

**Section I**

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

**DEPARTMENT OF LEGAL AFFAIRS**

**Division of Victim Services and Criminal Justice Programs**

RULE NO.:                   RULE TITLE:  
2A-2.002                    Claims

PURPOSE AND EFFECT: The Division intends to amend the current rule to incorporate revised forms into the rule.

SUBJECT AREA TO BE ADDRESSED: Victim compensation claim forms.

RULEMAKING AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195 960.198 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: Gwen Roche, Chief, Bureau of Victim Services, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE NOS.:                   RULE TITLES:  
9B-72.100                    Approval of Product Evaluation  
                                  Entities, Product Validation  
                                  Entities, Testing Laboratories,  
                                  Certification Agencies, Quality  
                                  Assurance Agencies and  
                                  Accreditation Bodies

9B-72.130                    Forms

PURPOSE AND EFFECT: To adopt criteria by which the Florida Building Commission shall approve evaluation entities.

SUBJECT AREA TO BE ADDRESSED: Product approval and evaluation entities authorized to participate therein.

RULEMAKING AUTHORITY: 553.842(8)(a) FS.

LAW IMPLEMENTED: 553.842(8)(a) FS.

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

DATE AND TIME: July 20, 2009, 10:00 a.m. – workshop to be held via conference call (communications media technology); Telephone conference dial number: (888)808-6959; Conference code number: 1967168

PLACE: Public point of access – 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

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 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091. 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.:                    RULE TITLE:  
33-601.901                    Confidential Records

PURPOSE AND EFFECT: The proposed rule amendment deletes those provisions related to medical and substance abuse files as those sections are being moved to a new rule, 33-401.701, Medical and Substance Abuse Clinical Files.

SUBJECT AREA TO BE ADDRESSED: Confidential Records.

RULEMAKING AUTHORITY: 20.315, 944.09, 945.10 FS.

LAW IMPLEMENTED: 119.07, 944.09, 945.10, 945.25 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

## 33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) No change.

(b) Inmate and offender access to their own medical or substance abuse clinical files is addressed in Rule 33-401.701, F.A.C records.

## 1. Definitions.

a. "Medical record" as used in this rule includes the inmate's medical, mental health, and dental files maintained by the department.

b. "Protected health information" or "PHI" as used in this rule means individually identifiable health information about an inmate or offender.

c. "Psychotherapy notes" as used in this rule means notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

d. "Substance abuse clinical record" as used in this rule means the department inmate file containing all written documents and records, including department forms compiled to detail an inmate's substance abuse history, substance abuse screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing done for treatment, program participation, and admission and discharge summaries.

e. "Substance abuse progress notes" as used in this rule means notes recorded by a substance abuse health care professional documenting or analyzing the contents of conversation during a private or group session. The term does not include session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

2. An inmate shall be allowed to have access to his own medical record and, if such exists, his own substance abuse clinical record. An inmate desiring access to his own medical record shall submit a written request to the health services administrator or his designee; an inmate desiring access to his own substance abuse clinical record shall submit a written request to the substance abuse program manager or his designee.

3. The department does not maintain medical records or substance abuse clinical records on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.

4.a. Inmates shall have no access to psychotherapy notes or substance abuse progress notes maintained in the department's records.

b. Inmates and offenders shall have no access to health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.

5. The request for access shall be denied in whole or in part due to any of the following reasons:

a. The request is for records or information identified in subparagraph 4. above.

b. The request is for PHI that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.

c. The request is for information not maintained or no longer maintained by the department in its files.

d. There has been a determination by a licensed or certified health care professional that:

I. The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;

II. The requested access is to PHI that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or

III. The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.

6. All requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or his designee or substance abuse program manager or his designee in writing within 30 days of the date of receipt of the request, except that where the requested records are not maintained on site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by providing the inmate a written statement that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.

7. Denials must provide:

a. The basis for the denial;

b. Information on where the requested information is maintained if sub subparagraph 5.c. applies, and the department knows where the information is maintained;

c. Notification that the inmate may request a review of the denial by submitting a written request to the health services administrator or his designee in the case of medical records, or the substance abuse program manager or his designee in the case of substance abuse clinical records; and

d. That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.

8. Upon written request of the inmate to the staff member designated above, denials based on sub-subparagraph 5.d. shall be reviewed by a licensed or certified health care professional who is designated by the health services administrator or his designee or substance abuse program manager or his designee, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision. The determination on review shall be followed by the department.

9. Where a request for access to an inmate's medical record or substance abuse clinical record is denied in part, the department shall provide access to the requested record after excluding the information for which access was denied.

(e) Copies will be provided upon receipt of payment as provided in subsection (2) of this rule, except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer, employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (b)8. above.

(2) No change.

(3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule or in Rule 33-401.701, F.A.C.:

(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offenders Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from

another governmental agency shall be utilized in accordance with Rule 33-401.701, F.A.C. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is November 27, 2007. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.

(b) through (8) No change.

(9) Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:

(a) With the prior written consent of the inmate or offender. The written consent shall include the following information:

1. The specific name or general designation of the program or person permitted to make the disclosure;

2. The name or title of the individual or the name of the organization to which disclosure is to be made;

3. The name of the inmate or offender;

4. The purpose of the disclosure;

5. How much and what kind of information is to be disclosed;

6. The signature of the inmate or offender; or, when required for an inmate or offender who is incompetent or deceased, the signature of a person authorized to sign in lieu of the inmate or offender;

7. The date on which the consent is signed;

8. A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it.

9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.

If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in order to obtain medical records held by the department.

(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the

disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:

1. The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the inmate or offender's progress; and

2. The inmate or offender has signed Form DC4-711B meeting the requirements of paragraph (9)(a) except for the revocation provision in subparagraph (9)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:

a. The anticipated length of the treatment;

b. The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and

c. Such other factors as the program, the inmate or offender, and the persons who will receive the disclosure consider pertinent. The written consent shall state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or occurrence upon which consent becomes revocable shall be no later than the final disposition of the action in connection with which consent was given.

(c) A disclosure may not be made on the basis of a consent which:

1. Has expired;

2. On its face substantially fails to conform to any of the requirements set forth in paragraph (9)(a) above;

3. Is known to have been revoked; or

4. Is known, or through a reasonable effort could be known, by the person holding the records to be materially false.

(d) Each disclosure made with the inmate or offender written consent shall be accompanied by the following written statement:

This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

(e) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:

1. To medical personnel to the extent necessary to meet a medical emergency and for continuity of care;

2. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual inmate or offender in any report of such research, audit, or evaluation, or otherwise disclose inmate or offender identities in any manner.

3. To communicate within a program or between a program and an entity having direct administrative control over that program;

4. To law enforcement officers concerning crimes on program premises or against program personnel, or when a threat to commit such a crime has been made;

5. Reports of suspected child abuse and neglect; and

6. If authorized by a court order.

(10) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC2-813 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-9-06.

(11) Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall maintain as confidential all health or substance abuse information that he sees or hears while performing his duties and responsibilities, and shall not disseminate the information or discuss the medical or substance abuse information with any person except health care staff or substance abuse program staff. Failure to keep health or substance abuse information confidential and private

~~shall subject the inmate to disciplinary action. Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall acknowledge receipt and review of Form DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC1-206 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-8-03.~~

~~Rulemaking Specific Authority 20.315, 944.09, 945.10 FS. Law Implemented 119.07, 944.09, 945.10, 945.25 FS., 42 USCS 290 ee 3, 45 CFR Parts 160 and 164. History-New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, 2-9-06, 11-27-07,\_\_\_\_\_.~~

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40B-1.703	Procedures for Consideration of Permit Applications
40B-1.709	Suspension, Revocation, and Modification of District Permits

**PURPOSE AND EFFECT:** The purpose of the rule development is to revise the above sections of Chapter 40B-1, F.A.C., so they are consistent with changes proposed to Chapter 40B-2, F.A.C. The effect of the rule development will be to establish a more effective and efficient regulatory program.

**SUBJECT AREA TO BE ADDRESSED:** This proposed rule development will revise the existing rule language in Chapter 40B-2, F.A.C., by addressing a new type of water use permit, a general permit by rule, that may be obtained and the procedural requirements.

**RULEMAKING AUTHORITY:** 373.044, 373.083, 373.113, 373.118, 373.171, 373.4141 FS.

**LAW IMPLEMENTED:** 120.53, 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.119, 373.229, 373.313, 373.413, 373.416, 373.426, 373.429 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:** Linda

Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Building Construction**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
60D-4.001	Purpose
60D-4.002	Definitions
60D-4.003	Conformance
60D-4.004	Analysis
60D-4.005	Input Procedures
60D-4.006	Approval Procedures
60D-4.007	Exemptions

**PURPOSE AND EFFECT:** The following proposed Rules apply to the design and construction of all state-owned facilities. Additionally, these Rules shall apply to the evaluation and determination of alternative items of major energy consuming equipment, in state-owned facilities and state-financed leased facilities. These Rules are promulgated to demonstrate the process for performing a Life Cycle Cost Analysis and to minimize the consumption of energy in the operation of state-owned and state-leased facilities.

**SUBJECT AREA TO BE ADDRESSED:** Life Cycle Cost Analysis.

**RULEMAKING AUTHORITY:** 255.255, 255.256 FS.

**LAW IMPLEMENTED:** 255.251, 255.252, 255.253, 255.254, 255.255, 255.256 FS.

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

**DATE AND TIME:** Wednesday, July 22, 2009, 9:00 a.m. – 11:30 a.m.

**PLACE:** Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399 or Dial-in #: (888)808-6959/Conference Code: 414-2483

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: Daniel Hedrick at (850)413-9515. 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:** Daniel Hedrick, Energy Policy Coordinator, Division of Real Estate Development and Management, 4050 Esplanade Way, Suite 315, Tallahassee, Florida 32399-0950, (850)413-9515

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

<p>RULE NOS.: 61-35.0177</p> <p>61-35.0178</p>	<p>RULE TITLES: Landscape Architecture: Application for Continuing Education Provider Approval</p> <p>Landscape Architecture: Application for Continuing Education Course Approval</p>
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PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to create new, more efficient licensure application forms.

SUBJECT AREA TO BE ADDRESSED: : The subject area to be addressed in this rule is licensure application forms.

RULEMAKING AUTHORITY: 20.165(8), 455.203, 455.213, 455.2179 FS.

LAW IMPLEMENTED: 481.313 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, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)487-8304

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**

**Florida Real Estate Commission**

<p>RULE NOS.:</p> <p>61J2-3.011</p> <p>61J2-3.012</p> <p>61J2-3.013</p> <p>61J2-3.015</p> <p>61J2-3.020</p>	<p>RULE TITLES:</p> <p>Continuing Education for School Instructors</p> <p>Equivalency for Prelicensing Education</p> <p>Distance Education Courses for Hardship Cases</p> <p>Notices of Satisfactory Course Completion</p> <p>Post-licensing Education for Active and Inactive Broker and Sales Associate Licensees</p>
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PURPOSE AND EFFECT: To delete redundant language and clarify existing language.

SUBJECT AREA TO BE ADDRESSED: Deleting redundant language and clarifying existing language.

RULEMAKING AUTHORITY: 455.2123, 475.05 FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

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 Massage**

<p>RULE NO.:</p> <p>64B7-28.009</p>	<p>RULE TITLE:</p> <p>Continuing Education</p>
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PURPOSE AND EFFECT: To clarify that only a portion of the continuing educational requirement may be met by correspondence home study course.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

RULEMAKING AUTHORITY: 456.013(7), (8), (9), 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(7), (8), (9), 480.0415 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: Kay Howerton, 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:

64B7-28.009 Continuing Education.

(1) No change.

(2) A portion of the All continuing education requirements, which do not require classroom instruction, may be met by correspondence/home study courses, tape and/or video cassette courses, provided the course requires passing a test to be graded by the provider and the passing score is verified by the provider of the course. Video cassette courses shall not exceed 5 hours per subject and must meet the requirements of Rule 64B7-28.010, F.A.C. The vendor and the licensee shall verify in writing that all requirements of paragraph 64B7-28.010(2)(c) or (d), F.A.C., have been met. Such verification/validation shall clearly indicate the course is a “correspondence/home study course/tape or videocassette course” and that the licensee passed the course in order to be accepted as proof of attendance.

(3) through (5) No change.

Rulemaking Specific Authority 456.013(7), (8), (9), 480.035(7), 480.0415 FS. Law Implemented 456.013(7), (8), (9), 480.0415 FS. History—New 4-21-86, Amended 2-25-88, 8-29-88, 1-30-90, 10-2-90, Formerly 21L-28.009, Amended 8-16-94, 6-5-95, 2-12-97, Formerly 61G11-28.009, Amended 8-16-98, 3-15-99, 9-20-99, 11-28-02, 2-13-05, 3-1-07, 5-1-07, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.:	RULE TITLES:
64E-26.001	General
64E-26.002	Definitions
64E-26.003	Water Supply
64E-26.004	Food Service
64E-26.005	Sanitary System, Facilities and Fixtures
64E-26.006	Garbage and Rubbish
64E-26.007	Housing
64E-26.008	Laundry and Dry Cleaning
64E-26.009	Bedding, Clothing and Personal Items
64E-26.010	Housekeeping
64E-26.011	Insect and Rodent Control
64E-26.012	Outdoor Areas
64E-26.013	Industries

PURPOSE AND EFFECT: Chapter 64E-26, F.A.C., is a dated rule that may not be consistent in certain areas with the Florida Building Code and national accreditation standards for correctional facilities. In addition, some standards may no longer be valid or necessary. The purpose of the proposed amendments and review will be to update the rule to better reflect more current environmental health standards and program requirements, and to ensure the necessity or validity of other existing requirements in the rule. The effect will be to have a more modern rule that minimizes adverse conflict with other more recent standards.

SUBJECT AREA TO BE ADDRESSED: Rules 64E-26.001 through 64E-26.013, F.A.C., in the rule will be addressed.

RULEMAKING AUTHORITY: 381.006 FS.

LAW IMPLEMENTED: 381.006(6) 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: Leslie L. Harris, Administrator, Bureau of Community Environmental Health, Department of Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1712, (850)245-4277

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

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: 64F-12.001  
 RULE TITLE: General Regulations; Definitions  
 PURPOSE AND EFFECT: The Department proposes to review this rule section for the possibility of making changes to definitions of terms, to promulgate new definitions of terms and delete definitions of terms. This process will include but not be limited to reviewing this section for rule promulgations related to legislative changes to Chapter 499, Florida Statutes, including but not limited to changes made by the 2009 Florida legislature.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development will be the definitions of terms applicable to Chapter 64F-12, Florida Administrative Code and to Chapter 499, Florida Statutes.

RULEMAKING AUTHORITY: 499.003(31), 499.024, 499.025(5), 499.01(6), 499.0121(6), 499.0122(2), 499.012(5), (12), 499.013(3), 499.012(g), 499.014(5), 499.03(4), 499.05, 499.701 FS.

LAW IMPLEMENTED: 499.002, 499.003, 499.004, 499.005, 499.0051, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.04, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.055, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.701, 499.71, 499.75 FS.

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

DATE AND TIME: Thursday, July 23, 2009, 10:00 a.m. – 1:00 p.m., E.S.T.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 180, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4292

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

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: 64F-12.012                      RULE TITLE: Records of Drugs, Cosmetics and Devices

PURPOSE AND EFFECT: The Department proposes to review this section for possible revisions to all records and recordkeeping requirements for Drugs, Devices and Cosmetics. This review includes but is not limited to pedigree requirements for prescription drug distributions.

SUBJECT AREA TO BE ADDRESSED: Records and recordkeeping for drugs, cosmetics and devices.

RULEMAKING AUTHORITY: 499.003, 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS.

LAW IMPLEMENTED: 499.002, 499.01, 499.003, 499.005, 499.012, 499.0121 FS.

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

DATE AND TIME: Thursday, July 23, 2009, 10:00 a.m. – 1:00 p.m., E.S.T.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 180, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4292

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

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NOS.: 64F-12.013                      RULE TITLES: Prescription Drugs; Receipt, Storage and Security

PURPOSE AND EFFECT: The Department proposed to review this section to update the provisions as necessary. This includes but is not limited to updating this section in response to statutory changes, which may include but are not limited to changes made to Chapter 499, Part I, F.S., by the 2009 Florida Legislature.

SUBJECT AREA TO BE ADDRESSED: Prescription Drugs; Receipt; Storage; Security.

RULEMAKING AUTHORITY: 499.0121(1), 499.05 FS.

LAW IMPLEMENTED: 499.002, 499.003, 499.004, 499.006, 499.007, 499.012, 499.0121, 499.01212, 499.028(6), 499.05, 499.052 FS.

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

DATE AND TIME: Thursday, July 23, 2009, 10:00 a.m. – 1:00 p.m., E.S.T.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 180, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4292

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

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: 64F-12.015                      RULE TITLE: Licensing, Application, Permitting

PURPOSE AND EFFECT: The Department intends to review this section to make changes to all aspects of permitting licensing and inspection requirements. This will include, but not be limited to adding requirements for permits that have been created by statute since the last changes to this rule section were made, including revising and updating application, permitting and inspection related forms.

SUBJECT AREA TO BE ADDRESSED: Licensing, Application, Permitting.

RULEMAKING AUTHORITY: 499.01, 499.012, 499.0121(1), 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028(6), 499.04, 499.004, 499.041, 499.05, 499.06, 499.006, 499.007, 499.051, 499.052, 499.062, 499.063, 499.064, 499.066, 499.067, 119.092 FS.

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

DATE AND TIME: Thursday, July 23, 2009, 10:00 a.m. – 1:00 p.m., E.S.T.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 180, Tallahassee, Florida 32399

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



Poston R. Ph., Drugs, Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4292

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

## DEPARTMENT OF HEALTH

### Division of Emergency Medical Operations

RULE NO.: 64J-2.019                      RULE TITLE: Funding for Verified Trauma Centers

PURPOSE AND EFFECT: This notice is to inform the public that the Office of Trauma is proposing the development of rulemaking to revise Rule 64J-2.019, F.A.C. The proposed revisions include an additional trauma center funding distribution methodology for the fines collected under Section 318.18, F.S., pursuant to the requirements of Enrolled HB 481 passed during the 2009 Legislative Session and signed into law by the Governor on 6/10/2009.

SUBJECT AREA TO BE ADDRESSED: Funding for verified trauma centers.

RULEMAKING AUTHORITY: 395.4036 FS.

LAW IMPLEMENTED: 395.4036 FS.

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

DATE AND TIME: Tuesday, July 21, 2009, 10:00 a.m. – 12:00 Noon Eastern (9:00 a.m. – 11:00 a.m. Central)

PLACE: Department of Health, Office of Trauma, Capital Circle Office Complex, 4025 Esplanade Way, Building 4025, Room 301, Tallahassee, FL

Individuals may also participate in the workshop via conference call. The conference call number is: (888)808-6959 – enter conference code: 2354440.

DIRECTIONS: Please contact Priscilla Davidson at (850)245-4440, ext. 2749 or via email at priscilla\_davidson@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Priscilla Davidson at (850)245-4440, ext. 2749. 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: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan\_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

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

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: 69O-236.001                      RULE TITLE: Annual Report Card

PURPOSE AND EFFECT: To adopt the annual report card to be used by the Office of the Consumer Advocate, as required by Section 627.0613, F.S.

SUBJECT AREA TO BE ADDRESSED: Personal Residential Property Insurers.

RULEMAKING AUTHORITY: 627.0613 FS.

LAW IMPLEMENTED: 627.0613 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 July 8, 2009, 9:30 a.m.

PLACE: 143 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: Debra Seymour, Office of Insurance Regulation, E-mail debra.seymour@flor.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: Debra Seymour, Office of Insurance Regulation, E-mail debra.seymour@flor.com

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

## 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."

### STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.010                      RULE TITLE: Reimbursement Contract

PURPOSE AND EFFECT: The Florida Hurricane Catastrophe Fund (FHCF) seeks to implement changes made to Section 215.555, Florida Statutes, during the 2009 legislative session.