SUBJECT AREA TO BE ADDRESSED: Certificate of Mortgage Release Rate.

SPECIFIC AUTHORITY: 701.041(9) FS.

LAW IMPLEMENTED: 701.041(9) FS.

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

DATE AND TIME: June 15, 2006, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lawrence Steinert, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: lawrence.steinert@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

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

Section II
Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.:	RULE TITLE:
5E-1.016	Commercial Values for Penalty Assessments

PURPOSE AND EFFECT: The purpose of this rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.

SUMMARY: Rule 5E-1.016, F.A.C., updates the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 576.181(2), 570.07(23) FS.

LAW IMPLEMENTED: 576.051(2), (3), (7), 576.061, 576.071, 576.181 FS.

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

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

PLACE: Agricultural Environmental Services Conference Room, 3125 Conner Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Dale W. Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building #8, Tallahassee, Florida 32399-1650, (850)488-8731

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.016 Commercial Values for Penalty Assessments.

The commercial values used in assessing penalties for plant nutrient deficiencies are determined by the annualized average market prices published by the Green Markets Publication (effective 3/27/06), ~~Chemical Market Reporter Publication (effective 8-13-01)~~ which is hereby incorporated by reference. Commercial Values not provided in Industry Publications will be established thru survey approved by the Fertilizer Technical Council. Copies may be obtained from the Green Markets, 1010 Wayne Avenue, Suite 1400, Silver Spring, MD 20910 USA. ~~Chemical Market Reporter, 307 Southgate Court, Brentwood, TN 37027.~~ This rule shall be reviewed annually.

(1) PRIMARY PLANT NUTRIENTS.

	Guaranteed as	Commercial Values (Per unit*)	
Total Nitrogen	N	$8.14	~~$ 5.49~~
Nitrate Nitrogen	N	7.80	~~5.39~~
Ammoniacal Nitrogen	N	6.32	~~4.60~~
Water Soluble or Urea Nitrogen	N	5.17	~~4.81~~
Slow Release Nitrogen (from other SRN sources)	N	13.48	14~~.48~~
Water Insoluble Nitrogen	N	13.29	~~12.32~~
Available Phosphorus	P_2O_5	4.90	~~3.55~~
Slow Release Phosphate	P_2O_5	19.10	19.10
Potassium (from Muriate)	K_2O	3.00	~~2.21~~
Slow Release Potassium	K_2O	14.78	~~15.04~~
Potassium (from any source other than Muriate or a combination of sources)	K_20	6.74	~~4.31~~

(2) SECONDARY PLANT NUTRIENTS.

	Guaranteed as	Commercial Values (per unit*)	
Total and water Soluble Magnesium (from any source)	Mg	$6.53	$6.53
Manganese (from sulfate)	Mn	19.78	~~15.89~~
Manganese (from Sucrate)	Mn	16.44	~~11.25~~
Manganese (from chloride)	Mn	6.10	6.10
Manganese (from oxide)	Mn	9.35	~~6.27~~
Manganese (from chelate in group 1**)	Mn	215.50	215.50

Manganese (from chelate in group 2**)	Mn	70.90	70.90
Copper (from sulfate)	Cu	62.03	~~36.52~~
Copper (from chloride)	Cu	22.15	22.15
Copper (from oxide)	Cu	19.25	19.25
Copper (from chelate in group 1**)	Cu	156.00	156.00
Copper (from chelate in group 2**)	Cu	113.20	113.20
Zinc (from sulfate)	Zn	21.68	~~17.94~~
Zinc (from sucrate)	Zn	14.20	14.20
Zinc (from chloride)	Zn	18.45	18.45
Zinc (from oxide)	Zn	12.98	~~9.92~~
Zinc (from chelate in group 1**)	Zn	188.00	188.00
Zinc (from chelate in group 2**)	Zn	65.00	65.00
Iron (from sulfate)	Fe	14.51	~~12.88~~
Iron (from sucrate)	Fe	8.67	~~6.18~~
Iron (from humate)	Fe	16.11	16.11
Iron (from oxide)	Fe	4.94	~~3.88~~
Iron (from chelate in group 1**)	Fe	248.67	~~244.96~~
Iron (from chelate in group 2**)	Fe	82.00	82.00
Aluminum	Al	14.42	14.42
Sulfur (free)	S	3.50	~~2.55~~
Sulfur (combined)	S	2.27	~~2.21~~
Boron	B	38.95	~~33.74~~
Molybdenum	Mo	222.22	~~198.80~~
Cobalt	Co	89.90	89.90
Calcium (from any source)	Ca	.79	~~.71~~

(3) DOLOMITE and LIMESTONE (when sold as material).

Magnesium	$MgCO_3$	.18	.18
Calcium	$CaCO_3$	.09	.09

(4) CALCIUM SULFATE (land plaster, gypsum) (when sold as material).

Calcium	$CaSO_4$	.30	.30

*A "Unit" of plant nutrient is one percent (by weight) of a ton or 20 pounds.

**Chelates in "group 1" have aminopolycarboxylic acids, such as EDTA, HEDTA, DTPA and NTA, or related compounds as chelating agents. Chelates in "group 2" have chelating agents other than those in group 1.

Specific Authority 570.07(23), 576.181(2) FS. Law Implemented 576.051(2), (3), (7), 576.061, 576.071, 576.181 FS. History–New 1-23-67, Amended 10-22-68, 11-20-69, 10-22-70, 3-9-74, 6-28-74, 10-25-74, 7-6-76, 7-26-77, 7-22-79, 4-23-80, 10-27-80, 10-18-81, 2-16-84, 12-2-85, Formerly 5E-1.16, Amended 11-16-86, 10-8-87, 9-26-88, 11-19-89, 3-28-91, 2-25-92, 8-3-93, 7-12-94, 10-25-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Division of Agricultural Environmental Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Anderson Rackley, Director, Division of Agricultural Environmental Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

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."

PUBLIC SERVICE COMMISSION

DOCKET NO. 060035-GU

RULE NO.: RULE TITLE:

25-7.037 Change in Character of Service

PURPOSE AND EFFECT: To state clearly that where a local distribution company makes certain changes to the character of its service it must revise its tariffs, obtain Commission approval and notify the customers.

SUMMARY: The rule contains the requirement that a regulated natural gas utility may not make any change in the character of the gas it provides for customers' appliances without prior approval of the Commission and adequate notice. The proposed rule amendments would clarify that a Florida regulated gas utility is only responsible for changes made by itself to the characteristics of the gas it delivers to its customers and is not responsible for the characteristics of the gas it receives from interconnecting interstate pipelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: There should be no additional costs to the regulated companies, the public, or the Commission.

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 this notice.

SPECIFIC AUTHORITY: 366.05 FS.

LAW IMPLEMENTED: 366.03, 366.05(1) FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christiana Moore, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6098

THE FULL TEXT OF THE PROPOSED RULE IS:

25-7.037 Change in Character of Service.

A utility shall not make a~~A~~ny changes in heating value, pressure, specific gravity, gas composition, or other condition or characteristic of the gas it delivers which would impair the safe, efficient utilization of the gas in customers' ~~the customer's~~ appliances ~~shall not be made~~ without tariff revisions setting forth the changes, the prior approval of the Commission, and ~~without~~ adequate notice to the customers. Any such change by the utility shall be accompanied by a general inspection and adjustment of all appliances that would be affected thereby to the extent necessary that such appliances ~~the appliance~~ may operate as efficiently and give as good service as was possible before the change. This shall be done promptly, without direct charge, and with a minimum of inconvenience to the customer.

Specific Authority 366.05 FS. Law Implemented 366.03, 366.05(1) FS. History–Repromulgated 1-8-75, 5-4-75, Formerly 25-7.37, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Mills

NAME OF SUPERVISOR OR PERSONS WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 11, March 17, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-501.401 Admissible Reading Material

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide criteria for admissibility of blank journals or diaries.

SUMMARY: The proposed rule clarifies that blank journals or diaries are permitted, subject to restrictions as to size and construction. The cover may be hardback or cardboard unless otherwise prohibited by rule. Chief of institutional programs or designee replaces the library services coordinator on the literature review committee.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of Estimated Regulatory Cost was prepared.

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 this notice.

SPECIFIC AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.11 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Hand, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.401 Admissible Reading Material.

(1) No change.

(2) Definitions.

(a) General circulation newspaper – a publication issued daily or weekly under the same title that contains current news, editorials, feature articles, and usually advertising.

(b) Hard-bound book – a publication with a rigid, pressboard cover that is commonly attached to the book through use of end sheets.

(c) Impoundment – the action taken by authorized department staff to withhold an inmate's incoming publication or a publication found in an inmate's personal property pending review of its admissibility by the Literature Review Committee.

(d) Inmate grievance appeal – a Request for Administrative Remedy or Appeal, Form DC1-303. Form DC1-303 is incorporated by reference in Rule 33-103.019, F.A.C.

(e) Mail order distributors and bookstores – business establishments that sell publications to the general public.

(f) Non-print media – publications published in formats other than on paper. Examples include microfilm, microfiche, computer disks, CD-ROM disks, and audio-tapes.

(g) Periodical – a publication issued under the same title and published at regular intervals of more than once a year. Examples of periodicals include journals and magazines and some newspapers and catalogs.

(h) Print media – publications that are printed or written on paper. These include hardcover books, soft cover books, magazines, newspapers, catalogs, and brochures.

(i) Publication – a document that is offered to the public by sale or by gratuitous distribution. Single photographs are not publications.

(j) Publisher – a corporation, governmental agency, private or public educational institution, church or other religious organization, professional, business or fraternal organization or association that prints publications for sale or gratuitous distribution to the public.

~~(k) Redaction – a procedure whereby a reviewer removes specific subject matter deemed inadmissible.~~

(k)~~(l)~~ Rejection – the act or procedure for declaring a book, periodical, or other single issue of a publication to be contraband.

(l)~~(m)~~ Religious testament – sacred texts, prayer books, and devotional books for the inmate's recorded faith orientation.

(m)~~(n)~~ Soft cover book – a bound publication with a flexible, paper cover, also referred to as a soft bound or paperback book.

(3) through (13) No change.

(14) Inmates may appeal the impoundment or rejection of reading material through use of the inmate grievance procedure, Chapter 33-103, F.A.C.

(a) When publications are rejected for reasons not relating to subject matter, inmates shall file an informal grievance as prescribed by Rule 33-103.005, F.A.C.

1. Only one impounded or rejected publication shall be addressed in the grievance;

2. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, that documents the rejection, must be attached to the grievance; and

3. The complaint must be filed within 15 days from the date of rejection.

(b) When publications are impounded or rejected pursuant to the criteria established in subsections (3) and (11) of this rule, inmates shall bypass the informal and formal institutional level of review, and file grievances direct to the office of the secretary as prescribed by Rule 33-103.007, F.A.C.

1. Only one impounded or rejected publication shall be addressed in the grievance;

2. The inmate shall identify the grievance as being related to admissible reading material by writing the words "Admissible Reading Material" at the top of the grievance;

3. A copy of the Form DC5-101, Notice of Rejection or Impoundment of Publications, which documents the impoundment or rejection, must be attached to the grievance;

4. The complaint must be filed within 15 days from the date of impoundment or rejection;

5. The grievance appeal shall be addressed to the office of the secretary ~~and not to the literature review committee or to the library services administrator~~; and

6. The inmate must provide written notice to the warden on Form DC6-236, Inmate Request, that he or she intends to appeal the impoundment or rejection to the office of the secretary if he or she wishes to have the order to dispose of the publication within 30 days stayed while the grievance is pending. The written notice shall include a statement that the inmate intends to appeal the impoundment or rejection of admissible reading material and must specifically identify the publications on which the appeal is to be based. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(15) Literature Review Committee.

(a) There shall be a literature review committee to act as the final reviewing authority for appeals regarding reading material impounded or rejected pursuant to criteria established in this rule. The committee shall be composed of:

1. Chief of bureau of security operations or designee;

2. Chief of bureau of inmate grievance appeals or designee;

3. Chief of bureau of institutional programs ~~Library services administrator~~ or designee.

(b) The chief of the bureau of institutional programs ~~library services administrator~~ or designee shall be designated chairman of the literature review committee and shall be responsible for coordinating all activities of the committee.

(c) Upon receipt of a Form DC5-101, Notice of Rejection or Impoundment of Publication, from a correctional facility or receipt of inmate grievance appeals forwarded by the b~~B~~ureau of i~~I~~nmate g~~G~~rievance a~~A~~ppeals, the chief of institutional programs ~~library services administrator~~ or designee shall schedule a meeting of the literature review committee to review institutional decisions to impound publications and inmate appeals within 30 days of receipt. The committee shall review the inmate's appeal, or, in the case of institutional impoundment decisions, the rule authority and reasons for the impoundment cited on the Form DC5-101, Notice of Rejection or Impoundment of Publications, the portions of the publication that have been cited as cause for impoundment, and any other specific material relating to the decision to impound the publication or the inmate's appeal. The committee shall affirm or overturn the impoundment decision, or approve or deny the appeal based upon the criteria set forth in this rule. Decisions shall be by majority vote. The decision of the committee shall be final.

(d) Decisions relating to the review of impounded or rejected publications shall be communicated to all institutions of the department and all privately operated institutions under contract with the department. When an impoundment decision is overturned, institutions shall issue the publication to all affected inmates as soon as possible. Decisions relating to grievance appeals shall be communicated to the chief of the bureau of inmate grievance appeals or designee who shall than approve or deny the grievance based upon the committee's decision.

(e) If the inmate's grievance appeal is approved or if the literature review committee notifies institutions that the impoundment of a publication has been overturned, the institution shall issue the publication to the inmate. The following guidelines shall be followed:

1. The publication shall be retrieved from secure storage and turned over to security or service center staff authorized by the warden or designee to issue impounded publications to inmates.

2. A copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be attached to the publication.

3. The stamped Form DC5-101, Notice of Rejection or Impoundment of Publications, shall be presented to the inmate. The inmate shall be required to sign and date the form. The inmate shall be issued the publication only after he or she has signed and dated the form.

4. The signed form shall be retained by institutional or service center staff as documentation that the inmate was issued the publication.

(16)(a) The publisher, mail order distributor, bookstore or sender may obtain an independent review of the warden's decision to impound a publication by writing to the library services administrator at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500 within 15 days following receipt of Form DC5-101, Notice of Rejection or Impoundment of Publications. The request for review must be accompanied by:

1. A copy of the completed Form DC5-101, Notice of Rejection or Impoundment of Publications; and

2. A copy of the impounded or rejected publication.

(b) The library services administrator shall forward this information to the literature review committee for review. The chief of institutional programs or designee ~~library services administrator~~ shall provide the publisher, mail order distributor, bookstore or sender written notification of the literature review committee's decision. The decision shall also be communicated to all correctional facilities.

(17)(a) Inmates may subscribe to no more than one daily or weekly general circulation newspaper and four other periodicals, except as otherwise provided in Rule 33-601.800, F.A.C.

(b) No inmate shall be allowed to receive or keep more than one copy of any volume, issue or edition of any book, periodical or other publication. For example, an inmate will be allowed to keep the January and February 1994 issues of a specific magazine, but will not be allowed to keep two copies of the January 1994 issue. No inmate shall be issued admissible reading material if he or she can not store it in his or her personal living area without creating a fire, safety, or sanitation hazard. Inmates shall be limited to no more than 2 single issues of a daily or weekly newspaper title and 8 single issues of a periodical. Inmates shall be allowed to order single issues of periodicals and newspapers from publishers' wholesale or mail-order distributors and bookstores in lieu of purchasing subscriptions; however, all of the above-referenced limits shall still apply.

(c) Inmates subscribe to periodicals or other reading materials at their own risk and expense. Inmates will not be reimbursed by the Department of Corrections for materials that are rejected.

(d) Except as otherwise provided in Rule 33-601.800, F.A.C., inmates shall be limited to the possession of 4 books. Religious testaments, correspondence study materials and law books not in the institution's law library collection shall not be counted against this limit. Religious testaments include sacred texts, prayer books and devotionals.

(e) Inmates may only receive and possess print media publications. Incoming publications published on non-print media or print media publications that include non-print media that are an integral part of the publication will be rejected and returned to the sender along with an explanation as to why the material is being rejected. However, unsolicited promotional computer diskettes and CD-ROMs that are mailed with a periodical issue, e.g., the CD-ROMs promoting America Online's Internet service, will be handled as provided in subsection (26)~~(25)~~ of this rule.

(f) If an inmate does not have space to store admissible reading material in his or her personal living area without creating a fire, safety, or sanitation hazard, the institution is authorized to not issue the items or to impound the items if previously issued until the inmate disposes of other personal property in order to create storage space for the publications.

(g) Inmates shall not order publications from publishers or senders on a "bill me later" basis. All book or periodical subscription purchases that are initiated by inmates shall include an Inmate Bank Trust Fund Special Withdrawal, Form DC2-304, that covers the complete cost of the purchase, and postage, if necessary, and shall include an envelope that is properly addressed to the publisher or sender. Such requests shall be submitted to the warden or designee for approval. If approved, the warden or designee shall forward the request to the Bureau of Finance and Accounting, Inmate Bank Section, for processing. Any outgoing correspondence that does not comply with these requirements shall be returned to the inmate. Form DC2-304 is incorporated by reference in Rule 33-203.201, F.A.C.

(18) through (24) No change.

(25) Blank journals or diaries.

(a) Restrictions.

1. Quantity – see possession limits set forth in paragraph (17)(d);

2. Size – limited to 9" x 12";

3. Medium – limited to paper;

4. Binding – limited to glue bindings; journals with staples or metal or spiral bindings shall not be permitted;

5. Cover, if any – limited to paper materials; hard back or cardboard covers are authorized except where possession of hardbound books is otherwise prohibited by rule (paperback);

6. Can not have any audio or electronic components.

(b) Authorized sources:

1. Inmates shall be permitted to receive diaries or journals from publishers, mail order distributors and bookstores.

2. Chaplaincy services and other authorized programs of the department shall be authorized to accept donations of diaries and journals for distribution to inmates, however, the diaries and journals must comply with the requirements of this rule.

(c) Diaries or journals that contain written or pictorial matter that is inadmissible per subsection (3) of this rule shall be rejected and shall not be issued to inmates.

(26)~~(25)~~ Whenever an otherwise admissible magazine is received that includes product samples or advertising with product samples attached, the products shall be removed and the publication itself shall be issued to the inmate recipient. Any inmate who wishes to object to the removal of product samples from his or her publications shall submit a written request on Form DC6-236, Inmate Request, to the warden asking that product samples not be removed. Thereafter, any publication sent to the requestor that contains product samples shall be held by the institution for 30 days or 30 days after exhaustion of grievance appeals. It shall be the inmate's responsibility to arrange for the mailing of the entire publication out of the institution at the inmate's expense. Any publication not mailed out within the 30 days will be destroyed.

Specific Authority 944.09, 944.11 FS. Law Implemented 944.11 FS. History–New 10-8-76, Amended 3-3-81, 9-24-81, Formerly 33-3.12, Amended 6-9-87, 3-11-91, 12-17-91, 3-30-94, 11-2-94, 5-10-98, 10-20-98, Formerly 33-3.012, Amended 3-21-00, 8-10-00, 10-13-02, 7-2-03, 12-30-04, 9-5-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura Bedard, Ph.D., Deputy Secretary of Department of Corrections

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.302	Inmate Discipline – Terminology and Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the forms used to document inmate behavior while in confinement or close management; amend the term designating authority to include classification supervisor in place of employee assigned by the warden; revise the composition of the Disciplinary Team; and amend the definition of Hearing Officer to include additional employees.

SUMMARY: The proposed rule clarifies that the contact card is not to be used to document the behavior of inmates in administrative confinement, disciplinary confinement, or close management. The term Designating Authority is amended to substitute the classification supervisor responsible for the review of disciplinary reports in place of the employee assigned by the warden. The Disciplinary team composition is revised to require that the team be chaired by a senior classification officer or above and specifies that the member of the team from security must be a correctional officer lieutenant or above unless substitution is absolutely necessary. The definition of Hearing Officer is amended to remove the requirement that the employee be of the rank of Lieutenant or higher.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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 this notice.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

(1) No change.

(2) Contact Card – refers to Form DC6-256, a written log used to document behavior of an inmate, other than an inmate in administrative confinement, disciplinary confinement or close management. Correctional officers maintain this card in the inmate's assigned dormitory. Form DC6-256 is incorporated by reference in paragraph 33-601.313(1)(c), F.A.C.

(3) through (4) No change.

(5) Designating Authority – The classification supervisor, responsible for the ~~employee assigned by the warden who shall~~ review of disciplinary reports prior to hearing to determine if the disciplinary report is in accordance with due process requirements and Rules 33-601.301-.314, F.A.C., and whether it shall be designated as minor or major as defined by subsections 33-601.302(11) and (12), F.A.C.

(6) through (7) No change.

(8) Disciplinary Team – A team made up of at least two staff persons, one of whom shall be a senior classification officer or above, who serves as team chair, and a correctional

officer lieutenant or above, who will be responsible for hearing disciplinary reports. The correctional officer chief shall designate a correctional officer sergeant as a substitute team member only if neither a lieutenant nor captain is available and only when such substitution is absolutely necessary.

(9) Hearing Officer – An employee, ~~who is of the rank of Lieutenant or higher,~~ who will be responsible for hearing disciplinary reports designated as minor.

(10) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History–New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-01-95, Formerly 33-22.002, Amended 5-21-00, 2-11-01, 9-16-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
59A-9	Abortion Clinics
RULE NOS.:	RULE TITLES:
59A-9.018	Purpose
59A-9.019	Definitions
59A-9.020	Licensure Procedures
59A-9.021	Investigations and License and Validation Inspections
59A-9.022	Physical Plant Requirements for Abortion Clinics When Providing Second Trimester Abortions
59A-9.0225	Clinic Supplies and Equipment Standards for Second Trimester Abortions
59A-9.023	Clinic Personnel
59A-9.024	Clinic Policies and Procedures for Second Trimester Abortions
59A-9.025	Medical Screening and Evaluation of Patients Receiving Second Trimester Abortions
59A-9.026	Second Trimester Abortion Procedure
59A-9.027	Recovery Room Standards for Second Trimester Abortions
59A-9.028	Post Procedure Follow-up Care for Patients Receiving Second Trimester Abortions
59A-9.029	Abortion Clinic Incident Reporting for Second Trimester Abortions
59A-9.030	Disposal of Fetal Remains
59A-9.031	Clinical Records
59A-9.034	Reports

PURPOSE AND EFFECT: The Agency proposes to revise Chapter 59A-9, Florida Administrative Code, consistent with provisions of Chapter 2005-95, Laws of Florida, which revised Section 390.012, F.S. The law provides for adoption of rules for regulation of clinics providing abortions after the first trimester of pregnancy.

SUMMARY: The proposed rule revisions establish criteria for abortion clinic's physical facilities, supplies and equipment, clinic personnel, medical screening and evaluation, abortion procedures, recovery room standards, follow up care and incident reporting.

SPECIFIC AUTHORITY: 390.012 FS.

LAW IMPLEMENTED: 390.012 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 22, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: M. Riley Gibson, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)922-7752

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-9.018 Purpose.

The agency adopts the following minimum rules and standards governing services in the first and second trimesters provided in an abortion clinic to comply with the requirements of Chapters 381 and 390, F.S.

Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.013 FS. History–New 6-13-90, Formerly 10D-72.018, Repromulgated_____.

59A-9.019 Definitions.

The following definitions shall apply specifically to abortion clinics.

(1) "Abortion" means the termination of human pregnancy with the intention other than to produce a live birth or to remove a dead fetus.

(2) "Abortion Clinic" or "Clinic" means a facility, institution, or place in which abortions are performed other than a hospital or a physician's office that is not used primarily for the performance of abortions.

(3) "Anesthesiologist" means a person currently licensed to practice medicine or osteopathy pursuant to Chapter 458 or 459, F.S., and certified by the American Board of Anesthesiology. ~~"Consultant" means an individual who provides professional services either upon request or on the basis of a prearranged schedule, usually on a contract basis, who is neither a member of the employed staff of the facility, nor whose services are provided within the terms of an affiliation agreement.~~

(4) "Advanced Registered Nurse Practitioner, (ARNP)" means a person currently licensed pursuant to Chapter 464, F.S.

(5)~~(4)~~ "Agency" ~~"AHCA"~~ means the Agency for Health Care Administration.

~~(5) "F.A.C." means the Florida Administrative Code.~~

(6) "Certified Registered Nurse Anesthetist, (CRNA)" means a person currently licensed pursuant to Chapter 464, F.S., and certified by the Council on Certification of Nurse Anesthetists.

(7) "Clinical staff" means the individuals employed full or part time by an abortion clinic who are licensed or certified to provide care prior to, during, or after an abortion.

(8) "Department" means the Department of Health.

(9) "F.A.C." means the Florida Administrative Code.

(10)~~(6)~~ "Facility" means those objects, including physical plant, equipment, and supplies necessary for providing required services.

(11)~~(7)~~ "Hospital" means a facility licensed under Chapter 395, F.S.

(12)~~(8)~~ **"**License" means the certificate issued by the agency for the operation of the facility. This document constitutes the authority to receive patients and to perform the services included within the scope of this rule and as specified on the license.

(13)~~(9)~~ "Licensed" means that person or facility to which the term is applied has a current or valid license, certificate or registration issued by the State of Florida to follow his profession or vocation within the State of Florida, and when applied to a health care facility means that the facility has a current license issued by the agency ~~AHCA~~.

(14)~~(10)~~ "Licensee" means the person who has been granted a license to operate an abortion clinic and who has ultimate authority and responsibility for the operation, management, control, conduct, and functioning of the abortion clinic.

(15)~~(11)~~ "Licensure" means the process of obtaining official or legal permission to operate an abortion clinic.

~~(12) "Clinical staff" means the individuals employed full or part time by an abortion clinic who are licensed or certified to provide care prior to, during, or after an abortion.~~

(16) "Licensed Practical Nurse, (L.P.N.)" means a person currently licensed as an L.P.N. pursuant to Chapter 464, F.S.

(17)"Medical Director" means a physician licensed under Chapter 458 or Chapter 459, F.S., and who has admitting privileges at a licensed hospital in this state or has a transfer agreement with a licensed hospital within reasonable proximity of the abortion clinic.

(18)~~(13)~~ "Patient" means any woman receiving services in an abortion clinic.

(19)~~(14)~~ "Person" means any individual, firm, partnership, corporation, or association.

(20) "Physician Assistant, (P.A.)" means a person currently licensed as a P.A. pursuant to Chapter 458 or 459, F.S.

(21)~~(15)~~ "Physician" means a person currently ~~physician~~ licensed to practice medicine or osteopathy pursuant to Chapter 458 or 459, F.S. ~~under Chapter 458 or Chapter 459, F.S., or a physician practicing medicine or osteopathy in the employment of the United States or this state.~~

(22)~~(16)~~ "Premises" means those buildings, beds, and facilities of the clinic and all other buildings, beds, and facilities for the performance of abortions located in such reasonable proximity to the main address of the licensee and appear to the public to be under the domain and the control of the licensee.

(23) "Reasonable proximity" means a distance not to exceed thirty (30) minutes transport time by emergency vehicle.

(24) "Registered Professional Nurse, (R.N.)" means a person currently licensed as a R.N. pursuant to Chapter 464, F.S.

(25) "Trimester" means a 12-week period of pregnancy.

(a) First Trimester. The first 12 weeks of pregnancy.

(b) Second Trimester. That portion of a pregnancy following the 12th week and extending through the 24th week of gestation.

(c) Third Trimester. That portion of pregnancy beginning with the 25th week of gestation.

(26) "Volunteer" means a person who is not employed by the facility who interacts with patients on behalf of the abortion clinic.

Specific Authority 390.012 FS. Law Implemented 390.011, 390.012, 390.013 FS. History–New 6-13-90, Amended 4-17-91, Formerly 10D-72.019, Amended 8-24-94,_____.

59A-9.020 Licensure Procedures.

(1) All persons planning ~~contemplating~~ the operation of an abortion clinic under the provisions of Chapter 390, F.S., shall make application for a license to the Agency for Health Care Administration, Office of Health Facility Regulation,

Tallahassee, Florida, on Agency Form 3130-1000-revised July, 2005 ~~MAR 94~~, "Abortion Clinic Licensure Application", hereby incorporated by reference, which can be obtained from the Agency for Health Care Administration, Bureau ~~Office~~ of Health Facility Regulation, Tallahassee, Florida, or on the agency website, and must ~~shall~~ receive a license prior to the acceptance of patients for care and treatment. The application shall be made under oath and shall contain such information as the agency ~~AHCA~~ reasonably requires, which may include evidence of the applicant's ability to comply with applicable laws and rules.

(2) A license fee of $250 shall accompany the application for a license or a license renewal. The license fee shall be made payable to the agency and is not refundable.

(3) Each license shall be valid only for the persons to whom it is issued and shall not be subject to sale, assignment, or other transfer, voluntary or involuntary, nor shall a license be valid for any premises other than for which it was originally issued.

(4) A current license shall be posted in a conspicuous place within ~~on~~ the licensed premises where it can be viewed by patients.

(5) A license, unless sooner suspended or revoked, shall automatically expire one year from the date of issuance, and shall be renewable annually upon application for renewal and payment of the fee prescribed by these rules, provided that the applicant and abortion clinic meet the requirements established under Chapter 390, F.S., and Chapter 59A-9, F.A.C. Application for renewal of a license shall be made not less than 60 days prior to expiration of a license on agency Form 3130-1000-revised July 2005 ~~MAR 94~~, provided by the Agency for Health Care Administration ~~AHCA~~, Office of Health Facility Regulation, Tallahassee, Florida. The application is also available on-line at the agency website.

(6) Where the agency finds that there has been a failure to comply with the requirements established under this part or in rules promulgated hereunder, the agency is authorized to deny**,** modify**,** suspend, or revoke a license**.**

Specific Authority 390.012 FS. Law Implemented 20.42(2)(a), 390.011, 390.012, 390.014, 390.015, 390.016, 390.017, 390.018, 390.019, 390.021 FS. History–New 6-13-90, Amended 4-17-91, 10-9-91, Formerly 10D-72.020, Amended 8-24-94,_____.

59A-9.021 Investigations and License and Validation Inspections.

(1) The agency ~~AHCA~~ has the right to enter an abortion clinic to make or cause to be made such inspections and investigations, including the review of all medical records, policies, procedures, personnel records and training records, as are necessary to:

(a) Assure compliance with the licensure requirements~~;~~ and standards as specified in statute and rule;

(b) Respond to complaints; and

(c) Protect the public health and safety.

(2) The agency shall conduct an annual unannounced licensure inspection of all abortion clinics ~~facilities~~.

(3) The fee for the renewal license shall be $250.

(4) Representatives of the agency shall have the right to enter upon the premises of any facility licensed or applying for license, pursuant to this Chapter, at any reasonable time in order to determine the state of compliance with the provisions of Chapter 390, F.S., and these rules, providing that such entry and inspection shall be made with the least possible disruption to clinic activities and in a manner considerate of the privacy and confidentiality of any patient who is present therein. All inspections shall be unannounced.

Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.014, 390.019 FS. History–New 6-13-90, Amended 4-17-91, 10-9-91, Formerly 10D-72.021, Amended_____.

59A-9.022 Physical Plant Requirements for Abortion Clinics When Providing Second Trimester Abortions.

The following are minimum standards of construction and specified minimum essential physical plant requirements which must be met when providing second trimester abortions. These requirements shall apply to all new abortion clinic construction and shall apply to any abortion clinics receiving an initial license after the effective date of these rules when the abortion clinic provides second trimester abortions. Any abortion clinic which provides second trimester abortions and is in operation at the time of adoption of this rule shall be given one year within which to comply with the physical plant requirements.

(1) Consultation room(s) with adequate private space specifically designated for interviewing, counseling, and medical evaluations;

(2) Dressing rooms designated for staff and patients;

(3) Handwashing station(s) equipped with a mixing valve and wrist blades and located in each patient exam/procedure room or area;

(4) Private procedure room(s) with adequate light and ventilation for abortion procedures;

(5) Post procedure recovery room(s) equipped to meet the patient's needs;

(6) Emergency exits wide enough to accommodate a standard stretcher or gurney;

(7) Cleaning and sterilizing area(s) adequate for the cleaning and sterilizing of instruments;

(8) Adequate and secure storage area(s) for the storage of medical records and necessary equipment and supplies; and

(9) If not otherwise required by the Florida Building Code, at least one general use toilet room equipped with a hand washing station.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(a), 390.013 FS. History–New_____.

59A-9.0225 Clinic Supplies and Equipment Standards for Second Trimester Abortions.

(1) Each abortion clinic providing second trimester abortions shall provide essential clinic supplies and equipment as required in subsections (1) through (7) when performing second trimester abortions. Any such abortion clinic which is in operation at the time of adoption of this rule and providing second trimester abortions shall be given one year within which to meet these standards as follows:

(a) A surgical or gynecological examination table(s);

(b) A bed or recliner(s) suitable for recovery;

(c) Oxygen with flow meters and masks or equivalent;

(d) Mechanical suction;

(e) Resuscitation equipment to include, at a minimum, resuscitation bags and oral airways;

(f) Emergency medications, intravenous fluids, and related supplies and equipment;

(g) Sterile suturing equipment and supplies;

(h) Adjustable examination light;

(i) Containers for soiled linen and waste materials with covers; and

(j) Appropriate equipment for the administering of general anesthesia, if applicable.

(2) Emergency equipment shall be provided for immediate use, maintained in functional condition, and capable of providing at least the following services:

(a) Inhalation therapy;

(b) Defibrillation;

(c) Cardiac monitoring;

(d) Suctioning; and

(e) Maintenance of patient airway.

(3) Anesthesia.

(a) The clinic shall have anesthesia equipment maintained in proper working order for the appropriate administering of general and local anesthesia, analgesia, and sedation if ordered by the physician.

(b) All reusable anesthesia equipment in direct contact with the patient shall be cleaned or sterilized as appropriate after each use and such cleaning and sterilization shall be documented.

(4) Resuscitative Medications Required. The clinic shall have a crash cart at the location the anesthetizing is being carried out. The crash cart must include, at a minimum, those emergency medications to support the procedures performed as determined by the medical director.

(5) Sterilization Equipment. Sterilizing equipment of appropriate type shall be available and of adequate capacity to properly sterilize instruments and materials. The sterilizing equipment shall have approved control and safety features.

(6) Ultrasound equipment shall be located in the clinic.

(7) Equipment Maintenance.

(a) When patient monitoring equipment is utilized, a written preventive maintenance program shall be developed and implemented. This equipment shall be checked and/or tested in accordance with manufacturer's specifications at periodic intervals, not less than annually, to insure proper operation, and a state of good repair. After repairs and/or alterations are made to any equipment, the equipment shall be thoroughly tested for proper calibration before returning it to service. Records shall be maintained on each piece of equipment to indicate its history of testing and maintenance.

(b) All anesthesia and surgical equipment shall have a written preventive maintenance program developed and implemented. Equipment shall be checked and tested in accordance with the manufacturer's specifications at designated intervals, not less than annually, to ensure proper operation and a state of good repair.

(c) All surgical instruments shall have a written preventive maintenance program developed and implemented. Surgical instruments shall be cleaned and checked for function after use to ensure proper operation and a state of good repair.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(a), 390.013 FS. History–New _____.

59A-9.023 Clinic Personnel ~~Clinic Staff and Consultants~~. Abortions shall be performed only by a licensed physician. Each abortion clinic providing second trimester abortions shall have a staff that is adequately trained and capable of providing appropriate service and supervision to the patients. The clinic will have a position description for each position delineating duties and responsibilities and maintain personnel records for all employees performing or monitoring patients receiving a second trimester abortion. Any abortion clinic which is in operation at the time of adoption of this rule and performing second trimester abortions shall be given six months within which to comply with these clinical staff requirements as follows:

(1) Physicians. The clinic shall designate a licensed physician to serve as a medical director.

(2) Nursing Personnel. Nursing personnel in the clinic shall be governed by written policies and procedures relating to patient care, establishment of standards for nursing care and mechanisms for evaluating such care, and nursing services.

(3) Allied health professionals, working under appropriate direction and supervision, may be employed to work only within areas where their competency has been established.

(4) Orientation. Each facility shall have and execute a written orientation program to familiarize each new staff member, including volunteers, with the facility and its policies and procedures, to include, as a minimum, fire safety and other safety measures, medical emergencies, and infection control.

(5) In-service Training. In-service training programs shall be planned and provided for all employees including full time, part time and contract employees, at the beginning of

employment and at least annually thereafter and will also apply to all volunteers to insure and maintain their understanding of their duties and responsibilities. Records shall be maintained to reflect program content and individual attendance. The following training shall be provided at least annually, and for surgical assistants and volunteers, must include training in counseling, patient advocacy and specific responsibilities associated with the services they provide:

(a) Infection control, to include as a minimum, universal precautions against blood-borne diseases, general sanitation, personal hygiene such as hand washing, use of masks and gloves, and instruction to staff if there is a likelihood of transmitting a disease to patients or other staff members.

(b) Fire protection, to include evacuating patients, proper use of fire extinguishers, and procedures for reporting fires;

(c) Confidentiality of patient information and records, and protecting patient rights;

(d) Licensing regulations; and

(e) Incident reporting.

Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.013 FS. History–New 6-13-90, Amended 4-17-91, Formerly10D-72.023, Amended_____.

59A-9.024 Clinic Policies and Procedures for Second Trimester Abortions.

An abortion clinic providing second trimester abortions shall have written policies and procedures to implement policies and to assure that quality patient care shall relate specifically to the functional activities of clinic services. These written procedures shall apply to second trimester abortions and shall be available and accessible to clinic personnel and shall be reviewed and approved annually by the clinic's medical director. Any abortion clinic which is in operation at the time of adoption of this rule and providing second trimester abortions shall be given six months within which to comply with these clinic policies and procedure requirements which shall include but not be limited to the following:

(1) Patient admission;

(2) Pre- and post-operative care;

(3) Physician's orders;

(4) Standing orders with required signatures;

(5) Medications, storage and administration;

(6) Treatments;

(7) Surgical asepsis;

(8) Medial asepsis;

(9) Sterilization and disinfection;

(10) Documentation: Medical records and facility records;

(11) Patient discharge;

(12) Patient transfer;

(13) Emergency measures;

(14) Incident reports;

(15) Personnel orientation;

(16) Inservice education record;

(17) Anesthesia;

(18) Equipment and supplies: availability and maintenance;

(19) Volunteers; and

(20) Visitors.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(c), 390.013 FS. History–New_____.

59A-9.025 Medical Screening and Evaluation of Patients Receiving Second Trimester Abortions.

(1) Each abortion clinic that provides second trimester abortions shall formulate and adhere to written patient care policies and procedures designed to ensure professional and safe care for patients undergoing second trimester abortions and shall maintain a medical record for each such patient that records history, care and services. Any abortion clinic that performs second trimester abortions which is in operation at the time of adoption of this rule shall be given six months within which to comply with these patient care policies and procedures for patients undergoing second trimester abortions, to include but not limited to the following:

(a) Admission criteria and procedures;

(b) Identification in the medical record of physician(s) and nurse(s) involved in providing the services offered for patients undergoing second trimester abortions;

(c) Specific details regarding the pre-operative procedures performed, to include:

1. History and physical examination, to include verification of pregnancy, estimation of gestational age, identification of any preexisting conditions or complications; including allergies to medications, antiseptic solutions, or latex; and a complete obstetric and gynecological history.

2. Special examinations, lab procedures, and/or consultations required, to include ultrasonography to confirm gestational age and a physical examination including a bimanual examination estimating uterine size and palpation of the adnexa. The physician shall keep original prints of each ultrasound examination of a patient in the patient's medical history file. For an abortion in which an ultrasound examination is not performed before the abortion procedure, urine or blood tests for pregnancy shall be performed before the abortion procedure.

(2) Laboratory Services.

(a) Laboratory services shall be provided on-site or through arrangement with a laboratory that holds the appropriate federal Clinical Laboratory Improvement Amendments (CLIA) certificate and state of Florida clinical laboratory license issued pursuant to Chapter 483, Part I, Florida Statutes.

(b) All laboratory services provided on-site shall be performed in compliance with state of Florida clinical laboratory licensure and federal CLIA provisions.

(3) Laboratory Equipment and Supplies.

(a) All equipment and supplies for the collection, storage, and testing of specimens shall meet the provisions of Chapter 59A-7, F.A.C., and shall be maintained according to manufacturer's instructions and in a manner that ensures accurate test results.

(b) Temperature controlled spaces for the storage of specimens or testing supplies shall be monitored and recorded to ensure that the proper storage temperature is maintained.

(c) All dated supplies and materials shall not be used beyond their expiration date.

(d) Adequate facilities and supplies for the collection, storage and transportation of laboratory specimens shall be available on site.

(4) Rh factor. Rh testing for Rh negative patients shall be conducted, unless reliable written documentation of blood type is available.

(5) All laboratory test reports shall be placed in the patient's medical record.

(6) All laboratory test and storage areas, records and reports shall be available for inspection by the agency.

(7) If a person who is not a physician performs an ultrasound examination, that person shall have documented evidence that he or she has completed a course in the operation of ultrasound equipment. The physician, registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant shall, at the request of the patient and before the abortion procedure is performed, review the ultrasound evaluation results with the patient, including an estimate of the probable gestational age of the fetus.

(8) A test for anemia shall be performed.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(d), 390.013 FS. History–New_____.

59A-9.026 Second Trimester Abortion Procedure.

Any abortion clinic which is providing second trimester abortions must be in compliance with the following standards relative to second trimester abortion procedures. Any abortion clinic in operation at the time of adoption of this rule, when performing second trimester abortions, shall be given six months within which to comply.

(1) A physician, registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant shall be available to all patients throughout the abortion procedure.

(2) The abortion procedure will be performed in accordance with obstetric standards and in keeping with established standards of care regarding the estimation of gestational age of the fetus.

(3) Anesthesia service shall be organized under written policies and procedures relating to anesthesia staff privileges, the administration of anesthesia, and the maintenance of strict safety controls.

(4) Prior to the administration of anesthesia, patients shall have a history and physical examination by the individual administering anesthesia, including laboratory analysis when indicated.

(5) Appropriate precautions, such as the establishment of intravenous access at least for patients undergoing post-first trimester abortions.

(6) Appropriate monitoring of the patient's vital signs by professionals licensed and qualified to assess the patient's condition will occur throughout the abortion procedure and during the recovery period until the patient's condition as specified by the type of abortion procedure performed, is deemed to be stable in the recovery room.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(e), 390.013 FS. History–New_____.

59A-9.027 Recovery Room Standards for Second Trimester Abortions.

Each abortion clinic which is providing second trimester abortions shall comply with the following recovery room standards when providing second trimester abortions. Any abortion clinic providing second trimester abortions and in operation at the time of adoption of this rule shall be given one year within which to comply with these standards.

(1) Following the procedure, post procedure recovery rooms will be supervised and staffed to meet the patient's needs. A physician or physician assistant, a licensed registered nurse, a licensed practical nurse or an advanced registered nurse practitioner who is trained in the management of the recovery area shall be available to monitor the patient in the recovery room until the patient is discharged. The individual must be certified in basic cardiopulmonary resuscitation. A patient in the post-operative or recovery room shall be observed for as long as the patient's condition warrants.

(2) The clinic shall arrange hospitalization if any complication beyond the medical capability of the staff occurs or is suspected. The clinic shall ensure that all appropriate equipment and services are readily accessible to provide appropriate emergency resuscitative and life support procedures pending the transfer of the patient or a viable fetus to the hospital. A physician shall sign the discharge order and be readily accessible and available until the last patient is discharged to facilitate the transfer of emergency cases if hospitalization of the patient or viable fetus is necessary. The clinic medical records documenting care provided shall accompany the patient. These records will include the contact information for the physician who performed the procedure at the clinic.

(3) A physician shall discuss Rho (D) immune globulin with each patient for whom it is indicated and will ensure that it is offered to the patient in the immediate postoperative period or that it will be available to the patient within 72 hours following completion of the abortion procedure. If the patient

refuses the Rho (D) immune globulin, refusal Form 3130-1002, herein incorporated by reference, shall be signed by the patient and a witness, and shall be included in the patient's medical record.

(4) Written instructions with regard to post abortion coitus, signs of possible medical complications, and general aftercare shall be given to each patient. Each patient shall have specific written instructions regarding access to medical care for complications, including a telephone number to call for medical emergencies. The physician will ensure that either a registered nurse, licensed practical nurse, advanced registered nurse practitioner, or physician assistant from the abortion clinic makes a good faith effort to contact the patient by telephone, with the patient's consent, within 24 hours after surgery to assess the patient's recovery. A contact for post-operative care from the facility shall be available to the patient on a 24-hour basis.

(5) Facility procedures must specify the minimum length of time for recovery as warranted by the procedure type and gestation period.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(f), 390.013 FS. History–New_____.

59A-9.028 Post Procedure Follow-up Care for Patients Receiving Second Trimester Abortions.

Each abortion clinic which is providing second trimester abortions shall comply with the following post procedure follow-up care requirements when providing a second trimester abortion. Any abortion clinic operating at the time of adoption of this rule shall be given six months within which to comply.

(1) The clinic shall offer a post abortion medical visit that includes a medical examination and a review of the results of all laboratory tests.

(2) A urine pregnancy test will be obtained at the time of the follow-up visit to rule out continuing pregnancy. If a continuing pregnancy is suspected, the patient shall be evaluated and a physician who performs abortions shall be consulted.

(3) The clinic shall provide for the education of the patient in post-procedure care, including specific instructions in case of emergency.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(g), 390.013 FS. History–New_____.

59A-9.029 Abortion Clinic Incident Reporting for Second Trimester Abortions.

This section shall apply to incidents involving patients receiving second trimester abortions in any abortion clinic providing second trimester abortions. Those abortion clinics providing second trimester abortions which are in operation at the time of adoption of this rule shall be given six months within which to comply with the following clinic incident reporting requirements.

(1) At a minimum an abortion clinic shall record each incident that results in serious injury to a patient as defined in Section 390.012(3)(h)1., F.S., or a viable fetus at an abortion clinic and shall report an incident in writing to the agency within 10 days after the incident occurs.

(2) If a patient death occurs the abortion clinic shall report the death to the department and the appropriate regulatory board not later than the next workday. The report to the department shall be filed as required by Rule 64V-1.0061, F.A.C.

Specific Authority 390.012(1) FS. Law Implemented 390.012(3)(h), 390.013 FS. History–New_____.

59A-9.030 Disposal of Fetal Remains.

Fetal remains shall be disposed of in a sanitary and appropriate manner and in accordance with standard health practices and Chapters 381 and 390, F.S. and Chapter 64E-16 ~~10D-104~~, F.A.C.

Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012 F.S. History–New 6-13-90, Amended 4-17-91, Formerly10D-72.030, Amended_____.

59A-9.031 Clinical Records.

(1) A permanent individual clinical record shall be kept on each clinic patient.

(a) Clinical records shall be complete, accurately documented, and systematically organized to facilitate storage and retrieval.

(b) Clinical records involving second trimester abortion procedures shall be kept confidential and secure.

(c) Operative reports signed by the physician performing the second trimester abortion shall be recorded in the clinical record immediately following the procedure or that an operative progress note is entered in the clinical record to provide pertinent information.

(2) Clinical records shall be kept on file for a minimum of five years from the date of the last entry.

Specific Authority 390.012 FS. Law Implemented 381.0012, 382, 390.011, 390.012, 390.013 FS. History–New 6-13-90, Amended 4-17-91, Formerly10D-72.031, Amended_____.

59A-9.034 Reports.

Pursuant to Chapters 382 and 390, F.S., an abortion clinic must submit a report each month to the Office of Vital Statistics of the Department of Health ~~and Rehabilitative Services~~, regardless of the number of terminations of pregnancy. Monthly reports must be received by the department within 30 days following the preceding month using DOH ~~HRS~~ Form 1578, November 1999 ~~May 94~~, "Report of Induced Terminations of Pregnancy", hereby incorporated by reference,

and which can be obtained from the Department of Health ~~and Rehabilitative Services~~, Office of Vital Statistics, Jacksonville, Florida.

Specific Authority 390.012 FS. Law Implemented 20.42(2)(a), 382.002, 390.002, 390.011, 390.012 FS. History–New 6-13-90, Formerly 10D-72.034, Amended 8-24-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: M. Riley Gibson, Bureau of Health Facility Regulation, Division of Health Quality Assurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek, Deputy Secretary, Health Quality Assurance, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 15, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21,2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
61C-5	Florida Elevator Safety Code
RULE NO.:	RULE TITLE:
61C-5.007	Fees; Certificates of Competency, Renewal

PURPOSE AND EFFECT: The purpose of this rule amendment is to implement the statutory requirements of Section 399.01(14)-(15), Florida Statutes, through the adoption of the insurance requirements for independent certified elevator inspectors and certified elevator technicians.

SUMMARY: This proposed rule amendment provides insurance requirements to be carried by certified elevator inspectors and certified elevator technicians working independent of a registered elevator company.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Costs has been prepared.

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 this notice.

SPECIFIC AUTHORITY: 399.001, 399.01(14), (15), 399.10 FS.

LAW IMPLEMENTED: 399.01(14), (15) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Calpini, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012; telephone: (850)488-1133

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-5.007 Fees; Certificates of Competency, Renewal.

(1) through (5) No change.

(6) Each elevator company employing a person or persons to construct, install, inspect, maintain, or repair any vertical conveyance regulated by the bureau, must register and have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage limits in the minimum amounts of $100,000 per person and $300,000 per occurrence and the name of at least one employee who holds a current Certificate of Competency issued pursuant to Section 399.01(17) ~~399.045~~, F.S.

(7) No change.

(8) Each certified elevator inspector and each certified elevator technician who, independent of a registered elevator company as defined in Section 399.01(13), F.S., performs any services on any vertical conveyance regulated by the bureau must have on file with the division a valid Certificate of Comprehensive General Liability Insurance evidencing coverage limits in the minimum amounts of $100,000 per person and $300,000 per occurrence prior to performing any services independent of a registered elevator company.

Specific Authority 399.001, 399.049, ~~399.02(5)(d),~~ 399.10, 399.105(2) FS. Law Implemented 399.01(13), 399.01(14), 399.01(15), 399.01(17) ~~399.01(5)(d)~~ FS. History–New 10-8-81, Amended 11-27-83, 2-19-84, Formerly 7C-5.07, Amended 4-11-91, Formerly 7C-5.007, Amended 2-2-94,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John Calpini, Bureau Chief, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marstiller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.:	RULE TITLE:
61G5-24.020	Special Assessment Fee

PURPOSE AND EFFECT: The rule will impose a one-time fee assessment on all license and registration holders.

SUMMARY: The rule imposes a fee prior to the next license or registration renewal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.219(2), 477.016, 477.019(5), 477.0201(4) FS.

LAW IMPLEMENTED: 455.219(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-24.020 Special Assessment Fee

(1) As a condition of license or registration renewal for the biennium beginning on November 1, 2006, December 1, 2006, or November 1, 2007 ~~the first renewal of their current license or registration following the effective date of this rule~~, all active and inactive licensee and registration holders, including all licensed cosmetologists, cosmetology and specialty salon license holders, registered specialists, registered hair braiders, registered hairwrappers, and registered body wrappers, shall pay a one-time special assessment fee of $30.00 in order to eliminate the current cash deficit in the operating funds of the Board. Payment of this fee shall be due and payable at the time the license or registration is renewed.

(2) No change.

Specific Authority 455.219(2), 477.016, 477.019(5), 477.0201(4) FS. Law Implemented 455.219(2) FS. History–New 9-16-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Cosmetology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Cosmetology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 23, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.:	RULE TITLE:
61G7-10.0014	Requirements for Evidence of Workers' Compensation Coverage

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the Workers' Compensation Compliance Form into the rule.

SUMMARY: The Workers' Compensation Compliance Form will be incorporated into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 468.522, 468.525, 468.529 FS.

LAW IMPLEMENTED: 468.525, 468.529 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-10.0014 Requirements for Evidence of Workers' Compensation Coverage.

(1) through (2) No change.

(3) Evidence which meets the requirements of subsection (2) above shall consist of:

(a) A statement, initially filed with the application and thereafter filed quarterly ~~annually~~ at the same time that the statements provided for in Rule 61G7-10.0011, F.A.C., are submitted, which is signed by all of the controlling persons of the applicant or licensee and which attests that all leased employees in the State are covered by methods (2)(a) or (b) above; or

(b) If the employee leasing company performs its duties regarding workers' compensation coverage utilizing method (2)(c) either alone or in combination with methods (2)(a) or (b), by completing Form DBPR EL-4522 – Workers' Compensation Compliance Form, incorporated herein by reference, effective _____, ~~submitting a written statement to the Department,~~ initially filed with the application and thereafter filed quarterly ~~annually~~ at the same time that the statements provided for in Rule 61G7-10.0011, F.A.C., are submitted, which has been executed by all of the controlling persons, the CEO, the CFO, and the Chairman of the Board of

the employee leasing company. The Form DBPR EL-4522 -Workers' Compensation Compliance Form ~~statement~~ shall include an attestation by the signing parties that the form ~~statement~~ was executed after due inquiry of the employee leasing company's books and records and that, after making such an inquiry, the signing persons have taken reasonable steps to ascertain that all leased employees have workers' compensation coverage under methods (2)(a)-(c) above. The term "Reasonable Steps" as used herein is defined as requiring those persons making the above attestation to, at a minimum:~~.~~

1. ~~To~~ Rreceive and review a workers' compensation certificate from all clients who are maintaining their own workers' compensation policy, which certification on its face provides workers' compensation coverage to such clients' leased employees, and

2. ~~To~~ Ceonfirm that the client has reported that it has obtained such workers' compensation coverage to the Florida Department of Insurance.

3. Moreover, if the client of the employee leasing company changes or cancels the policy issued to it by the client's insurance carrier or if the client ceases providing workers' compensation coverage under a lawful plan of self insurance, the employee leasing company shall file an additional Form DBPR EL-4522 – Workers' Compensation Compliance Form ~~statement with the Department which shall be in the same form as that provided for in subparagraph (3)(b)1.~~ herein within 30 days of the change or cancellation of the policy or cessation of coverage under the lawful plan of self insurance.

~~(c) In addition to the foregoing, the statement shall set out the percentage of leased employees in the State which are covered by each of the methods set out in paragraphs (2)(a) (c) above as of the date of the statement.~~

(c)~~(d)~~ The information and assertions contained in Form DBPR EL-4522 – Workers' Compensation Compliance Form ~~the statement~~ shall be subject to audit and verification by the Department as per Section 468.535, F.S.

Specific Authority 468.522, 468.525, 468.529 FS. Law Implemented 468.525, 468.529 FS. History–New 11-25-02, Amended 3-26-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Employee Leasing Companies

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 17, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.:	RULE TITLE:
61G14-12.0015	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.

SUMMARY: The rule is being promulgated to provide the requirements for licensees to demonstrate their continued eligibility for licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 310.085 FS.

LAW IMPLEMENTED: 310.073, 310.081(3), 310.091(3), 310.121(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pilot Commissioners

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 28, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-36.005 Citations

PURPOSE AND EFFECT: The Board proposes to amend this rule to add a violation and accompanying fine.

SUMMARY: A new violation and penalty will be added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.224, 455.225, 473.304 FS.

LAW IMPLEMENTED: 455.224 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Division Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-36.005 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed by the citation:

(a) Practicing on an inactive or delinquent license (Section 473.323 (l)(i), F.S.)	Reprimand and fine based on length of time in practice while inactive; $100/month or $5,000 maximum (penalty will require licensure or cease practice.)
(b) Licensees practicing in an unlicensed firm (including sole proprietors) or otherwise in violation of Sections 473.309, 473.3101 and 473.323(1)(g), F.S.	Reprimand and $100 per month fine to maximum of $5,000 and suspension of right to practice until corrected.
(c) Licensees who complete continuing professional education requirements timely but who are found to be deficient after December 1st of their renewal year. (subsection 61H1-33.003(5), F.A.C.)	Submit documentation that deficient hours have been completed and pay $50 fine within 60 days.
(d) Licensees who fail to timely submit complete documentation for a CE audit	fined $100 per month
(e) Retention of client records when records are returned more than three months after the date requested and there is no evidence that the failure to return the records was due to any fees not being paid. (Rule 61H1-23.002, F.A.C.)	$500 fine.

(4) through (5) No change.

Specific Authority 455.224, 455.225, 473.304 FS. Law Implemented 455.224 FS. History–New 12-30-91, Formerly 21A-36.005, Amended 12-7-93, 5-23-94, 8-16-99, 5-11-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:
61H1-36.0055 Minor Violation, Notice of Non-Compliance

PURPOSE AND EFFECT: The Board proposes the rule amendment to add another violation for which the Department may issue a notice of non-compliance.

SUMMARY: A notice of non-compliance may be issued by the Department for the minor violation of a subsequently dishonored check.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.225(3), 473.304 FS.

LAW IMPLEMENTED: 455.225, 473.3101 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Division Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-36.0055 Minor Violation, Notice of Non-Compliance.

(1) No change.

(2) The following violations are minor violations for which the Department may issue a notice of non-compliance:

(a) through (h) No change.

(i) Issuance of a check to the Board or Department that is subsequently dishonored.

(3) No change.

Specific Authority 455.225(3), 473.304 FS. Law Implemented 455.225, 473.3101 FS. History–New 10-15-97, Amended 7-16-98, 8-16-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:
61H1-36.006 Mediation

PURPOSE AND EFFECT: The Board proposes the rule amendment to add more violations that can be resolved through mediation.

SUMMARY: More violations that can be resolved through mediation will be added to the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 455.2235 FS.

LAW IMPLEMENTED: 455.2235 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Division Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-36.006 Mediation.

(1) No change.

(2) The Board finds that mediation is an acceptable method of dispute resolution for the following violations as they are ~~it is~~ economic in nature or can be remedied by the licensee:

(a) Failure of the licensee to timely pay any assessed administrative fines or costs;~~.~~

(b) Retention of client records contrary to Rule 61H1-23.002, F.A.C.;

(c) Issuance of a check to the Board or Department that is subsequently dishonored;

(d) Practicing in or as an unlicensed firm less than three months; and/or

(e) Practicing on a delinquent license less than three months.

(3) No change.

Specific Authority 455.2235 FS. Law Implemented 455.2235 FS. History–New 11-21-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005

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 Opticianry

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

PURPOSE AND EFFECT: The Board proposes amending the rule for the additional requirements of an Apprentice/Sponsor Orientation Course.

SUMMARY: The proposed rule will add an additional requirement orientation course to the apprenticeship program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 484.005 FS.

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

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) through (3) No change.

(4) An apprenticeship shall consist of 6,240 hours of training, completed within five years after the apprentice's first registration with the Department. However, time spent in training at a board-approved school of opticianry may be substituted for required apprenticeship time. Each credit hour earned at such school shall count as 86.67 apprenticeship hours.

(a) An apprentice is required to obtain two of the required hours by completing an Apprentice/Sponsor Orientation Course and submitting the original certificate of attendance to the board office within one year of registration with the Department.

(b) Each sponsor is encouraged to attend one Apprentice/Sponsor Orientation course at least once every four years. These hours would count toward their continuing education requirement for laws and rules.

(5) through (6) No change.

Specific Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History–New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 2005

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 14, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-10.0032	Reactivation Fee
64B15-10.0033	Retired Status Fee

PURPOSE AND EFFECT: The Board proposes the development of these rules to address the reactivation and retired status fees for physicians.

SUMMARY: The reactivation and retired status fees for physicians are established.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.036(15), 459.005, 459.009 FS.

LAW IMPLEMENTED: 456.036, 459.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-10.0032 Reactivation Fee.

The fee for reactivating an inactive or retired status license shall be: $200.00 for an osteopathic physician.

Specific Authority 456.036(15), 459.005, 459.009 ~~455.711(4)~~ FS. Law Implemented 456.036, 459.009 ~~455.711(4)~~ FS. History–New 4-17-95, Formerly 59W-10.0032, Amended 12-13-98, _____.

64B15-10.0033 Retired Status Fee.

The fee for a retired status license shall be $50.00 for an osteopathic physician.

Specific Authority 456.036(15), 459.005 FS. Law Implemented 456.036(12) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:
64B19-12.013 Retired Status Fee

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to implement a retired status fee.

SUMMARY: The new rule sets out the fee for a retired status license.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.036(4)(b), 490.004(4) FS.

LAW IMPLEMENTED: 456.036(4)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-12.013 Retired Status Fee.

The fee for retired status is $50.00. An active status licensee or inactive status licensee who chooses retired status at any time other than at the time of license renewal must pay the retired status fee plus a change-of-status fee set out in Rule 64B19-12.006, F.A.C.

Specific Authority 456.036(4)(b), 490.004(4) FS. Law Implemented 456.036(4)(b) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: RULE TITLE:
64B21-503.004 Retired Status License

PURPOSE AND EFFECT: To create a new rule to implement legislative changes to Section 456.036, Florida Statutes.

SUMMARY: This rule explains how a licensee may place the license in retired status at any time and how to restore a license that has been retired for less than five years and for over five years to active status.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.036(15), 490.004(4) FS.

LAW IMPLEMENTED: 456.036(2), (4), (8), (12) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Program Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-503.004 Retired Status License.

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal, the licensee shall pay the retired status application fee provided in Rule Chapter 64B21-501, F.A.C. If the license is placed in retired status at any time other than at the time of license renewal, the licensee shall also pay the change of status fee provided in Rule Chapter 64B21-501, F.A.C.

(2) A licensee may reactivate a retired status license by:

(a) Paying the renewal fee for an active status licensee for each biennial licensure period in which the licensee was in retired status, the reactivation fee, and any owed delinquency fee as established in Rule Chapter 64B21-501, F.A.C.;

(b) Demonstrating satisfaction of the continuing education requirements established in Rule 64B21-502.001, F.A.C., for each licensure biennial period in which the licensee was in retired status.

(3) For a license in retired status over five years, the licensee also must provide the Department with an Affidavit that the licensee has read and understands the school psychology laws and rules in effect at the time of reactivation.

(4) The licensee must either report any disciplinary action that has been taken against the licensee by any regulatory agency or must state that no disciplinary action has been taken. If the Department has by Final Order assessed any undisputed, outstanding administrative fines and costs, the licensee may not be restored to active status until they are paid in full.

Specific Authority 456.036(15), 490.004(4) FS. Law Implemented 456.036(2), (4), (8), (12) FS. History–New_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Allen Hall

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 21, 2006

DEPARTMENT OF HEALTH

Dental Laboratories

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

PURPOSE AND EFFECT: To update the rule text.

SUMMARY: Requires a dental laboratory to maintain work orders for four years.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 466.038 FS.

LAW IMPLEMENTED: 466.036 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3250

THE FULL TEXT OF THE PROPOSED RULE 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sue Foster

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN THE FAW: April 28, 2006

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER NO:	RULE CHAPTER TITLE:
64E-2	Emergency Medical Services
RULE NOS.:	RULE TITLES:
64E-2.002	Basic Life Support Service License – Ground
64E-2.003	Advanced Life Support Service License - Ground
64E-2.004	Medical Direction
64E-2.005	Air Ambulances
64E-2.006	Neonatal Interfacility Transfers
64E-2.007	Vehicle Permits
64E-2.012	Drivers
64E-2.034	Inspections
64E-2.036	Training Programs

PURPOSE AND EFFECT: The goal of the Bureau of Emergency Medical Services (EMS) is to ensure the delivery of a high level of emergency medical care to all citizens and visitors of the State of Florida. The Bureau of EMS requires that the equipment of prehospital providers to be up-to-date, functional, and available. Currently, the Florida Administrative Code (F.A.C.) lists not only the required medications, supplies and equipment to be carried in each vehicle, but also the quantity. To ensure proper equipment status, the Bureau of EMS conducts inspections of EMS service providers in accordance with Chapter 401, F.S. Deficiencies are documented and either corrected during the initial inspection visit or by the follow-up inspection.

The Medical Care Committee of the EMS Advisory Council has recommended that the Bureau of EMS eliminate the detailed and quantitative medication and supplies lists. In place of quantities, the recommendation is to focus on carrying the items necessary to accomplish the mission of EMS, tailoring the needs of each community, as identified by the Medical Director of each EMS provider; thus, allowing flexibility based on service population, EMS personnel, acute care facility availability, geographical variability, and research and development capabilities.

SUMMARY: The purpose of this rule change is to update forms, renumber the medical equipment and supplies tables, remove outdated equipment, and add equipment that will improve the quality of care and outcomes of adult and pediatric patients. This change will require all permitted ground and air transport vehicles, available for call, to maintain at least one of each item indicated on the equipment lists. This will allow the local service's medical director to increase the quantity required in order to best serve their community, and shift the inspections process to a Quality Assurance/Quality Improvement process to identify the needs of the community and the patient. Medical Director involvement will also be enhanced, as the process will require periodic review and updating of medical protocols to improve outcomes. To aide with the Medical Director's increased involvement, he/she will be required to attend additional training sessions to enhance skills that pertain to prehospital care.

EMS transport safety will also be enhanced by requiring all licensed providers, applying for an initial air ambulance aircraft permit, to submit a valid airworthiness certificate issued by the Federal Aviation Administration for each permitted aircraft.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 381.0011, 383.19, 395.405, 401.121, 401.25, 401.251, 401.265, 401.27, 401.2715 401.272, 401.31, 401.35, 499.05 FS.

LAW IMPLEMENTED: 381.001, 381.0011, 381.0205, 381.025, 383.15, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.2715, 401.281, 401.2915, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421, 499.005 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lisa Walker, Government Analyst, Division of Emergency Medical Operations, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733, Email Lisa_Walker2@doh.state.fl.us; or FAX (850)488-9408

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-2.002 Basic Life Support Service License – Ground.

(1) To obtain a license or renewal each applicant shall submit an application to the department on DH Form 631, October 05 ~~May 98~~, Ground Ambulance Service Provider License Application. This form is incorporated by reference and is available from the department.

(2) through (3) No change.

(4) Every provider, except those exempted in paragraph 64E-2.006(1)(a), F.A.C., shall ensure that each EMS vehicle permitted by the department, when available for call, shall be equipped and maintained as approved by the medical director of the service in the vehicle minimum equipment list. The vehicle minimum equipment list shall include, at a minimum, one each of the items listed in Table I~~H~~ and shall be provided to the department upon request.

TABLE I~~H~~
GROUND VEHICLE ~~AND SERVICE STANDARDS~~
BLS MEDICAL EQUIPMENT AND SUPPLIES

1. Bandaging, dressing, and taping supplies:	
a. Adhesive, silk, or plastic tape – assorted sizes.	~~Six rolls total.~~
b. Sterile 4x4 inch gauze pads.	~~Six packs of 10 pads each, any size.~~
c. Triangular bandages.	~~Six total.~~
d. Roller gauze.	~~Six total.~~
e. ABD (minimum 5x9 inch) pads.	~~Six total.~~
2. Bandage shears.	~~One.~~
3. Patient restraints, wrist and ankle.	~~One set each.~~
4. Blood pressure cuffs: infant, pediatric, and adult.	~~One each.~~
5. Stethoscopes: pediatric and adult.	~~One each.~~
6. Blankets.	~~Two.~~
7. Sheets (not required for non-transport vehicle.)	~~Two.~~
8. Pillows with waterproof covers and pillow cases or disposable single use pillows (not required for non-transport vehicle).	~~Two.~~
9. Disposable blanket or patient rain cover.	~~One.~~
10. Long spine board and three straps or equivalent.	~~One.~~
11. Short spine board and two straps or equivalent.	~~One.~~
12. Adult and Pediatric cervical immobilization devices (CID), approved by the medical director of the service. T~~his approval must be in writing and made available by the provider for the department to review.~~	~~One each.~~
13. Padding for lateral lower spine immobilization of pediatric patients or equivalent.	~~Two.~~
14. Portable oxygen tanks, "D" or "E" cylinders, with one regulator and gauge. Each tank must have a minimum pressure of 1000 psi and liter flow at 15 liters per minute.	~~Two.~~
15. Transparent oxygen masks; adult, child and infant sizes, with tubing.	~~Two each.~~
16. Sets of pediatric and adult nasal cannulae with tubing.	~~Two.~~
17. Hand operated bag-valve mask resuscitators, adult and pediatric accumulator, including adult, child and infant transparent masks capable of use with supplemental oxygen.	~~One each.~~
18. Portable suction, electric or gas powered, with wide bore tubing and tips which meet the minimum standards as published by the GSA in KKK-A 1822E~~C~~ specifications.	~~One.~~
19. Extremity immobilization devices. Pediatric and Adult.	~~Six assorted sizes.~~
20. Lower extremity traction splint. Pediatric and Adult.	~~One.~~
21. Sterile obstetrical kit to include, at minimum, bulb syringe, sterile scissors or scalpel, and cord clamps or cord-ties.	~~One.~~
22. Burn sheets.	~~Two.~~
23. Flashlight with batteries.	~~One.~~
24. Occlusive dressings.	~~Four.~~
25. Oropharyngeal airways. Pediatric and Adult.	~~Six assorted sizes.~~

26. Installed oxygen with regulator gauge and wrench, minimum "M" size cylinder (minimum 500 PSI) with oxygen flowmeter to include a 15l pm setting, (not required for non-transport vehicles.) (Other installed oxygen delivery systems, such as liquid oxygen, as allowed by medical director. ~~This approval must be in writing and available to the department for review).~~	~~One.~~
27. Gloves – suitable to provide barrier protection for biohazards.	Sufficient quantity, sizes, and material for all crew members.
28. Face Masks – both surgical and respiratory protective.	Sufficient quantity, sizes, and material for all crew members.
29. Rigid cervical collars as approved in writing by the medical director and available for review by the department.	~~Six, assorted pediatric and adult sizes.~~
30. Nasopharyngeal airways, pediatric and adult ~~French or mm equivalents~~.	~~One each of each size range: infant (12, 14, 16, 18), pediatric (20, 22, 24) and adult (26, 28, 30).~~
31. Approved biohazardous waste plastic bag or impervious container per Chapter 64E-16, F.A.C.	~~One each.~~
32. Safety goggles or equivalent meeting A.N.S.I. Z87.1 standard.	One per crew member.
33. Bulb syringe separate from obstetrical kit.	~~One.~~
34. Thermal absorbent reflective blanket.	~~One.~~
35. Multitrauma dressings.	~~Two.~~
36. Pediatric length based measurement device for equipment selection and drug dosage.	

Specific Authority 381.0011, 395.405, 401.121, 401.25, 401.35 FS. Law Implemented 381.0011, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 401.23, 401.24, 401.25, 401.252, 401.26, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.49, Amended 4-12-88, 8-3-88,12-10-92, 10-2-94, 1-26-97. Formerly 10D-66.049, Amended 8-4-98, 1-3-99, 11-19-01, _____.

64E-2.003 Advanced Life Support Service License – Ground.

(1) To obtain a license or renewal each applicant for an ALS license shall submit to the department DH Form 631, October 05 ~~May 98~~, Ground Ambulance Service Provider License Application, which is incorporated by reference and available from the department.

(2) through (3) No change.

(4) ~~In addition to the equipment and supplies listed in Table III, the medications and I.V. solutions and equipment listed in Table V are required on~~ Each ALS permitted vehicle when available for call, shall be equipped and maintained as approved by the medical director of the service in the vehicle minimum equipment list. The vehicle minimum equipment list shall include, at a minimum, one each of the items listed in Table I~~II~~ and II, and shall be provided to the department upon request, except those exempted in paragraph 64E-2.006(1)(a), F.A.C. Substitutions are allowed with signed approval from the medical director and written notification to the department.

TABLE II ~~V~~
GROUND VEHICLE
ALS EQUIPMENT AND MEDICATIONS

MEDICATION	WT/VOL	QTY
1. Atropine Sulfate.		~~2 mg. Total.~~
2. Dextrose, 50 percent.	~~25 gm. per 50 ml.~~	~~Two.~~
3. Epinephrine HCL.	1:1,000 ~~1 mg./ml.~~	~~Two 1 mg/ml amps or one multi dose vial.~~
4. Epinephrine HCL.	1:10,000 ~~1 mg./10cc~~	~~Four.~~
5. Ventricular dysrhythmic. Bolus maintenance infusion as appropriate. ~~Lidocaine HCL.~~	~~100 mg. per 5 ml.~~	~~Two.~~
6. Benzodiazepine sedative/ anticonvulsant ~~Lidocaine HCL. In any of the following combinations:~~		

	~~2 gm. vials or pre-mixed syringes; or 1 gm. vials or pre-filled syringes; or pre-mixed solutions of 4 mg. per ml. in a 500 ml. bag.~~	~~4 gms. Total.~~ ~~Two.~~ ~~Four.~~ ~~Two.~~
7. Naloxone (Narcan).	~~1 mg./ml. 2 mg. amp.~~	~~4 mg.~~
8. Nitroglycerin.	0.4 mg. ~~spray pump.~~	~~1 pump sprayer.~~
~~9. Diazepam.~~		~~20 mg. total.~~
9.~~10.~~ Inhalant beta adrenergic agent with nebulizer apparatus, as approved by the medical director.		~~2 doses.~~

I.V. Solutions ~~Amount~~	~~Minimum Quantity~~	~~Minimum~~
1. Lactated Ringers or Normal Saline.	~~4,000 ml.~~	~~In any combination.~~

EQUIPMENT	QTY.
(a) Laryngoscope handle with batteries.	~~One.~~
(b) Laryngoscope blades; adult, child and infants sizes.	~~One each.~~
(c) Pediatric I.V. arm board or splint appropriate for I.V. stabilization.	~~One.~~
(d) Disposable endotracheal tubes; adult, child and infant sizes. 2.5 mm – 5.0 mm uncuffed; 5.5 mm – 7.0 mm; 7.5 mm - 9.0 mm.	~~Six total. (2 each size range).~~
(e) Endotracheal tube stylets pediatric and adult.	~~One each.~~
(f) Magill forceps, pediatric and adult sizes.	~~One each.~~
(g) Device for intratracheal meconium suctioning in newborns.	~~One.~~
(h) Tourniquets.	~~Three.~~
(i) I.V. cannulae 14 thru 24 gauge.	~~Ten total.~~
(j) Micro drip sets.	~~Three.~~
(k) Macro drip sets.	~~Three.~~
(l) I.V. pressure infuser.	~~One.~~
(m) Needles 18 thru 25 gauge.	~~Six total.~~
(n) Intraosseous needles ~~15 or 16 gauge and~~ three way stop cocks ~~for use with intraosseous needles. As allowed by medical director.~~	~~Two each.~~
(o) Syringes, from 1 ml. to 20 ml.	~~Eight total, assorted sizes.~~
(p) D.C. battery powered portable monitor ~~defibrillator~~ with defibrillation and pacing capabilities, ~~adult paddles (or hands-free pads) and pediatric paddles (or pediatric paddle adapter)~~ ECG printout and spare battery. The unit shall be capable of delivering pediatric defibrillation (energy below 25 watts/sec and appropriate equipment).	~~One.~~
(q) Monitoring electrodes for adults and pediatrics.	~~Two sets each.~~
(r) Pacing electrodes. Pediatric and Adult~~, if monitor or defibrillator requires~~.	~~Two sets.~~
~~(s) Oro/Nasogastric tubes.~~	~~One each of each size range, infant (8), and pediatric (12, 14, or 16).~~
~~(t) Syringe appropriate for checking placement of oro/nasogastric tube.~~	~~One.~~

(s)~~(u)~~ Glucometer. ~~A method for rapidly determining blood glucose as approved by the medical director.~~	
~~(v) Pediatric length based measurement device for equipment selection and drug dosage.~~	~~One.~~
(t)~~(w)~~ Approved sharps container per Chapter 64E-16, F.A.C.	~~One.~~
(v)~~(x)~~ Flexible suction catheters.	~~Assorted sizes, 1 each of each size range: infant (6-8 French), pediatric (10-12 French), and adult (14 French).~~
(w) Electronic waveform capnography capable of real-time monitoring and printing record of the intubated patient (effective 01/01/2007).	

Specific Authority 381.0011, 395.405, 401.121, 401.265, 401.35 FS. Law Implemented 381.0011, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.50, Amended 4-12-88, 8-3-88, 8-7-89, 12-10-92, 11-30-93, 1-26-97. Formerly 10D-66.050, Amended 8-4-98, 1-3-99, 7-14-99, 2-20-00, 9-3-00, 4-15-01, 11-19-01, 6-3-02, _____.

64E-2.004 Medical Direction.

(1) through (3)(b) No change.

(c) A medical director shall be board certified and active in ~~be from~~ a broad-based clinical medical specialty ~~such as emergency medicine, internal medicine, anesthesiology, or other surgical specialty~~ with demonstrated experience in prehospital care and hold an ACLS certificate or equivalent as determined in Rule 64E-2.032, F.A.C. ~~of successful course completion or be board certified in emergency medicine.~~ Prehospital care experience shall be documented by the provider.

(d) through (4)(f) No change.

(g) Assume direct responsibility for: the use by an EMT of an automatic or semi-automatic defibrillator; the performance of airway patency techniques including airway adjuncts, not to include endotracheal ~~esophageal~~ intubation, by an EMT; and on routine interfacility transports, the monitoring and maintenance of non-medicated I.V.s by an EMT. The medical director shall ensure that the EMT is trained to perform these procedures; shall establish written protocols for the performance of these procedures; and shall provide written evidence to the department documenting compliance with provisions of this paragraph.

(h) through (i) No change.

(j) Participate in direct contact time with EMS field level providers for a minimum of 10 hours per year. Notwithstanding the number of EMS providers served by the medical director, direct contact time shall be a minimum of 10 hours per year per medical director, not per provider. Further, (s)he shall complete a minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both. ~~Participate as a crew member on an EMS vehicle for a minimum of 10 hours per year and complete a minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both.~~

(k) If he is a medical director of a training program:

1. Be responsible for the instruction of the Department of Transportation (DOT) approved training program for EMTs and paramedics.

2. Have substantial knowledge of the qualifications, training, protocols, and quality assurance programs for the training facility.

3. Maintain current instructor level training in Aa~~a~~dvanced Ce~~a~~rdiac L~~l~~ife S~~s~~upport (ACLS), or equivalent, or Aa~~a~~dvanced T~~t~~rauma L~~l~~ife S~~s~~upport (ATLS), maintain provider level training in International ~~basic~~ T~~t~~rauma L~~l~~ife S~~s~~upport (I~~B~~TLS) or P~~p~~rehospital T~~t~~rauma L~~l~~ife S~~s~~upport (PHTLS); and ~~or~~ Aadvanced P~~p~~ediatric L~~l~~ife S~~s~~upport (APLS), Pediatric Advanced Life Support (PALS) or Pediatric Education for Prehospital Professionals (PEPP).

4. Act as a liaison between training centers, local EMS providers and hospitals.

5. Participate in state and local quality assurance and data collections programs.

6. The EMS training center shall by contract, require such medical director to be available 4 hours per month for classroom teaching or review of student performance, and participate in direct contact time with EMS field level providers for a minimum of 10 hours per year. Notwithstanding the number of training centers or EMS providers served by the medical director, direct contact time shall be a minimum of 10 hours per year per medical director, not per training center. Further, (s)he shall complete a minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both. ~~for a minimum of 10 hours per year, and complete a~~

~~minimum of 10 hours per year of continuing medical education related to prehospital care or teaching or a combination of both~~.

7. through (5) No change.

Specific Authority 381.0011, 395.405, 401.265, 401.272, 401.35, 499.05 FS. Law Implemented 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.2915, 401.30, 401.34, 401.35, 401.41, 401.411, 499.005 FS. History–New 8-7-89, Amended 6-6-90, 12-10-92, 3-19-95, 1-26-97, Formerly 10D-66.0505, Amended 8-4-98, 1-3-99, 2-20-00, 4-15-01, 11-19-01, 6-9-05, _____.

64E-2.005 Air Ambulances.

(1) Each applicant for an air ambulance license shall pay the required fee as specified in Section 401.34(1)(j), F.S., and submit an application to the department on DH Form 1575, October 05 ~~May 98~~, Air Ambulance Service License Application which is incorporated by reference and available from the department. The air ambulance license shall automatically expire 2 years from the date of issuance.

(2) through (3) No change.

(4) Each provider shall maintain in each paramedic's employment file documentation of successful completion of an initial air crew member (ACM) education program that was conducted in accordance with the 1988 United States (U.S.) Department of Transportation (DOT) Air Medical Crew-Advanced National Standard Curriculum (NSC), which is incorporated by reference and is available for purchase from AAMS; 526 King Street ~~110 North Royal Street~~, Suite 415 ~~307~~, Alexandria, VA 22314; (703)836-8732.

Each provider shall ensure and shall document in its employee records that each EMT and paramedic which it employs holds a current certification from the department.

(5) through (6) No change.

(7) Every air ambulance maintained by an air ambulance provider shall meet the structural, equipment and supply requirements listed in Table III.

(8) Each prehospital rotary wing air ambulance when available for call shall meet the structural requirements listed in Table III, and shall be equipped as approved by the medical director of the service in the aircraft minimum equipment list. The aircraft minimum equipment list shall include, at a minimum, one each of the items listed in Table III and shall be provided to the department upon request.

TABLE III
AIR AMBULANCE
Structural, Equipment and Supply Requirements

ITEM	QTY.
Aircraft Requirements	
1. Entrance large enough to allow loading of a patient.	
2. Interior large enough for two medical crew members.	
3. Cabin illumination of 40 foot-candles at patient level.	
4. FAA approved stretcher system with 2 straps.	
5. Isolated aircraft cockpit to protect pilot from in-flight interference.	
6. Each aircraft shall be equipped with FAA approved communication equipment that operates on frequencies which allow ~~licensed by the FCC. This equipment shall function so that~~ the flight and medical crew to ~~can~~ communicate with ground and landing zone medical support exclusive of the air traffic control system.	
7. No smoking sign.	
8. External search light with a minimum of 400,000 candle power illumination at 200 feet separate from the aircraft landing lights, movable 90 degrees longitudinally, 180 degrees laterally and capable of being controlled from inside the aircraft (Helicopter only).	
Medical Equipment Requirements	
1. Oxygen sufficient for duration of flight.	
2. Oxygen administration equipment.	
3. Oropharyngeal airways~~, sizes 0, 1, 2, 3, 4, 5, and 6~~. Pediatric and adult.	~~One each.~~
4. Hand operated bag-valve mask resuscitators, adult and pediatric accumulator, including adult, child and infant transparent masks capable of use with supplemental oxygen.	~~One each.~~
5. Equipment suitable to determine blood pressure of the adult and pediatric patient during flight.	
6. Approved sharps container per Chapter 64E-16, F.A.C.	~~One~~.
7. Approved biohazardous waste plastic bag or impervious container per Chapter 64E-16, F.A.C.	

8. Portable suction unit with wide bore tubing and tips, electric or gas powered, which meets the minimum standards as published by the General Services Administration (GSA) in KKK-A-1822C specifications.
9. Equipment suitable to determine blood pressure of the adult and pediatric patient during the flight.

TABLE IV~~I~~

Prehospital Rotary Wing Air Ambulances

ITEM	QTY.
~~Aircraft Structural Requirements~~	
~~1. External search light with a minimum of 400,000 candle power illumination at 200 feet separate from the aircraft landing lights, movable 90 degrees longitudinally, 180 degrees laterally and capable of being controlled from inside the aircraft.~~	
Equipment	
1. Laryngoscope handle with batteries.	~~One.~~
2. Laryngoscope blades; adult, child and infant size.	~~One each.~~
3. Pediatric I.V. arm board or splint appropriate for I.V. stabilization.	~~One.~~
4. Disposable endotracheal tubes; adult, child and infant sizes. Those below 5.5 mm shall be uncuffed. 2.5 mm–5.0 mm uncuffed; 5.5 mm–7.0 mm; 7.5 mm–9.0 ~~11.0~~ mm.	~~Six total. (2 each size range).~~
5. Endotracheal tube stylets pediatric and adult.	~~One each.~~
6. Magill forceps, pediatric and adult sizes.	~~One.~~
7. Device for intratracheal meconium suctioning in newborns.	~~One.~~
8. Tourniquets.	~~Three.~~
9. I.V. cannulae between 14 and 24 gauge.	~~Ten.~~
10. Macro drip sets.	~~Three.~~
11. Micro drip sets.	~~Three.~~
12. I.V. pressure infuser.	~~One.~~
13. Needles between 18 and 25 gauge.	~~Six.~~
14. Intraosseous needles ~~15 or 16 gauge~~ and three way stop cocks ~~for use with intraosseous needles. As allowed by medical director~~.	~~Two each.~~
~~15. 1 ml. syringes.~~	~~Two.~~
~~16. 2 1/2 ml. to 6 ml. syringes.~~	~~Six.~~
15.~~17.~~ Assorted ~~10 ml. to 20 ml.~~ syringes.	~~Four.~~
~~18. Suitable equipment and supplies to allow for collection and temporary storage of two blood samples.~~	
16.~~19.~~ D.C. battery powered portable monitor ~~defibrillator~~ with defibrillation and pacing capabilities, ~~adult paddles (or hands-free pads) and pediatric paddles (or pediatric paddle adapter)~~ ECG printout and spare battery. The unit shall be capable of delivering pediatric defibrillation (energy below 25 watts/sec and appropriate equipment).	~~One.~~
17.~~20.~~ Monitoring electrodes for adults and pediatrics.	~~Two sets each.~~
~~21. Oro/nasogastric tubes. 8 French feeding tube, and sizes 12, 14, and 16 French nasogastric tubes.~~	~~One each.~~

~~22. Syringe appropriate for checking placement of oro/nasogastric tube.~~	~~One.~~
18.~~23.~~ Glucometer ~~A method for rapidly determining blood glucose as approved by the medical director~~.	
19.~~24.~~ Pediatric length based measurement device for equipment selection and drug dosage.	~~One.~~
20.~~25.~~ Flexible suction catheters assorted sizes ~~6, 8, 10, 12, and 14 French.~~	~~One each.~~
21.~~26.~~ Multitrauma dressings.	~~Two.~~
22.~~27.~~ ABD pads.	~~Six.~~
23.~~28.~~ Sterile gauze pads.	~~Twenty-five.~~
24.~~29.~~ Adhesive tape assorted sizes.	~~Assorted sizes.~~
~~30. Bite sticks or blocks.~~	~~Two.~~
~~31. Triangular bandages.~~	~~Eight.~~
25.~~32.~~ Patient restraints, wrist and ankle.	~~One set each.~~
26.~~33.~~ Soft roller bandages.	~~Ten.~~
27.~~34.~~ Bandage shears.	~~One.~~
~~35. Disposable blanket or patient rain cover.~~	~~One.~~
~~36. Long spine board and three straps or equivalent.~~	~~One.~~
~~37. Short spine board and two straps or equivalent.~~	~~One.~~
~~38. Extremity immobilization, any device that immobilizes the joint above and below the fracture, must include splints to immobilize all long bone fractures.~~	~~Two each of arm, leg, hand and wrist, foot and ankle.~~
28.~~39.~~ Sterile obstetrical kit to include, at minimum, bulb syringe, sterile scissors or scalpel, and cord clamps or cord ties.	~~One.~~
29.~~40.~~ Burn sheets.	~~Two.~~
30.~~41.~~ Flashlight with batteries~~, minimum two "D" cells.~~	~~One.~~
31.~~42.~~ Vaseline gauze.	~~Four.~~
32.~~43.~~ Gloves – latex or other suitable material. For all crew members.	~~Sufficient quantity for all crew members.~~
33.~~44.~~ Face masks for all crew members.	~~Sufficient quantity for all crew members.~~
34.~~45.~~ Naso and oropharyngeal airways assorted sizes ~~12, 14, 16, 18, 20, 22, 24, 26, 28 and 30 French or mm equivalents~~.	~~One each.~~
35.~~46.~~ Safety goggles or equivalent meeting A.N.S.I. Z87.1 standard.	~~One per crew member.~~
36.~~47.~~ Bulb syringe separate from obstetrical kit.	~~One.~~
37.~~48.~~ Thermal, absorbent, reflective blanket.	~~One.~~
38.~~49.~~ Standing orders.	
39. Electronic waveform capnography capable of real-time monitoring and printing record of the intubated patient (effective 01/01/2007).	

MEDICATION	WT./VOL.	~~QTY.~~
1. Atropine sulfate.		~~2 mg. Total.~~
2. Dextrose 50 percent.	~~25 gm. per 50 ml.~~	~~2~~
3. Epinephrine HCL.	1:1,000 ~~1 mg./ml.~~	~~2. 1mg./ml. amps or one multi dose.~~
4. Epinephrine HCL.	1:10,000 ~~1 mg./10 ml.~~	~~4~~
5. Ventricular dysrhythmic Bolus and maintenance infusion, as appropriate. ~~Lidocaine HCL.~~	~~100 mg. per 5 ml.~~	~~2~~

~~6. Lidocaine HCL. In any of the following combinations:~~	~~2 gm. vials or pre-filled syringes; or 1 gm. vials or pre-filled syringes; or pre-mixed solutions of 4 mg. per ml. in a 500 ml. bag.~~	~~4 gms. Total.~~
6.~~7.~~ Sodium Bicarbonate.	50 mEq. or 44.6. mEg.	~~2 amps.~~
7.~~8.~~ Naloxone (Narcan).	1 mg./ml. 2 mg. amp.	~~2 amps.~~
8.~~9.~~ Nitroglycerin ~~tabs~~.	0.4 mg./~~tablet or 0.4 mg. spray pump.~~	~~1 bottle or 1 pump sprayer.~~
9.~~10.~~ Benzodiazepine sedative/anticonvulsant. Diazepam or ~~Lorazepam.~~	~~5 mg./ml.~~ ~~2 mg./ml.~~	
10.~~11.~~ Inhalant beta adrenergic agent of choice with nebulizer apparatus, as approved by the medical director.		~~One.~~

I.V. Solutions	~~Minimum Amount~~	~~Minimum Quantity~~
~~a. Dextrose 5 percent in Water (D5W).~~	~~2,000 ml.~~	~~In any combination.~~
1.~~b.~~ Lactated Ringers or Normal Saline.	~~4,000 ml.~~	~~In any combination.~~

Specific Authority 381.0011, 401.25, 401.251, 401.265, 401.35 FS. Law Implemented 381.0011, 395.405, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.27, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411 401.414, 401.421 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.51, Amended 4-12-88, 8-3-88, 8-7-89, 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.051, Amended 1-3-99, 9-3-00, 4-15-01, _____.

64E-2.006 Neonatal Interfacility Transfers.

(1) Neonates requiring critical care interfacility transport to a Level II or Level III Neonatal Intensive Care Unit shall be transported in either a neonatal ambulance or a permitted ALS or BLS transport ambulance or aircraft.

(a) A neonatal ambulance shall meet the requirements listed in Table V~~I~~, paragraphs 64E-2.006(1)(c) and (d) and subsections 64E-2.006(2) and (3), F.A.C., and shall be exempt from meeting the equipment and medical supplies listed in Rule 64E-2.002, Table I~~II~~, F.A.C., and in Rule 64E-2.003, Table II ~~V~~, F.A.C.

TABLE V~~I~~
(Reference Section 64E-2.006)
Neonatal Interfacility Transfers

ITEM	QTY.
1. through 45. No change.	

MEDICATION	WT/VOL	QTY.
1. through 23. No change.		

Specific Authority 381.0011, 383.19, 395.405, 401.251(6), 401.35 FS. Law Implemented 381.001, 383.15, 395.405, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.30, 401.31, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History–New 11-30-93, Amended 1-26-97, Formerly 10D-66.0525, Amended 8-4-98, 9-3-00, _____.

64E-2.007 Vehicle Permits.

(1) through (3) No change.

(4) All licensed providers applying for an initial air ambulance aircraft permit after January 1, 2005, shall submit to the department a valid airworthiness certificate (unrestricted), issued by the Federal Aviation Administration, for each permitted aircraft, prior to issuance of the initial permit. Aircraft replacements are subject to the initial application process.

Specific Authority 381.0011, 401.35 FS. Law Implemented 381.001, 381.0205, 401.23, 401.24, 401.25, 401.251, 401.26, 401.27, 401.30, 401.31, 401.34, 401.35, 401.41, 401.411, 401.414 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.53, Amended 4-12-88, 12-10-92, 11-30-93, 1-26-97, Formerly 10D-66.053, Amended 1-3-99, _____.

64E-2.012 Drivers.

(1) Each ALS and BLS provider shall ensure that each driver who operates a permitted vehicle meets the qualifications as listed in Section 401.281, F.S.

(a) An ALS or BLS provider may consider current Florida EMT or Paramedic certification as the driver having met the oath requirement listed in Sections 401.281(b) and (c), F.S.

Specific Authority 401.35 FS. Law Implemented 401.27, 401.281, 401.35, 401.411 FS. History–New 11-29-82, Amended 4-26-84, 3-11-85, Formerly 10D-66.59, Amended 4-12-88, 12-10-92, Formerly 10D-66.059, Amended _____.

64E-2.034 Inspections.

(1) Inspections of Emergency Services Providers shall be documented by the department. ~~on DH Form 1579, June 99, Service Records and Facilities Inspection Form; DH Form 627, June 99, Basic Life Support Vehicle Inspection Form; DH Form 1039, June 99, Advanced Life Support Vehicle Inspection Form; DH Form 629, June 99, Air Ambulance Inspection Form; DH Form 1267, March 2000,~~ Neonatal vehicle inspections shall be documented on Neonatal Interfacility Vehicle Inspection Form; DH Form 1831, June 99~~, Inspection Corrective Action Statement; DH Form 1264, September 99, Personnel Records Inspection Form; DH Form 1265, June 99, Supplemental Inspection Form and DH Form 1266, June 99, Equipment Test Results Inspection Form.~~ This form is ~~These forms are~~ incorporated by reference and available from the department.

~~(2) Completion of Inspection Forms:~~

~~(a) Inspection Codes – Inspection Forms DH Form 1579, June 99; DH Form 627, June 99; DH Form 1039, June 99; and DH Form 629, June 99, DH Form 1267, March 2000, shall be completed by the department with the following codes:~~

~~1 – Item meets inspection criteria.~~

~~1A – Item corrected during inspection to meet inspection criteria. This indicates that equipment or supplies were not present or not working properly or proper documentation of records or procedures were not available when initially inspected but prior to the completion of the inspection, the item out of compliance was corrected.~~

~~2 – Item not in compliance with inspection criteria. A code "2" represents a deficiency that is not in compliance with statute or rule and was not corrected during the inspection.~~

(2)~~(b)~~ Violation categories – All equipment, medical supplies, records and procedures required by Florida Statutes and rules are placed in one of three violation categories:

Category 1 – life-saving equipment, medical supplies, drugs, records, or procedures;

Category 2 – intermediate support equipment, medical supplies, drugs, records or procedures;

Category 3 – minimal support equipment, medical supplies, records or procedures.

These categories shall be used to determine corrective action time frames for deficiencies noted during inspections. The violation categories for each required item are noted on the inspection documentation ~~forms~~.

(3) Corrective Action:

(a) Corrective Action Time Frames – Based on the violation category definitions listed above, the following corrective action time frames and administrative action guidelines shall apply:

Category 1 – any item in this category found deficient shall require action by the service provider within 24 hours of the inspection to replace or correct the deficiency noted to avoid administrative action by the department;

Category 2 – any item in this category found deficient shall require action by the service provider within 5 working days (Monday – Friday) of the inspection to replace or correct the deficiency noted to avoid administrative action by the department;

Category 3 – any item in this category found deficient shall require action by the service provider within 10 working days (Monday – Friday) of the inspection to avoid administrative action by the department.

(b) Inspection Corrective Action statement – Upon completion of an inspection in which deficiencies were noted, the EMS provider shall be given DH Form 1831, October 05 ~~June 99~~ Inspection Corrective Action Statement, which is incorporated by reference and available from the department. This form documents the corrective action that must be taken by the EMS provider to correct the inspection deficiencies and the time frames within which the corrective action must be taken. The completed DH form 1831, October 05 ~~June 99~~, and documentation of the corrective action taken, must be received by the department within 14 working days ~~(Monday – Friday)~~ of the inspection. Failure of the EMS provider to submit the corrective action statement or correct identified deficiencies within the required time frames is grounds for disciplinary action under Chapter 401, F.S.

(4) A copy of the ~~inspection forms and~~ Inspection Corrective Action Statement shall be maintained by the provider for a period of 3 years.

Specific Authority 401.31, 401.35 FS. Law Implemented 401.31 FS. History–New 2-20-00, Amended 9-3-00, _____.

64E-2.036 Training Programs.

(1) No change.

(2) To be approved as an EMT Training Program, an entity shall submit a completed DH Form 1698~~E~~, October 05 ~~April 02~~, Application for Approval of an Emergency Medical Technician – Basic (EMT-B) Training Program, which is incorporated by reference and available from the department.

(3) To be approved as a Paramedic Training Program, an entity shall submit a completed DH Form 1698~~P~~, October 05 ~~April 02~~, Application for Approval of an Emergency Medical Technician-Paramedic (EMT-P) Training Program, which is incorporated by reference and available from the department.

(4) ~~If a~~Any changes to ~~of~~ the training program ~~are made to the application on file~~ as approved by the department~~, then these changes~~ shall be submitted to the department for review ~~of compliance~~ within 30 days of the change.

Specific Authority 401.27, 401.2715 FS. Law Implemented 401.27, 401.2715 FS. History–New 9-3-00, Amended 4-15-01, 4-21-02, 11-3-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lisa Walker, Government Analyst

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Bencie Fairburn, M.D., M.S.A., Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 9, 2006

NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005 and February 24, 2006

DO131564

DEPARTMENT OF CHILDREN AND FAMILIES

Economic Self-Sufficiency Services

RULE NOS.:	RULE TITLES:
65A-1.701	Definitions
65A-1.702	Special Provisions
65A-1.710	SSI-Related Medicaid Coverage Groups
65A-1.711	SSI-Related Medicaid Non-Financial Eligibility Criteria
65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amendments reflect changes in legislation for the elimination of the MEDS-AD program effective January 1, 2006. Medicaid coverage may be continued to some elderly or disabled individuals under a federal waiver.

SUMMARY: The rule amendments remove the MEDS-AD program language from the mandatory and optional Medicaid coverage groups and eligibility criteria.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 19, 2006, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 439, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Nathan Lewis, Acting Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 448, Tallahassee, Florida 32399-0700, telephone (850)414-5927

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.701 Definitions.

(1) through (9) No change.

(10) Developmental Services Waiver: A Medicaid HCBS waiver program for developmentally disabled individuals who:

(a) through (b) No change.

(c) Have income and resources within the Institutional Care or MEDS-AD Demonstration Waiver program limits.

(11) through (19) No change.

(20) MEDS-AD Demonstration Waiver: ~~An optional categorical~~ Medicaid coverage group for aged or disabled individuals who meet all SSI-related Medicaid non-financial eligibility criteria, whose resources do not exceed the limit in the Medically Needy Program, ~~and~~ whose income is at or below 88 percent of the federal poverty level and are not receiving Medicare or if receiving Medicare are also eligible for Medicaid covered institutional care services, hospice services or home and community based services.

(21) through (31) No change.

(32) Spouse:

(a) For SSI-related programs MEDS-AD Demonstration Waiver, Medically Needy, Emergency Medicaid for Aliens, Qualified Medicare Beneficiary, Special Low-Income Medicare Beneficiary, Working Disabled (WD), and Protected Medicaid Coverage purposes: A person's husband or wife as defined at 20 C.F.R. § 416.1806 or § 416.1811.

(b) No change.

(33) through (36) No change.

(37) Home and Community Based Services: An individual is considered to be receiving home and community based services when they are:

(a) Enrolled in a Home and Community Based Services (HCBS) Medicaid waiver; or

(b) Enrolled in the Program of All-Inclusive Care for the Elderly (PACE); or

(c) Residing in a licensed assisted living facility, adult family care home or mental health residential treatment facility that is enrolled as a Medicaid and Assistive Care Services provider; or

(d) A current participant in the Frail Elder Program who was enrolled in the program as of December 31, 2005.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History–New 10-8-97, Amended 2-15-01, 4-1-03, 6-13-04, _____.

65A-1.702 Special Provisions.

(1) through (4) No change.

(5) Requirement to File for Other Benefits.

(a) Documentation that the individual has applied for any annuity, pension, retirement, ~~or~~ disability or Medicare benefits to which they may be entitled must be received by the department prior to approval for Medicaid benefits.

(b) No change.

(6) through (16) No change.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.919 FS. History–New 10-8-97, Amended 4-22-98, 2-15-01, 9-24-01, 11-23-04, _____.

65A-1.710 SSI-Related Medicaid Coverage Groups.

(1) MEDS-AD Demonstration Waiver ~~Medicaid for the Aged and Disabled (MEDS-AD)~~. A coverage group for aged and disabled individuals (or couples), as provided in 42 U.S.C. § 1396a(m).

(2) through (3) No change.

(4) HCBS. A coverage group for aged, blind or disabled individuals (or couples) who would be eligible for Medicaid if institutionalized and who would require institutionalization if they did not receive HCBS in accordance with approved waivers as permitted by 42 U.S.C. § 1396n and 42 C.F.R. § 435.217. These programs are intended to prevent institutionalizing individuals who:

(a) No change.

(b) Have resources and income within Institutional Care or MEDS-AD Demonstration Waiver program limits; and

(c) No change.

(5) No change.

(6) Traumatic Brain Injury and Spinal Cord Injury Waiver Program. Individuals must be: eligible for SSI, MEDS-AD Demonstration Waiver or Home and Community Based Services; must be age 18 through 64; must not be enrolled in or eligible for the Medically Needy Program; and, must have a traumatic brain or spinal cord injury.

(7) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, ~~409.9065,~~ 409.919 FS. History–New 10-8-97, Amended 1-27-99, 4-1-03, 6-13-04, _____.

65A-1.711 SSI-Related Medicaid Non-Financial Eligibility Criteria.

To qualify for Medicaid an individual must meet the general categorical requirements in 42 C.F.R. Part 435, subparts E and F, with the exception that individuals who are neither aged nor disabled may qualify for breast and cervical cancer treatment, and the following program specific requirements as appropriate:

(1) For MEDS-AD Demonstration Waiver, the individual must be age 65 or older, or disabled as defined in 20 C.F.R. § 416.905.

(2) through (8) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, ~~409.9065,~~ 409.919 FS. History–New 10-8-97, Amended 4-1-03, _____.

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(1) Resource Limits. If an individual's total resources are equal to or below the prescribed resource limits at any time during the month the individual is eligible on the factor of resources for that month. The resource limit is the SSI limit specified in Rule 65A-1.716, F.A.C., with the following exceptions:

(a) For MEDS-AD Demonstration Waiver an individual whose income is equal to or below 88 ~~90~~ percent of the federal poverty level must not have resources exceeding the current Medically Needy resource limit specified in Rule 65A-1.716, F.A.C.

(b) through (e) No change.

(f) For the Traumatic Brain Injury and Spinal Cord Injury Waiver Program an individual cannot have countable resources that exceed $2,000. If the individual's income falls within the MEDS-AD Demonstration Waiver limit, the individual can have resources up to $5,000. No penalties apply to transfers of assets or resources made to spouses. But penalties may apply to transfers to others. Spousal impoverishment policies do not apply.

(2) through (4) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, ~~409.9065,~~ 409.919 FS. History–New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, _____.

65A-1.713 SSI-Related Medicaid Income Eligibility Criteria.

(1) Income limits. An individual's income must be within limits established by federal or state law and the Medicaid State Plan. The income limits are as follows:

(a) For MEDS-AD Demonstration Waiver, income cannot exceed 88 percent of the federal poverty level after application of exclusions specified in subsection 65A-1.713(2), F.A.C.

(b) through (k) No change.

(2) through (3) No change.

(4) Income Budgeting Methodologies. To determine eligibility SSI budgeting methodologies are applied except where expressly prohibited by 42 U.S.C. § 1396, or another less restrictive option is elected by the state under 42 U.S.C. § 1396a(r)(2).

(a) For MEDS-AD Demonstration Waiver, Protected Medicaid, Medically Needy, Qualified Working Disabled Individual, QMB, SLMB, and to compute the community spouse income allocation for spouses of ICP individuals, the following less restrictive methodology for determining gross monthly income is followed:

1. through 3. No change.

(b) through (c) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, ~~409.9065,~~ 409.919 FS. History–New 10-8-97, Amended 1-27-99, 4-1-03, 6-13-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nathan Lewis, Acting Chief, Policy

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Jennifer Lange, Acting Director, Economic Self-Sufficiency

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
69A-64	Firefighter Death Benefits
RULE NO.:	RULE TITLE:
69A-64.005	Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2006-2007.

SUMMARY: This rule adopts new benefits for the one year period from July 1, 2006, through June 30, 2007, based on the Consumer Price Index, as required by Section 112.191, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

IF REQUESTED A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW. (IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.)

DATE AND TIME: June 19, 2006, 9:00 a.m.

PLACE: Conference Room, Third Floor, The Atrium, 325 John Knox Road, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone: (850)413-3170; Fax: (850)922-1235

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact Georgia Dowell, (850)413-3607 no later than 48 hours prior to the meeting or workshop.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.191, F.S., requires that the Division adjust the statutory amount payable based on the Consumer Price Index for all urban consumers published by the United States Department of Labor. The adjustment is to be effective on July 1 of each year using the most recent month for which data is available as of the time of the adjustment.

(2) The amounts payable for the period from July 1, 2006 ~~2005~~ through June 30, 2007 ~~2006~~, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2006 ~~2005~~, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: $55,835.12 ~~$53,999.14~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: $55,835.12 ~~$53,999.14~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: $167,505.33 ~~161,997.42~~.

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History–New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Harriett Abrams, Assistant Director, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall A. Napoli, Director, Division of State Fire Marshal, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 7, 2006