

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER NO.: 9G-6
RULE CHAPTER TITLE: Review of Local Emergency Management Plans

RULE NO.: 9G-6.0023
RULE TITLE: County Comprehensive Emergency Management Plans

PURPOSE AND EFFECT: To adopt the 2006 revised version of the "Local Comprehensive Emergency Management Plan Compliance Criteria." This action would replace the 2000 edition of the document.

SUBJECT AREA TO BE ADDRESSED: The Local Comprehensive Emergency Management Plan Compliance Criteria.

SPECIFIC AUTHORITY: 252.35(2)(u) FS.

LAW IMPLEMENTED: 252.35(2)(a) FS.

IF REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW. (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD.)

DATE AND TIME: June 16, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Room 120L, Director's Conference Room, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Charlie Worthen, Planner IV, Bureau of Preparedness and Response, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, SUNCOM 293-9973, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System that can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Charlie Worthen, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, SUNCOM 293-9973

THE PRELIMINARY TEXT OF THE PROPOSED DEVELOPMENT IS NOT AVAILABLE.

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 BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.001
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to add the definition of verification call.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 489.505(2), 489.507(3), 489.511 FS.

LAW IMPLEMENTED: 489.505(10), (12), 489.511(2)(a)3.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.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-5.001 Definitions.

As used in this chapter:

(1) through (16) No change.

(17) "Verification call" means contacting the affected premises or party prior to alarm dispatch using call verification methods as defined in American National Standards Institute/Central Station Alarm Association CS-V current edition.

Specific Authority 489.505(2), 489.507(3), 489.511 FS. Law Implemented 489.505(10), (12), 489.511(2)(a)3.c. FS. History--New 1-2-80, Amended 2-15-82, Formerly 21GG-5.01, Amended 2-23-86, 3-21-88, 11-26-90, 7-8-91, 5-20-92, 11-3-92, Formerly 21GG-5.001, Amended 12-26-96, 3-24-94, 7-13-95, 5-2-96, 8-27-96, 2-13-97, 8-3-97, 1-4-98, 9-7-98, 10-1-03,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-5.006  
 RULE TITLE: Certification of Additional New Business Entity or Transfers

PURPOSE AND EFFECT: The Board proposes to amend the rule to have only one deadline for completion and receipt of the application for Transfers or Additional Business Entities.

SUBJECT AREA TO BE ADDRESSED: Certification of Additional New Business Entity or Transfers.

SPECIFIC AUTHORITY: 489.507(3), 489.511(3), 489.521(2), (3)(a) FS.

LAW IMPLEMENTED: 489.511(3), 489.521(2), (3)(a), (8) 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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-5.006 Certification of Additional New Business Entity or Transfers.

(1) No change.

(2) The Application for Transfer form, DB/FORMS/TRANSAPP Rev. 3/97, titled Application for Transfer, which is hereby incorporated by reference and will be effective 6-16-98, copies of which may be obtained from the Board office. Applications for Transfers or Additional Business Entities must be completed and received thirty (30) calendar days prior to a meeting of the Board. ~~Correspondence, requests, information or other documents pertinent to the application must be postmarked twenty one (21) or received fourteen (14) calendar days prior to any scheduled meeting of the Board. Items received after the fourteen (14) day period may not be considered until the next meeting of the Board.~~

(3) through (4) No change.

Specific Authority 489.507(3), 489.511(3), 489.521(2), (3)(a) FS. Law Implemented 489.511(3), 489.521(2), (3)(a), (8) FS. History—New 1-2-80, Amended 4-16-82, 6-22-82, Formerly 21GG-5.06, Amended 11-3-92, Formerly 21GG-5.006, Amended 11-30-94, 5-2-96, 6-16-98,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-9.004  
 RULE TITLE: Continuing Education Requirements for Renewal for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes the rule amendment to specify the continuing education subject areas.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Renewal for Certificateholders and Registrants.

SPECIFIC AUTHORITY: 120.52(15), 120.54(1), 455.2124, 489.507(3) FS.

LAW IMPLEMENTED: 455.2124, 489.513(3), 489.517(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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-9.004 Continuing Education Requirements for Renewal for Certificateholders and Registrants.

(1) through (3) No change.

(4) A person initially licensed 12 or more months prior to the end of a biennial period is required to complete 7 hours of continuing education as a condition of renewal. Of the 7 hours of continuing education, 6 of the hours must be in the following areas: 2 hours technical, 1 hour business, 1 hour worker's compensation, 1 hour work place safety and 1 hour false alarm. A person initially licensed for less than 12 months prior to the end of a biennial period need not complete any continuing education as a condition of renewal.

(5) through (7) No change.

Specific Authority 120.52(15), 120.54(1), 455.2124, 489.507(3) FS. Law Implemented 455.2124, 489.513(3), 489.517(3) FS. History—New 11-30-94, Amended 4-22-01, 8-15-04, 1-30-05, 8-10-05,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Pilot Commissioners**

RULE NO.: 61G14-12.0015  
 RULE TITLE: License and Certificate Retention Eligibility

PURPOSE AND EFFECT: The Board proposes to create the rule in order to list the requirements for licensees to demonstrate their continued eligibility for licensure.

SUBJECT AREA TO BE ADDRESSED: License and Certificate Retention Eligibility.

SPECIFIC AUTHORITY: 310.085 FS.

LAW IMPLEMENTED: 310.073, 310.081(3), 310.091(3), 310.121(2) 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-12.0015 License and Certificate Retention Eligibility.

(1) Licensees and Certificate holders, without regard to the status of their license or certificate, must reestablish their qualifications to hold the license or certificate by January 31 of each odd numbered year, in order to retain the license or certificate, through submission to the Board office of each of the following:

(a) Documentary evidence that the license or certificate holder remains in active service as required by Section 310.081(3)(e), Florida Statutes;

1. Active service by a pilot shall be established by submitting documentation of the identity of and the number of vessels piloted during the prior biennial period. A pilot who regularly takes a turn on duty is in active service. Exceptions will be made from the active service definition for illness or injury not preventing performance as a pilot for more than twelve (12) consecutive months.

2. Active service by a deputy pilot shall be established by submitting a certification, from the licensed state pilots at the port being served during the prior biennial period, of availability and satisfactory training in accordance with the approved training plan.

(b) The biennial fee required by Section 310.121(2), Florida Statutes, and specified in Rule 61G14-14.004, F.A.C.;

(c) Annual documentary evidence of continued good physical and mental health required by Sections 310.073 and 310.081, Florida Statutes and Rule 61G14-20.001, F.A.C.; and

(d) Certificate of successful completion of a Board-approved course in professional skills including certification in the proper and efficient use of radar.

(2) License or certificate holders who fail to comply with this rule shall surrender their licenses or certificates to the Board until compliant.

Specific Authority 310.085 FS. Law Implemented 310.073, 310.081(3), 310.091(3), 310.121(2) FS. History—New

**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 Medicine**

RULE NO.: 64B8-8.001  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the disciplinary guidelines with regard to those physicians who are terminated from or fail to comply with a treatment program.

SUBJECT AREA TO BE ADDRESSED: 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 NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-9.009  
 RULE TITLE: Standard of Care for Office Surgery

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify the rule with regard to office surgery facilities and general office surgery requirements.

SUBJECT AREA TO BE ADDRESSED: Office surgery requirements.

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.

LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w), 458.351 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

(1) Definitions.

(a) through (c) No change.

(d) Office surgery. For the purpose of this rule office surgery is defined as surgery which is performed outside of any facility licensed under Chapter 395, F.S. a hospital, an ambulatory surgical center, abortion clinic, or other medical facility licensed by the Department of Health, the Agency for Health Care Administration, or a successor agency. Office surgical procedures shall not be of a type that generally result in blood loss of more than ten percent of estimated blood volume in a patient with a normal hemoglobin; require major or prolonged intracranial, intrathoracic, abdominal, or major joint replacement procedures, except for laparoscopic procedures; directly involve major blood vessels; or are generally emergent or life threatening in nature.

(e) No change.

(2) General Requirements for Office Surgery.

(a) through (g) No change.

(h) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B8-9.007, F.A.C. Management of post surgical care is the responsibility

of the operating surgeon and may be delegated only as set forth in subsection 64B8-9.007(3), F.A.C. If there is an overnight stay at the office in relation to any surgical procedure:

1. The office must provide at least two (2) monitors, one of these monitors must be certified in Advanced Cardiac Life Support (ACLS), and maintain a monitor to patient ratio of at least 1 monitor to 2 patients. Once the surgeon has signed a timed and dated discharge order, the office may provide only one monitor to monitor the patient. The monitor must be qualified by licensure and training to administer all of the medications required on the crash cart and must be certified in Advanced Cardiac Life Support. The full and current crash cart required below must be present in the office and immediately accessible for the monitors.

2. No change.

(i) through (l) No change.

(3) through (6) No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g), (t), (v), (w), 458.351 FS. History—New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:

64B8-10.004 Legal Representative Defined

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the appropriate definition of legal representative as it relates to the release of medical records.

SUBJECT AREA TO BE ADDRESSED: Definition of legal representative.

SPECIFIC AUTHORITY: 456.057 FS.

LAW IMPLEMENTED: 456.057 FS.

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

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

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

**DEPARTMENT OF HEALTH**

**Dental Laboratories**

RULE NO.: 64B27-1.001  
RULE TITLE: Dental Laboratory Inspections, and Practice and Procedure for Healthy and Safe Dental Laboratory Operation

PURPOSE AND EFFECT: To update the rule text.  
SUBJECT AREA TO BE ADDRESSED: Dental Laboratory Inspections, and Practice and Procedure for Healthy and Safe Dental Laboratory Operation.

SPECIFIC AUTHORITY: 466.038 FS.

LAW IMPLEMENTED: 466.036 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE 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: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3250

THE PERLIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B27-1.001 Dental Laboratory Inspections, and Practice and Procedure for Healthy and Safe Dental Laboratory Operation.

(1) No change.

(2) The following practice and procedure shall be implemented by each registered dental laboratory in the State of Florida and be subject to inspection pursuant to subsection (1) of this section. Each registered dental laboratory shall:

(a) Be clean and orderly and in good repair, with regard to normal fabrication procedures at time of inspection;

(b) All waste materials properly disposed of at the end of each day according to local restrictions;

(c) Maintain on the laboratory premises a copy of the laboratory registration so it is readily available for inspection by Department personnel;

(d) Maintain on the laboratory premises, for each separate appliance and for a period of four ~~two~~ years, a work order from a licensed dentist authorizing construction or repair of the specified artificial oral appliance; and

(e) Maintain on the laboratory premises a written policy and procedure document on sanitation. Said policy shall include, but not necessarily be limited to:

1. Intake and disinfection procedure for each appliance, impression, bite, or other material posing a possible contamination risk received by the laboratory; and

2. Separate procedure for handling dental appliances, and impressions previously identified by the dentist, known to have come from carriers of the HBV and/or HIV virus.

(3) through (4) No change.

Specific Authority 466.038 FS. law Implemented 466.036 FS. History--New 5-26-91, Formerly 21-29.001, 61E4-1.001, 59CC-1.001, Amended \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE NO.: 68B-21.005  
RULE TITLE: Size Limits

PURPOSE AND EFFECT: The purpose of this rule amendment is to shift the slot limit for snook by adding one inch to both the minimum and maximum size limit. The effect of this rule would be to adjust the slot limit of snook to assure that the soon-to-be-implemented measurement clarification for the species does not negatively impact stock abundance.

SUBJECT AREA TO BE ADDRESSED: Snook size limits.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than 27 ~~26~~ inches or greater than 35 ~~34~~ inches in total length.

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-23-85, Amended 7-9-87, 3-1-94, 12-31-98, Formerly 46-21.005, Amended 7-1-06, \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE CHAPTER NO: 69L-7  
RULE CHAPTER TITLE: Workers' Compensation Medical Reimbursement and Utilization Review

RULE NOS.:	RULE TITLES:
69L-7.020	Florida Workers' Compensation Health Care Provider Reimbursement Manual
69L-7.100	Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs)
69L-7.501	Florida Workers' Compensation Reimbursement Manual for Hospitals

PURPOSE AND EFFECT: To adopt the new versions of the Florida Workers' Compensation Health Care Provider Reimbursement Manual, the Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, and the Florida Workers' Compensation Reimbursement Manual for Hospitals, 2006 Editions, to implement the reimbursement rates authorized by the Three Member Panel pursuant to Section 440.13(12), F.S., at its meeting on April 11, 2006. In addition, the proposed Rules 69L-7.020 and 69L-7.100, F.A.C., will adopt updated versions of the Physicians' Current Procedural Terminology Manual and the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes Manual."

SUBJECT AREA TO BE ADDRESSED: Proposed revisions to workers' compensation reimbursement manuals incorporated by reference into the rules, including amendments to the uniform schedules of maximum reimbursement allowances.

SEPCIFIC AUTHORITY: 440.13(14), 440.591 FS.

LAW IMPLEMENTED: 440.13(7), (12), (14) FS.

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

DATE AND TIME: May 16, 2006, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Don Davis, Division of Workers' Compensation, Office of Data Quality and Collection, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4226, telephone (850)413-1711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-7.020 Florida Workers' Compensation Health Care Provider Reimbursement Manual.

(1) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2006 2005-Second Edition, is adopted by reference as part of this rule. The manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section

440.13(12), Florida Statutes, and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances for services and supplies provided by health care providers. Also, the manual includes reimbursement policies and payment methodologies for pharmacists and medical suppliers.

(2) The Physicians' Current Procedural Terminology (CPT®), 2006 2005 Professional Edition, Copyright 2005 2004, American Medical Association; the Current Dental Terminology, CDT-2005, Copyright 2004, American Dental Association; and in part for D codes and for injectable J codes, and for other medical services and supply codes, the American Medical Association "Healthcare Common Procedure Coding System, Medicare's National Level II Codes, HCPCS 2006 2005", Eighteenth Seventeenth Edition, Copyright 2005 2004, Ingenix Publishing Group, are adopted by reference as part of this rule. When a health care provider performs a procedure or service which is not listed in the Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2006 2005-Second Edition incorporated above, the provider must use a code contained in the CPT®-2006, CDT-2005 or HCPCS-2006 as specified in this section.

(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2006 2005-Second Edition incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Specific Authority 440.13(14)(b), 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History--New 10-1-82, Amended 3-16-83, 11-6-83, 5-21-85, Formerly 38F-7.20, Amended 4-1-88, 7-20-88, 6-1-91, 4-29-92, 2-18-96, 9-1-97, 12-15-97, 9-17-98, 9-30-01, 7-7-02, Formerly 38F-7.020, 4L-7.020, Amended 12-4-03, 1-1-04, 7-4-04, 5-9-05, 9-4-05, \_\_\_\_\_.

69L-7.100 Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers (ASCs).

(1) The Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2006 2005 Edition, (ASC Reimbursement Manual) is incorporated adopted by reference as part of this rule. The ASC Reimbursement Mmanual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), Florida Statutes, and establishes reimbursement policies, guidelines, codes and maximum reimbursement allowances (MRA's) for ambulatory surgical facility services, which are items and services provided to an injured worker in connection with a surgical procedure performed in an Ambulatory Surgical Center. The ASC Reimbursement Mmanual is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web

site at <http://www.fldfs.com/wc> contains basic instructions and information for all ambulatory surgical centers and insurers concerning reimbursement of claims for ambulatory surgical facility services.

(2) The ASC division has incorporated in the Florida Workers' Compensation Reimbursement Manual refers to a number of for Ambulatory Surgical Centers, 2005 Edition, procedure codes and modifiers that are consistent with the Physicians' Current Procedural Terminology (CPT®), developed and published by the American Medical Association 2005 Profession Edition, Copyright 2004, American Medical Association. When a service or procedure is performed that does not have a code listed in the ASC Reimbursement Manual, the Ambulatory Surgical Center shall refer to the Physicians' Current Procedural Terminology (CPT®), 2006 Professional Edition, Copyright 2005, American Medical Association, which is hereby incorporated This publication is adopted by reference as part of this rule. When a procedure is performed which is not listed in the manual, the ambulatory surgical center must use the appropriate code and descriptor contained in the Physicians' Current Procedural Terminology (CPT®), 2005 Professional Edition, Copyright 2004, American Medical Association.

(3) The Current Dental Terminology (CDT-2005), Copyright 2004, American Dental Association, and the Healthcare Common Procedure Coding System (HCPCS) 2006, Eighteenth Edition, Copyright 2005, Ingenix Publishing Group, are incorporated by reference as part of this rule, for dental D codes, injectable J codes, and other medical services or supply codes as specified in the ASC Reimbursement Manual. The Florida Workers' Compensation Reimbursement Manual for Ambulatory Surgical Centers, 2005 Edition, incorporated above, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com>.

(4) The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2006, incorporated by reference into Rule 69L-7.020, F.A.C., is also incorporated by reference into this rule. The Florida Workers' Compensation Health Care Provider Reimbursement Manual, 2006, is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or via the Department's web site at <http://www.fldfs.com/wc>.

Specific Authority 440.13(4), (14), 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History—New 8-7-91, Amended 12-31-92, Formerly 38F-7.100, 4L-7.100, Amended 9-4-05, \_\_\_\_\_.

69L-7.501 Florida Workers' Compensation Reimbursement Manual for Hospitals.

(1) Reimbursement Manual for Hospitals.

(a) The Florida Workers' Compensation Reimbursement Manual for Hospitals, 2006 2004, Second Edition, is adopted by reference as part of this rule. The Hospital Manual contains the Maximum Reimbursement Allowances determined by the Three-Member Panel, pursuant to Section 440.13(12), Florida Statutes, and establishes reimbursement policies, procedures, principles and standards for implementing statutory provisions regarding reimbursement for medically necessary services and supplies provided to injured workers in a hospital setting and per diem rates for hospital services and supplies.

(b) The policies, procedures, principles and standards in the Manual are in addition to the requirements established by the Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule, Rule 69L-7.602, F.A.C.

(c) The Reimbursement Manual for Hospitals is available for inspection during normal business hours at the Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or may be obtained free of charge by print or download from the Department's website at <http://www.fldfs.com/wc>.

(2) Billing Form for Hospitals.

(a) Form DFS-F5-DWC-90, Uniform Bill (rev. 1992), also known as the UB-92, or HCFA-1450, is hereby incorporated by reference as part of this rule. The Form can be obtained free of charge by print or download from the web site for the Center for Medicare and Medicaid Services at <http://www.cms.hhs.gov/forms/>.

(b) Instructions for completing Form DFS-F5-DWC-90 are available by reference to the UB-92, National Uniform Billing Data Element Specifications Manual, as adopted by the Florida State Uniform Billing Committee and specified in Rule 69L-7.602, F.A.C. The UB-92 Manual and updates can be obtained from the Florida Hospital Association by calling (407)841-6230.

(3) Health Care Provider Reimbursement Manual.

(a) The Florida Workers' Compensation Health Care Provider Reimbursement Manual 2006 2004, Second Edition, which is incorporated by reference into Rule 69L-7.020, F.A.C., is also incorporated by reference as part of this rule also. The Florida Workers' Compensation Health Care Provider Reimbursement Manual contains reimbursement policies, guidelines, billing codes and maximum reimbursement allowances for physical therapy, occupational therapy, speech therapy, radiology and clinical laboratory services which contained in the manual shall be applied to hospital services provided on an outpatient basis when directed by the Reimbursement Manual for Hospitals incorporated by reference into this rule only.

(b)(3) The Florida Workers' Compensation Health Care Provider Reimbursement Manual is for Hospitals, incorporated in subsection (1) above, and Form DWC-90 are available for

inspection during normal business hours; at the State of Florida Department of Financial Services, Document Processing Section, 200 East Gaines Street, Tallahassee, Florida 32399-0311, or may be obtained free of charge by print or download from ~~via~~ the Department's website at <http://www.fldfs.com/wc>.

Specific Authority 440.13(14), 440.591 FS. Law Implemented 440.13(7), (12), (14) FS. History—New 6-9-87, Amended 6-1-92, 10-27-99, 7-3-01, Formerly 38F-7.501, 4L-7.501, Amended 12-4-03, 1-1-04, 7-4-04.

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Agricultural Environmental Services

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5E-13	Mosquito Control Program Administration
RULE NOS.:	RULE TITLES:
5E-13.021	Definitions
5E-13.022	Eligibility for State Approved Program and/or Aid
5E-13.032	Program Directors, Employment and Classification
5E-13.034	Penalty for Failure to Comply with Public Law 92-516, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of the U.S. Environmental Protection Agency and Their Rules
5E-13.036	Demonstrable Increase or Other Indicator of Arthropod Population Level
5E-13.0371	Mosquito Control Aircraft Registration, Inspection, Security, Storage, Transactions, Recordkeeping, Area-of-Application Information and Forms
5E-13.039	Protection of Natural Resources and of the Health, Safety, and Welfare of Arthropod Control Employees and the General Public
5E-13.040	Criteria for Licensure of Applicators
5E-13.042	Criteria for Arthropod Control That May Affect Environmentally Sensitive and Biologically Productive Public Lands and Other Public Lands

PURPOSE, EFFECT AND SUMMARY: The purpose of the rule amendment would clarify definitions of licensure and certification, requirements for the mosquito control director's examination, clarify requirements for demonstrating an increase in arthropod population levels and reduce the number of employees a certified applicator can supervise. It will also clarify requirements for training records, for passing the public health pest control examination and for continuing education units for public health pest control certification, and clarify language regarding arthropod control plans. The proposed rule amendments address mosquito control activities, licensure and certification including public health pest control certification and licensing, demonstrating an increase in arthropod population levels, supervision by certified applicators, training records, public health pest control examinations and continuing education units, and arthropod control plans for public lands.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

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

SPECIFIC AUTHORITY: 388.361 FS.

LAW IMPLEMENTED: 388.361 FS.

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

DATE AND TIME: June 20, 2006, 2:30 p.m. – 5:00 p.m.

PLACE: 14101 North West US Highway 441, East Building, Suite 800, Alachua, FL 32615, telephone: (386)418-5500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James Clauson, Bureau of Entomology and Pest Control, Division of Agricultural Environmental Services, 1203 Governors Square Blvd., Suite 300, Tallahassee, FL 32301, Telephone: (850)922-7011

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-13.021 Definitions.

In addition to those terms contained in Section 388.011, F.S., the following terms shall mean:

(1) through (14) No change.

(15) "License" "~~Certification~~" – the recognition by the department that a person is competent in the use of pesticides and other arthropod control measures. ~~Thus, upon completion of all requirements for licensing as an applicator, shall be authorized to use or supervise the use of arthropod control pesticides.~~

(16) "Licensed ~~Certified~~ applicator" – any person 18 years or older who is licensed to use or supervise the use of a pesticide intended for arthropod control.

(17) through (20) No change.