

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Water Policy**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
5M-12.001	Purpose
5M-12.002	Definitions
5M-12.003	Presumption of Compliance
5M-12.004	Eligible Agricultural Operations
5M-12.005	Plan Development and Revision
5M-12.006	Notice of Intent to Implement
5M-12.007	Record Keeping

**PURPOSE AND EFFECT:** The purpose of this notice is to initiate the development of a statewide rule that will allow animal operations, multi-commodity operations within areas where Best Management Practices (BMPs) are required by statute, and agricultural commodities for which the Florida Department of Agriculture and Consumer Services (Department) has not adopted a BMP manual to implement approved conservation plans containing practices that have been verified to be effective by the Florida Department of Environmental Protection. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

**SUBJECT AREA TO BE ADDRESSED:** The proposed statewide rule will define eligible agricultural operations, address the development of practices that protect water resources, describe the procedure for filing a Notice of Intent, and list associated recordkeeping requirements necessary for producers to receive a presumption of compliance with state water quality standards.

**RULEMAKING AUTHORITY:** 403.067(7)(c)2., 3., 403.067(13)(b), 570.07(23) FS.

**LAW IMPLEMENTED:** 403.067(7)(c)2., 3., 403.067(13)(b) 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:** Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

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

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

**DEPARTMENT OF CORRECTIONS**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
33-602.201	Inmate Property

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend Rule 33-602.201, F.A.C., regarding religious property or materials which adhere to the tenets of particular religions.

**SUBJECT AREA TO BE ADDRESSED:** Inmate property.

**RULEMAKING AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 944.09 FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
40D-1.107	Basins

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 40D-1.107, F.A.C., is to merge the District's Northwest Hillsborough Basin into the Hillsborough River Basin. The Hillsborough River Basin will be re-defined to include the area formerly within the Northwest Hillsborough River Basin. The effect will be to reduce expenditures and duplication of work.

**SUBJECT AREA TO BE ADDRESSED:** Watershed Basins.

**RULEMAKING AUTHORITY:** 373.044, 373.113, 373.149, 373.171 FS.

**LAW IMPLEMENTED:** 373.0693 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:** Karen

West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4660

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.010  
 RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: To incorporate changes to the Florida Title XIX Long-Term Care Reimbursement Plan in accordance with Senate Bill 8A, from the January 2009 Special Session, which created Section 409.908(2), Florida Statutes as follows:

Effective April 1, 2009, there is imposed upon each nursing home facility a quality assessment. The aggregated amount of assessments for all nursing home facilities in a given year shall be an amount not exceeding 5.5 percent of the total aggregate net patient service revenue of assessed facilities. The agency shall calculate the quality assessment rate annually on a per-resident-day basis, exclusive of those resident days funded by the Medicare program, as reported by the facilities. The per-resident-day assessment rate shall be uniform except as prescribed in subsection (3). Each facility shall report monthly to the agency its total number of resident days, exclusive of Medicare Part A resident days, and shall remit an amount equal to the assessment rate times the reported number of days. The agency shall collect, and each facility shall pay, the quality assessment each month. The agency shall collect the assessment from nursing home facility providers by no later than the 15th of the next succeeding calendar month. The agency shall notify providers of the quality assessment and provide a standardized form to complete and submit with payments. The collection of the nursing home facility quality assessment shall commence no sooner than 5 days after the agency's initial payment of the Medicaid rates containing the elements prescribed in subsection (4). Nursing home facilities may not create a separate line-item charge for the purpose of passing through the assessment to residents.

(3)(a) The following nursing home facility providers are exempt from the quality assessment:

1. Nursing home facilities that are licensed under part II of chapter 400 and located on the campus of continuing care retirement communities operating pursuant to a certificate of authority under chapter 651;
2. Nursing home facilities that have 45 or fewer beds; and
3. The skilled nursing facility units of acute care hospitals licensed by the agency under chapter 395.

(b) The agency may apply a lower quality assessment rate to high-volume Medicaid nursing facilities. The agency shall apply the lower rate to the fewest number of such facilities necessary to meet federal Medicaid waiver requirements.

(c) The agency may apply a lower quality assessment rate to high-patient-volume nursing facilities. The agency shall apply the lower rate to the fewest number of such facilities necessary to meet federal Medicaid waiver requirements.

(4) The purpose of the nursing home facility quality assessment is to ensure continued quality of care. Collected assessment funds shall be used to obtain federal financial participation through the Medicaid program to make Medicaid payments for nursing home facility services up to the amount of nursing home facility Medicaid rates as calculated in accordance with the approved Medicaid state plan in effect on December 31, 2007. The quality assessment and federal matching funds shall be used exclusively for the following purposes and in the following order of priority:

- (a) To reimburse the Medicaid share of the quality assessment as a pass-through, Medicaid-allowable cost;
  - (b) To increase to each nursing home facility's Medicaid rate, as needed, an amount that restores the rate reductions implemented January 1, 2008, and January 1, 2009;
  - (c) To increase to each nursing home facility's Medicaid rate, as needed, an amount that restores any rate reductions for the 2008-2009 fiscal year; and
  - (d) To increase each nursing home facility's Medicaid rate that accounts for the portion of the total assessment not included in paragraphs (a)-(c) which begins a phase-in to a pricing model for the operating cost component.
- (5) The agency shall seek necessary federal approval in the form of waivers and state plan amendments in order to implement the provisions of this section.
- (6) The quality assessment shall terminate and the agency shall discontinue the imposition, assessment, and collection of the nursing facility quality assessment if any of the following occur:

- (a) The agency does not obtain necessary federal approval for the nursing home facility quality assessment or the payment rates required by subsection (4); or
- (b) The weighted average Medicaid rate paid to nursing home facilities is reduced below the weighted average Medicaid rate to nursing home facilities in effect on December 31, 2008, plus any future annual amount of the quality assessment and the applicable matching federal funds.

Upon termination of the quality assessment, all collected assessment revenues, less any amounts expended by the agency, shall be returned on a pro rata basis to the nursing facilities that paid them.

(7) The agency may seek any of the following remedies for failure of any nursing home facility provider to pay its assessment timely:

- (a) Withholding any medical assistance reimbursement payments until such time as the assessment amount is recovered;
- (b) Suspension or revocation of the nursing home facility license; and
- (c) Imposition of a fine of up to \$1,000 per day for each delinquent payment, not to exceed the amount of the assessment.

SUBJECT AREA TO BE ADDRESSED: April 1, 2009 nursing home quality assessment.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.9082 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: April 15, 2009, 9:00 a.m. – 10:00 a.m.

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759 or by e-mail at stephene@ahca.myflorida.com

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:	RULE TITLE:
64B3-3.001	General Requirements of Clinical Laboratory Personnel Training Programs

PURPOSE AND EFFECT: The purpose of this amendment is to incorporate: (1) a new form to be utilized by applicants seeking approval to be clinical laboratory personnel training programs; (2) a new form for the self study document required of clinical laboratory personnel training programs; and (3) a new form for reporting a trainee's status change.

SUBJECT AREA TO BE ADDRESSED: (1) The form utilized by applicants seeking approval to be clinical laboratory personnel training programs; (2) the self study document form for clinical laboratory training programs; and (3) the form for providing notice of a trainee's status change.

RULEMAKING AUTHORITY: 483.805(4), 483.811(2) FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.811 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:	RULE TITLE:
64B3-4.001	Trainee Registration

PURPOSE AND EFFECT: The purpose of this amendment is to: (1) incorporate a new form to be utilized by applicants for trainee registration; (2) move the language setting forth the requirements imposed on trainees and trainee applicants; (3) incorporate a new form to be utilized for requesting an extension of trainee registration; and (4) amend the language governing the circumstances under which a trainee registration may be extended beyond its expiration date.

SUBJECT AREA TO BE ADDRESSED: (1) The form utilized by applicants for trainee registration; (2) the requirements imposed on trainees and trainee applicants; (3) the form for requesting an extension of trainee registration; and (4) the circumstances justifying an extension of trainee registration beyond the expiration date.

RULEMAKING AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809(3), 483.811(2), (3), (4), 483.825 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

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**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64B3-5.002	Supervisor
64B3-5.003	Technologist
64B3-5.004	Technician
64B3-5.007	Director; Limitations and Qualifications
64B3-5.008	Public Health Laboratory Personnel

**PURPOSE AND EFFECT:** The Board proposes to review the majority of this Chapter in order to ensure that all rules conform with existing statutory requirements and to determine if amendments are necessary to address any matters concerning the profession of clinical laboratory personnel.

**SUBJECT AREA TO BE ADDRESSED:** (1) The application form for those seeking licensure as a Public Health Laboratory Scientist; (2) the requirement that those seeking licensure as a Clinical Laboratory Director complete a course on the prevention of medical errors; (3) the requirements for those seeking licensure as a Public Health Laboratory Scientist; (4) specialties for technicians; and (5) requiring as a condition of initial licensure that an applicant complete an educational course on the human deficiency virus and acquired immune deficiency syndrome.

**RULEMAKING AUTHORITY:** 483.805(4), 483.811(2), 483.823 FS.

**LAW IMPLEMENTED:** 381.0034(3), 483.800, 483.809, 483.811(2), 483.812, 483.815, 483.823, 483.824 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64B3-6.001	Manner of Application
64B3-6.002	Documentation for Licensure

**PURPOSE AND EFFECT:** The purpose of this notice is to amend Rule 64B3-6.001, F.A.C., in order to: (1) incorporate an amended version of an application form; and (2) set forth a more precise statutory citation which makes the disclosure of social security numbers mandatory. This notice is also intended

to amend Rule 64B3-6.002, F.A.C., in order to clarify the type of supporting documentation that must be submitted with licensure applications.

**SUBJECT AREA TO BE ADDRESSED:** (1) the application form for those seeking to be licensed as a Clinical Laboratory Personnel Director, Supervisor, Technologist, or Technician; (2) the statutory citations which mandate the disclosure of social security numbers; and (3) the supporting documentation that must be submitted with licensure applications.

**RULEMAKING AUTHORITY:** 483.805(4) FS.

**LAW IMPLEMENTED:** 456.013, 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B3-9.0035	Additional Specialty Fee

**PURPOSE AND EFFECT:** The purpose of this new rule is to impose a \$25.00 fee on those clinical laboratory personnel licensees seeking to add a specialty to an existing license.

**SUBJECT AREA TO BE ADDRESSED:** The fee associated with a request to add a specialty to an existing license.

**RULEMAKING AUTHORITY:** 456.025(3), 483.805(4), 483.807(1) FS.

**LAW IMPLEMENTED:** 456.025, 483.807(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:** 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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.**



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 AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-16.005      RULE TITLE: Domains of Practice, Objectives, Reports

PURPOSE AND EFFECT: The Board proposes to review and propose modifications regarding the requirements and reports of the Administrator-in-Training Program.

SUBJECT AREA TO BE ADDRESSED: Requirements and reports of the Administrator-in-Training program.

RULEMAKING AUTHORITY: 468.1685(1), 468.1695(3), (4) FS.

LAW IMPLEMENTED: 468.1695(3), (4) 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 Nursing Home Administrators/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 Opticianry**

RULE NO.: 64B12-9.002      RULE TITLE: Re-Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt the Re-Examination Application and to provide the form number and the website address where the form can be downloaded.

SUBJECT AREA TO BE ADDRESSED: Re-examination application form.

RULEMAKING AUTHORITY: 456.017(2), 484.005 FS.

LAW IMPLEMENTED: 456.017(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, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE NO.: 64B12-14.002      RULE TITLE: Application for Board Certification and Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to adopt the Board Certification Form and to provide the form number and website address where the form can be downloaded.

SUBJECT AREA TO BE ADDRESSED: Application for Board certification and renewal.

RULEMAKING AUTHORITY: 484.002(6), 484.005(1) FS.

LAW IMPLEMENTED: 484.002(6), 484.005(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: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-18.002      RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The purpose of the amendment is to correct the maximum permitted concentration of olopatadine.

SUBJECT AREA TO BE ADDRESSED: Formulary of Topical Ocular Pharmaceutical Agents.

RULEMAKING AUTHORITY: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (5) No change.
- (6) ANTIHISTAMINES, MAST CELL STABILIZERS AND ANTI-ALLERGY AGENTS
  - (a) through (b) No change.
  - (c) Olopatadine HCl – ~~0.2%~~ ~~0.1%~~;
  - (d) through (g) No change.
  - (7) through (9) No change.

Rulemaking Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History–New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.: 64B16-27.797  
 RULE TITLE: Standards of Practice for Compounding Sterile Preparations (CSPs)

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: Standards of Practice for Compounding Sterile Preparations – (CSPs).

RULEMAKING AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.005, 465.0155, 465.022 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-3.001	Licensure as a Physical Therapist by Examination
64B17-3.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-3.003	Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendments for incorporation of new forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of new forms.

RULEMAKING AUTHORITY: 456.017, 486.025, 486.031(3), 486.051, 486.081 FS.

LAW IMPLEMENTED: 456.017, 486.031, 486.051, 486.081 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.:	RULE TITLES:
64B17-4.001	Licensure as a Physical Therapist Assistant by Examination
64B17-4.002	Licensure Examination Subjects and Passing Score; Additional Requirements After Third Failure; Florida Jurisprudence Examination
64B17-4.003	Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendments for incorporation of new forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of new forms.

RULEMAKING AUTHORITY: 456.017(1)(b), 486.025, 486.102, 486.104 FS.

LAW IMPLEMENTED: 456.017, 486.102(3), 486.104, 486.107(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.

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-7.0027  
RULE TITLE: Procedure for Compliance with Board Ordered Laws and Rules Exam

PURPOSE AND EFFECT: The Board proposes the rule amendment for incorporation of new forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of new forms.

RULEMAKING AUTHORITY: 456.036, 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: 64B17-9.001  
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment for incorporation of new forms.

SUBJECT AREA TO BE ADDRESSED: Incorporation of new forms.

RULEMAKING 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, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.: 64E-12.004, 64E-12.005  
RULE TITLES: Food Service: Tiers and Catering Housing

PURPOSE AND EFFECT: The purpose of the proposed rule changes is to incorporate technical and food safety requirements to promote the protection of the public from a safety, health, and sanitation perspective. The effect of these changes will be to update the department's rules to more accurately reflect today's focus on community based care operational standards and make the rules more easily understandable for the regulated community and regulatory officials. Additionally, the purpose of the proposed changes is to clarify identified standards in the existing rule as requested by the regulated community and regulatory officials. Effects of these changes will provide added clarity to existing rule language.

SUBJECT AREA TO BE ADDRESSED: The changes will clarify requirements in statute and rule that have been identified as confusing or ambiguous, as well as incorporate current food safety and lighting requirements that maintain and safeguard the public against illnesses, injury, and disease.

RULEMAKING AUTHORITY: 381.006 FS.

LAW IMPLEMENTED: 381.006(6), (16) 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: Robin



Eychaner or Tracy Perez, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710; (850)245-4277

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NO.:	RULE TITLES:
69L-6.025	Conditional Release of Stop Work Order and Periodic Payment Agreement

**PURPOSE AND EFFECT:** The proposed rule amendment clarifies guidelines and procedures by which employers subject to stop-work orders for having failed to comply with the coverage requirements of Chapter 440, F.S., and are no longer failing to secure the payment the payment of compensation within the meaning of Section 440.107, F.S., may satisfy the Department that they have come into compliance with Chapter 440, F.S. The amendment provides new language which outlines the terms and conditions under which an employer qualifies to enter into a new Payment Agreement Schedule For Periodic Payment of Penalty. The amendment deletes the requirement that subject employers file probationary periodic reports with the Department and amends Form DFS-F4-1601 (Monthly Payment Installment Invoice) to reflect this change. The proposed amendment also renumbers the rule to reflect the new language. The effect of proposed rule amendment is to extend the payment agreement over a greater time horizon to those employers having demonstrated ongoing compliance with the terms and conditions of the Department’s periodic payment agreement and to streamline the rule’s administration.

**SUBJECT AREA TO BE ADDRESSED:** Clarifies terms, conditions, and criteria by which employers qualify to reenter into a periodic payment of penalty agreements with the Department. Also, deletes the requirement that subject employers file probationary periodic reports with the Department.

**RULEMAKING AUTHORITY:** 440.107(9), 440.591 FS.

**LAW IMPLEMENTED:** 440.107(7) 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:** Wednesday, April 15, 2009, 2:00 p.m.

**PLACE:** 104J Hartman Bldg., 2012 Capital Circle S.E., 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: Tasha Carter, (850)413-1878 or Tasha.Carter@

myfloridacfo.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: Tasha Carter, Bureau Chief, Bureau of Compliance, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1878

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE DEPARTMENT’S DIVISION OF WORKERS’ COMPENSATION WEBSITE AT: <http://www.fldfs.com/wc/>.

**Section II  
Proposed 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.”

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

RULE NOS.:	RULE TITLES:
18-21.001	Intent
18-21.002	Scope and Effective Date
18-21.003	Definitions
18-21.004	Management Policies, Standards, and Criteria
18-21.005	Forms of Authorization
18-21.0051	Delegation of Authority
18-21.008	Applications for Lease
18-21.011	Payments and Fees
18-21.020	Aquacultural Activities
18-21.021	Applications for Aquacultural Activities
18-21.022	Payments and Fees for Aquacultural Activities
18-21.900	Forms

**PURPOSE AND EFFECT:** The proposed rule amendments will revise and update Rule 18-21, F.A.C., to implement statutory changes in Chapter 253, F.S., and establish forms of authorization for aquacultural activities including: aquaculture leases, aquaculture letters of consent and aquaculture management agreements. The effect of the proposed rule amendments will be to clarify DACS’ duties and functions related to managing aquacultural activities on sovereignty submerged lands.