

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Gregory C. Oaks, Chief, Bureau of Regulatory Review –
 Finance, Division of Finance, Office of Financial Regulation
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Financial Services Commission
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: March 10, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: February 27, 2009

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.

Written comments, dated March 2, 2009, were received by the Department regarding the definition of the term “fuel grade ethanol.” The definition contained in Forms DR-309631N, DR-309632N, DR-309633N, DR-309634N, DR-309635N, DR-309636N, DR-309637N, and DR-309638N has been changed so that, when adopted, the first two sentences of the category “Ethanol Blends” on each form will read:

Ethanol Blends: Ethanol blends are taxable products resulting from a blend of gasoline and ethanol to create a fuel grade ethanol. Fuel grade ethanol is defined as ethanol blended with at least 1.97 percent gasoline to render the product unsuitable for human consumption.

Subsections (21), (23), (25), (27), (29), (31), (33), and (35) of Rule 12B-5.150, F.A.C., have been changed, so that, when adopted, those subsections will read:

- (21) DR-309631N Instructions for Filing Terminal Supplier Fuel Tax Return (R. ~~04/09~~ 01/08) _____ 01/08
- (23) DR-309632N Instructions for Filing Wholesaler/Importer Fuel Tax Return (R. ~~04/09~~ 01/08) _____ 01/08
- (25) DR-309633N Instructions for Filing Mass Transit System Provider Fuel Tax Return (R. ~~04/09~~ 01/08) _____ 01/08
- (27) DR-309634N Instructions for Filing Local Government User of Diesel Fuel Tax Return (R. ~~04/09~~ 01/08) _____ 01/08
- (29) DR-309635N Instructions for Filing Blender/Retailer of Alternative Fuel Tax Return (R. ~~04/09~~ 01/08) _____ 01/08
- (31) DR-309636N Instructions for Filing Terminal Operator Information Return (R. ~~04/09~~ 01/08) _____ 01/08
- (33) DR-309637N Instructions for Filing Petroleum Carrier Information Return (R. ~~04/09~~ 01/08) _____ 01/08
- (35) DR-309638N Instructions for Filing Exporter Fuel Tax Return (R. ~~04/09~~ 01/08) _____ 01/08

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-6.05271 Standards for the Use of Reasonable Force

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 5, February 6, 2009 Florida Administrative Weekly has been continued from March 17, 2009 to May 19, 2009.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:
 12B-5.020 Definitions; Specific Exemptions

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.

Written comments, dated March 2, 2009, were received by the Department regarding the definition of the term “fuel grade ethanol.” In response, the definition of “fuel grade ethanol” has been changed, so that, when adopted, paragraph (e) of subsection (1) of Rule 12B-5.020, F.A.C. (Definitions; Specific Exemptions), will read:

(e) “Fuel grade ethanol” means ethanol blended with at least 1.97 percent gasoline to render the product unsuitable for human consumption pursuant to 27 C.F.R. 19.1005 (hereby incorporated by reference).

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NO.: RULE TITLE:
 12B-5.150 Public Use Forms

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.”

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. 34, No. 51, 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. 51, 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:
33-601.101 Incentive Gain Time
 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.

In subparagraph (6)(a)(2), the word "months" is corrected to read "month"; and in the History section of the proposed rule, the second 'Formerly' citation should read "33-11.0065" rather than "33-11.065." These corrections do not affect the substance of the Rule.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.: RULE TITLES:
40C-2.042 General Permit by Rule
40C-2.101 Publications Incorporated by
 Reference
40C-2.301 Conditions for Issuance of Permits

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 51, December 19, 2008 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: RULE TITLE:
59C-1.030 Criteria Used in Evaluation of
 Applications
 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. 48, November 26, 2008 issue of the Florida Administrative Weekly.

59C-1.030 Criteria Used in the Evaluation of Applications.

In addition to criteria set forth in Section 408.035, Florida Statutes, the following criteria are used in the review of an application.

- (1) ~~General Provisions (Reserved)~~ For a new general hospital as defined in Section 395.002, F.S. and 59A-3.252(1)1. and 3., F.A.C. the criteria for evaluation includes the need for health care facilities and health services being proposed, availability, accessibility, and extent of utilization of existing facilities and services in the service district of the applicant, the extent that access will be enhanced, the extent that competition, quality and cost-effectiveness will be fostered and provision of services to Medicaid patients and the Medically indigent and is as itemized in Section 408.035(2) and 408.037(2), F.S.

(2) through (3) No change.

~~Rulemaking Specific~~ Authority 408.15(8), 408.034(3), ~~(6)(5)~~ FS. Law Implemented 408.035 FS. History--New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(a), (b), Formerly 10-5.030, Amended.

AGENCY FOR HEALTH CARE ADMINISTRATION**Certificate of Need**

RULE NO.: RULE TITLE:
59C-1.0355 Hospice Programs
 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. 4, January 30, 2009 issue of the Florida Administrative Weekly.

These changes reflect comments from the Joint Administrative Procedures Committee and information received at the February 24, 2009 hearing. The text of the proposed rule will be revised to include the date of publication of data reports that are incorporated by reference and to add Section 408.034(6) to the rulemaking authority.

THE FULL TEXT OF THE PROPOSED RULE IS:**59C-1.0355 Hospice Programs.**

(1) Agency Intent. This rule implements the provisions of subsection 408.034(3), paragraphs 408.036(1)(d) ~~and (e)~~, and subsection 408.043(2), Florida Statutes. It is the intent of the agency to ensure the availability of hospice programs as defined in this rule to all persons requesting and eligible for hospice services, regardless of ability to pay. This rule regulates the establishment of new hospice programs, the construction of freestanding inpatient hospice facilities as defined in this rule, and a change in licensed bed capacity of a freestanding inpatient hospice facility. A separate certificate of need application shall be submitted for each service area defined in this rule.

(2) Definitions.

(a) "Agency." The Agency for Health Care Administration.

(b) "Approved Hospice Program." A hospice program for which the agency has issued an intent to grant a certificate of need, or has issued a certificate of need, and that is not yet licensed as of 3 weeks prior to publication of the fixed need pool.

(c) "Contractual Arrangement." An arrangement for contractual services, as described in subsection 400.6085, Florida Statutes.

(d) "Fixed Need Pool." The fixed need pool defined in subsection 59C-1.002(19)(20), Florida Administrative Code. The agency shall publish a fixed need pool for hospice programs twice a year.

(e) "Freestanding Inpatient Hospice Facility." For purposes of this rule, a facility that houses inpatient beds licensed exclusively to the hospice program but does not house any inpatient beds licensed to a hospital or nursing home.

(f) "Hospice Program." A program described in subsections 400.601(3)(2), 400.602(1)(5), 400.609, and 400.6095(1), Florida Statutes, that provides a continuum of

palliative and supportive care for the terminally ill patient and his family. Hospice services must be available 24 hours a day, 7 days a week, and must be available to all terminally ill persons and their families without regard to age, gender, national origin, sexual orientation, disability, diagnosis, cost of therapy, ability to pay, or life circumstances.

(g) "Inpatient Bed." Inpatient beds located in a freestanding inpatient hospice facility, a hospital, or a nursing home and available for hospice inpatient care.

(h) "Local Health Council." The council referenced in Section 408.033(1), Florida Statutes.

(i) "Planning Horizon." The date by which a proposed new hospice program is expected to be licensed. For purposes of this rule, the planning horizon for applications submitted between January 1 and June 30 is July 1 of the year 1 year subsequent to the year the application is submitted; the planning horizon for applications submitted between July 1 and December 31 is January 1 of the year 2 years subsequent to the year the application is submitted.

(j) "Residential Facility." For purposes of this rule, a facility operated by a licensed hospice program to provide a residence for hospice patients, as defined in Section 400.601(5)(4), F.S. A residential facility is not subject to regulation under this rule. Provided, however, that a proposal to convert such a residence to a freestanding inpatient hospice facility is subject to regulation under this rule.

(k) "Service Area." The geographic area consisting of a specified county or counties, as follows:

1. Service Area 1 consists of Escambia, Okaloosa, Santa Rosa, and Walton Counties.
2. Service Area 2A consists of Bay, Calhoun, Gulf, Holmes, Jackson, and Washington Counties.
3. Service Area 2B consists of Franklin, Gadsden, Jefferson, Leon, Liberty, Madison, Taylor, and Wakulla Counties.
4. Service Area 3A consists of Alachua, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Putnam, Suwanee, and Union Counties.
5. Service Area 3B consists of Marion County.
6. Service Area 3C consists of Citrus County.
7. Service Area 3D consists of Hernando County.
8. Service Area 3E consists of Lake and Sumter Counties.
9. Service Area 4A consists of Baker, Clay, Duval, Nassau, and St. Johns Counties.
10. Service Area 4B consists of Flagler and Volusia Counties.
11. Service Area 5A consists of Pasco County.
12. Service Area 5B consists of Pinellas County.
13. Service Area 6A consists of Hillsborough County.
14. Service Area 6B consists of Hardee, Highlands, and Polk Counties.
15. Service Area 6C consists of Manatee County.

- 16. Service Area 7A consists of Brevard County.
- 17. Service Area 7B consists of Orange and Osceola Counties.
- 18. Service Area 7C consists of Seminole County.
- 19. Service Area 8A consists of Charlotte and DeSoto Counties.
- 20. Service Area 8B consists of Collier County.
- 21. Service Area 8C consists of Glades, Hendry and Lee Counties.
- 22. Service Area 8D consists of Sarasota County.
- 23. Service Area 9A consists of Indian River County.
- 24. Service Area 9B consists of Martin, Okeechobee, and St. Lucie Counties.
- 25. Service Area 9C consists of Palm Beach County.
- 26. Service Area 10 consists of Broward County.
- 27. Service Area 11 consists of Dade and Monroe Counties.

(1) "Terminally Ill." As defined in subsection 400.601(10)(9), Florida Statutes, terminally ill refers to a medical prognosis that a patient's life expectancy is 1 year or less if the illness runs its normal course.

(3) General Provisions.

(a) Quality of Care. Hospice programs shall comply with the standards for program licensure described in Chapter 400, Part IV, Florida Statutes, and Chapter 58A-2, Florida Administrative Code. Applicants proposing to establish a new hospice program shall demonstrate how they will meet the standards.

(b) Conformance with Statutory Review Criteria. A certificate of need for the establishment of a new hospice program, construction of a freestanding inpatient hospice facility, or change in licensed bed capacity of a freestanding inpatient hospice facility, shall not be approved unless the applicant meets the applicable review criteria in Sections 408.035 and 408.043(2), F.S., and the standards and need determination criteria set forth in this rule. Applications to establish a new hospice program shall not be approved in the absence of a numeric need indicated by the formula in paragraph (4)(a) of this rule, unless other criteria in this rule and in Sections 408.035 and 408.043(2), F.S., outweigh the lack of a numeric need.

(4) Criteria for Determination of Need for a New Hospice Program.

(a) Numeric Need for a New Hospice Program. Numeric need for an additional hospice program is demonstrated if the projected number of unserved patients who would elect a hospice program is 350 or greater. The net need for a new hospice program in a service area is calculated as follows:

$$(HPH) - (HP) \geq 350$$

where:

(HPH) is the projected number of patients electing a hospice program in the service area during the 12 month period beginning at the planning horizon. (HPH) is the sum of $(U65C \times P1) + (65C \times P2) + (U65NC \times P3) + (65NC \times P4)$

where:

U65C is the projected number of service area resident cancer deaths under age 65, and P1 is the projected proportion of U65C electing a hospice program.

65C is the projected number of service area resident cancer deaths age 65 and over, and P2 is the projected proportion of 65C electing a hospice program.

U65NC is the projected number of service area resident deaths under age 65 from all causes except cancer, and P3 is the projected proportion of U65NC electing a hospice program.

65NC is the projected number of service area resident deaths age 65 and over from all causes except cancer, and P4 is the projected proportion of 65NC electing a hospice program.

The projections of U65C, 65C, U65NC, and 65NC for a service area are calculated as follows:

$$U65C = (u65c/CT) \times PT$$

$$65C = (65c/CT) \times PT$$

$$U65NC = (u65nc/CT) \times PT$$

$$65NC = (65nc/CT) \times PT$$

where:

u65c, 65c, u65nc, and 65nc are the service area's current number of resident cancer deaths under age 65, cancer deaths age 65 and over, deaths under age 65 from all causes except cancer, and deaths age 65 and over from all causes except cancer.

CT is the service area's current total of resident deaths, excluding deaths with age unknown, and is the sum of u65c, 65c, u65nc, and 65nc.

PT is the service area's projected total of resident deaths for the 12-month period beginning at the planning horizon.

"Current" deaths means the number of deaths during the most recent calendar year for which data are available from the Department of Health and Rehabilitative Services' Office of Vital Statistics at least 3 months prior to publication of the fixed need pool.

"Projected" deaths means the number derived by first calculating a 3-year average resident death rate, which is the sum of the service area resident deaths for the three most recent calendar years available from the Department of Health and Rehabilitative Services' Office of Vital Statistics at least 3 months prior to publication of the fixed need pool, divided by the sum of the July 1 estimates of the service area population for the same 3 years. The resulting average death rate is then multiplied by the projected total population for the service area at the mid-point of the 12-month period which begins with the applicable planning horizon. Population estimates for each year will be the most recent population estimates from published by the Office of the Governor at least 3 months prior

to publication of the fixed need pool. The following materials are incorporated by reference within this rule; Department of Health Office of Vital Statistics Florida Vital Statistics Annual Report 2007, Deaths, and the Office of the Governor Florida Population Estimates And Projections by AHCA District 2000 To 2020, released September, 2008. These publications are available on the Agency website at http://ahca.myflorida.com/MCHQ/CON_FA/index.shtml.

The projected values of P1, P2, P3, and P4 are equal to current statewide proportions calculated as follows:

$$P1 = (Hu65c/Tu65c)$$

$$P2 = (H65c/T65c)$$

$$P3 = (Hu65nc/Tu65nc)$$

$$P4 = (H65nc/T65nc)$$

where:

Hu65c, H65c, Hu65nc, and H65nc are the current 12-month statewide total admissions of hospice cancer patients under age 65, hospice cancer patients age 65 and over, hospice patients under age 65 admitted with all other diagnoses, and hospice patients age 65 and over admitted with all other diagnoses. The current totals are derived from reports submitted under subsection (9) of this rule.

Tu65c, T65c, Tu65nc, and T65nc are the current 12-month statewide total resident deaths for the four categories used above.

(HP) is the number of patients admitted to hospice programs serving an area during the most recent 12-month period ending on June 30 or December 31. The number is derived from reports submitted under subsection (9) of this rule.

350 is the targeted minimum 12-month total of patients admitted to a hospice program.

(b) Licensed Hospice Programs. Regardless of numeric need shown under the formula in paragraph (4)(a), the agency shall not normally approve a new hospice program for a service area unless each hospice program serving that area has been licensed and operational for at least 2 years as of 3 weeks prior to publication of the fixed need pool.

(c) Approved Hospice Programs. Regardless of numeric need shown under the formula in paragraph (4)(a), the agency shall not normally approve another hospice program for any service area that has an approved hospice program that is not yet licensed.

(d) Approval Under Special Circumstances. In the absence of numeric need identified in paragraph (4)(a), the applicant must demonstrate that circumstances exist to justify the approval of a new hospice. Evidence submitted by the applicant must document one or more of the following:

1. That a specific terminally ill population is not being served.

2. That a county or counties within the service area of a licensed hospice program are not being served.

3. That there are persons referred to hospice programs who are not being admitted within 48 hours (~~excluding cases where a later admission date has been requested~~). The applicant shall indicate the number of such persons.

(e) Preferences for a New Hospice Program. The agency shall give preference to an applicant meeting one or more of the criteria specified in subparagraphs 1. through 5.:

1. Preference shall be given to an applicant who has a commitment to serve populations with unmet needs.

2. Preference shall be given to an applicant who proposes to provide the inpatient care component of the hospice program through contractual arrangements with existing health care facilities, unless the applicant demonstrates a more cost-efficient alternative.

3. Preference shall be given to an applicant who has a commitment to serve patients who do not have primary caregivers at home; the homeless; and patients with AIDS.

4. In the case of proposals for a hospice service area comprised of three or more counties, preference shall be given to an applicant who has a commitment to establish a physical presence in an underserved county or counties.

5. Preference shall be given to an applicant who proposes to provide services that are not specifically covered by private insurance, Medicaid, or Medicare.

(5) Consistency with Plans. An applicant for a new hospice program shall provide evidence in the application that the proposal is consistent with the needs of the community and other criteria contained in local health council plans and the State Health Plan. The application for a new hospice program shall include letters from health organizations, social services organizations, and other entities within the proposed service area that endorse the applicant's development of a hospice program.

(6) Required Program Description. An applicant for a new hospice program shall provide a detailed program description in its certificate of need application, including:

(a) Proposed staffing, including use of volunteers.

(b) Expected sources of patient referrals.

(c) Projected number of admissions, by payer type, including Medicare, Medicaid, private insurance, self-pay, and indigent care patients for the first 2 years of operation.

(d) Projected number of admissions, by type of terminal illness, for the first 2 years of operation.

(e) Projected number of admissions by two age groups, under 65 and 65 or older, for the first 2 years of operation.

(f) Identification of the services that will be provided directly by hospice staff and volunteers and those that will be provided through contractual arrangements.

(g) Proposed arrangements for providing inpatient care (e.g., construction of a freestanding inpatient hospice facility; contractual arrangements for dedicated or renovated space in hospitals or nursing homes).

(h) Proposed number of inpatient beds that will be located in a freestanding inpatient hospice facility, in hospitals, and in nursing homes.

(i) Circumstances under which a patient would be admitted to an inpatient bed.

(j) Provisions for serving persons without primary caregivers at home.

(k) Arrangements for the provision of bereavement services.

(l) Proposed community education activities concerning hospice programs.

(m) Fundraising activities.

(7) Construction of a Freestanding Inpatient Hospice Facility. The agency will not normally approve a proposal for construction of a freestanding inpatient hospice facility unless the applicant demonstrates that the freestanding facility will be more cost-efficient than contractual arrangements with existing hospitals or nursing homes in the service area. The application shall include the following:

(a) A description of any advantages that the hospice program will achieve by constructing and operating its own inpatient beds.

(b) Existing contractual arrangements for inpatient care at hospitals and nursing homes; or, in the case of a proposed new hospice program, contacts made with hospitals and nursing homes regarding contractual arrangements for inpatient care.

(c) Anticipated sources of funds for the construction.

~~(8) Change in Licensed Bed Capacity of a Freestanding Inpatient Hospice Facility. A hospice program proposing to change the licensed bed capacity of its freestanding inpatient hospice facility shall indicate in its application:~~

~~(a) The annual occupancy rate for the freestanding inpatient hospice facility beds for the most recent 12-month period preceding the application submission.~~

~~(b) The extent to which the number of contracted beds in hospitals and nursing homes will be modified as a result of the change in licensed capacity of the freestanding inpatient hospice facility.~~

~~(8)(9) Semi-Annual Utilization Reports. Each hospice program shall report utilization information to the agency or its designee on or before July 20 of each year and January 20 of the following year. The July report shall indicate the number of new patients admitted during the 6-month period composed of the first and second quarters of the current year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The January report shall indicate the number of new patients admitted during the 6-month period composed of the third and fourth quarters of the prior year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The following detail shall also be provided.~~

~~(a) For the number of new patients admitted:~~

1. The 6-month total of admissions under age 65 and age 65 and over by type of diagnosis (e.g., cancer; AIDS).

2. The number of admissions during each of the 6 months covered by the report, by service area of residence.

(b) For the patient census on April 1 or October 1, as applicable, the number of patients receiving hospice care in:

1. A private home.

2. An adult congregate living facility.

3. A hospice residential unit.

4. A nursing home.

5. A hospital.

~~(9)(10) Grandfathering Provisions. A hospice program licensed as of the effective date of this rule is authorized to continue to serve all counties in the service area where its principal place of business is located. A hospice program whose certificate of need or current license permits hospice services in a county or counties in an adjacent service area may continue to serve those adjacent counties. Any expansion to provide service to other counties in an adjacent service area is subject to regulation under this rule.~~

Rulemaking Specific Authority 408.15(8), 408.034(3), (5), (6) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(d)(e), (e), (f), 408.043(2), 400.606(4), (5) FS. History—New 4-17-95, Amended 7-30-95,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:

RULE TITLE:

61G19-7.002

Training Program Providers

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. 19, May 9, 2008 issue of the Florida Administrative Weekly.

The changes are in response to additional written comments submitted by the staff of the Joint Administrative Procedures Committee with regard to subsection (1) of the proposed rule amendments. When changed, subsection (1) of the rule shall read as follows:

(1) Prospective training program providers shall register with the Board on Board-approved registration form “Training Program and Training Program Provider Application Instructions,” DBPR BCAI 4253-1; “Training Program and Training Program Provider Approval Application,” DBPR BCAI 4254-1; “Attendance Roster,” DBPR 4255-1; and “Course and Program Approval,” DBPR 4256-1, with instructions which are is hereby incorporated by reference, copies of which may be obtained from the Board’s internet website at: www.myflorida.com/dbpr/pro/build/documents/training_program_and_training_program_provider_package_enterable.pdf Board office.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

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 Acupuncture

RULE NO.: 64B1-7.0015
 RULE TITLE: Continuing Education Requirement

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. 33, No. 44, November 2, 2007 issue of the Florida Administrative Weekly.

The change is in response to concerns stated in a letter from the Joint Administrative Procedure Committee dated December 13, 2007:

The rule shall read as:

64B1-7.0015 Continuing Education Requirement.

(1) As a condition of the biennial renewal of a license, each licensee shall complete a minimum of 20 credit hours per biennium of continuing education that meets the requirements of Chapter 457, F.S. Effective March 1, 2002, as a condition of the biennial renewal of a license, each licensee shall complete a minimum of 30 credit hours per biennium of continuing education that meets the requirements of Section 457.107, F.S. Pursuant to Section 456.033(2), F.S., each licensee shall submit confirmation of having completed a 3-hour HIV/AIDS course when submitting fees for the initial biennial renewal. Each biennium, the licensee shall complete a program awarding at least 5 hours of continuing education credit in Biomedical Sciences as set forth in Rule 64B1-6.005, F.A.C. concerning the use of laboratory test findings. ~~Each biennium, the licensee shall complete a program awarding at least 3 hours of continuing education credit concerning the use of imaging findings.~~ Each biennium, the licensee shall complete a program on Chapters 456 and 457, F.S., and Rule Chapter 64B1, F.A.C., consisting of at least 2 hours of study.

(2) through (6) No change.

~~(7) Other provisions of a rule of the Board notwithstanding, effective for the biennium beginning March 1, 2004, and ending February 28, 2006, all non-statutory continuing education licensure renewal requirements imposed by Board rule are suspended. No continuing education credits will be required for renewal of licensure at the February 28,~~

~~2006 renewal date except for the medical errors and HIV/palliative care requirements imposed by Sections 456.013(7) and 456.033, F.S., respectively.~~

Rulemaking Specific Authority 456.013, 457.104, 457.107, 457.108, 457.1085 FS. Law Implemented 456.013, 456.033, 457.107, 457.108, 457.1085, 457.109 FS. History--New 3-18-97, Formerly 59M-7.0015, Amended 4-25-00, 4-3-01, 11-24-02, 5-18-04, 5-30-07, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-52.003
 RULE TITLE: Procedure for Approval of Attendance at Continuing Education Courses
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 9, March 6, 2009 issue of the Florida Administrative Weekly.

The correction is as follows:

The Summary of Statement of Estimated Regulatory Cost shall be corrected to read as follows:

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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

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 Osteopathic Medicine

RULE NOS.: 64B15-14.007
 64B15-14.0076
 RULE TITLES: Standard of Care for Office Surgery Requirement for Osteopathic Physician Office Registration; Inspection or Accreditation

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 47, November 21, 2008 issue of the Florida Administrative Weekly.

This correction is pursuant to a request made by the Joint Administrative Procedures Committee for a corrected Purpose and Effect and Summary. The corrections are as follows:

(1) The Purpose and Effect shall be corrected to read as follows:

PURPOSE AND EFFECT: The Board proposes the rule amendments to clarify the office surgery log requirements and the qualifications of the monitors and physicians; to

incorporate the Department of Health requirements for office registration and authorize office re-inspection in certain circumstances.

(2) The Summary shall be corrected to read as follows:

SUMMARY: Office surgery log requirements will be clarified; qualifications of the monitors and physicians will be clarified; the Department of Health requirements for office registration will be incorporated into the rule; and office re-inspection will be authorized in certain circumstances.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3254

Section IV
Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF 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."

DEPARTMENT OF MANAGEMENT SERVICES

NOTICE IS HEREBY GIVEN THAT on February 20, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of Rule 60BB-8.201, Florida Administrative Code, from Early Learning Coalition of the Big Bend, Inc., 325 John Knox Road, Tallahassee, Florida 32303, Chris Duggan, CEO.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on February 20, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from Early Learning Coalition of the Big Bend Regions, Inc., 325 John Knox, Suite L-201, Tallahassee, FL 32303, Chris Duggan, CEO.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 2, 2009, the Agency for Workforce Innovation, received a petition for Temporary Waiver of Rule 60BB-8.201, Florida Administrative Code, from Early Learning Coalition of Clay, Nassau, Baker and Bradford Counties, 1845 Town Center Boulevard, Suite 150, Orange Park, Florida 32003.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on March 4, 2009, the Agency for Workforce Innovation, received a petition for Emergency Temporary Waiver of paragraph 60BB-8.201(4)(a), Florida Administrative Code, Early Learning Coalition of Osceola County, 1631 East Vine Street, Suite E., Kissimmee, Florida 34744.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.

NOTICE IS HEREBY GIVEN THAT on February 24, 2009, the Agency for Workforce Innovation, received a petition for Variance from subsection 60BB-4.210(1), Florida Administrative Code, from Early Learning Coalition of Osceola County, 1631 East Vine Street, Suite E, Kissimmee, Florida 34744.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Stephanie Savestanan, Agency for Workforce Innovation, Office of Early Learning, 107 E. Madison Street, MSC 140, Tallahassee, Florida 32399-4120.