

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide that permission to visit shall be denied where an individual's criminal record demonstrates the a release from incarceration for a felony conviction within the last two years, a release from incarceration for felony conviction within the last five years if the individual was incarcerated in the facility in which visitation is requested, or a release from incarceration for a misdemeanor conviction within the last one year.

SUBJECT AREA TO BE ADDRESSED: Visitation.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.717 Visiting Denial.

(1) through (4) No change.

(5) Any person shall be denied permission to visit based upon the following criteria:

(a) through (b) No change.

(c) The nature and extent of the individual's criminal record, consideration of which includes:

1. Release from incarceration in any jurisdiction for a felony conviction within the last two years if the prospective visitor was not incarcerated at any time in the facility in which visitation is requested. Felony convictions for drug offenses within the last 5 years, convictions for violent felony offenses within the last 3 years' convictions for non-violent offenses

~~within the last 2 years, withholds of adjudication, adjudications of delinquency, active warrant, and criminal history dispositions in any jurisdiction.~~

2. Release from incarceration for a felony conviction within the last five years if the prospective visitor was incarcerated at any time in the facility in which visitation is requested. If an inmate transfer results in visitation in a facility in which an approved visitor was previously incarcerated and released within the last five years, the warden shall, on a case by case basis, determine if the approved visitor shall be allowed to visit, if the visitor was released from incarceration within the last five years. Factors to be considered shall include, but are not limited to, the visitor's adjustment during incarceration, the relationship of the inmate to the visitor, institutional security, and public safety.

3. Release from incarceration in any jurisdiction for a misdemeanor conviction within the last one year:

4. Termination from community supervision in any jurisdiction within the past one year.

5. If the disposition of an arrest is not reflected, the disposition shall be ascertained prior to approval of the application. If additional documentation of the charge is necessary, the prospective visitor shall be responsible for providing official documentation of the disposition or circumstances of the offense in question;

~~2. Community supervision and prior incarceration in any jurisdiction.~~

(d) through (l) No change.

(6) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History--New 11-18-01, Formerly 33-601.706, 33-601.707, Amended 5-27-02, 9-29-03, 6-15-06,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-602.205 Inmate Telephone Use

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-223, Inmate Telephone Agreement and Number List, to clarify the use of the form to make additions/changes to the inmate telephone number list.

SUBJECT AREA TO BE ADDRESSED: Inmate telephone use.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.205 Inmate Telephone Use.

(1) No change.

(2) Inmate telephone procedures will be conducted as follows:

(a) No change.

(b) The reception center classification staff shall compile the inmate calling list through use of Form DC6-223, in conjunction with the acquisition of the inmate visiting list. Form DC6-223 shall become part of the inmate's permanent file and shall accompany the inmate with each subsequent transfer. Form DC6-223 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, FL 32399-2500. The effective date of this form is 11-25-04.

(c) through (l) No change.

(3) through (15) No change.

Specific Authority 944.09 FS. Law Implemented ~~20-315~~; 944.09 FS. History--New 11-19-81, Formerly 33-3.125, Amended 11-21-86, 1-6-92, 3-24-97, 7-22-97, 12-21-98, Formerly 33-3.0125, Amended 2-7-00, 6-18-02, 2-4-03, 12-30-03, 11-25-04, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-1 Procedural

RULE NO.: RULE TITLE:

40D-1.607 Permit Processing Fee

PURPOSE AND EFFECT: The proposed amendments to Rule 40D-1.607, F.A.C., address two issues. First, Part IV, Chapter 373, F.S., requires that impacts to other surface waters be considered with impacts to wetlands in evaluating the effect of a proposed activity. Subsection 40D-1.607(1), F.A.C., currently references the consideration of impacts to wetlands, but not other surface waters, in determining an appropriate permit application fee. The proposed amendments will correct this oversight. Second, the amendments will waive the application fee for formal wetland determinations when an application that has been denied or withdrawn is resubmitted within 12 months, and the application is substantially similar to the denied or withdrawn petition. A similar fee waiver is currently authorized for Environmental Resource Permit and Water Use Permit applicants.

SUBJECT AREA TO BE ADDRESSED: The amendment of Rule 40D-1.607, F.A.C., revises the permit application processing fee thresholds for Environmental Resource Permits to more accurately reflect statutory requirements and creates a fee waiver for certain petitions for formal wetland determinations filed pursuant to District rules.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.109, 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to be exempt or the fee submitted is determined by the District to be incorrect. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District's permit application processing fees are as follows:

(1) Environmental Resource or Management and Storage of Surface Waters Permit Applications.

(a) The fee for a permit application for activities reviewed pursuant to Chapters 40D-4, 40D-40, and 40D-400, F.A.C., are as follows:

1. through 9. No change.

10. Application for General Permit for an activity which has less than 10 acres of project area and impacts 5,000 square feet or less of wetlands or other surface waters \$800.00

11. Application for permit modification for an activity which has less than 10 acres of project area and impacts 5,000 square feet or less of wetlands or other surface waters \$400.00

12. through 14. No change.

(b) through (c) No change.

(2) through (5) No change.

(6) Petition for Formal Determination of Wetlands and other Surface Waters ~~for~~.

(a) The fees for Petitions for Formal Determination of Wetlands and Other Surface Waters are as follows, for:

- 1. property less than or equal to 1 acre\$250.00
- ~~(b) 2.~~ Property greater than 1 acre but less than or equal to 10 acres\$550.00
- ~~(c) 3.~~ Property greater than 10 acres but less than or equal to 40 acres\$750.00
- ~~(d) 4.~~ Property greater than 40 acres but less than or equal to 120 acres\$1500.00
- ~~(e) 1-5.~~ Property greater than 120 acres\$1500.00
- ~~2-(i.)~~ For each additional 100 acres or portion thereof\$200.00
- ~~(f) 6.~~ Renewal of formal wetland determinations\$250.00

(b) ~~F~~for the validation of informal, non-binding wetland determinations pursuant to Section 373.421(6), F.S., the fees shall be the same as formal determinations listed above.

(c) Any resubmittal of a petition for formal determination of wetlands and other surface waters that was denied or withdrawn within the preceding twelve months, provided it is substantially similar to the denied or withdrawn petition, is exempt from the fees identified in paragraph (a).

(7) through (11) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00 3-15-01, 9-26-02, 8-7-03, 6-5-05,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-4 Individual Environmental Resource Permits

RULE NO.: RULE TITLE:
40D-4.021 Definitions

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to revise the definitions of General and Individual Environmental Resource Permits. Subsection 373.118(1), Florida Statutes (F.S.), authorizes the District to adopt rules establishing a general permit system for those projects or categories of projects that either singly or cumulatively have a minimal adverse impact on the water resources of the District. Subsection 373.811(4), F.S., authorizes delegation of the powers and duties relative to such general permits to designated staff. However, the statute further requires that when delegating authority to take final action on applications for general permits under Parts II or IV of Chapter 373, F.S., the Governing Board must provide a

process for referring any denial of such an application to the Governing Board for final action. District staff is no longer delegated the authority to deny applications for general permits and all such denials must go to the Governing Board for final approval. The proposed amendments will reflect this change in the District’s rules.

SUBJECT AREA TO BE ADDRESSED: The definitions of General and Individual Environmental Resource Permits to remove references to the authority of District staff to deny applications for such permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.403, 373.413 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.021 Definitions.

When used in this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (8) No change.

(9) “General Permit” means a ~~an~~ General Environmental Resource Permit, as described in Chapters 40D-4 and 40D-40, F.A.C that may be issued ~~or denied~~ by District staff.

(10) “Individual Permit” means an Individual Environmental Resource Permit, as described in Chapter 40D-4, F.A.C., issued by the District Governing Board.

(11) No change.

(12) “Noticed General Permit” means a ~~an~~ Noticed General Environmental Resource Permit, as described in Chapters 40D-4 and 40D-400, F.A.C that may be issued ~~or denied~~ by District staff.

(13) through (22) No change.

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, F.S. Law Implemented 373.403, 373.413, F.S. History—Readopted 10-5-74, Formerly 16J-4.02, Amended 10-1-84, 3-1-88, 9-11-88, 10-3-95, 7-23-96, 2-27-02, 9-26-02, 2-19-04,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-4
 RULE CHAPTER TITLE: Individual Environmental Resource Permits

RULE NO.: 40D-4.091
 RULE TITLE: Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose and effect of the proposed revisions is to incorporate into the District’s rules a revised and updated operating agreement between the District and the Department of Environmental Protection (DEP) regarding the division of responsibility for evaluating activities that require a permit under Part IV, Chapter 373, Florida Statutes (F.S.).

SUBJECT AREA TO BE ADDRESSED: Incorporation into Chapter 4 of the District’s rules the revised and updated operating agreement between the District and DEP regarding the division of responsibility for evaluating activities that require a permit under Part IV, Chapter 373, Florida Statutes.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 272.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

- (1) No change.
- (2) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., ~~and Aquaculture General Permits Under Section 403.814, F.S.,~~ Between Southwest Florida Water Management District and Department of Environmental Protection, dated _____ ~~October 27, 1998~~. This document is available from the District upon request.

(3) through (5) No change.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 272.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History–New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, _____.

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Six Mile Creek Community Development District

RULE CHAPTER NO.: 42GGG-1
 RULE CHAPTER TITLE: Six Mile Creek Community Development District

RULE NOS.: 42GGG-1.001, 42GGG-1.002, 42GGG-1.003
 RULE TITLES: Establishment, Boundary, Supervisors

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (“CDD”), the Six Mile Creek Community Development District (“District”), pursuant to Chapter 190, F.S. The petition filed by Six Mile Creek Venture, LLC, requests the Commission establish a community development district located entirely within the unincorporated limits of St. Johns County, Florida. A Notice of Receipt of Petition for the Six Mile Creek Community Development District was published in the June 30, 2006, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 1,282.15 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. The proposed land area is east of Joe Ashton Road, north of County Road 208, west of Pacetti Road and south of the intersection of Pacetti Road and State Road 16. There is one excluded parcel within the boundary of the proposed District at 5405 S.R. 16, St. Augustine, Florida. No adverse impacts on the excluded parcel are anticipated. The Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The development plan for the District includes construction of approximately 2,278 units of single family detached, single family attached units and multi-family housing. The District contemplates providing certain master infrastructure improvements within the boundaries to include roadway improvements to Pacetti Road and Loop Road, utility infrastructure improvements including water main and force main on Pacetti Road and a water main interconnection, recreation and security improvements including entry feature, landscaping and a guard house, and neighborhood infrastructure including lift stations and force mains, drainage, neighborhood roadways, street lighting and neighborhood parks.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Six Mile Creek Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

DATE AND TIME: Monday, November 6, 2006, 10:00 a.m.

PLACE: Room 2107, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, Telephone (850)222-7500; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

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

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58C-1 Community Care for the Elderly

RULE NO.: RULE TITLE:

58C-1.006 Standards for Lead Agency Exemption from the Competitive Bid Process

PURPOSE AND EFFECT: The purpose of the proposed rule is to develop minimum standards to exempt Community Care for the Elderly (CCE) lead agencies from the required competitive bidding process.

SUBJECT AREA TO BE ADDRESSED: The establishment of minimum standards for the exemption of CCE lead agency contracted providers from the competitive bid process.

SPECIFIC AUTHORITY: 430.08, 430.203(9)(b) FS.

LAW IMPLEMENTED: 430.203(9)(b) FS.

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

DATE AND TIME: October 25, 2006, 9:30 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399, Telephone number (850)414-2000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochethj@elderaffairs.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58C-1.006 Standards for Lead Agency Exemption from the Competitive Bid Process.

In order to achieve the maximum amount of services delivered to the greatest number of elders, achieve the highest quality of care provided, and achieve both results most cost-effectively, the competitive bid process is the preferred method for the selection of CCE lead agencies. However, an area agency on aging may exempt a CCE lead agency (hereafter referred to as "lead agency") from the competitive bid process for a subsequent contract cycle (a cycle consists of 3 years) if the AAA is able to demonstrate by written, verified documentation that the lead agency has met the conditions listed in the following subsections during its last two contract cycles. As part of its monitoring process, the department shall include review of the verified documentation that led the AAA to make the determination to exempt a lead agency from the competitive bid process.

(1) SUBSTANTIAL COMPLIANCE.

The lead agency shall have demonstrated substantial compliance with all state, federal, and contractual requirements. Substantial compliance is defined as having no deficiencies, or deficiencies identified that result in no actual harm, or deficiencies identified with potential for only minimal harm to the health, safety, and welfare of clients or to the operations of the aging service programs.

(2) CONSUMER OUTCOME MEASURES.

The lead agency shall have developed written procedures to successfully implement measurable consumer outcomes directed at:

- (a) Maintaining clients in the least restrictive settings;
- (b) Targeting high-risk clients;
- (c) Improving quality of life;
- (d) Improving or maintaining functional status;

(e) Helping elders to live in a safe home environment;

(f) Improving nutritional status of elders; and

(g) Assisting caregivers to continue providing care.

(3) COST-EFFICIENCY. The lead agency shall have demonstrated:

(a) Maximum efficiency in minimizing administrative costs and effectively budgeting case management costs, increasing funds available for core services, and actively seeking all community resources available;

(b) Capability of utilizing other funding sources available before utilizing CCE funds;

(c) Sound fiscal and management practices. An independent, certified accounting firm may provide this documentation in writing; and

(d) Development and effective implementation of detailed written fiscal policies and procedures.

(4) PROVISION OF SERVICES. The lead agency shall have:

(a) Developed detailed written procedures and demonstrated the capability to accept referrals, provide case management, and coordinate or provide core services throughout the entire designated community care services area;

(b) Developed detailed written procedures and demonstrated the capability for intake, initial screening, eligibility determination, prioritization, and referral;

(c) Demonstrated the ability to provide optional service component(s) in addition to core services.

(d) Developed detailed written procedures and performed monitoring activities to ensure that all lead agency employees, volunteers, and service providers adhere to standards of confidentiality and disclosure of client information as required by federal and state laws and regulations.

(e) Developed detailed written procedures for and have demonstrated the ability to complete comprehensive client assessments through determination of risk level, functional status, and establishing service needs.

(f) Developed detailed written procedures for:

1. Emergency and disaster preparedness; and

2. Providing services during and after emergency and disaster situations and demonstration of the capability to provide these services (if applicable).

(g) Developed detailed written grievance and complaint procedures for clients and service providers, and demonstrated compliance with these procedures.

(h) Developed and implemented written procedures for voter registration and have demonstrated the ability to encourage elders to register to vote.

(5) TRAINING REQUIREMENTS.

In addition to any other training requirements, at a minimum, the lead agency shall have:

(a) Developed procedures for and ensured that all direct care staff and volunteers received pre-service, in-service, and annual continuing education training; and

(b) Ensured that in-service and continuing education training included topics related to Alzheimer's disease and related disorders and at least two other topics related to the care of the elderly and the aging process that is appropriate to the service provided.

(6) PROVIDER SANCTIONS. The lead agency shall have:

(a) Developed procedures for the implementation of provider sanctions for failure to comply with state, federal, or contractual requirements; and

(b) Demonstrated uniform and consistent application of its sanctioning procedures.

(7) CASE MANAGEMENT. The lead agency shall have developed:

(a) Detailed written procedures for and have monitored case management activities to ensure that case managers:

1. Complete comprehensive client assessments that determine risk level, functional status, and establish service need;

2. Develop care plans to meet individual client needs;

3. Serve as client advocates by seeking services from all community resources in addition to traditional service providers; and

4. Monitor the quality, timeliness, appropriateness, and cost of client services.

(b) Detailed written procedures for monitoring the quality of service delivery and have demonstrated its case managers' ability to manage client care plans.

(c) Detailed written procedures outlining the method for credentialing and re-credentialing case managers pursuant to subparagraph (10)(c)10. of this rule.

(8) ACCESSIBILITY. The lead agency shall have demonstrated accessibility by:

(a) Ensuring on-call case management services are available on evenings, weekends, holidays, and emergencies;

(b) Responding within 72 hours to Adult Protective Services referrals classified as high risk and in need of services to prevent further harm;

(c) Responding to referrals for persons at imminent risk of institutional placement; and

(d) Serving targeted groups as established in the AAA's area plan.

(9) CONTINUOUS QUALITY IMPROVEMENT. The lead agency shall have demonstrated the ability for continuous quality improvement by effectively and efficiently:

(a) Practicing innovative approaches to program management, staff training, and service delivery that promote cost-avoidance, cost-effectiveness, and program efficiency;

(b) Providing access to a continuum of care encompassing a full range of preventive, maintenance, and restorative services for functionally impaired elderly persons; and

(c) Utilizing feed back from persons served, stakeholders, and its quality assurance measures referenced in subsection (10) of this rule.

(10) QUALITY ASSURANCE PROGRAM: The AAA or a recognized entity specializing in the development of quality assurance programs shall document in writing that the current lead agency meets the provisions of this subsection.

(a) The lead agency shall have developed and demonstrated the operations of a quality assurance program that:

1. Enhances clients' quality of life and care based on outcomes of the care plan and client satisfaction;

2. Emphasizes quality client outcomes, including preventing or delaying placement in an institutional setting;

3. Focuses on clients' abilities to attain or maintain their highest practicable mental, physical, and psychosocial well being; and

4. Promotes coordinated services that best suit clients' needs.

(b) The program shall have included a system to identify and prioritize problem areas for resolution and a process to design and implement strategies to resolve identified problems. At a minimum, the system shall have a:

1. Process for changing the current quality assurance program as needed;

2. Protocol that requires the active involvement of the lead agency director, a designated quality assurance director, and staff;

3. Protocol that requires its subcontractors to participate in joint quality assurance program efforts; and

4. Description of the mechanism for measuring the success of quality assurance strategies, implementations, and for providing feedback to all involved in the program.

(c) The program shall have included at least the following elements:

1. An appointed quality assurance director;

2. An active quality assurance committee;

3. A written description of the program;

4. A continuity of care and services plan, including remedies for instances where the lead agency or subcontractor is unable to carry out its duties and responsibilities for client care and service provisions;

5. Written responsibilities for monitoring, evaluating, and improving care;

6. Written procedures for quality assurance program supervision;

7. Documentation of adequate resources to carry out the program's specified activities effectively;

8. Written procedures for staff participation in the program;

9. Written procedures for delegation of quality assurance responsibilities to designated personnel;

10. Written procedures for credentialing and re-credentialing case managers that must include required training;

11. Written procedures for informing clients about their rights and responsibilities;

12. Written procedures to ensure the availability of and the accessibility to services and care throughout the community care service area;

13. Written procedures to ensure the accessibility and availability of records, as well as proper record keeping, and a process for record review;

14. Written procedures for utilization review;

15. Written procedures for quality assurance program documentation; and

16. Written procedures for coordination of quality assurance activities with other lead agency management activities.

(d) The lead agency shall have demonstrated an active quality assurance committee. The committee shall be responsible for at least the following tasks:

1. Overseeing the quality of life and care indicators such as the degree of personal autonomy, provision of services and support systems to assist clients in exercising medical and social choices, self-direction of care, and maximum use of natural support networks;

2. Reviewing grievances identified through formal and informal complaint procedures and through external oversight;

3. Reviewing case records and documentation of all internal complaint/grievance steps;

4. Reviewing quality assurance policies, standards, and written procedures to ensure that they adequately address the needs of clients;

5. Reviewing client utilization of services with adverse or unexpected outcomes;

6. Developing and periodically reviewing written policies and procedures on areas of concern;

7. Reviewing ethical issues and questions such as end-of-life decisions and advance directives; and

8. Developing a system of peer review.

(e) The lead agency shall have conducted quality of care reviews to monitor the quality, appropriateness, and effectiveness of client care at least quarterly. The reviews shall have included clients who received services in the previous quarter.

1. At a minimum, the reviews shall include:

a. Targeted specific conditions and health service delivery issues appropriate to clients for a focused monitoring and evaluation;

b. Generally accepted practice guidelines to objectively evaluate health services delivery issues and the care the case manager delivered or failed to deliver;

c. Quality indicators derived from the practice guidelines to screen and monitor care and services delivered; and

d. Selection of conditions and issues to study on client profile data.

2. The elements for review shall include the following:

a. Management of the client's diagnosis as noted in the client assessment section of Form 701B;

b. Appropriateness and timeliness of care;

c. Comprehensiveness of and compliance with the plan of care; and

d. Evidence of special screening for, and monitoring of, high-risk persons and conditions.

Specific Authority 430.203(b) FS. Law Implemented 430.203(b) FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.260
RULE TITLE: Prescribed Pediatric Extended Care Services

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, February 2007. The handbook revisions include the revised service authorization policies and fee increases. The effect will be to incorporate by reference in the rule the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, February 2007.

SUBJECT AREA TO BE ADDRESSED: Prescribed Pediatric Extended Care Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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: Tuesday, October 31, 2006, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathleen Core, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7310

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.260 Prescribed Pediatric Extended Care Services.

(1) No change.

(2) All Medicaid enrolled prescribed pediatric extended care service providers must be in compliance with the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, February 2007 ~~October 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> ~~agent~~. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History--New 8-27-91, Amended 4-21-92, 3-9-93, Formerly 10C-7.0471, Amended 2-11-96, 2-22-00, 5-11-04, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-5.020
RULE TITLE: Provider Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider General Handbook, January 2007. The major handbook revisions include updated information on Medicaid's managed care plans, enrollment policy changes as a result of the National Provider Identifier (NPI), and the revised newborn enrollment policy for HMOs. In addition, the revised handbook includes policy clarifications and updated statutory references, definitions, and addresses and phone numbers.

SUBJECT AREA TO BE ADDRESSED: Provider Requirements.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW.

DATE AND TIME: Monday, October 30, 2006, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg 3, Conference Room D, Tallahassee, Florida

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.020 Provider Requirements.

(1) All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Handbook, ~~January 2007~~ ~~October 2003~~, updated ~~January 2004~~, which is incorporated by reference and available from the fiscal ~~agent's website at <http://floridamedicaid.acs-inc.com>~~ ~~agent~~. ~~Click on Provider Support, and then on Handbooks~~ ~~agent~~. ~~Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.~~

(2) The following forms that are included in the Florida Medicaid Provider General Handbook are incorporated by reference: ~~IR05-07/2001, State of Florida, Provider Inquiry Form, Florida Medicaid Program~~; Temporary Emergency Medicaid Identification Form, January ~~2007~~ ~~2004~~; CF-ES 2681, Feb 2003, Notice and Proof of Presumptive Eligibility for Medicaid for Pregnant Women; CF-ES Form 2014, Feb 2003, Authorization for Medicaid/Medikids Eligibility; Unborn Activation Form, January ~~2007~~ ~~2004~~; CF-ES 2039, Sep 2002, Medical Assistance Referral; CTEC-07, Revised 03/2003, Crossover with TPL Claim and/or Adjustment Form; and ACS Florida Medicaid Claims Order Form, January ~~2007~~ ~~2004~~. The CF-ES forms are available from the Department of Children and Family Services. The other forms are available from the Medicaid fiscal ~~agent's website at <http://floridamedicaid.acs-inc.com>~~ ~~agent~~. ~~Click on Provider Support, and then on Handbooks~~ ~~agent~~. ~~Paper copies of the forms may be obtained by calling Provider Inquiry at (800)377-8216.~~

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History--New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, 4-24-01, 8-6-01, 10-8-03, 1-19-05, _____.

**AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid**

RULE NO.: 59G-13.081
RULE TITLE: Developmental Disabilities Waiver Provider Rate Table

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, January 1, 2007. The effect will be to incorporate the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, January 1, 2007, into rule. The draft rate table is available from Pam Kyllonen at kyllonep@ahca.myflorida.com.

SUBJECT AREA TO BE ADDRESSED: Developmental Disabilities Waiver Provider Rate Table.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW.

DATE AND TIME: Monday, October 30, 2006, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT IS: Pam Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.081 Developmental Disabilities Waiver Provider Rate Table.

(1) No change.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waiver Provider Rate Table, ~~January 1, 2007~~ ~~November 2003~~, which is incorporated by reference. The rate table is available from the Medicaid fiscal ~~agent's website at <http://floridamedicaid.acs-inc.com>~~ ~~agent~~. ~~Click on Provider Support, and then on Fees~~ ~~agent~~ ~~and~~. ~~Paper copies of the rate table may be obtained from~~ the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 5-29-06, Amended _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.: 60BB-2
RULE CHAPTER TITLE: Forms and Employing Unit Records

PURPOSE AND EFFECT: These rule amendments prescribe a new form by which employers may designate a power of attorney in unemployment tax matters, replacing the current power of attorney form.

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Tax.

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.071(2), (3), 443.141(2), 443.171 FS.

If requested in writing and not deemed unnecessary by the agency head, a rule development workshop will be noticed in the next available Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: John R. Perry, Senior Attorney, Agency for Workforce

Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.: 60BB-3
 RULE CHAPTER TITLE: Unemployment Compensation Claims and Benefits

PURPOSE AND EFFECT: The rule amendments set forth in this Notice of Proposed Rule Development clarify the procedures and policy relating to filing initial and additional claims for benefits, reopening previously filed claims for benefits, continued claims for benefits, monetary and nonmonetary determinations, and short time compensation.

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Claims and Benefits.

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAWS IMPLEMENTED: 443.091, 443.101, 443.111, 443.1116, 443.151, 443.171, 443.221 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: John R. Perry, Senior Attorney, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-17.001
 RULE TITLE: Developer, Filing

PURPOSE AND EFFECT: This rule amendment will require that all developers file proposed purchaser documents electronically with the Division of Florida Land Sales, Condominiums and Mobile Homes for review, subject to exceptions for technological unavailability, expense, and other factors. An electronic format will facilitate and expedite the division's review process and will provide benefits including cost reduction in document retention and retrieval in response to Chapter 119, F.S., requests. An electronic format will also

provide cost reductions to developers in that CD's are considerably less expensive than printed documents and will facilitate ease of storage.

SUBJECT AREA TO BE ADDRESSED: This rule amendment will require the electronic filing of proposed condominium documents with the division for review purposes.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.502(1)(c) FS.

LAW IMPLEMENTED: 718.103(14), 718.104, 718.403, 718.502, 718.504(20) FS.

IF REQUESTED 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: October 30, 2006, 9:00 a.m.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 N. Monroe Street, Tallahassee, Florida 32399-1030. The proposed rule text is available online at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-19.001
 RULE TITLE: Percentage of Gross Pilotage Assessed

PURPOSE AND EFFECT: The Board proposes to review the existing language in the rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Percentage of gross pilotage to be assessed.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.016 RULE TITLE: Voluntary Certification Categories
PURPOSE AND EFFECT: The proposed rule amendment updates and provides modifications relating to voluntary certification categories.
SUBJECT AREA TO BE ADDRESSED: Voluntary Certification Categories.
SPECIFIC AUTHORITY: 468.606, 468.609(10) FS.
LAW IMPLEMENTED: 468.609(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-29.003 RULE TITLE: Experience for Licensure by Endorsement
PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.
SUBJECT AREA TO BE ADDRESSED: Experience for Licensure by Endorsement.
SPECIFIC AUTHORITY: 473.304, 473.308 FS.
LAW IMPLEMENTED: 473.308 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-33.006 RULE TITLE: Inactive Florida Certified Public Accountants Who Desire to Become Active Licensees
PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees.
SPECIFIC AUTHORITY: 455.271, 473.304, 473.311, 473.312, 473.313 FS.
LAW IMPLEMENTED: 455.271, 473.311, 473.312, 473.313, 473.323(l)(i) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy

RULE NO.: 64B4-31.007
 RULE TITLE: Definition of a “Licensed Mental Health Counselor, or the Equivalent, Who is a Qualified Supervisor.”

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the meaning of “accredited” and to expand who can serve as a qualified supervisor.

SUBJECT AREA TO BE ADDRESSED: Definition of a licensed mental health counselor or the equivalent, and who is a qualified supervisor.

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.005(4)(c) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.: 64B5-2.014
 RULE TITLES: Licensure Requirements for Applicants from Accredited Schools or Colleges

64B5-2.0146
 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges

64B5-2.0148
 Credentials Requirements for Applicants from Non-Accredited Schools or Colleges, Whose Records are Unavailable

PURPOSE AND EFFECT: The purpose and effect for Rule 64B5-2.014, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses. The purpose and effect for Rule 64B5-2.0146, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic

violence. The purpose and effect for Rule 64B5-2.0148, F.A.C., is to change the rule language to comply with examination requirement in Section 466.006, F.S.

SUBJECT AREA TO BE ADDRESSED: Licensure Requirements for Applicants from Accredited Schools or Colleges; Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges; Licensure Requirements for Applicants from Non-Accredited Schools or Colleges; Credentials Requirements for Applicants from Non-Accredited Schools or Colleges, Whose Records Are Unavailable.

SPECIFIC AUTHORITY: 466.004, 466.007 FS.

LAW IMPLEMENTED: 456.033, 456.006, 466.007, 466.0075, 466.028 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.014 Licensure Requirements for Applicants from Accredited Schools or Colleges.

Any person who has graduated, or expects to graduate prior to the examination, or is in their final year of a dental program and has completed all the coursework necessary to prepare the student to perform the clinical and diagnostic procedures required to pass the examinations, from a school or college accredited by the Commission on Accreditation of the American Dental Association or its successor agency or a school or college approved by the board may seek licensure as a dentist or dental hygienist by applying in the following manner:

(1) through (3) No change.

~~(4) Prior to issuance of a license, the applicant shall submit proof of having successfully completed a Board approved course on human immunodeficiency virus and acquired immune deficiency syndrome. However, a license may be issued without proof of completion if the applicant submits an affidavit which establishes good cause for having failed to meet this pre-licensure requirement. The Chairman of the Board is delegated the authority to determine whether or not good cause has been established. Upon a determination of good cause, the applicant shall be given 6 months from issuance of licensure to complete this requirement.~~

~~(4)(5) No change.~~

Specific Authority 466.004 FS. Law Implemented 456.033, 466.006, 466.007, 466.0075, 466.028 FS. History—New 10-8-79, Amended 4-1-80, 4-20-81, 3-16-82, 5-2-84, 9-4-84, Formerly 21G-2.14, Amended 12-31-86, 10-8-87, 11-16-89, 10-18-90, Formerly 21G-2.014, 61F5-2.014, Amended 9-24-96, Formerly 59Q-2.014, Amended 8-20-97, 3-16-06,_____.

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

(1) No change.

(2) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(b), F.S., will be required to:

(a) through (b) No change.

(c) Present to the Board the following documents:

1. to 2. No change.

~~3. A letter addressed to the Board from the dean of the sponsoring institution's dental school stating that the applicant successfully completed the sponsored supplemental general dental education program and attained the educational equivalency of a graduating senior at the sponsoring institution's dental school and completed the requirements of two academic years in a general dental program providing educational remediation to the level of a D.D.S. or D.M.D. recipient.~~

~~(3) Prior to issuance of a license, the applicant shall submit proof of having successfully completed a Board approved course on human immuno deficiency virus and acquired immune deficiency syndrome, as set forth in Rule 64B5-12.019, F.A.C. However, a license shall be issued without proof of completion if the applicant submits an affidavit which establishes good cause for having failed to meet this pre-licensure requirement. Upon the Board's determination that good cause has been established, the applicant shall be given 6 months from issuance of licensure to complete this requirement.~~

(4) No change.

Specific Authority 466.004 FS. Law Implemented 456.033(6), 466.006, 466.0075 FS. History—New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97, 5-20-01, 6-7-05,_____.

64B5-2.0148 Credentials Requirements for Applicants from Non-Accredited Schools or Colleges, Whose Records are Unavailable.

Any person who seeks licensure as a dentist but is unable to supply proper educational credentials due to the political conditions of the country in which the education was received shall submit any and all documents which would tend to support the applicant's claim of proper credentials and shall submit at least 60 days prior to the examination:

(1) Proof received directly from the American Dental Association, that the National Board of Dental Examiners Written Examination has been successfully completed within

10 years and in no more than three attempts to successfully complete it, prior to application; ~~dental applicants who successfully completed the examination more than 10 years prior to application shall submit proof of having successfully completed Part II of the examination within 10 years and in no more than three attempts to successfully complete it, prior to application;~~

(2) through (5) No change.

Specific Authority 466.004 FS. Law Implemented 466.006 FS. History—New 11-16-89, Amended 10-18-90, Formerly 21G-2.0148, 61F5-2.0148, 59Q-2.0148, Amended 7-29-97,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.:

RULE TITLES:

64B5-7.0035

Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities

64B5-7.006

Non-Profit Corporation Permits

PURPOSE AND EFFECT: The purpose and effect for Rule 64B5-7.0035, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses. The purpose and effect for Rule 64B5-7.006, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses.

SUBJECT AREA TO BE ADDRESSED: Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities; Non-Profit Corporation Permits.

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) through (2) No change.

(3) Prior to issuance of a temporary certificate, the unlicensed dentist shall submit ~~proof of having successfully completed a Board approved course on human immunodeficiency virus and acquired immune deficiency syndrome~~ and proof of current CPR certification. The facility at which the unlicensed dentist intends to practice shall provide

to the board office the name(s) and license number(s) of the licensed dentist(s) under whose supervision the certificate holder shall work.

(4) No change.

(5) A temporary certificate shall be renewed each biennium. At the time of renewal the certificate holder shall sign a statement that he or she has complied with all continuing education requirements of active licensees. Additionally, each certificate holder shall complete, no later than upon first renewal, a Board-approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) pertinent to the practice of dentistry and dental hygiene. A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or upon a finding by the Board that the temporary certificate holder has violated any provision of Section 466.027 or 466.028, F.S., or has failed the Florida dental licensure examination.

Specific Authority 466.004(4) FS. Law Implemented 456.032, 466.017(4), 466.025 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99, 12-25-01, 1-12-04,_____.

64B5-7.006 Non-Profit Corporation Permits.

(1) Any non-profit corporation which is chartered for the purposes specified in Section 466.025(3), F.S., seeking a permit to employ a non-Florida licensed dentist who is a graduate of a dental school accredited by the Commission on Dental Accreditation of the American Dental Association shall file an application with the Board which contains the following information:

(a) through (e) No change.

(f) As to each non-Florida licensed dentist employed or sought to be employed:

1. through 4. No change.

5. Proof of having successfully completed Board approved courses on human immunodeficiency virus and acquired immune deficiency syndrome, a ~~one hour~~ course in domestic violence, and proof of current CPR certification.

(2) through (4) No change.

Specific Authority 466.004(4) FS. Law Implemented 466.025(3) FS. History--New 11-16-89, Formerly 21G-7.006, 61F5-7.006, 59Q-7.006, Amended 3-25-99, 6-12-00,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.:

64B5-12.013

64B5-12.016

64B5-12.019

RULE TITLES:

Continuing Education Requirements

Subject Area Requirements

Courses Required for Initial

Licensure, Renewal, or

Reactivation

PURPOSE AND EFFECT: The purpose and effect for Rule 64B5-12.013, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses. The purpose and effect for Rule 64B5-12.016, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses. The purpose and effect for Rule 64B5-12.019, F.A.C., is to change the rule language to comply with new legislation regarding HIV Aids and domestic violence courses.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements; Subject Area Requirements; Courses Required for Initial Licensure, Renewal, or Reactivation.

SPECIFIC AUTHORITY: 456.013(8), 456.031, 456.033, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-12.013 Continuing Education Requirements.

(1) Dentists shall complete 30 hours of continuing professional education during each license renewal biennium as a condition of license renewal. ~~No more and no less than one hour shall consist of training in domestic violence as required by Section 456.031, F.S., and described in subsection 64B5-12.019(8), F.A.C.~~ Dentists shall also complete a Board approved two (2) hour continuing education course on domestic violence as defined in Section 741.28 of the Florida Statutes and described in Rule 64B5-12.019, F.A.C., as part of every third biennial licensure renewal. In addition to the 30 hours required herein, each licensed dentist shall complete the training in cardiopulmonary resuscitation (CPR) required in subsection 64B5-12.020(1), F.A.C. Furthermore, each person is required to complete no later than upon first licensure renewal a Board approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) as required by Section 456.033 of the Florida Statutes and described in Rule 64B5-12.019, F.A.C.

(2) Dental hygienists shall complete 24 hours of continuing professional education as a condition of license renewal. Dental hygienists shall also complete a Board

~~approved two (2) hour continuing education course on domestic violence as defined in section 741.28 of the Florida Statutes and described in Rule 64B5-12.019, F.A.C., as part of every third biennial licensure renewal, which shall include no more or no less than one hour of training in domestic violence every other biennium as required by Section 456.031, F.S., and as described in subsection 64B5-12.019(8), F.A.C., as a condition of license renewal.~~ In addition, during each license renewal biennium licensed dental hygienists shall complete training in cardiopulmonary resuscitation (CPR) at the basic support level, which results in certification or recertification in CPR by the American Heart Association, the American Red Cross or an entity with equivalent requirements. Furthermore, each person is required to complete no later than upon first licensure renewal a Board approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS) as required by Section 456.033 of the Florida Statutes and described in Rule 64B5-12.019, F.A.C.

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (d) No change.

(e) By participating in programs approved by the Board pursuant to Rule 64B5-12.0185, F.A.C., that provide substantial pro bono dental and dental hygiene services to the indigent, to dentally underserved populations or to persons who reside in areas of critical need within Florida. Dentists and dental hygienists may obtain a maximum of ~~7~~ 5 hours per biennium of required continuing education credit for participating in such programs. Continuing education credit shall be calculated at a ratio of 1 continuing education credit for each ~~1~~ 3 hours of patient services provided to approved programs.

(f) through (h) No change.

(4) through (6) No change.

Specific Authority 456.013(8), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS. Law Implemented 456.013(8), 456.031, 466.0135, 466.014, 466.017(3), (5), 466.028(1)(i), (bb) FS. History—New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00, 5-20-01, 8-25-03, 5-31-04, 7-13-05, 2-14-06,_____.

64B5-12.016 Subject Area Requirements.

(1) Regardless of the manner by which a licensee obtains continuing education, no credit will be awarded unless the subject matter falls within the following subject matter categories:

(a) through (d) No change.

~~(e) One hour of credit will be awarded for completion of a course on domestic violence as required by Section 456.031, F.S.~~

~~(e)(f) Formal group discussions concerning case presentations sponsored by approved providers.~~

(2) through (4) No change.

Specific Authority 466.004(4), 466.0135, 466.014 FS. Law Implemented 456.031, 466.0135, 466.014 FS. History—New 4-2-86, Amended 1-18-89, 7-9-90, 2-1-93, Formerly 21G-12.016, 61F5-12.016, Amended 9-27-95, Formerly 59Q-12.016, Amended 10-29-00, 5-20-01, 5-31-04, 7-6-06,_____.

64B5-12.019 Courses Required for Initial Licensure, Renewal, or Reactivation.

(1) No license shall be granted and no license shall be renewed or reactivated unless the applicant or licensee submits confirmation to the Board that he or she has successfully completed, no later than upon first renewal, within 24 months prior to seeking initial licensure, renewal or reactivation, a Board-approved course on Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS), and other infectious diseases pertinent to the practice of dentistry and dental hygiene, a Board-approved course on domestic violence, and a Board-approved course on prevention of medical errors. All licensees must complete a Board approved two (2) hour continuing education course on domestic violence as defined in Section 741.28 of the Florida Statutes as part of every third biennial licensure renewal.

(2) through (4) No change.

(5) Each applicant or licensee may submit confirmation of having completed a course which complies with subsections 64B5-12.019(1), (2) and (3), F.A.C., on the form prepared by the Department of Health and provided by the Board. Each licensee shall submit confirmation of having completed a Board approved domestic violence continuing education course, on a form provided by the Board, when submitting fees for every third biennial renewal.

(6) through (7) No change.

(8) To receive Board approval, courses on domestic violence must be a minimum of ~~2~~ 4 hours long, must cover the substantive areas set forth in Section 456.031, F.S., and must be approved by any state or federal government agency or professional association or offered by a Board approved continuing education provider.

~~(9) In lieu of completing a Board approved HIV/AIDS course, a licensee who has completed such approved course in the immediately preceding biennium may complete a course in end-of-life care and palliative health care, or any other course approved under the provisions of this rule chapter, as substitute for the course so completed in the immediately preceding biennium. A Board approved HIV course must be taken no less than every other biennium for license renewal.~~

(10) In lieu of completing a Board approved domestic violence course, a licensee who has completed such approved course in the immediately preceding biennium may complete a course in end-of-life care and palliative health care, or any other course approved under the provisions of this rule chapter, as substitute for the course so completed in the immediately preceding biennium. A Board approved domestic violence course must be taken no less than every other biennium for license renewal.

(9)(11) To receive Board approval, courses on prevention of medical errors shall include a study of root cause analysis, error reduction and prevention, and patient safety. Every such course shall have a minimum of two (2) hours dedicated to the subject areas set forth.

Specific Authority 456.031, 456.033 FS. Law Implemented 456.013, 456.031, 456.033 FS. History—New 1-18-89, Amended 10-28-91, 2-1-93, Formerly 21G-12.019, Amended 6-14-94, Formerly 61F5-12.019, Amended 11-15-95, 2-10-97, Formerly 59Q-12.019, Amended 10-29-00, 8-2-01, 9-27-01, 12-23-02, 1-12-04,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
64B5-13.005 Disciplinary Guidelines
PURPOSE AND EFFECT: The purpose and effect is to update disciplinary guidelines for violations of final orders.
SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.
SPECIFIC AUTHORITY: 456.079(1) FS.
LAW IMPLEMENTED: 456.072(2), 456.079(1), 466.028 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-13.005 Disciplinary Guidelines.

- (1) No change.
- (a) through (z) No change.

(aa) The violation of a lawful order of the board, or failure to comply with subpoena of the board or department.
(466.028(1)(aa), 456.072(1)(q))

First Offense	\$5,000 \$1,000 fine	No change
Second Offense	\$10,000 Probation with conditions and \$2,500 fine	No change
Third Offense	Revocation and \$10,000 fine Suspension until compliant with order or subpoena, followed by probation and \$5,000 fine	No change

- (bb) through (zz) No change.
- (aaa) through (ccc) No change.
- (2) through (5) No change.

Specific Authority 456.079(1) FS. Law Implemented 456.072(2), 456.079(1), 466.028 FS. History—New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02, 8-25-03, 2-27-06,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.: RULE TITLES:
64B5-14.002 Prohibitions
64B5-14.006 Reporting Adverse Occurrences
PURPOSE AND EFFECT: The purpose and effect for Rule 64B5-14.002, F.A.C., is to update and revise requirements for anesthesia permits. The purpose and effect for Rule 64B5-14.006, F.A.C., is to update requirements for reporting adverse incidents.
SUBJECT AREA TO BE ADDRESSED: Prohibitions; Reporting Adverse Occurrences.
SPECIFIC AUTHORITY: 466.004(4), 466.017(3) FS.
LAW IMPLEMENTED: 466.017(3) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-14.002 Prohibitions.

(1) General anesthesia or deep sedation. ~~Beginning November 1, 1986, No dentists licensed in this State, including those authorized to administer general anesthesia or deep sedation subsequent to January 31, 1982,~~ shall administer general anesthesia or deep sedation in the practice of dentistry until they have obtained a permit as required by the provisions of this rule chapter.

(2) Conscious sedation. ~~Beginning November 1, 1986, No dentists licensed in this State, including those authorized to administer conscious sedation subsequent to January 31, 1982,~~ shall administer conscious sedation in the practice of dentistry until they have obtained a permit as required by the provisions of this rule chapter.

(3) ~~Beginning with the effective date of this rule, No~~ dentist licensed in this state shall administer Pediatric Conscious Sedation in the practice of dentistry until such dentist has obtained a permit as required by the provisions of this rule chapter.

(4) Nitrous-oxide inhalation analgesia. ~~Beginning November 1, 1986, No dentists licensed in this State, including those authorized to administer nitrous-oxide inhalation analgesia subsequent to January 31, 1982,~~ shall administer nitrous-oxide inhalation analgesia in the practice of dentistry until they have complied with the provisions of this rule chapter.

(5) through (8) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.02, 21G-14.002, Amended 12-20-93, Formerly 61F5-14.002, Amended 8-8-96, Formerly 59Q-14.002, Amended 3-9-03, 11-4-03, 6-15-06,_____.

64B5-14.006 Reporting Adverse Occurrences.

(1) Any dentist practicing in the State of Florida must notify the Board in writing by registered mail, postmarked within 48 hours of any mortality or other incident occurring in the dentist's outpatient facilities. A complete written report shall be filed with the Board within 30 days of the mortality or other incident. Incidents which shall be reported are those which result in temporary or permanent physical or mental injury requiring hospital emergency room treatment and/or hospitalization of a patient during, or as a direct result of the use of general anesthesia, deep sedation, conscious sedation, pediatric conscious sedation, oral sedation, nitrous oxide, or local anesthesia during or related to a dental procedure. The report shall include at minimum, responses to the following:

- (a) through (f) No change.
- (g) Provide the name and address of the patient.
- (h) Provide the names and addresses of all witnesses.
- (2) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New 2-12-86, Amended 3-27-90, Formerly 21G-14.006, Amended 12-20-93, Formerly 61F5-14.006, Amended 8-8-96, Formerly 59Q-14.006, Amended 11-4-03,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NOS.: 64B5-16.002 64B5-16.0075	RULE TITLES: Required Training Dental Charting by Dental Hygienists
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PURPOSE AND EFFECT: The purpose and effect for Rule 64B5-16.002, F.A.C., is to revise requirements for expanded duty course or programs. The purpose and effect for Rule 64B5-16.0075, F.A.C., is to implement new legislation relating to dental charting.

SUBJECT AREA TO BE ADDRESSED: Required Training; Dental Charting by Dental Hygienists.

SPECIFIC AUTHORITY: 466.004, 466.0235, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.0235, 466.024 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-16.002 Required Training.

(1) Formal training which is required for the performance of certain remediable tasks consists of a dental hygienist's or dental assistant's successful completion of an expanded duty course or program which meets one of the following requirements:

- (a) No change.
- (b) The course or program has been approved by the Board for the purpose of providing expanded-duties training for dental hygienists and dental assistants; ~~or:~~
- (c) A dental assistant that currently possesses the certified dental assistant (CDA) credential awarded by the Dental Assisting National Board, Inc. (DANB).

(2) through (4) No change.

Specific Authority 466.004, 466.024 FS. Law Implemented 466.023, 466.024 FS. History--New 4-30-80, Amended 8-20-80, 1-28-81, 3-4-81, 4-20-81, Formerly 21G-16.02, Amended 6-30-86, 12-31-86, 7-5-87, 2-21-88, 7-12-88, 1-18-89, 11-16-89, Formerly 21G-16.002, 61F5-16.002, Amended 6-12-97, Formerly 59Q-16.002, Amended _____.

64B5-16.0075 Dental Charting by Dental Hygienists.

(1) Pursuant to Section 466.0235, F.S., a dental hygienist is permitted to, without supervision and within the lawful scope of his or her duties as authorized by law, perform dental charting of hard and soft tissues in public and private educational institutions of the state and Federal Government, nursing homes, assisted living and long-term care facilities, community health centers, county health departments, mobile

dental or health units, and epidemiological surveys for public health. A dental hygienist is permitted to perform dental charting on a volunteer basis at health fairs.

(2) Each person who receives a dental charting, or the parent or legal guardian of the person receiving dental charting, by a dental hygienist pursuant to Section 466.0235, F.S. and this rule shall receive a dental charting form that contains the following information and the patient shall acknowledge by signature the following information before receiving the dental charting procedure:

(a) The patient's name and the names of the patient's parent or legal guardian if the patient is a minor.

(b) The patient's address or the address of the patient's parent or legal guardian if the patient is a minor.

(c) The date of the dental charting.

(d) The name, license number, and place of employment of the dental hygienist performing the dental charting.

(e) The location where the dental charting is being performed.

(f) A statement that the purpose of dental charting is to collect data for use by a dentist at a prompt subsequent examination.

(g) A statement that the dental charting performed is not a substitute for a comprehensive dental examination.

(h) A statement emphasizing that diagnosis of caries, soft tissue disease, oral cancer, temporo-mandibular joint disease (TMJ), and dentofacial malocclusions can only be completed by a dentist in the context of delivering a comprehensive dental examination.

(i) A statement emphasizing the inherent limitations of dental charting and encourage the patient to receive a complete examination by a dentist in rendering a professional diagnosis of the patient's overall health needs.

(j) If the dental hygienist will be performing a periodontal probe, then the dental hygienist shall include a written statement on the dental charting form that he or she has received medical clearance from a physician or dentist before performing the periodontal probe as part of the dental charting.

(3) Dental hygienists are not permitted to receive direct reimbursement for dental charting performed under Section 466.0235, F.S. and this rule by Medicaid, health insurers, health maintenance organizations, prepaid dental plans, or other third-party payors beyond what is otherwise allowable by law.

(4) All referrals made in conjunction with the provision of dental charting services under Section 466.0235, F.S. and this rule shall be in strict conformance with federal and state patient referral, anti-kickback, and patient brokering laws.

(5) A dental hygienist performing dental charting without supervision shall not be deemed to have created either a patient of record or a medical record.

Specific Authority 466.004(4), 466.0235 FS. Law Implemented 466.0235 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NOS.:

64B13-5.001

64B13-5.002

RULE TITLES:

Hours Requirement

Criteria for Approval

PURPOSE AND EFFECT: To clarify the continuing education requirements.

SUBJECT AREA TO BE ADDRESSED: Hours Requirement; Criteria for Approval.

SPECIFIC AUTHORITY: 456.013(7), 463.005(1), 463.007(3), (4) FS.

LAW IMPLEMENTED: 456.013(7), 463.007 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-5.001 Hours Requirement.

(1) As a condition to the renewal of a biennial license, each licensed practitioner shall be required to maintain professional competency by completing 30 clock hours of continuing education in subjects relating to optometry that have been approved by the Board. Licensed practitioners shall not be required to complete the continuing education requirements during the biennium in which they are initially licensed but must complete one hour of approved continuing education in acquired immune deficiency syndrome that complies with the requirements of Section 456.033, F.S. receive initial licensure. Credit for continuing education will be allowed on the basis of an hour for hour. To receive one hour credit, a licensed practitioner must attend not less than 50 minutes. There will be no fractional hour credits.

(a) For licensed practitioners who are certified optometrists, at least 6 of the required ~~those~~ 30 hours must be of "transcript quality." For purposes of this rule, the phrase "transcript quality" refers to coursework in ocular and systemic pharmacology and the diagnosis, treatment and management of ocular and systemic conditions and diseases. Transcript quality CE must be sponsored by a school or college of optometry or equivalent educational entity as approved by the Board and must which requires a test and passing grade.

(b) Attendance at a continuing education program must be certified by the lecturer or someone in charge of the program. An instructor of a course may credit the hours taught towards completion of the instructor's required continuing education; ~~provided, however, that an instructor may only credit a course once, regardless of the number of times the course is taught. However~~ In addition, the instructor of a course may not credit the hours taught towards completion of the "transcript quality" portion of the continuing education requirement. ~~For the biennium ending at the end of February 2003, each licensed practitioner may count hours of continuing education obtained between January of 2001 and the end of February 2001, so long as the licensed practitioner did not count those hours for the March 1, 1999 – February 28, 2001, biennium. However, effective March 1, 2003,~~ Continuing education hours must be obtained during the biennium preceding license renewal.

~~(a) The Board shall audit an appropriate number of randomly selected licensed practitioners and certified optometrists to assure that the reports of completion of continuing education are valid.~~

~~(b) The Board office has the authority to audit any licensed practitioner or certified optometrist for purposes of determining the validity of that individual's report of completion of continuing education.~~

~~(c) At the time of audit, each designated licensed practitioner or certified optometrist must provide to the Board office appropriate documentation of completion of the required continuing education.~~

~~(d) All licensees are responsible for maintaining appropriate records of completed continuing education for the past two bienniums.~~

~~(c)(2) Licensed practitioners shall be permitted to earn two of the 30 clock hours of continuing education credit per biennium upon demonstrating successful completion of approved training in cardiopulmonary resuscitation given by the American Heart Association or the American Red Cross.~~

~~(3) Licensed practitioners shall be required to complete one hour of approved continuing education in acquired immune deficiency syndrome education as part of the requirement of subsection 64B13-5.001(1), F.A.C. Such continuing education shall comply with the requirements of Section 456.033, F.S.~~

~~(d)(4) Licensed practitioners shall be permitted to earn two Four (4) hours of the thirty (30) clock hours may be in the area of practice management. In order for a licensed practitioner to receive education credit in the area of practice management stated herein, at least two (2) of the four (4) hours must be in the area of Florida jurisprudence.~~

~~(e)(5) As part of the 30 clock hours, Licensed practitioners shall be required to obtain may earn two clock hours in the area of Florida jurisprudence. A licensed practitioner may earn two hours in Florida jurisprudence as allowed by subsection (6) by attending a meeting of the Board~~

for no less than four (4) continuous hours. Licensed practitioners will be required to sign-in and sign-out with board staff. Those licensed practitioners present for disciplinary purposes are not eligible to earn the two clock hours for the Board meeting. Out of state licensed practitioners who do not practice in Florida at any time during the biennium, shall be permitted to satisfy the requirement of two hours in Florida jurisprudence by certifying that they have obtained and read a copy of the current provisions of Chapters 456 and 463, F.S., and Rule Chapter 64B13, F.A.C.

(f) As part of the 30 clock hours, licensed practitioners are required to complete a 2-hour course relating to prevention of medical errors, as part of the licensure and renewal process. The course shall be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. If the course is being offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board approves 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in that facility.

(2) The Board shall audit an appropriate number of randomly selected licensed practitioners to assure that the reports of completion of continuing education are valid. At the time of audit, each designated licensed practitioner must provide to the Board office appropriate documentation of completion of the required continuing education. All licensed practitioners are responsible for maintaining appropriate records of completed continuing education for the past two bienniums.

~~(6) Licensed practitioners who at any time during the biennium practiced in Florida shall be required to obtain two (2) hours of education in the area of Florida jurisprudence.~~

~~(7) Out of state licensees may satisfy the requirements for jurisprudence by certifying that they have obtained and read a copy of Chapters 456 and 463, F.S., and Rule Chapter 64B13, F.A.C.~~

~~(8) Licensees are required to complete a 2-hour course relating to prevention of medical errors as part of the licensure and renewal process. The course shall be approved by the Board and shall include a study of root-cause analysis, error reduction and prevention, and patient safety. The 2-hour course shall count towards the total number of continuing education hours required for licensure renewal. If the course is being offered by a facility licensed pursuant to Chapter 395, F.S., for its employees, the Board approves 1 hour of the 2-hour course to be specifically related to error reduction and prevention methods used in that facility.~~

Specific Authority 456.013(7), 463.005(1), 463.007(3), (4) FS. Law Implemented 456.013(7), 463.007 FS. History—New 11-13-79, Amended 5-28-80, 9-16-80, 1-13-81, 2-14-82, Formerly 21Q-5.01, Amended 12-16-86, 12-11-88, 4-19-89, 12-20-89, 9-22-92, 10-28-92, Formerly 21Q-5.001, Amended 8-31-93, Formerly 61F8-5.001, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.001, Amended 3-21-00, 10-2-01, 1-8-02, 5-8-02, 3-20-03, _____.

64B13-5.002 Criteria for Approval.

(1) In determining whether to approve a program of continuing professional education ~~required by subsection 64B13-5.001(1) or (2), F.A.C.~~, the Board shall consider whether the program contributes to the improvement, advancement, and extension of one's professional skill and knowledge to the benefit of the patient he serves. Continuing education courses in ~~practice management and Florida jurisprudence as stated in subsection 64B13-5.001(1)(5)(e) and (f), F.A.C.~~, shall be provided by an individual or organization with demonstrated competence in Florida Law pertaining to optometric practice as evidenced by the individual or organization's credentials, education and experience.

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

(a) A non-transcript quality continuing education program must satisfy the following criteria or course content: ~~The course must be an organized program of learning that will contribute to the advancement and enhancement of professional competency and scientific knowledge in the practice of optometry, and must be designed to reflect the educational needs of Florida optometrists.~~

1. The course must be an organized program of learning that will contribute to the advancement and enhancement of professional competency and scientific knowledge in the practice of optometry, and must be designed to reflect the educational needs of Florida optometrists.

~~2.(b)~~ The course must have scientific and educational integrity and must contain customary and generally accepted optometric and medical practices.

~~3.(c)~~ The course must have an outline which demonstrates consistency with the course description and reflects the course content.

~~4.(d)~~ A course handout/outline must be provided to all participants.

~~5.(e)~~ The course must be taught in a manner appropriate to the educational content, objectives, and purpose of the program, and must allow suitable time to be effectively presented to the audience.

~~6.(f)~~ The minimum credit for any qualified course is one hour. One hour of continuing education credit equals fifty (50) minutes of instructional time.

~~7.(g)~~ Instructors must have the necessary qualifications, training and experience to present the course. Principal instructors must hold a minimum of a doctorate-level degree (O.D., M.D., Ph.D., D.O., J.D., D.D.S., D.C., Pharm.D., L.L.D., D.Ed., D.Sc., etc.) or its international equivalent. Faculties at accredited schools or colleges of optometry are exempt from this requirement. Individuals who do not hold at least a doctorate-level degree, or are not on faculty at an

accredited school or college of optometry shall only be listed as adjunct instructors for the course and only when the principal instructor holds a doctorate-level degree.

(b) A non-transcript quality continuing education program shall be approved upon presentation of the following information by the program or course provider or by a licensed practitioner who attended the course:

1. Compliance with the criteria or course content specified in subparagraphs (2)(a)1.-7., above;

2. Date(s) and time(s) of each course.

3. Complete outline of course, including a breakdown of hours for each subject.

4. Evidence that the fee specified in subsections 64B13-6.001(15) and (16), F.A.C., has been paid; provided however, should the provider not seek approval of the course, the licensed practitioner seeking approval of the course shall pay the fee.

5. Notwithstanding subparagraphs (2)(b)1.-3., if the program is non-transcript quality and has been previously approved by the Council on Optometric Practitioner Education (COPE), or by any other recognized organization that sponsors optometric education, utilizing the criteria set forth in subsection (2)(a), the Board shall approve the program upon submission of the approved course number issued by COPE or other recognized organization and compliance with subparagraph (2)(b)4.

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

~~(a) A transcript quality continuing education program must satisfy the following criteria or course content: The course must be in consultation with or sponsored by a school or college of optometry or equivalent entity.~~

1. Compliance with the criteria or course content specified in subparagraphs (2)(a)1.-6.

2. The course must be in consultation with or sponsored by a school or college of optometry or equivalent entity.

~~3.(b)~~ The course must be in at least two (2) hour blocks.

~~4.(c)~~ The course must be taught by instructors approved by the Board. Faculty members that instruct regular courses for the sponsoring school or equivalent educational entity will automatically be approved. Instructors not fitting into this category must be approved by the Board.

~~5.(d)~~ The course must require a Board approved examination with a passing grade. Grading and certification of examinations can be delegated by the provider to an equivalent educational entity.

~~6.(e)~~ The examination must be monitored or mailed to the licensee after the course.

(b) A transcript quality continuing education program shall be approved upon presentation of the following:

1. Compliance with the criteria or course content specified in subparagraphs (3)(a)1.-6.
2. Date(s) and time(s) of each course.
3. Complete outline of course, including a breakdown of hours for each subject.
4. A letter from the dean of the sponsoring school or college of optometry or equivalent educational entity certifying transcript quality credit.
5. A copy of the examination to be given, with the answer key.
6. Identification of the entity responsible for grading and certifying the examination(s).
7. Evidence that the fee specified in subsections 64B13-6.001(15) and (16), F.A.C., has been paid.

(c) In order for a course to be considered transcript quality, it must be approved by the Board as transcript quality prior to the time it is taken.

(4) A course needs to be approved only once during the biennium in which it is presented so long as the presenter and the course outline do not change. To obtain Board approval, the following information must be provided by the program or course provider or by a licensed practitioner who attended the course:

- (a) Information sufficient to demonstrate compliance with the criteria set forth in subsection (2) above.
- (b) Date(s) and time(s) of each course.
- (c) Complete outline of course, including a breakdown of hours for each subject.
- (d) In the case of a transcript quality course a letter from the dean of the sponsoring school or college of optometry or equivalent educational entity certifying transcript quality credit.
- (e) In the case of a transcript quality course, a copy of the examination to be given.
- (f) In the case of a transcript quality course, identification of the entity responsible for grading and certifying the examination(s).
- (g) Evidence that the fee specified in subsections 64B13-6.001(15) and (16), F.A.C., has been paid; provided however, should the provider not seek approval of the course, the licensed practitioner seeking approval of the course shall pay the fee.

(h) Notwithstanding paragraphs (a)-(e) above, if the program is non-transcript quality and has been previously approved by the Council on Optometric Practitioner Education (COPE), or by any other recognized organization that sponsors optometric education utilizing the criteria set forth in subsection (2) above, the Board shall approve the program

upon submission of the approved course number issued by COPE or other recognized organization and compliance with paragraph (g) above.

(5) In order for a course to be considered transcript quality, it must be approved by the Board as transcript quality prior to the time it is taken.

(6) A course needs to be approved only once during the biennium in which it is presented so long as the presenter and the course outline do not change.

Specific Authority 463.005(1) FS. Law Implemented 463.007(4) FS. History—New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended 3-21-00, 5-8-02, 8-19-03, 12-26-05, _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-2.032 RULE TITLE: Certificate of Public Convenience and Necessity

PURPOSE AND EFFECT: Announce workshop to open discussion with the EMS community regarding COPCN language.

SUBJECT AREA TO BE ADDRESSED: Certificate of Public Convenience and Necessity.

SPECIFIC AUTHORITY: 381.0011, 395.405, 401.121, 401.25, 401.251, 401.265, 401.27, 401.2715, 401.31, 401.35 F.S.

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, 401.251, 401.252, 401.26, 401.265, 401.27, 401.2715, 401.281, 401.30, 401.31, 401.321, 401.33, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 F.S.

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

DATE AND TIME: November 13, 2006, 1:00 p.m. – 4:30 p.m.

PLACE: Florida Department of Health, Division of Emergency Medical Services, 4025 Esplanade Way, Room 301, Tallahassee, FL 32311-7829

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Lisa M. Walker, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733; email lisa_walker2@doh.state.fl.us; Fax (850)488-9408. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa M. Walker, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733; email lisa_walker2@doh.state.fl.us; Fax (850) 488-9408
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE NOS.:	RULE TITLES:
65A-1.708	Family-Related Medicaid Budgeting Criteria
65A-1.713	SSI-Related Medicaid Income Eligibility Criteria

PURPOSE AND EFFECT: This rule amendment will revise the number of weeks used to average income budgeting in determining eligibility for Medicaid.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides for changing income averaging from the past eight weeks to the past four weeks to determine Medicaid eligibility. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: October 30, 2006, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE NO.:	RULE TITLE:
65A-4.210	Budgeting

PURPOSE AND EFFECT: This rule amendment will revise the number of weeks used to average income budgeting in determining eligibility for Temporary Cash Assistance (TCA).

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment provides for changing income averaging from the past eight weeks to the past four weeks to determine TCA eligibility. A longer period of past time may be used if necessary to provide a more accurate indication of anticipated fluctuations in future income.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.14, 414.085, 414.095(11), (12), (13), (14) 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: October 30, 2006, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Lonna Cichon, Government Operations Consultant II, TANF/Food Stamp Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 406, Tallahassee, Florida 32399-0700, Telephone (850)488-8004

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

DEPARTMENT OF FINANCIAL SERVICES

Divison of Treasury

RULE NO.:	RULE TITLE:
69C-6.003	The Plan; Prescribed Forms

PURPOSE AND EFFECT: The rule adopts revisions to the State of Florida Employees Deferred Compensation Plan as follows: A provision is added to allow loans to participants from their deferred compensation accounts under conditions permitted by federal law. Hardship withdrawal standards are changed as follows: Foreclosure is narrowed as a basis for a hardship withdrawal by requiring that the foreclosure be upon the participant's primary residence rather than any real property. Eviction from a primary residence is added as a basis for hardship withdrawal to conform to a federal regulation on that point. "Dental or periodontal treatment that is necessary due to a sudden injury" is added as a basis for a hardship withdrawal. "Dental or periodontal treatment which is cosmetic or is necessary due to a chronic or degenerative condition such as periodontitis, decay, bruxism, or malocclusion not due a sudden injury" is added to the list of events for which a hardship withdrawal is not available. The amount that can be obtained through the simplified hardship withdrawal process in the event of a hurricane emergency is raised from \$1,500.00 to \$2,500.00.

SUBJECT AREA TO BE ADDRESSED: Amendments to the Deferred Compensation Plan.

SPECIFIC AUTHORITY: 112.215(11) FS.

LAW IMPLEMENTED: 18.125(4)(c), 112.215 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: Thursday, November 2, 2006, 9:30 a.m.
 PLACE: Room 139, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kandi Winters @ (850)413-3162 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, Bureau of Deferred Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0346, (850)413-3162

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69C-6.003 The Plan; Prescribed Forms.

(1) Form DFS-J3-1176 (Eff.), State of Florida Employees Deferred Compensation Plan, is hereby established and incorporated into this rule by reference as the plan contemplated in Section 112.215, F.S.

(2) through (4) No change.

Specific Authority 112.215(12) FS. Law Implemented 112.215 FS. History—New 1-1-87, Amended 10-7-87, 2-14-88, 2-19-89, 6-21-89, 8-7-95, 9-21-98, 6-11-02, Formerly 4C-6.003, Amended 8-26-04, 2-21-05, 7-9-06,_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-207.003 RULE TITLE: Forms Incorporated by Reference
 PURPOSE AND EFFECT: To adopt forms for use by specialty insurers for filings with the Office.
 SUBJECT AREA TO BE ADDRESSED: Adoption of forms.
 SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 626.8805, 626.9912, 626.9913, 626.99175, 627.829, 628.4615, 634.031, 634.061, 634.303, 634.304, 634.3073, 634.407, 641.405, 642.021 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: November 9, 2006, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: Sandra.DuPont@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: Sandra.DuPont@fldfs.com.

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

**Section II
 Proposed Rules**

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.: 9B-60 RULE CHAPTER TITLE: Florida Building Energy Rating System

RULE NOS.:	RULE TITLES:
9B-60.002	Definitions
9B-60.003	Department Activities
9B-60.004	Florida Building Energy Rating System, Adopted
9B-60.005	Training and Certification Program
9B-60.007	Florida Building Energy Rating System, Existing Public Buildings
9B-60.008	RESNET Standards, Adopted

PURPOSE, EFFECT AND SUMMARY: Section 553.992, Part XI, F.S., requires the Department of Community Affairs (the Department) to update the Building Energy-Efficiency Rating System in accordance with the procedures of Chapter 120, F.S. Section 553.995(2), F.S., requires the BERS program to be compatible with standard federal rating systems and state building codes and standards, where applicable. The proposed rule changes coincide with changes made to the national standard governing home energy rating systems. Updating to this standard allows Florida to maintain its accreditation with the National Association of State Energy Officials (NASEO), which has positioned itself to provide certifications for buildings whose owners wish to claim federal tax credits from the Internal Revenue Service.