

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code  
 RULE CHAPTER NO.: 5L-1

RULE TITLE: Shellfish Harvesting Area Standards  
 RULE NO.: 5L-1.003

PURPOSE AND EFFECT: This amendment proposes to reclassify the East Bay shellfish harvesting area in Bay and Gulf County. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the East Bay shellfish harvesting area.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the East Bay shellfish harvesting area for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C. to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

TIME AND DATE: 5:00 p.m. – 6:00 p.m., Monday, February 6, 2006

PLACE: Department of Agriculture and Consumer Services, Division of Aquaculture, 4408 Delwood Lane, Panama City Beach, Florida

PURPOSE: For the proposed reclassification of the East Bay Shellfish Harvesting Area.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

THE PRELIMINARY TEXT OF THE PROPOSED RULE 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.”

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Medicaid Providers Who Bill on the CMS-1500  
 RULE NO.: 59G-4.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006. Effective February 10, 2006, ambulance and wheelchair/stretching van providers billing on paper must use the CMS-1500 claim form instead of the Emergency Transportation 131 and Non-Emergency 131-A claim forms. The handbook was revised to include instructions for ambulance and wheelchair/stretching van billing. In addition, we clarified the prior authorization process and added instructions for the archive void and adjustment processing. The effect will be to incorporate the revised Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006, into rule.

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the CMS-1500.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912 FS.

IF REQUESTED WITHIN 14 DAYS BY AN AFFECTED PERSON 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: 1:00 p.m., Tuesday, February 7, 2006

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen Girard, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006 ~~October 2003~~, which is incorporated by reference and available from the fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912 FS. History—New 10-1-03, Amended \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLES: Ambulance Transportation Services  
 Transportation Services

RULE NOS.: 59G-4.015  
 59G-4.330

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, February 2006. Effective February 10, 2006, ambulance providers billing on paper must use the CMS-1500 claim form instead of the Emergency Transportation 131 and Non-Emergency 131-A claim forms. The handbook was revised to replace references to the Emergency Transportation 131 and Non-Emergency 131-A claim forms with references to the CMS-1500 claim form.

Because Medicaid has separate handbooks for ambulance transportation services and non-emergency transportation services provided by other types of transportation vendors, Medicaid is promulgating a new rule for ambulance services and deleting the references to ambulance services from Rule 59G-4.330, F.A.C., Transportation Services.

The effect of promulgating Rule 59G-4.015, F.A.C., will be to incorporate the revised Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, February 2006, into rule.

The effect of the rule amendment to Rule 59G-4.330, F.A.C., will be to delete references to ambulance transportation services from the rule.

SUBJECT AREA TO BE ADDRESSED: Ambulance Transportation Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 14 DAYS BY AN AFFECTED PERSON 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: 2:00 p.m., Monday, February 6, 2006

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Glen Davis, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7305

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.015 Ambulance Transportation Services.

(1) This rule applies to all ambulance transportation providers enrolled in the Florida Medicaid program.

(2) All ambulance transportation providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, February 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History--New \_\_\_\_\_.

59G-4.330 Transportation Services.

(1) through (2) No change.

~~(3) All ambulance transportation providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook, July 2005, incorporated by reference. The handbook is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. A paper copy of the handbook may be obtained by calling Provider Inquiry at (800)377-8216.~~

~~(4) The following forms that are included in the Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook are incorporated by reference: the Emergency Transportation 131 Claim Form, 10/2003, and the Non-Emergency Transportation 131 A Claim Form, 10/2003. The forms are available from the Medicaid fiscal agent.~~

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.910, 409.913 FS. History--New 1-1-77, Amended 10-1-77, 1-27-81, 8-28-84, Formerly 10C-7.45, Amended 4-13-93, Formerly 10C-7.045, Amended 1-7-98, 12-15-05, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Ambulatory Surgical Center Services  
 Ambulatory Surgical Center Services

RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference update January 2006 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook. The handbook update contains the 2006 procedure codes and payment groups. The effect will be to incorporate in the rule update January 2006 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON 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., Monday, February 6, 2006  
 PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room B, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Vergeson, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308, (850)922-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004, updated January 2005 and January 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, 1-10-05, 10-2-05, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Nursing Facility Services

RULE NO.: 59G-4.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference an erratum to the July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook. The erratum allows physicians to delegate all nursing facility patient visits to a physician assistant, nurse practitioner, or clinical nurse specialist. Prior policy required the physician to personally make every other visit. This change was made to bring Medicaid policy in compliance with Medicare policy. The effect will be to incorporate by reference in the rule the erratum to July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the erratum to the July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Nursing Facility Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: Chapter 400 Part II, 409.902, 409.905, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON 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: 1:00 p.m., Monday, February 6, 2006  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alisha Bradley-Nelson, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-3028

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003, updated July 2004, erratum to the July 2004 update, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

Specific Authority 409.919 FS. Law Implemented Chapter 400 Part II, 409.902, 409.905, 409.908 FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, 10-15-00, 10-4-01, 2-10-04, 9-28-04, 8-31-05, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

RULE TITLE: Schedule of Fees Adopted by the Board

RULE NO.: 61G16-3.001

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to update the fees adopted by the Board.  
 SUBJECT AREA TO BE ADDRESSED: Schedule of fees adopted by the Board.

SPECIFIC AUTHORITY: 455.213(2), 455.217, 455.219, 455.271, 492.104 FS.

LAW IMPLEMENTED: 455.213(2), 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: John Knap, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

List of Approved Forms; Incorporation 64B8-1.007

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the revised licensure application into the rule.

SUBJECT AREA TO BE ADDRESSED: Revised form for incorporation by reference.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) DH-MQA 1000, entitled “Board of Medicine Medical Doctor Application for Licensure,” ~~(1/06)~~ ~~(10/03)~~.

(2) through (31) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History–New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: RULE NO.:

Standards of Practice 64B8-9.007

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify that the “pause” provision of the rule applies not only to the operating surgeon, but also to the anesthesia provider.

SUBJECT AREA TO BE ADDRESSED: Application of the “pause” provision of the rule.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.331(1)(t),(v),(w) 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 Opticianry**

RULE TITLE: RULE NO.:

Disciplinary Guidelines 64B12-8.020

PURPOSE AND EFFECT: The Board proposes amending language within the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.072(2)(d), 456.079, 484.005 FS.

LAW IMPLEMENTED: 456.072, 456.079, 484.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Standards for Continuing Professional Education  
 RULE NO.: 64B12-15.003

PURPOSE AND EFFECT: The Board proposes amending the rule to delete language regarding contact lens theory continuing education courses and add language regarding classroom disruptions by personal communication devices.

SUBJECT AREA TO BE ADDRESSED: Contact lens theory continuing education courses and personal communication devices in classroom settings.

SPECIFIC AUTHORITY: 456.013(7), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(6), (7), 484.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Apprenticeship Requirements and Training Program  
 RULE NO.: 64B12-16.003

PURPOSE AND EFFECT: The Board proposes amending the rule to add language to require Apprentice/Sponsor Orientation Course hours.

SUBJECT AREA TO BE ADDRESSED: Apprentice/Sponsor Orientation Course hours.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLES: Special Assessment Fee, Retired Status Fee  
 RULE NOS.: 64B14-2.013, 64B14-2.014

PURPOSE AND EFFECT: In Rule 64B14-2.013, F.A.C., the Board proposes to eliminate a cash deficit. In Rule 64B14-2.014, F.A.C., the Board proposes to implement the 2005 amendments to Section 456.036(4), F.S.

SUBJECT AREA TO BE ADDRESSED: Special Assessment Fee and Retired Status Fee.

SPECIFIC AUTHORITY: 456.025(5), 456.036, 468.802 FS.

LAW IMPLEMENTED: 456.025(5), 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-2.013 Special Assessment Fee.

In an effort to eliminate the current cash deficit of the Board of Orthotists and Prosthetists, each active status licensee and each inactive status licensee shall pay a special one time assessment fee of \$300.000 to the Department. The fee must be paid to and received by the Department no later than December 31, 2006.

Specific Authority 456.025(5), 468.802 FS. Law Implemented 456.025(5) FS. History—New \_\_\_\_\_.



(b) Each eligible nursing home, in its entirety, shall be protected by an approved fire sprinkler system by no later than December 31, 2010.

(2) The State Fire Marshal shall, within thirty days of the effective date of this rule, provide written notice to the owner of each eligible nursing home of the requirement for the installation of fire sprinklers pursuant to the schedule provided above. The notice shall include:

(a) The fire sprinkler requirements and the schedule for compliance as listed in this section.

(b) An application for approval of the system and for funding through the State Fire Marshal Nursing Home Loan Guarantee Program.

(3) The Division may grant a maximum of two one-year extensions to the final date of compliance with paragraphs (1)(a) and (b) above, for the hazardous area portion of the retrofitting project, only after establishing that the nursing home has been prevented from complying for reasons beyond its control. Such reasons may include:

(a) A last-minute, unexpected loss of funding for all or a portion of the project that is unrelated to an action by, or the financial standing of, the nursing home.

(b) Unexpected structural issues with the planned retrofitting of the nursing home that have resulted in a need for additional labor, equipment, planning or funding.

(c) Any other reason the owner can establish that are:

1. Unrelated to either delay or inattention on the part of the owner, and

2. Of sufficient import or magnitude that the project cannot feasibly be completed by the applicable deadline.

(4) A request for extension under subsection (3) must:

(a) Be received by the Division prior to the expiration of the deadline in question.

(b) Be accompanied by sufficient information and data to clearly establish the factual basis for the request, and

(c) Also establish the owner's ability to complete the project by the end of the extension period.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History—New \_\_\_\_\_.

69A-53.0053 State Fire Marshal Nursing Home Loan Guarantee Program: Application Procedures.

(1) An owner of an eligible nursing home who wishes to participate in the State Fire Marshal Nursing Home Loan Guarantee Program must make application on Form DFS-K3-1659 which is hereby adopted and incorporated herein, and which may be obtained by contacting the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The application must be accompanied by the conceptual design documentation for the proposed fire sprinkler system as prepared by or on behalf of a person certified under Section 633.521, F.S.

(2)(a) Upon submission of an application for funding through the Loan Guarantee Program, the State Fire Marshal shall evaluate the proposed fire protection system and determine whether it complies with all applicable fire safety code provisions.

(b) All properly completed applications, which must include acceptable documentation for the conceptual design, for participation in the Nursing Home Loan Guarantee Program must be received by the State Fire Marshal on or before June 30, 2006.

(3) If the proposed fire protection system does not comply with the applicable fire safety code provisions, the Division of State Fire Marshal shall notify the owner in writing of each area of deficiency and the specific code provision governing the deficiency, and shall take no further action until each deficiency has been corrected.

(4) Upon receipt of an application that meets the requirements of this rule chapter and provides for the construction of a fire protection system that complies with the applicable fire safety code provisions, the State Fire Marshal shall issue a conditional approval of the application and shall provide the complete application and conditional approval to the Division of Treasury, which shall proceed in accordance with the provisions of subsections (7) and (8) of Section 633.0245, F.S., as more fully set forth in Rule 69A-53.0054, F.A.C.

(5) If the loan application is approved for funding, the nursing home owner shall provide the State Fire Marshal with a final set of sealed construction plans for the project, which must be approved by the State Fire Marshal prior to initiation of construction. Installation will then be permitted to commence, so long as all applicable building permits for the project have been issued.

(6) During construction of the fire protection system, the State Fire Marshal shall conduct as many on-site inspections as deemed necessary to ensure that the installation of the required fire sprinkler system is in accordance with the approved plans. All required inspections of the installation must be performed by the State Fire Marshal or by an authorized local fire official. Final approval will be granted only when the system has been installed in accordance with Chapter 69A-46, F.A.C.

(7) The installing contractor shall coordinate all required operational testing with the State Fire Marshal.

(8) The State Fire Marshal shall witness a final operational test of the complete fire sprinkler system prior to issuing final approval.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History—New \_\_\_\_\_.

69A-53.0054 State Fire Marshal Nursing Home Loan Guarantee Program: Eligibility and Coordination of Construction with Loan Requirements.

(1) Upon receipt of a conditionally approved application from the State Fire Marshal, the Division of Treasury will present the application to a lender under contract with the Department of Financial Services to provide loans under the State Fire Marshal Nursing Home Loan Guarantee Program. Approval of an individual loan with an individual nursing home owner is at the discretion of the individual lender.

(2) Upon final approval of the loan by the lender and of the fire protection system by the State Fire Marshal, a limited loan guarantee document will be presented to the lender. The State's limited loan guarantee will provide for a guarantee of no more than 50 percent of the principal sum loaned by the financial institution. The guarantee will not cover late fees, accelerated interest, or other charges assessed as a result of the default of the nursing home owner.

(3) As some installations may be complex and lengthy, a draw program may be required. In such a case, a draw schedule and retainage requirement will be established by the lender.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History--New \_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Florida Comprehensive Assessment Test Requirements

RULE NO.: 6A-1.09422

PURPOSE AND EFFECT: The purpose of this rule amendment is to add the science grade-level scale scores for each achievement level as part of the student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT). The effect will be to permit student academic performance in science to be reported in achievement levels, providing a better understanding of individual student strengths or needs, as well as summaries of performance for use in educational accountability.

SUMMARY: This rule is amended to specify score ranges that define five achievement levels for the science portion of the FCAT for grades 5, 8, and 11.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 1001.02, 1008.22(10) FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 FS.

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

TIME AND DATE: 8:30 a.m., February 21, 2006

PLACE: University of Miami, Coral Gables, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia Orr, Director, Assessment and School Performance, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09422 Florida Comprehensive Assessment Test Requirements.

(1) through (2) No change.

(3) The FCAT shall be administered as follows:

(a) All eligible students in grades three through ten shall take the reading and mathematics tests. All eligible students in grades four, eight, and ten shall take the writing test. All eligible students in grades five, eight, and ~~eleven~~ ~~ten~~ shall take the science test.

(b) through (e) No change.

(4) No change.

(5) The total scores on FCAT Reading, ~~and~~ Mathematics, ~~and Science~~, are also reported on an achievement-level scale. The total scores that correspond to each achievement level are shown in the following paragraphs.

(a) Beginning with the effective date of this rule, until changes are recommended by the Commissioner of Education to the State Board of Education, the achievement levels for Reading and Mathematics in the first phase of implementation (step 1) shall be as shown in the following tables.

Reading grade-level scale scores (100 to 500) for each achievement level – step 1:

Grade Level	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-258	259-283	284-331	332-393	394-500
4	100-274	275-298	299-338	339-385	386-500
5	100-255	256-285	286-330	331-383	384-500
6	100-264	265-295	296-338	339-386	387-500
7	100-266	267-299	300-343	344-388	389-500
8	100-270	271-309	310-349	350-393	394-500
9	100-284	285-321	322-353	354-381	382-500
10	100-286	287-326	327-354	355-371	372-500