

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF LEGAL AFFAIRS**

RULE NO.: RULE TITLE:
2-2.002 Advertising in a Language Other
 Than English

PURPOSE AND EFFECT: The agency proposes the development of a rule to address advertising in a language other than English.

SUBJECT AREA TO BE ADDRESSED: Consumer advertising in a language other than English.

SPECIFIC AUTHORITY: 501.205 FS.

LAW IMPLEMENTED: 501.204(1) 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: Lisa Raleigh, Special Counsel, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2-2.002 Advertising in a Language Other Than English.

It shall be an unfair or deceptive act or practice to disseminate any advertisement without including therein all required disclosures or limitations on the offer in the language principally used in the advertisement.

Specific Authority 501.205 FS. Law Implemented 501.204(1) FS. History--New _____.

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: RULE TITLE:
6A-1.09401 Student Performance Standards

PURPOSE AND EFFECT: The purpose of this rule development workshop is to provide an opportunity for the public (including educators, administrators, students and parents) to provide input revisions to the K-12 Science Sunshine State Standards. The workshop will give an opportunity for DOE personnel and members of the standards writing team to explain and describe the revision process as well as allow for questions from the audience on the revised Science standards. The effect of the meeting will be a better

informed public on how the science standards revision process was conducted as well as answered questions attendees may have regarding the revised mathematics standards.

SUBJECT AREA TO BE ADDRESSED: Revised Sunshine State Standards – Science.

SPECIFIC AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: Wednesday, November 7, 2007, 5:30 p.m. – 7:00 p.m.; 5:30 p.m. – 7:00 p.m., Thursday, November 15, 2007. Public input is also requested online beginning Friday, October 19, 2007 at this site: <http://flstandards.org>.

PLACES: November 7, 2007 – Leon County, R. A. Gray Building, 500 South Bronough Street Tallahassee, FL 32399-0250

November 15, 2007 – Orange County, Jones High School, 801 South Rio Grande Avenue, Orlando, FL 32805

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Todd Clark, Deputy Director, Florida's Office of Mathematics and Science, Department of Education, 325 West Gaines Street, Room 501, Tallahassee, FL, (850)245-0764, todd.clark@fldoe.org

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

DEPARTMENT OF EDUCATION**State Board of Education**

RULE NO.: RULE TITLE:
6A-4.0021 Florida Teacher Certification
 Examinations

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to update the fee structure for the Florida Teacher Certification Examination program. The rule will increase fees for first-time examinees and examinees retaking a failed examination. The effect of this change is that examinees will be required to pay a fee more aligned with the real cost of the examinations.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examinations.

SPECIFIC AUTHORITY: 1012.59(1) FS.

LAW IMPLEMENTED: 1012.59(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: November 19, 2007, 1:00 p.m. – 3:00 pm.; November 26, 2007, 10:00 a.m. – 12:00 Noon; November 28, 2007, 10:00 a.m. – 12:00 Noon

PLACES: November 19, 2007 – Broward County Main Library, 1st Floor Auditorium, 100 South Andrews Avenue, Fort Lauderdale, Florida 33301

November 26, 2007 – Zora Neale Hurston Complex, Conference Room D, 400 West Robinson Street, Orlando, Florida 32801

November 28, 2007 – Florida Department of Education, 1721 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Mike Jones, Program Director, Postsecondary Assessment, Office of Assessment and School Performance, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.00821
 RULE TITLE: Florida Educational Leadership Examination

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to update the fee structure for the Florida Educational Leadership Examination program. The rule will increase fees for first-time examinees and examinees retaking a failed examination. The effect of this change is that examinees will be required to pay a fee more aligned with the real cost of the examinations.

SUBJECT AREA TO BE ADDRESSED: Florida Educational Leadership Examination.

SPECIFIC AUTHORITY: 1001.59(1) FS.

LAW IMPLEMENTED: 1001.59(1) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: November 19, 2007, 1:00 p.m. – 3:00 p.m.; November 26, 2007, 10:00 a.m. – 12:00 Noon; November 28, 2007, 10:00 a.m. – 12:00 Noon

PLACES: November 19, 2007 – Broward County Main Library, 1st Floor Auditorium, 100 South Andrews Avenue, Fort Lauderdale, Florida 33301

November 26, 2007 – Zora Neale Hurston Complex, Conference Room D, 400 West Robinson Street, Orlando, Florida 32801

November 28, 2007 – Florida Department of Education, 1721 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Mike Jones, Program Director, Postsecondary Assessment, Office of

Assessment and School Performance, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513

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

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.043
 RULE TITLE: Manufacturing

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.043, F.A.C. (Manufacturing), is to: (1) reflect the court’s ruling in Department of Revenue v. Lockheed Martin Corporation (905 So 2d 1017, 2005 WL 1544773, 07/05/2005), which provides that materials incorporated or fabricated into research or development end products or prototypes are exempt from sales tax; (2) remove provisions stating that the purchase, rental, or repair of real property or tangible personal property employed in research or development is subject to tax rendered obsolete by Section 1, Chapter 2006-57, L.O.F.; and (3) include the exemption provided in Section 212.08(18), F.S., for machinery and equipment used predominantly for research and development as created by Section 2, Chapter 2006-57, L.O.F.

The proposed amendments to subsection (6) of Rule 12A-1.043, F.A.C., when adopted, will: (1) provide that items of tangible personal property manufactured, produced, compounded, processed, or fabricated for use directly and solely in research or development are exempt; (2) remove obsolete provisions stating that tax is due on the purchase, rental, or repair of real property or tangible personal property employed in research or development; (3) provide that machinery and equipment used predominantly for research or development purposes is exempt; (4) define the terms “machinery and equipment” and “predominantly”; (5) provide how materials may be used directly and solely for research or development purposes, as provided in Section 212.052, F.S., and how machinery and equipment used predominantly in research or development activities, as provided in Section 212.08(18), F.S., may be purchased tax-exempt when the purchaser issues an exemption certificate to the selling dealer certifying the tax-exempt use of the item or issues a copy of the purchaser’s direct pay permit to the selling dealer; (6) provide a suggested exemption certificate to be used for purposes of these exemptions; and (7) clarify that a prototype or product of research or development used by the developer, including being offered for sale, is subject to tax.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is: (1) the removal of provisions regarding the tax on tangible personal property incorporated into prototypes or products of research or development to reflect the court’s ruling in Department of Revenue v. Lockheed Martin

Corporation; and (2) the proposed provisions regarding the exemption in Section 212.052, F.S., for materials and labor used in research or development and the exemption provided in Section 212.08(18), F.S., for machinery and equipment used predominantly for research and development.

SPECIFIC AUTHORITY: 212.052(5), 212.08(18)(c), 212.17(6), 212.18(2), 213.06(1) FS.

LAW IMPLEMENTED: 212.02(4), (7), 212.052, 212.06(1), 212.08(18), 212.085 212.12(12), 366.051 FS.

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

DATE AND TIME: November 13, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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: Jeffery Soff, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4719

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.043 Manufacturing.

(1) through (5) No change.

(6)(a) Tangible personal property manufactured, produced, compounded, processed, or fabricated for use directly and solely in research or development, and machinery and equipment used predominantly for research or development purposes are exempt ~~Research or development labor shall not be taxable~~ when the research or development has one of the following as its ultimate goal:

1. Basic research or the advancement of advanced knowledge or of technology in a scientific or technical field of endeavor.

2. The development of a new product, the improvement of an existing product, or the development of new uses of an existing product, whether or not the product is offered for sale.

3. The design and development of prototypes, whether or not a resulting product is offered for sale.

(b) For the purpose of this subsection rule:

1. “Machinery and equipment” includes, but is not limited to, molds, dies, machine tooling, and other appurtenances or accessories for machinery and equipment, testing and

measuring equipment, test beds, and computers and software. Such machinery and equipment may be purchased, leased, or self-fabricated. If self-fabricated, the machinery and equipment includes the materials and labor for the design, fabrication, and assembly of such items.

2. “Predominantly” means at least 50 percent of the time.

3. ~~“Product” means any item, device, technique, prototype, invention, or process, which is, was, or may become~~ commercially exploitable.

2. ~~The term “cost” means cost price as defined in s. 212.02(4), F.S.~~

(c) Research or development does not include ordinary testing or inspection of materials or products used for quality control, market research, efficiency surveys, consumer surveys, advertising and promotions, management studies, or research in connection with literature, history, literary, historical, social science, psychology, or other similar nontechnical activities.

(d) Materials may be purchased tax-exempt when the purchaser extends an exemption certificate to the vendor or supplier certifying that the materials will be used directly and solely for research or development purposes, as provided in Section 212.052, F.S. Any person, including affiliated groups, as defined in s. 1504 of the Internal Revenue Code, as amended, who manufactures, produces, compounds, processes, or fabricates in any manner tangible personal property for such taxpayer’s own use directly and solely in research or development shall not be subject to the tax upon the cost of the product so manufactured, produced, compounded, processed, or fabricated for the purpose of research and development. However, the tax shall be due on the purchase, rental, or repair of real property or tangible personal property employed in research or development.

(e) Machinery and equipment, including materials and labor used in the self-fabrication of machinery and equipment, may be purchased or leased tax-exempt when the purchaser extends an exemption certificate to the vendor or supplier certifying that the item(s) will be used predominantly for research or development purposes, as provided in Section 212.08(18), F.S.

(f) The following is a suggested exemption certificate:

EXEMPTION CERTIFICATE

ITEMS USED IN RESEARCH OR DEVELOPMENT

This is to certify that purchases on or after _____ (date) from _____ (Selling Dealer's Business Name) are either: materials used directly and solely in research or development activities, as provided in Section 212.052, Florida Statutes; or purchases or leases of machinery and equipment, including materials and labor used in the self-fabrication of machinery and equipment, used predominantly in research or development activities, as provided in Section 212.08(18), Florida Statutes.

These research or development activities are located at:

(Street)

(City and State)

I understand that if I fraudulently issue this certificate to evade the payment of tax, I will be liable for payment of the tax plus a penalty of 200% of the tax and be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in Sections 775.082, 775.083, or 775.084, Florida Statutes.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

<u>Purchaser's Name (Print or Type)</u>	<u>Purchaser's Address</u>
<u>Signature and Title</u>	<u>Florida Sales and Use Tax Number (if applicable)</u>
<u>Date</u>	<u>Federal Employer's Identification Number (if applicable)</u>

(g) In lieu of furnishing an exemption certificate, any purchaser who holds a valid Sales and Use Tax Direct Pay Permit, as provided in Rule 12A-1.0911, F.A.C., may extend a copy of the permit to the selling dealer to make purchases tax-exempt under this subsection.

~~(h)(e) The tax imposed by Section 212.052, Florida Statutes shall apply to any product of research or development that is tangible personal property which is offered for sale. When a prototype or product of research or development is used by the developer for any purpose other than research or development, including being offered for sale, it is subject to tax shall be taxable.~~

Specific Authority 212.052(5), 212.08(18)(c), 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(4), (7), 212.052, 212.06(1), 212.08(18), 212.085, 212.12(12), 366.051 FS. History-Revised 10-7-68, 1-7-70, 6-16-72, Amended 1-19-74, 12-26-83, Formerly 12A-1.43, Amended 1-2-89, 2-28-90, 3-20-96, 7-27-99, 10-2-01,

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-10.025
 RULE TITLE: Wall Murals
 PURPOSE AND EFFECT: New Rule 14-10.025, F.A.C., Wall Murals, is being adopted to implement provisions of Section 479.156, Florida Statutes, regulating wall murals as defined in Section 479.01(27), Florida Statutes. A new application form is incorporated by reference.
 SUBJECT AREA TO BE ADDRESSED: This is a new rule to implement the provisions of Section 479.156, Florida Statutes, regulating wall murals.
 SPECIFIC AUTHORITY: 334.044(2), 479. 02(7) FS.
 LAW IMPLEMENTED: 479.156 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.025 Wall Murals.

(1) Wall murals displaying commercial messages within 660 feet of the nearest edge of the right of way of an interstate or federal aid primary highway must obtain Department approval prior to installation.

(2) Application for approval of a wall mural is made by completing and submitting the form Application for Wall Mural Approval, Form 575-070-31, 09/07, incorporated herein by reference, to the address listed in subsection 14-10.003(2), F.A.C. The application form may be obtained from the State Outdoor Advertising License and Permit Office.

(a) A separate application is required for each wall mural.

(b) Priority of applications will be based upon the order of the receipt of completed applications.

1. An application will be considered complete when all items on the application form have been filled in, and all required attachments received.

2. Incomplete applications will be returned to the applicant without Departmental action. Applications containing incorrect information will be returned to the applicant as denied.

3. Once an application form has been received by the Department, any change or addition to the application form as submitted must be initialed by the applicant on the original application document.

(c) Each application must include the following attachments:

1. A statement from the local government within whose jurisdiction the mural is to be located that the property on which the mural is to be located is zoned for commercial or industrial use.

2. A statement from the local government approving the placement of the wall mural as described in the Application.

3. A copy of the local ordinance enacted in conformance with Section 479.156, F.S., allowing for the placement of wall murals.

4. A photograph of the building on which the mural will be displayed, and

5. Payment of the initial fee in the amount set forth in Rule 14-10.0043, F.A.C., for outdoor advertising permit fees.

(3) In order to be approved by the Department, all the following requirements must be met:

(a) The property on which the wall mural is to be located must be zoned for commercial or industrial uses.

(b) The height of the mural may not exceed 30 feet.

(c) The width of the mural may not exceed 60 feet.

(d) The total area of the mural may not exceed 1200 square feet.

(e) Wall murals must meet minimum spacing requirements from any permitted outdoor advertising sign or previously approved wall mural. Minimum spacing is 500 feet on the federal aid primary highway system and 1,000 feet on the Interstate highway system. Measurements are taken from the midpoint of a mural placed parallel to the controlled roadway and from the point of the mural closest to the roadway for right or left read displays.

(f) Wall murals may not be located within 500 feet of an interstate interchange outside an incorporated area.

(g) In lieu of the requirements set forth in paragraphs (3)(a) through (3)(f) the applicant must demonstrate that the wall mural constitutes a customary use which was recognized as a widespread, long-standing and common general practice within the local jurisdiction as of the January 27, 1972, agreement between the State of Florida and the United States Department of Transportation implementing the requirements of the Highway Beautification Act of 1965, 23 U.S.C. Sec. 131, and has been continuously maintained in the same location to the date of application.

(h) An annual fee in the amount established in Rule 14-10.0043, F.A.C., for outdoor advertising permit fees must be paid.

(4) The Department shall deny any application for a wall mural and will revoke any previously issued permit if the Department receives notification from the Federal Highway Administration that the wall mural is not approved under federal laws or regulations.

(5) The Department will approve or deny complete applications within 30 days of receipt by the Department.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.156 FS. History—New _____.

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."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-8.624	Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lake pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Crooked Lake in Polk County, Florida. Staff will present an overview of minimum levels development and discussion of the proposed minimum levels for the lake.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIMES: November 5, 2007, 2:30 p.m. and 6:30 p.m.

PLACE: Weber International University, Rex Yentes Conference Center, 1201 North Scenic Highway, Babson Park, Florida 33827

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: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. 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: Doug Leeper, Chief Environmental Scientist, Resource Conservation and Development Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

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

LAND AND WATER ADJUDICATORY COMMISSION

Huntington Hammocks Community Development District

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

PURPOSE AND EFFECT: The petition, filed by Seville LLC, requests the Commission establish a community development district located entirely within unincorporated Hernando County, Florida. The land area proposed to be served by the

District comprises approximately 1,036.71 acres. A general location map is contained as Exhibit 1B to the petition to establish the District. The proposed land area is generally located in Northern Hernando County, with its Northern boundary comprised of the Hernando County/Citrus County Line. The proposed District is further located West of US 98 and East of US 19. There are 83 parcels of real property located within the external boundaries of the proposed District which are to be excluded from the District. Exhibit 2 to the petition depicts the location and provides a list of the real properties located within the external boundaries of the proposed District which are to be excluded from the District. The 83 parcels generally include road rights-of-way; a future electric utility site; a water treatment well site; and, 79 parcels of real property consisting of residential platted lots and common ground green space tracts. The Petitioner has obtained written consent to establish the District from the landowners of 100% of the real property located within the proposed District. The proposed infrastructure plan consists of roads, paving and street lighting; water and wastewater; stormwater management; and an irrigation system.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Huntington Hammocks 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 HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Thursday, November 8, 2007, 10:00 a.m.

PLACE: The Capitol, Room 2103, Tallahassee, Florida 32399-0001

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 two days before the workshop/meeting by contacting: 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. 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: 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

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-2.002	Definitions
58A-2.003	License Requirements
58A-2.005	Administration of the Hospice
58A-2.010	Quality Assurance and Utilization Review (QAUR) Committee and Plan
58A-2.012	Program Reporting Requirements
58A-2.014	Medical Direction
58A-2.0232	Advance Directives

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to incorporate additional definitions; changes in licensure requirements; specific definitions regarding reporting requirements; changes to the reporting requirements pursuant to Chapter 2006-155, Section 7, Laws of Florida, including a reporting form incorporated by reference in Rule 58A-2.012, F.A.C.; changes in accordance with Chapter 2006-155, Section 7, Laws of Florida, requiring development of outcome measures and adoption of national initiatives such as those developed by the National Hospice and Palliative Care Organization; and additional language, clarification of terms and update of the Health Care Advance Directives form incorporated by reference in Rule 58A-2.0232, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments add definitions; change licensure requirements; specific definitions regarding reporting requirements; changes in reporting requirements including a new reporting form incorporated by reference; development of outcome measures; adoption of national initiatives developed by the National Hospice and Palliative Care Organization; and additional language, clarification of terms, and updating the Health Care Advance Directives form incorporated by reference.

TWO VERSIONS OF DOEA FORM H-002, INCORPORATED BY REFERENCE IN RULE 58A-2.005, F.A.C., WILL BE REVIEWED: ONE VERSION INCLUDES IDENTIFYING INFORMATION AND OUTCOME MEASURES; THE SECOND VERSION INCLUDES IDENTIFYING INFORMATION, OUTCOME MEASURES AND REPORTING INFORMATION REQUIRED IN RULE 58A-2.012, F.A.C. THE DEPARTMENT WILL DECIDE ON WHICH FORM TO UTILIZE BASED ON INPUT FROM INTERESTED PARTIES AT THE WORKSHOP. The two versions of DOEA Form H-002, the rule language, and Form SCHS-4-2006 (April 2006) may be obtained from the department's Web site at <http://elderaffairs.state.fl.us>. Click on DOEA RULEMAKING, then click on HOSPICE.

SPECIFIC AUTHORITY: 400.605, 400.60501 FS.

LAW IMPLEMENTED: 400.602, 400.605, 400.60501, Ch. 765 FS.

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

DATE AND TIME: November 7, 2007, 9:00 a.m. – 12:00 Noon EST.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference 309, Tallahassee, FL 32399-7000

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, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone number (850)414-2000, SunCom 994-2000; Email address: crocethj@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, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone number (850)414-2000, SunCom 994-2000; Email address: crocethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-2.002 Definitions.

In addition to definitions contained in Chapter 400, Part ~~IV~~ ~~VI~~, F.S., the following terms shall apply:

(1) Advertising: The delivery, distribution, publication or display of an item, document, or medium initiated by the hospice that is intended to offer, describe, or advertise hospice or hospice-like services to the general public. A type of listing, which is formatted to only include a licensed hospice provider's name, address, and telephone number in the telephone directory, shall not be considered advertising.

(2) Agency: Agency for Health Care Administration.

(3) AHCA: Agency for Health Care Administration.

(4)(1) Autonomous: A means a separate and distinct operational entity, which functions under its own administration and bylaws, either within or independently of a parent organization.

(5)(2) Branch office: means An office or other physical location serving as a contact point for patients, which is remote from the provider's principal office of the provider, but is not separately licensed, and which shares administration with the principal office which serves as a contact point for patients.

(6) Department: Department of Elder Affairs.

(7)(3) Employ: means To engage the services of an individual, on either a salary or volunteer basis.

(8)(4) Home: means The patient's current primary place of residence, including a private residence, assisted living facility, nursing home, hospice residential unit, or other place of permanent or temporary residence.

(9)(5) Home Health Aide: means An individual who provides personal health care services for a patient in the patient's home or place of residence under the supervision of a registered nurse.

(10)(6) Licensed Practical Nurse: means An individual licensed pursuant to Chapter 464, F.S., to practice practical nursing.

(11)(7) Patient Care Staff: means those persons involved in direct care of the patient, including registered nurses, practical nurses and home health aides, social workers and other mental health professionals, and clergy or pastoral counselors.

(12)(8) Patient's Family: The means that person or those persons designated by the patient as having primary responsibility for care, or persons who are closely linked with the patient and are involved in the health and supportive care of the patient.

(13)(9) Patient and Family Unit: means The patient and the patient's family.

(14)(10) Registered Nurse: means An individual who is licensed pursuant to Chapter 464, F.S., to practice professional nursing.

Specific Authority 400.605 FS. Law Implemented ~~400.602, 400.605 Ch. 400, Part VI~~ FS. History—New 5-6-82, Formerly 10A-12.02, 10A-12.002, Amended 4-27-94, Formerly 59A-2.002, Amended 6-5-97.

58A-2.003 License Requirements Required.

(1) The face of the license ~~must~~ ~~shall~~ contain the following information:

(a) The name and address of the provider, including the principal office and all branch offices;

(b) All freestanding hospice inpatient facilities and residential units;

(c) All counties served by the hospice;

(d) The name of the owner; and

(e) The effective and expiration dates of the license.

(2) The hospice must notify the department and the agency in writing at least sixty (60) days before making a change in name or address of the provider's principal or branch offices. ~~the name and address of the provider, including the principal office and all branch offices, all hospice residences and inpatient facilities, all counties served by the hospice, the name of the owner, and the effective and expiration dates of the license. The hospice shall notify AHCA and the Department in writing at least sixty (60) days before making a change in name or address of the provider.~~

(3)(2) If a change of ownership as defined in Section 408.803(5), F.S., is contemplated, the new owner ~~must~~ ~~shall~~ submit, ~~or cause to be submitted,~~ ~~a~~ ~~an~~ license application for license and ~~must~~ receive a license prior to commencement of operation of the hospice. The following materials must accompany the license application:

(a) A signed agreement to correct any existing licensure deficiencies;

(b) Documented evidence that the change of ownership has taken place or will take place upon approval of the license; and

(c) A statement that records pertaining to the administrative operation of the provider must be retained and made available for official inspection by the agency.

~~A signed agreement to correct any existing licensure deficiencies shall accompany the license application, together with documentation to evidence that the ownership change has taken place, and a statement that records pertaining to the administrative operation of the provider will be retained and available for official inspection by the AHCA.~~

(4)(3) If a merger of two or more hospice providers is contemplated, the legal and incorporated entity that will be responsible for the operational function of the hospice after the merger must shall notify the agency AHCA prior to the merger. Notification must will include the anticipated date for the merger and the reason for the merger. The agency AHCA shall require the legal entity to submit a license an application for license, including a revised plan for the delivery of hospice care to terminally ill patients and their families who will be affected by the merger.

Specific Authority 400.605 FS. Law Implemented ~~400.602, 400.605~~ Ch. 400, Part VI FS. History—New 5-6-82, Formerly 10A-12.03, 10A-12.003, Amended 4-27-94, Formerly 59A-2.003, Amended 6-5-97, _____.

58A-2.005 Administration of the Hospice.

(1) Governing Body. – The hospice must establish written bylaws for ~~There shall be a governing body established by written bylaws of the hospice~~ with autonomous authority for the conduct of the hospice program. The governing body must and which shall satisfy the following requirements:

(a) ~~Members of the governing body~~ must shall reside or work in the hospice’s service area as defined in paragraph 59C-1.0355(2)(k), F.A.C.

(b) No change.

(c) Duties of the governing body must shall include:

1. Adoption in writing, ~~with updates as necessary,~~ of the following documents which must shall be in compliance with provisions of Chapter 400, Part ~~IV VI~~, F.S., and these rules, with updates as necessary:

a. through c. No change.

d. A comprehensive emergency management plan for all administrative, residential, free-standing inpatient facilities, and hospice services designed to protect the safety of patients and their families and hospice staff; and

e. No change.

2. Promulgation of rules and bylaws which include at least the following:

a. through c. No change.

d. The qualifications, method of selection and terms of office of members and chairpersons of the governing body and committees; and

e. A mechanism for the administrator’s appointment ~~by the administrator~~ of the medical director and other professional and ancillary personnel.

(2) Administrative Officer. – The hospice must shall employ an administrator whose duties must shall be outlined enumerated in a written job description, including job qualifications. The administrator must ~~which shall~~ be approved by the governing body, and The job description must be kept in an administrative file.

(a) No change.

(b) The administrator must shall be responsible for maintaining an administrative office facility for the purpose of the operations of the hospice.

(3) Administrative Policies and Practices.

(a) The administrator must shall be responsible for developing, documenting and implementing administrative policies and practices which are consistent with these rules, and the bylaws by-laws, and the plans and decisions adopted by the governing body. These policies and practices must and which ensure the most efficient operation of the hospice program and the safe and adequate care of the patient and family units. These policies and practices must shall include:

1. through 2. No change.

3. A plan for orientation and training of all staff, including volunteers, which must shall ensure that ~~all~~ staff receive ~~this~~ training prior to the delivery of their delivering services of any kind to patients and their families. This plan must shall describe the method of assessing training needs and designing training to meet those needs, and must shall include a curriculum outline with specific objectives.

4. No change.

5. Policies for administering drugs and biologicals in the home which must shall include:

a. through b. No change.

c. All verbal orders for medication or treatments, or changes in medication or treatment must orders shall be taken by a licensed health professional and recorded in the patient’s record reduced to writing. Verbal orders must be and signed by the physician within thirty (30) calendar days from the date of the order.

d. The use of experimental drugs ~~or any FDA or Chapter 500, F.S., approved drug in a non approved manner~~ shall not be given without the written consent of the patient or the patient’s legal representative, surrogate or proxy. The program administering such drugs must shall be fully informed the patient or the patient’s legal representative, surrogate or proxy of any risks, and be prepared to invoke remedial action should an adverse reaction occur. A copy of the signed consent must be kept in the patient’s record.

6. No change.

7. Policies and procedures approved by the medical director and governing body pertaining to the drug control system in the hospice ~~including which shall include~~ specific policies and procedures for disposal of Class II drugs upon the death of a patient.

8. No change.

9. Policies and procedures for mMaintenance, confidentiality, and retention of clinical records for a minimum five-year period following the patient's death.

10. through 11. No change.

12. Notice to the public that the hospice provides services regardless of ability to pay.

13. through 14. No change.

15. Policies and procedures for cCompletion, retention, and submission of reports and records as required by the ~~d~~Department, ~~the~~ agency, AHCA and other authorized agencies.

16. No change.

(b) Equipment and personnel, under medical supervision, ~~must shall~~ be provided for diagnostic procedures to meet the needs of the hospice inpatient, residential and home-care programs. This ~~must shall~~ include the services of a clinical laboratory and radiological services, which ~~must shall~~ meet all standards of the State of Florida. There must be written agreements or contracts for such services unless provided on the premises of the hospice; ~~there shall be written agreements or contracts for such services.~~ The hospice program ~~must shall~~ ensure that ~~the sum of services are available under contract and services provided directly by the hospice shall assure~~ twenty-four (24) hours a day, seven (7) days a week, either through contractual agreement, written agreement, or direct service provision by the hospice availability.

(c) No change.

(4) Outcome Measures.

Effective 2009, hospices must annually report the outcome measures outlined in this subsection on DOEA Form H-002, State of Florida Department of Elder Affairs Hospice Demographic and Outcome Measures Report, January 2008. The form is hereby incorporated by reference and may be obtained from the following address: Department of Elder Affairs, Planning and Evaluation Unit, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. The form may be also obtained from the department's Web site at <http://elderaffairs.state.fl.us/english/forms/DOEAformH002.pdf>. The reporting time frame is January 1 through December 31. The report must be submitted to the following Web site address no later than March 31 of the following year: hospicereport@elderaffairs.org. The report may alternately be submitted to the following address: Department of Elder Affairs, Planning and Evaluation Unit, 4040 Esplanade Way, Tallahassee, FL 32399-7000. In addition to the outcome measure regarding pain management pursuant to Section 400.60501, F.S., each

hospice must conduct the National Hospice and Palliative Care Organization (NHPCO) Patient/Family Satisfaction Survey, or a similar survey, with its patients and families.

(a) Each hospice must report results from survey questions that inquire about the following areas of concern:

1. Did the patient receive the right amount of medicine for his or her pain?

2. Based on the care the patient received, would the patient and/or family member/caregiver/legal representative/surrogate/proxy recommend hospice services to others?

(b) The acceptable standard for this measure must be an affirmative response on at least fifty (50) percent of the survey responses received by the hospice.

(5) National Initiatives.

(a) In accordance with Section 400.60501, F.S., and as referenced in subsection 58A-2.005(4), F.A.C., the department adopts the national initiative of utilizing patient/family surveys as a tool to set benchmarks for measuring quality of hospice care in the State of Florida.

(b) The department has also considered the national initiatives that are under evaluation and development by the Centers for Medicare and Medicaid Services (CMS) in consultation with the NHPCO. These initiatives include patient-centered outcome measures, quality assessment and performance improvement (QAPI), and infection control. Upon adoption of these initiatives by CMS in final regulation, all hospices shall be required to implement the initiatives consistent with this regulation.

(c) Hospices must maintain documentary evidence of their compliance with these national initiatives and demonstrate their operations to the department or the agency during the survey process.

Specific Authority 400.605, 400.60501 FS. Law Implemented 400.605(1)(c), 400.60501 FS. History--New 5-6-82, Formerly 10A-12.05, 10A-12.005, Amended 4-27-94, Formerly 59A-2.005, Amended 6-5-97, 8-6-02, 8-10-03, _____.

58A-2.010 Quality Assurance and Utilization Review (QAUR) Committee and Plan.

Each hospice ~~must shall~~ appoint a committee which ~~must shall~~ develop, document and implement a comprehensive quality assurance and utilization review plan pursuant to Section 400.610(2), F.S. The QAUR plan ~~must shall~~ include goals and objectives, provisions for identifying and resolving problems, methods for evaluating the quality and appropriateness of care, and the effectiveness of actions taken to resolve identified problems. The QAUR plan ~~must shall~~ establish a process for revising policies, procedures and practices when reviews have identified problems. The QAUR committee ~~must shall~~ review the QAUR plan and report findings and recommendations to the governing body annually. Dated and signed minutes of

those meetings of the governing body at which QAUR findings and recommendations are presented ~~must shall~~ be kept in an administrative file.

(1) through (2) No change.

(3) The QAUR committee ~~must shall~~ audit patient records, including interdisciplinary care records, on a regular and periodic basis. All records ~~must shall~~ be stored in secured areas to protect patient confidentiality.

(a) No change.

~~(b) After the patient's death and the end of the bereavement period, the master record may be moved to storage shall be stored~~ in a secure and accessible location after termination of bereavement services or a minimum of one year after the patient's death.

(4) No change.

(5) Activities undertaken in the QUAR process ~~must shall~~ demonstrate a systematic collection, review, and evaluation of information and ~~must shall~~ result in proposed actions to correct any identified problems. The information used by the QUAR committee ~~must shall~~ include:

(a) through (e) No change.

(f) High-risk, high-volume and problem-prone activities that would have a significant impact on patients, staff or the organization, even if adverse incidents occur infrequently. For example, high-risk activities may include review and evaluation of protocols for containment of communicable diseases, emergency evacuations and continuity of operations; high-volume activities might include collection of information regarding administration of medications; lastly, identifying problem-prone activities might be deterioration or malfunction of equipment, including security of information systems, disposal of contaminated materials or other bio-medical waste; and

(g) Appropriateness of team services and levels of care measured by whether;

1. If the plan of care was directly related to the identified physical and psychosocial needs of the patient and the patient's family;

2. If the services, medications and treatments prescribed were in accordance with the current hospice plan of care; and

3. If the hospice program of care was primarily a home-care program that utilized inpatient hospice care on a short-term or respite basis only.

(6) through (7) No change.

Specific Authority 400.605 FS. Law Implemented 400.605 FS. History--New 5-6-82, Formerly 10A-12.10, 10A-12.010, Amended 4-27-94, Formerly 59A-2.010, Amended 6-5-97, _____.

58A-2.012 Program Reporting Requirements.

(1) The hospice shall complete an ~~annual~~ report annually for the period January 1 through December 31 and shall submit the report to the Department no later than March 31 February 28 of the following year. The report must be submitted

electronically to the following Web site address: hospicereport@elderaffairs.org. The report may alternately be submitted to the following address: Department of Elder Affairs, Planning and Evaluation Unit, 4040 Esplanade Way, Tallahassee, FL 32399-7000. The annual report shall include the following information:

(a) Total number of patients served by the hospice during the reporting period by:

1. Age:-

a. 0-18 years of age;

b. 19-64 years of age;

c. 65 years of age and older;:

2. Diagnosis:-

a. Cancer;

b. Illness due to Acquired Immune Deficiency Syndrome (AIDS);

c. End-Stage Chronic Obstructive Pulmonary Disease (COPD);

d. End-Stage Renal Disease (ESRD);

e. End-Stage Congestive Heart Disease failure;

f. Other;:

(b) Percent reimbursement by;:

1. Medicare;:-

2. Medicaid;:-

3. Third party insurance;:-

~~4. Sliding fee scale.~~

~~4.5. Self-pay;:-~~

~~5.6. Uncompensated.~~

~~a. Charitable;~~

~~b. Non-billable;~~

~~6.7. Other.~~

(c) Total number of patient-days in:

1. Private residence;:-

2. Assisted living facility;:-

3. Adult family care home;:-

4. Hospice residential unit;:-

5. Nursing home;:-

6. Freestanding hospice inpatient facility;:-

~~7.a. Hospital or nursing home;:-~~

~~8.b. Other Free standing.~~

(d) Self-declared race/ethnicity

1. Asian;

2. Black;

3. Caucasian;

4. Hispanic;

5. Other.

(e) Total number of discharges by disposition:

1. Deaths;

2. Non-deaths.

(2) A copy of the annual report shall at all times be available to any member of the public.

Specific Authority 400.605 FS. Law Implemented 400.605 Ch. 400, Part VI FS. History—New 5-6-82, Formerly 10A-12.12, 10A-12.012, Amended 4-27-94, Formerly 59A-2.012, Amended 6-5-97,_____.

58A-2.014 Medical Direction.

(1) No change.

(2)(a) The medical director or his or her designee, a physician licensed under Chapter 458 or 459, F.S., must shall be a member of the hospice care team and must shall be responsible for the direction and quality of the medical component of the care rendered to the patient by the hospice care team. The patient’s attending physician(s) may remain the primary physician(s) to the patient, depending upon the preferences of the patient and the patient’s family. The patient and the patient’s family may elect to have the hospice medical director assume all or part of the primary medical care functions, or act as a consultant to the patient’s attending physician(s). In either case, the hospice care team must shall maintain ~~haison and~~ a reporting relationship with the patient’s attending physician(s).

(b) No change.

(3) through (4) No change.

Specific Authority 400.605 FS. Law Implemented 400.605 FS. History—New 5-6-82, Formerly 10A-12.14, 10A-12.014, Amended 4-27-94, Formerly 59A-2.014, Amended 6-5-97,_____.

58A-2.0232 Advance Directives.

(1) The administrator must shall ensure the development, documentation and implementation of policies and procedures which delineate the hospice’s compliance with the state law and rules relative to advance directives. The hospice must shall not base or condition treatment or admission upon whether or not the patient has executed or waived an advance directive. In the event of a conflict between the hospice’s policies and procedures and the patient’s advance directive, resolution must provision shall be made in accordance with Chapter 765, F.S.

(2) The hospice’s policies and procedures must shall include:

(a) At the time of admission ~~to a hospice program,~~ providing each patient, or the patient’s surrogate or proxy, with a copy of Form SCHS-4-2006, “Health Care Advance Directives – The Patient’s Right to Decide,” ~~as prepared by the Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308, effective 4-2006 (April 2006) 1-11-93, which is hereby incorporated by reference,~~ or with a copy of some other substantially similar document which incorporates information regarding advance directives included in is a written description of Chapter 765, F.S., ~~regarding advance directives. The form is hereby incorporated by reference and is available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, or~~

the agency’s Web site at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/HC_Advance_Directives/docs/adv_dir.pdf.

(b) through (c) No change.

Specific Authority 765.110, 400.605 FS. Law Implemented 400.605, Ch. 765 FS. History—New 1-11-93, Formerly 59A-2.025, Amended 4-27-94, Formerly 58A-2.0232, Amended 6-5-97,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-13.081	Developmental Disabilities Waiver Provider Rate Table
59G-13.082	Developmental Disabilities Waiver Services Procedure Codes

PURPOSE AND EFFECT: The purpose of Rule 59G-13.081, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, October 1, 2007. The effect will be to incorporate by reference in rule Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, October 1, 2007.

The purpose of Rule 59G-13.082, F.A.C., is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes, October 1, 2007, in rule. The effect will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes, October 1, 2007.

SUBJECT AREA TO BE ADDRESSED: Developmental Disabilities Waiver Provider Rate Table and Developmental Disabilities Waiver Services Procedure Codes.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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:

TIME AND DATE: Tuesday, November 6, 2007, 2:00 p.m. – 3:30 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, Kyllonep@ahca.myflorida.com.

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 Home and Community-Based Services Waiver Provider Rate Table, October 1, 2007 ~~January 1, 2007~~, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees. 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.

59G-13.082 Developmental Disabilities Waiver Services Procedure Codes.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service, October 1, 2007 ~~November 2003~~, which is incorporated by reference. The Developmental Disabilities Home and Community-Based Services Waiver Procedure Codes and Maximum Units of Service is available from the Medicaid fiscal agent website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 11-22-06, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

RULE NO.: 61G2-2.006 RULE TITLE Reinstatement Null and Void Licenses

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt a new rule to clarify the procedures for reinstating a Null & Void license.

SUBJECT AREA TO BE ADDRESSED: Reinstatement of Null & Void Licenses.

SPECIFIC AUTHORITY: 455.271(6)(b), 468.384, 468.386 FS.

LAW IMPLEMENTED: 455.271(6)(b), 468.393 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: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

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 Auctioneers

RULE NO.: 61G2-3.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language clarify fees for reinstatement of a void license.

SUBJECT AREA TO BE ADDRESSED: Reinstatement of a void license fees.

SPECIFIC AUTHORITY: 455.2281, 455.271, 468.384(2), 468.386(1), 468.393(1) FS.

LAW IMPLEMENTED: 455.217(2), 455.217(1), 455.219(6), 455.2281, 455.271, 468.385(2), (4), (6), (7), 468.3851, 468.386(1), 468.387, 468.393(1) 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: Anthony Spivey, Executive Director, Board of Auctioneers, 1940 North Monroe Street, Tallahassee, Florida 32399-0762

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 Landscape Architecture

RULE NO.: 61G10-11.001 RULE TITLE: Examination for Licensure

PURPOSE AND EFFECT: The Board proposes to amend the rule to incorporate changes in CLARB examination and fees.

SUBJECT AREA TO BE ADDRESSED: Examination for Licensure.

SPECIFIC AUTHORITY: 455.217(1)(b), 481.306 FS.

LAW IMPLEMENTED: 455.217(1)(b), 481.309 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 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 Landscape Architecture

RULE NO.: 61G10-12.001
 RULE TITLE: Application and Examination Fees
 PURPOSE AND EFFECT: The Board proposes to amend the rule to incorporate changes in CLARB examination and fees.
 SUBJECT AREA TO BE ADDRESSED: Application for Examination Fees.
 SPECIFIC AUTHORITY: 481.306, 481.307 FS.
 LAW IMPLEMENTED: 481.307 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 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 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 this rule to determine whether changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Percentage of gross pilotage.
 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

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-10.001	Definitions
61J1-10.002	Registered Trainee Real Estate Appraiser
61J1-10.003	Certified Residential Appraiser
61J1-10.004	Certified General Appraiser

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to create the qualifications for licensure.
 SUBJECT AREA TO BE ADDRESSED: Qualifications for Licensure.
 SPECIFIC AUTHORITY: 475.614 FS.
 LAW IMPLEMENTED: 475.611, 475.613, 475.615, 475.617 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: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 61J1-10.001 Definitions.
- (1) "Accredited" means accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.
- (2) "AOB" means Appraiser Qualifications Board, which is an independent board of the Appraisal Foundation.
- (3) "Classroom hour" is defined as 50 minutes out of each 60-minute segment.

(4) "USPAP" means Uniform Standards of Professional Appraisal Practice, and are the most recent standards approved and adopted by the Appraisal Standards Board of the Appraisal Foundation.

Specific Authority 475.614 FS. Law Implemented 475.611, 475.613, 475.615, 475.617 FS. History—New _____.

61J1-10.002 Registered Trainee Real Estate Appraiser.

(1) An applicant for registration as a trainee real estate appraiser must present evidence satisfactory to the Board that the applicant has successfully completed at least 100 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required curriculum:

- (a) Basic appraisal principles (30 hours);
- (b) Basic appraisal procedures (30 hours);
- (c) The 15-hour National USPAP course, or its equivalent, taught by an AQB-certified USPAP instructor; and
- (d) Appraisal Subject Matter Electives (20 hours) which shall include the Florida laws and rules and Roles and Responsibilities of Supervisors and Trainees.

(2) An applicant must have passed examinations in the prerequisite courses set forth in subsection 61J1-10.002(1), F.A.C., for the courses to be acceptable.

(3) An applicant must have completed the 15-hour National USPAP course, or its equivalent, within the 2 years immediately preceding the receipt of the application for registration by the Board or department.

(4) An applicant who was previously registered as a trainee real estate appraiser and whose registration expired due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., may not use the qualifying education for the void trainee real estate appraiser registration to obtain another trainee real estate appraiser registration.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New _____.

61J1-10.003 Certified Residential Appraiser.

An applicant for certification as a residential real estate appraiser must present evidence satisfactory to the Board that the applicant meets the following minimum education, experience, and examination requirements:

- (1) Education requirement.
 - (a) An Associate degree, or higher, from an accredited college, junior college, community college, or university; or
 - (b) Successful passage of at least 21 semester credit hours or its equivalent, including all of the following collegiate subject matter courses from an accredited college, junior college, community college, or university:
 - 1. English Composition;
 - 2. Principles of Economics (Micro or Macro);
 - 3. Finance;
 - 4. Algebra, Geometry, or higher mathematics;

- 5. Statistics;
- 6. Computer Science; and
- 7. Business or Real Estate Law.

If an accredited college or university accepts the College-Level Examination Program (CLEP) examinations(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

(c) Satisfactory completion of at least 200 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required core curriculum that are prerequisites to taking the AQB-approved examination in subsection (3) of this rule:

- 1. Basic appraisal principles (30 hours);
- 2. Basic appraisal procedures (30 hours);
- 3. The 15-hour National USPAP course, or its equivalent, taught by an AQB-certified USPAP instructor;
- 4. Residential Market Analysis and Highest and Best Use (15 hours);
- 5. Residential Appraiser Site Valuation and Cost Approach (15 hours);
- 6. Residential Sales Comparison and Income Approaches (30 hours);
- 7. Residential Report Writing and Case Studies (15 hours);
- 8. Statistics, Modeling and Finance (15 hours);
- 9. Advanced Residential Applications and Case Studies (15 hours); and
- 10. Appraisal Subject Matter Electives (20 hours) which shall include the Florida laws and rules and the Roles and Responsibilities of Supervisors and Trainees.

(2) Experience requirements. At least 2500 hours as set forth in Rule 61J1-6.001, F.A.C.

(3) Examination. Successful completion of the AQB-approved Certified Residential Real Property Examination and the Florida laws and rules examination.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New _____.

61J1-10.004 Certified General Appraiser.

An applicant for certification as a general real estate appraiser must present evidence satisfactory to the Board that the applicant meets the following minimum education, experience, and examination requirements:

- (1) Education requirement.
 - (a) A Bachelors degree, or higher, from an accredited college or university; or
 - (b) Successful passage of at least 30 semester credit hours or its equivalent, including all of the following collegiate subject matter courses from an accredited college, junior college, community college, or university:
 - 1. English Composition;
 - 2. Micro Economics;
 - 3. Macro Economics;

4. Finance;
5. Algebra, Geometry, or higher mathematics;
6. Statistics;
7. Computer Science;
8. Business or Real Estate Law; and
9. Two electives courses in accounting, geography, agricultural economics, business management, or real estate.

If an accredited college or university accepts the College-Level Examination Program (CLEP) examinations(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

(c) Satisfactory completion of at least 300 classroom hours in approved academic courses in subjects related to real estate appraisal, including the following required core curriculum that are prerequisites to taking the AQB-approved examination in subsection (3) of this rule:

1. Basic appraisal principles (30 hours);
2. Basic appraisal procedures (30 hours);
3. The 15-hour National USPAP course, or its equivalent, taught by an AQB certified USPAP instructor;
4. General Appraiser Market Analysis and Highest and Best Use (30 hours);
5. Statistics, Modeling and Finance (15 hours);
6. General Appraiser Sales Comparison Approach (30 hours);
7. General Appraiser Site Valuation and Cost Approach (30 hours);
8. General Appraiser Income Approach (60 hours);
9. General Appraiser Report Writing and Case Studies (30 hours); and
10. Appraisal Subject Matter Electives (30 hours) which shall include the Florida laws and rules and the Roles and Responsibilities of Supervisors and Trainees.

(2) Experience requirements. At least 3000 hours as set forth in Rule 61J1-6.001, F.A.C.

(3) Examination. Successful completion of the AQB-approved Certified General Real Property Appraiser Examination and the Florida laws and rules examination.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New _____.

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 Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.002 Supervisor

PURPOSE AND EFFECT: The purpose of the notice is to correct errors that were present in the version of this rule that became effective on July 9, 2007.

SUBJECT AREA TO BE ADDRESSED: The academic qualifications of clinical laboratory personnel supervisors.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 483.805(4), 483.823 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 Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist, and have a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and one of the following:

Specialty	Option	Education	Training/Experience	Examination
(a) Microbiology, Serology/ Immunology, Clinical Chemistry, Hematology, Immunohematology, Blood Banking (Donor Processing), and Cytogenetics	1	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	One year of pertinent clinical laboratory experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration	
	2	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	One year of pertinent clinical laboratory experience in the category in which licensure is sought	DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology
	3	Masters Degree in Clinical Laboratory, Chemical or Biological Science	Three years of pertinent clinical laboratory experience, with at least 1 year experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration	
	4	Masters Degree in Clinical Laboratory, Chemical or Biological Science	Three years of pertinent clinical laboratory experience with at least 1 year experience in the category in which licensure is sought	DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology
	5	Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences	Five years of pertinent clinical laboratory experience with at least 2 years experience at the Technologist level, and at least 1 year experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration	

Specialty	Option	Education	Training/Experience	Examination
	6	Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences	Five years of pertinent clinical laboratory experience with at least 2 years experience at the Technologist level, and at least 1 year experience in the category in which licensure is sought	DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology
(b), (c), (d) and (e) no change				
Specialty	Option	Education	Training/Experience	Examination
(f) Molecular Pathology	1	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	One year of pertinent clinical laboratory experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration	
	2	Doctoral Degree in Clinical Laboratory, Chemical or Biological Science	One year of pertinent clinical laboratory experience in the category in which licensure is sought	The Molecular Diagnostics examination given by ABB
	3	Masters Degree in Clinical Laboratory, Chemical or Biological Science	Three years of pertinent clinical laboratory experience and 25 hours of Board-approved continuing education in supervision and administration	
	4	Masters Degree in Clinical Laboratory, Chemical or Biological Science	Three years of pertinent clinical laboratory experience, with at least 1 year experience in the category in which licensure is sought	The Molecular Diagnostics examination given by ABB
	5	Bachelors Degree w With 16 semester hours of academic science	Five years of pertinent clinical laboratory experience with at least 2 years experience at the Technologist level and 25 hours of Board-approved continuing education in supervision and administration	
	6	Bachelors Degree w With 16 semester hours of academic science	Five years of pertinent clinical laboratory experience, and with at least 2 years experience at the Technologist level	The Molecular Diagnostics examination given by ABB

(2) In lieu of one year of experience required by subsection 64B3-5.002(1), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of The American Society for Clinical Pathology, ~~the ASCP~~, National Credentialing Agency of Laboratory Personnel, The National Registry of Certified Chemists, ~~National Registry of Clinical Chemistry~~, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis ~~Misanalysis~~ ~~Bioanalysts~~, American Association of Bioanalysts, ~~American Board of Bioanalysis~~, American Board of Clinical Chemistry, American Board of Medical

Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

(3) No change.

(4) The Board approved Supervision and Administration examinations, used in lieu of the required 25 hours of supervision and administration continuing education are:

(a) through (h) No change.

(i) The National Registry of Certified Chemists (NRCC).

Specific Authority 483.805(4), 483.823 FS. Law Implemented 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, 4-20-04, 2-23-06, 5-25-06, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.003
 RULE TITLE: Technologist

PURPOSE AND EFFECT: The purpose of this notice is to correct errors that were present in the version of this rule that became effective on July 9, 2007.

SUBJECT AREA TO BE ADDRESSED: The qualifications of technologists.

SPECIFIC AUTHORITY: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.815, 483.823 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.003 Technologist.

(1) through (2) No change.

(3) In addition, at least one of the following requirements must be met for specific areas of licensure. In some cases there are multiple options for meeting the requirement.

Specialty	Option	Education	Training/Experience	Examination
(a) Microbiology, Serology/ Immunology, Clinical Chemistry, Hematology, Immunohematology, and Molecular Pathology	1	Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science	Clinical laboratory training program or 3 years experience (1 year in each specialty for which licensure is sought)	MT(ASCP), CLS(NCA), MT(AMT), MT(AAB), NRCC examinations, or specialist examinations in single disciplines for licensure in that specialty area
	2	90 semester hours college credit	Clinical laboratory training program	MT(ASCP), CLS(NCA), MT(AMT), MT(AAB) examinations, or specialist examinations in single disciplines for licensure in that specialty area
	3	Associate Degree in Clinical/Medical Laboratory Technology		MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area
	4	Associate Degree	Successfully completed a military clinical laboratory training program of at least 1500 clock hours	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area
	5	Associate Degree	5 years of pertinent clinical laboratory experience with one year of experience in each category for which licensure is sought	MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area
(b) through (c) No change.				

Specialty	Option	Education	Training/Experience	Examination
(d) Cytogenetics	1	Bachelors Degree <u>with 36 hours of academic science in Clinical Laboratory, Chemical, or Biological Science</u>	Board approved training program in cytogenetics at the technologist level	CLS(NCA) Cytogenetics examination
	2	Bachelors Degree <u>with 36 hours of academic science in Clinical Laboratory, Chemical, or Biological Science</u>	One year of pertinent clinical laboratory experience in cytogenetics	CLS(NCA) Cytogenetics examination
(e) through (f) No change.				
(g) Histology	1			HTL(ASCP), or HT(ASCP) QIHC
	2	Associate Degree	NAACLS-approved Histotechnology Program	HT(ASCP)
	3		Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques	HT(ASCP)
	<u>4</u>		<u>Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and licensure as a technician in the specialty of histology</u>	
(h) Histocompatibility	1			CHT(ABHI)
	4		Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and licensure as a technician in the specialty of histology	

Specific Authority 483.805(4), 483.823 FS. Law Implemented 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, 10-29-02, 8-16-04, 5-15-05, 12-19-05, 5-25-06, 7-9-07, _____.

DEPARTMENT OF HEALTH

Board of Massage

RULE NOS.: RULE TITLES:
 64B7-25.001 Examination Requirements
 64B7-25.004 Endorsements

PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Examination Requirements; Endorsements.

SPECIFIC AUTHORITY: 456.013(2)(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2)(4)(c), 480.042(1) FS.

LAW IMPLEMENTED: 456.013(2)(7), 456.017(1)(c), 456.034, 480.041(4)(c), 480.042 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: Pamela King, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
 64B7-26.002 Licensure of Massage
 Establishments

PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Licensure of Massage Establishments.

SPECIFIC AUTHORITY: 480.035(7), 480.043(2) FS.

LAW IMPLEMENTED: 480.043(1), (2), 483.043(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela

King, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: RULE TITLE:
 64B17-5.001 Requirements for Reactivation of an
 Inactive License

PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Requirements for Reactivation of an Inactive or Retired License.

SPECIFIC AUTHORITY: 486.025, 486.085(2), (4)(a), 486.108(2), 456.036 FS.

LAW IMPLEMENTED: 486.085, 486.108, 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-5.001 Requirements for Reactivation of an Inactive or Retired License.

Depending upon the time of reactivation, an inactive or retired license shall be reactivated upon demonstration that the licensee has paid the reactivation fee, the biennial renewal fee for an active license or the difference between the inactive or retired status renewal fee and the active status renewal fee, and if applicable, a change of status and/or delinquency fee, provided that the licensee has:

(1) No change.

~~(2) Documented completion of the required HIV/AIDS course as prescribed in Rule 64B17-8.001, F.A.C., for each biennium the license was inactive.~~

(2)(3) Documented completion of the required medical errors prevention courses as prescribed in Rule 64B17-8.002, F.A.C., for each biennium after the effective date of the statutory requirement while the license was inactive.

~~(3)~~~~(4)~~ Documented proof of completion of 24 hours of approved continuing education as provided in Rule 64B17-9.001, F.A.C., including ~~HIV/AIDS~~ and medical errors prevention for the preceding biennium during which the licensee held an active license.

~~(4)~~~~(5)~~ Documented successful passage of the Laws & Rules examination.

Specific Authority 486.025, 486.085(2), (4)(a), 486.108(2), 456.036 FS. Law Implemented 486.085, 486.108, 456.036 FS. History--New 8-6-84, Formerly 21M-8.11, Amended 9-22-87, 12-30-87, 6-20-89, Formerly 21M-8.011, Amended 3-24-93, Formerly 21MM-5.001, 61F11-5.001, Amended 12-22-94, 4-4-95, 8-16-95, 7-1-97, Formerly 59Y-5.001, Amended 8-9-04, 7-19-06,_____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-8.001
 RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome

PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

SPECIFIC AUTHORITY: 456.033, 486.025 FS.

LAW IMPLEMENTED: 456.033 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: Pamela King, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-8.001 Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.

(1) No change.

(2) Each licensee must complete at least one clock hour on HIV/AIDS education no later than upon the licensee's first renewal of licensure. The Board shall accept coursework from schools of physical therapy, provided such coursework was completed no more than five (5) years preceding initial licensure date after July 1, 1991.

(3) No change.

Specific Authority 456.033, 486.025 FS. Law Implemented 456.033 FS. History--New 6-3-90, Amended 9-30-91, 6-3-92, Formerly 21MM-8.001, 61F11-8.001, Amended 4-20-97, Formerly 59Y-8.001, Amended 4-5-07,_____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-9.001
 RULE TITLE: Continuing Education
 PURPOSE AND EFFECT: The purpose and effect is to update the existing language in this rule.
 SUBJECT AREA TO BE ADDRESSED: Continuing Education.

SPECIFIC AUTHORITY: 486.025 FS.

LAW IMPLEMENTED: 456.013(6), 486.109(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: Pamela King, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-9.001 Continuing Education.

(1) through (5) No change.

(6) The Board approves for continuing education credit:

(a) No change.

(b) Courses sponsored or approved by the American Physical Therapy Association or any of its components; or

(c) Courses sponsored or approved by the Florida Physical Therapy Association, so long as they meet the criteria set forth in subsection 64B17-9.001(3), F.A.C.; or

(d) Courses sponsored or approved by the Federation of State Boards of Physical Therapy.

~~(e)~~~~(d)~~ Attendance at Florida Board meetings where disciplinary cases are being heard if the licensee is not on the agenda or appearing for another purpose. The number of risk management contact hours for such attendance is based on the definition of contact hour as set forth in subsection (2).

~~(f)~~~~(e)~~ Members of the Board's Probable Cause Panel shall receive five hours of continuing education risk management credit per biennium for their service on the Panel.

~~(g)~~~~(f)~~ Licensees who take and pass the Florida laws and rules examination shall receive two (2) hours of continuing education per biennium. The continuing education credit shall be awarded only for the biennium in which the examination was taken and passed. Continuing education credit shall not be

awarded to licensees that take and pass the examination as a result of a disciplinary proceeding or as a board ordered condition of initial licensure, re-activation or reinstatement.

(7) through (8) No change.

Specific Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History--New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, 6-28-04, 4-9-06, 5-28-06,_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-170.0155
 RULE TITLE: Forms

PURPOSE AND EFFECT: To adopt the Personal Injury Protection Provider Certification of Eligibility Form as required by amendments to Section 627.736, F.S.

SUBJECT AREA TO BE ADDRESSED: Personal injury protection.

SPECIFIC AUTHORITY: 627.736 FS.

LAW IMPLEMENTED: 627.736 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 6, 2007, 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: Michal Milnes, Office of Insurance Regulation, E-mail michael.milnes@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: Michal Milnes, Office of Insurance Regulation, E-mail michael.milnes@fldfs.com

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

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: 69V-560.102
 RULE TITLE: Application Forms, Procedures and Requirements

PURPOSE AND EFFECT: Rule 69V-560.102, F.A.C., is being amended to reduce fingerprint processing fees from \$47 to \$42.25. The current fee of \$47 represents \$23 charged by the Florida Department of Law Enforcement for a state criminal history check and \$24 charged by the U.S. Department of Justice for a national criminal history check. The U.S. Department of Justice will be reducing its fee from \$24 to \$19.25. Therefore, the rule is being amended to reduce fingerprint processing fees from \$47 to \$42.25.

SUBJECT AREA TO BE ADDRESSED: Money Transmitter Regulation/Fingerprint Processing Fees.

SPECIFIC AUTHORITY: 215.405, 560.105(3), 560.305 FS.

LAW IMPLEMENTED: 215.405, 560.205, 560.305, 560.306, 560.102, 560.106 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: Greg Oaks, Bureau Chief, Office of Financial Regulation, The Fletcher Building, 200 East Gaines Street, Tallahassee, Florida 32399, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.102 Application Forms, Procedures and Requirements.

(1) through (4) no change.

(5) The responsible person who will be in charge of the applicant’s business activities in this state, and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL922720Z), effective 7/15/07, which is hereby incorporated by reference, accompanied by a nonrefundable \$42.25 ~~\$47~~ processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(6) through (10) No change.

Specific Authority 215.405, ~~560.105~~ ~~560.105(3)~~, 560.118(2), 560.205(1), (2), 560.209(2)(a), 560.403(1) FS. Law Implemented 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.209, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History--New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended 7-15-07,_____.

DEPARTMENT OF FINANCIAL SERVICES

Finance

RULE NO.: RULE TITLE:

69V-560.902 Definitions

PURPOSE AND EFFECT: The Office proposes the development of a rule amendment to define the term “check” as that term is used in Chapter 560, Part IV, Florida Statutes, relating to deferred presentment transactions.

SUBJECT AREA TO BE ADDRESSED: The definition of the term “check” as that term is used in Chapter 560, Part IV, Florida Statutes, relating to deferred presentment transactions.

SPECIFIC AUTHORITY: 560.105(2), 560.404(23) FS.

LAW IMPLEMENTED: 560.402(6), 560.404, 560.106, 560.102 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 16, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Office of Financial Regulation, 101 E. Gaines Street, The Fletcher Building, Room 547, Tallahassee, Florida 32399

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 48 hours before the workshop/meeting by contacting: Mike Ramsden, Bureau Chief, Bureau of Money Transmitters, 200 E. Gaines Street, Tallahassee, FL 32399, (850)410-9805 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: Mike Ramsden, Bureau Chief, Bureau of Money Transmitters, 200 E. Gaines Street, Tallahassee, FL 32399, (850)410-9805

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69V-560.902 Definitions.

(1) through (12) No change.

(13) The term “check” includes but is not limited to any authorization to transfer or withdraw funds from an account signed by the drawer, including any authorization by a drawer to execute an Automated Clearing House debit transaction.

Specific Authority 560.105(2), 560.404(23) FS. Law Implemented 560.402, 560.404 FS. History—New 12-17-01, Amended 4-17-02, Formerly 3C-560.902, Amended 9-14-04,_____.

**Section II
Proposed Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: RULE TITLE:

12A-19.100 Public Use Forms

PURPOSE AND EFFECT: The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms): (1) provide which version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed on or after January 1, 2008; and (2) adopt, by reference, those versions of Form DR-700016, Communications Services Tax Return, that are to be used to report the tax during the specified period.

SUMMARY: The proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms), provide that the January 2008 version of Form DR-700016, Florida Communications Services Tax Return, is to be used to report communications services tax on services billed on or after January 1, 2008, and adopt, by references, changes to Form DR-700016.

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

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

SPECIFIC AUTHORITY: 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

LAW IMPLEMENTED: 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30, 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS.

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

DATE AND TIME: November 13, 2007, 9:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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 IS: Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726