

(1) All applications for licensure by examination must be made on board approved form DOH/MQA/PH101 (Rev 7/08) (Rev 1/8/03), Application for Pharmacist Examination, which is hereby incorporated by reference, and which can be obtained from the Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254, and must be accompanied with a non-refundable examination fee and an initial license fee as set forth in Rules 64B16-26.1001 and 64B16-26.1002, F.A.C.

(2) The applicant must submit proof of having met the following requirements:

(a) Completion of an internship program provided by either an accredited school or college of pharmacy or a state board of pharmacy or jointly by both provided that the program meets requirements of Rule ~~64B16-26.2032~~ ~~64B16-26.2031~~, F.A.C.

(b) Completion of a course not less than 2 hours on medication errors that covers the study of root-cause analysis, error reduction and prevention, and patient safety subjects listed in Rule 64B16-26.601, F.A.C. For applicants who apply within one year following receipt of their pharmacy degree, completed academic course work on medication errors will be accepted by the Board as an educational course under this section, provided such course work is no less than 2 contact hours and that it covers the study of root-cause analysis, error reduction and prevention, and patient safety subjects listed in Rule 64B16-26.601, F.A.C. as evidenced by a letter attesting to subject matter covered from the Dean of the University.

(3) An applicant must reapply if all requirements for licensure are not met within one year of the receipt of the application under the following conditions.

~~(a) For candidates applying after the effective date of this subsection, if all requirements of licensure are not met within one year of the receipt of the application.~~

~~(b) For candidates applying prior to the effective date of this subsection, if all requirements for licensure are not met within one year after initial filing.~~

(4) No change.

Specific Authority 456.033, 465.005 FS. Law Implemented 456.013(1), (7), 456.025(3), 456.033, 465.007, 465.022 FS. History—New 10-17-79, Formerly 21S-12.04, 21S-12.004, Amended 7-31-91, 10-14-91, Formerly 21S-26.203, 61F10-26.203, Amended 7-1-97, Formerly 59X-26.203, Amended 8-17-99, 10-15-01, 1-2-02, 1-12-03, 1-11-05, 2-18-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Pharmacy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 15, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 27, 2008

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-18.001	Authorization for Compensation
12-18.004	Submission of Information and Claims for Compensation

#### NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly.

In response to written comments received from the Joint Administrative Procedures Committee, dated February 27, 2009, regarding the list of taxes, fees, and surcharges administered, regulated, controlled, and collected by the Department of Revenue, paragraph (b) of subsection (1) of Rule 12-18.001, F.A.C., Authorization for Compensation, has been changed as follows:

(b) The Department administers, regulates, controls, and collects the following:

1. Communications services tax;
2. Corporate income and emergency excise tax;
3. Estate tax;
4. Documentary stamp tax;
5. Fuel taxes on motor fuel, diesel fuel, aviation fuel, and alternative fuel, including local option taxes;
6. Government leasehold intangible personal property tax;
7. Gross receipts tax on dry-cleaning;
8. Gross receipts tax on natural gas, manufactured gas, or electricity;
9. Insurance premium taxes, fees, regulatory assessments, excise taxes, and surcharges required to be remitted to the Department;
10. Intangible personal property tax;
11. Local option convention development tax, tourist development tax, and tourist impact tax when the imposing local government has not elected to self-administer the tax;
12. Miami-Dade County lake belt mitigation and water treatment upgrade fees;
13. Motor vehicle warranty fees;
14. Pollutant taxes;
15. Rental car surcharge;
16. Sales and use tax and local option discretionary sales surtaxes;

17. Severance taxes, fees, and surcharges on gas and sulfur production, oil production, and solid mineral severance; and

18. Solid waste fees, including the new tire fee and the new or remanufactured lead-acid battery fee.

In addition, the change to subparagraph 12-18.001(1)(b)17. has been included on page 2, Form DR-55, Application for Compensation for Tax Information. Form DR-55 is incorporated by reference in paragraph (a) of subsection (3) of Rule 12-18.004, F.A.C. That paragraph, has been changed, so that, when adopted, the revision date of Form DR-55 will read “R. 03/09.”

**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.”

**STATE BOARD OF ADMINISTRATION**

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.012	Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund
19-8.013	Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 5, February 6, 2009, issue of the Florida Administrative Weekly. Cancellation Notice: The Rule Hearing scheduled for March 18, 2009, has been cancelled.

**REGIONAL PLANNING COUNCILS**

**Southwest Florida Regional Planning Council**

RULE NO.:	RULE TITLE:
29I-1.004	Council Membership and Appointments, Term of Service, Vacancies, Removal from Office

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 5, December 19, 2008 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Paragraph (1)(e) will be changed to delete the current language as it duplicates language in Section 186.504(3), F.S; paragraph (1)(f) will be deleted and its current text moved to paragraph (1)(e).

**REGIONAL PLANNING COUNCILS**

**Southwest Florida Regional Planning Council**

RULE NO.:	RULE TITLE:
29I-7.004	Costs

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 34, No. 5, December 19, 2008 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The change is as follows:

1. Subsection (1) will be changed to clarify the fee the Council charges for its services. The second sentence will be revised to read: “The SWFRPC shall be compensated for costs incurred for situation assessments, facilitation of additional settlement meeting, mediation, technical assistance, and other staff services.” This language is supported by Section 186.505, F.S.

**DEPARTMENT OF CORRECTIONS**

RULE NO.:	RULE TITLE:
33-204.003	Food Services – Standards of Operation

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 7, February 20, 2009 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: ~~8-1-08 7-21-08~~

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NOS.:	RULE TITLES:
59G-7.003	Medicaid Third Party Liability Responsibility and Notices
59G-7.004	Forms
59G-7.0211	Exchange of Medicaid Data with Health Insurers
59G-7.023	Probable Existence of Third-Party Liability Established
59G-7.032	Recovery of Reimbursement – General
59G-7.0322	Conflicting Claims by Medicare and Medicaid
59G-7.0331	Small Claim Exception under Paragraph (11)(f) of the MTPLA

59G-7.0332	All Medical Assistance; Medicaid Program Repaid First
59G-7.034	Settlement Agreements
59G-7.035	Fees of Recipient's Attorney
59G-7.051	Required to Seek Reimbursement
59G-7.053	Hospital Third-Party Liability Plan
59G-7.054	Prompt Repayment
59G-7.056	Benefits under Certain Plans
59G-7.057	Provider Third-Party Liability Audits
59G-7.058	Billing Statement and Medical Records
59G-7.0581	Statements as Notice
59G-7.060	Cooperation Required
59G-7.0601	Non-cooperation
59G-7.061	Duty to Inform
59G-7.062	Notice of Proceedings or Claim
59G-7.063	Settlement and Notice
59G-7.064	Appearance to Provide Information
59G-7.073	Proceeds of Tort Recovery Required to Be Held in Trust

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 41, October 10, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**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 Medicine**

RULE NO.:	RULE TITLE:
64B8-51.001	Manner of Application

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 1, January 9, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (1) shall now read as follows:

(1) All persons applying for licensure as an electrologist shall submit a signed application to the Executive Director of the Council on forms provided by the Council and approved and incorporated herein by reference by the Board as Form DH-MQA 1164, 11/08, Electrologist Application, which can be accessed through [www.doh.state.fl.us/mqa](http://www.doh.state.fl.us/mqa). The initial application must be accompanied by the application fee, as set forth in Rule 64B8-51.007, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

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

**NOTICE OF CHANGE**

Notice is hereby given that the following change has been made to the proposed rule to correct form number to DH-MQA 1180 in subsection (1) and to add language in subsection (2) providing the website address where form DH-MQA 1063 can be obtained in accordance with subparagraph 120.54(3)(d)1., FS, published in Vol. 35, No. 2, of the January 16, 2009, issue of the Florida Administrative Weekly. The change is in response to concerns by the Board of Opticianry regarding a proposed revision to form DH-MQA 1180 that had been overlooked and was not voted on at its meeting on November 7, 2008, and modifications made by the Board of Opticianry at its meeting on February 9, 2009. No Statement of Estimated Regulatory Cost was prepared. It was determined that this rule will not affect small businesses. Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

The rule shall read as:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) Any persons seeking to be registered as an apprentice optician shall submit to the Board an Apprentice Optician Application (Form DH-MQA 1180, revised 11/08), hereby adopted and incorporated by reference, which can be obtained from the Board's website at [www.doh.state.fl.us/mqa/opticianry](http://www.doh.state.fl.us/mqa/opticianry). All apprenticeship training must be conducted by the sponsor(s) with whom the apprentice is currently registered with the Agency. Credits shall be granted to apprentices if the training is properly documented according to this rule. An apprentice shall not receive credit for any training received from a person other than the properly registered sponsor(s). However, an apprentice can receive credit for attending continuing education courses by a board-approved provider pursuant to this rule.

(2) An apprentice shall have no more than two sponsors at any given time. If an apprentice has two sponsors, one sponsor shall be the primary sponsor responsible for the secondary sponsor and the apprentice. The primary sponsor shall be responsible for the completion, filing, signature and verification of the Apprenticeship Sponsor ~~Attestation~~ Form (DH-MQA 1063, revised 11/08 1-02) which is hereby adopted and incorporated by reference, which can be obtained from the

Board’s website at [www.doh.state.fl.us/mqa/opticianry](http://www.doh.state.fl.us/mqa/opticianry) and is available from the Board office at Department of Health, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258. The secondary sponsor may work with the apprentice in a store or office other than the primary store or office as long as the apprentice works under the apprenticeship requirements and training program.

(3) through (6) No change.

Specific Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History–New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, 9-27-06, 4-19-07, 11-20-07,\_\_\_\_\_.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NOS.:	RULE TITLES:
69L-56.002	Definitions
69L-56.300	Claims EDI Reporting Requirements and Implementation Schedules
69L-56.301	Electronic First Report of Injury or Illness

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly.

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

69L-56, F.A.C. Electronic Data Interchange (EDI) ~~Technical~~ Requirements for Proof of Coverage and Claims (Non-Medical).

In response to written comments received from the Joint Administrative Procedures Committee, dated January 26, 2009, and based on subsequent discussions, the Department has deleted the second sentence from subsection 69L-56.002(23); changed “Industry Code” North American Classification System (NAICS) to reflect the most current edition (2007) in subsection 69L-56.002(34); clarified a statutory reference to “volunteer” found in subsection 69L-56.002(41); changed “Manual Class Code” Scopes Manual to reflect the most current Edition (2009) in subsection 69L-56.002(43); amended the “Policy Effective Date” in subsection 69L-56.205(1) to read “on or after October 1, 2009”; changed the word “may” to “shall” in subsection 69L-56.300(2)(b); and, deleted subsection 69L-56.301(10). Multiple references to the IAIABC Claims EDI R3

Implementation Guide have also been changed to reflect the most current Edition, dated 1/01/09. Additional technical changes are also included.

The remainder of the rule reads as previously published.

**Section IV  
Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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**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.”

**Section V  
Petitions and Dispositions Regarding Rule Variance or Waiver**

**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.”

**AGENCY FOR HEALTH CARE ADMINISTRATION**

NOTICE IS HEREBY GIVEN THAT on February 9, 2009, the Agency for Health Care Administration, received a petition for Waiver from subsection 59A-7.020(15), Florida Administrative Code, from Calloway Laboratory, Inc. The Petition seeks a waiver which would allow Petitioner to use customer service representatives in physician offices and clinics to aid in the collection and documentation of urine specimens sent to Calloway’s laboratory without same constituting a violation of the Florida Anti-Kickback Rule.

Please refer all comments to: Amie C. Ragano, Esquire, Assistant General Counsel, Agency for Health Care Administration, 525 Mirror Lake Drive, Suite 330, St. Petersburg, Florida 33701. The Agency for Health Care Administration will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered comments must be received on or before 5:00 p.m.