12.023

PURPOSE AND EFFECT: The 2003 Legislature passed Senate Bill 2312, The Prescription Drug Protection Act amending Chapter 499, Florida Statutes. The Bill provided for a phase-in of enhanced regulation of the wholesaling of prescription drugs intended to further safeguard and protect the prescription drug supply in Florida. Effective July 1, 2006, a pedigree that traces all previous distributions of all prescription drugs back to the manufacturer must be provided by each wholesale distributor to its customers. This workshop is the second conducted by the department and is intended to continue gathering information and input from affected persons and the public to craft additional rules that will facilitate industry's compliance with the pedigree requirements that go into effect on July 1, 2006.

SUBJECT AREA TO BE ADDRESSED: The subject areas include, but are not limited to Certificate Authorities for digital signatures that may be used for authentication of an electronic pedigree; pedigree provisions for emergency distributions; inventory on-hand at on July 1, 2006 and handling prescription drugs distributed prior to July 1, 2006 but returned to a wholesaler on or after July 1, 2006; pedigree requirements for drop shipments; general matters related to implementation of the July 1, 2006 requirements for pedigree papers as may be raised by workshop participants; paper submissions to document establishment conditions when an on-site inspection cannot be performed within the statutory application processing timeframes; permitting of in-state private label distributors; and the possibility of establishing new restricted prescription drug distributor permit types and the application and fee requirements for such permits.

SPECIFIC AUTHORITY: 499.003(31), 499.0121(6), 499.014, 499.05 FS.

LAW IMPLEMENTED: 499.003(31), 499.0121(4),(6)(f), 499.013, 499.014 FS.

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

TIME AND DATE: 1:00 p.m. – 4:00 p.m. (EST), Monday, April 3, 2006

PLACE: 4052 Bald Cypress Way (Capital Circle Office Complex Building 4052), Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rebecca Poston, R. Ph., Acting Bureau Chief, Bureau of Statewide Pharmaceutical Services, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)922-5190, rebecca_poston@doh.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME. DRAFT LANGUAGE WILL BE PUBLISHED ON THE BUREAU'S WEBSITE AT www.doh.state.fl.us/pharmacy/drugs AT LEAST 10 DAYS PRIOR TO THE SCHEDULED WORKSHOP.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE TITLES:	RULE NOS.:
SSI-Related Medicaid Resource	
Eligibility Criteria	65A-1.712
Income and Resource Criteria	65A-1.716

PURPOSE AND EFFECT: The purpose of this proposed rule is to update the average monthly private pay nursing facility rate.

SUBJECT AREA TO BE ADDRESSED: Monthly periods of ineligibility for Medicaid due to transferred resources or income is determined by dividing the total cumulative uncompensated value of all transferred resources or income computed in accordance with paragraph 65A-1.712(3)(f), F.A.C., by the average monthly private cost of nursing facility care. The proposed rule will include language to require updates of the average monthly private nursing home cost every two years.

SPECIFIC AUTHORITY: 409.919 FS.
LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.9065 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 12:00 Noon, March 27, 2006
PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, telephone (850)921-0253

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

**Section II
Proposed 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."

LAND AND WATER ADJUDICATORY COMMISSION

Pioneer Community Development District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Pioneer Community Development District	42BBB-1
RULE TITLES:	RULE NOS.:
Establishment	42BBB-1.001
Boundary	42BBB-1.002
Supervisors	42BBB-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district ("CDD"), the Pioneer Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by MHK of Volusia County, Inc., requests the Commission establish a community development district located within the City of Port Orange, Volusia County, Florida. A Notice of Receipt of Petition for the Pioneer Community Development District was published in the July 15, 2005, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 1,238.2 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. The proposed District is located generally north of Pioneer Trail, east of Highway 415 and south of Dunlawton Avenue. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The development plan for the lands within the proposed District includes the construction of approximately 1,300 residential units of single family detached and multi-family units as well as 25 acres of commercial mixed use. The District, if established, currently intends to participate in the provision of certain infrastructure