

Howerton, Executive Director, Board of Osteopathic Medicine/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 Osteopathic Medicine**

RULE NO.: 64B15-22.004      RULE TITLE: Mandatory Registration of Unlicensed Physicians

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the application form.

SUBJECT AREA TO BE ADDRESSED: Mandatory registration of unlicensed physician fees.

RULEMAKING AUTHORITY: 459.005, 459.021 FS.

LAW IMPLEMENTED: 459.021 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: Kaye Howerton, Executive Director, Board of Osteopathic Medicine/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 Pharmacy**

RULE NO.: 64B16-26.1001      RULE TITLE: Examination and Application Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to consider adding fee for Influenza Immunization Certification and to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination and Application Fees.

RULEMAKING AUTHORITY: 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.025(7), 465.007, 465.0075, 465.009 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 Pharmacy**

RULE NO.: 64B16-26.1031      RULE TITLE: Influenza Immunization Certification Program

PURPOSE AND EFFECT: The Board proposes the rule amendment to add application for certification and to determine whether other changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Influenza Immunization Certification Program.

RULEMAKING AUTHORITY: 465.005 FS.

LAW IMPLEMENTED: 465.189 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.

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NO.: 1S-2.0095      RULE TITLE: Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification

PURPOSE AND EFFECT: This action is taken to repeal the entirety of the subject rule and its incorporated forms based upon the Florida Supreme Court’s opinion in *Browning v. Florida Hometown Democracy, Inc.*, No. SC08-884, (Fla. Feb. 18, 2010), that the revocation provisions of Section 100.371, Florida Statutes, and this rule violate the Florida Constitution and are void and without effect.

**SUMMARY:** The rule being repealed implemented the amendments in 2007 and 2008 to Section 100.371, Florida Statutes, which permitted revocations of signed petition forms for constitutional initiative amendments. The rule established the procedures and forms for revocation petitions.

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

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

**RULEMAKING AUTHORITY:** 20.10(3), 97.012(1), 100.371(7), 101.61 FS.

**LAW IMPLEMENTED:** 100.371, 101.161 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**DATE AND TIME:** April 26, 2010, 1:00 p.m.

**PLACE:** Arts Learning Gallery, First Floor, R. A. Gray Building, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eddie Phillips, Executive Assistant, Department of State, at (850)245-6536; email: elphillips@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Gary J. Holland, Assistant General Counsel, Department of State, at (850)245-6536; email: gjholland@dos.state.fl.us

**THE FULL TEXT OF THE PROPOSED RULE IS:**

1S-2.0095 Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification.

Rulemaking Specific Authority 20.10(3), 97.012(1), 100.371(7), 101.161 FS. Law Implemented 100.371, 101.161 FS. History—New 10-15-07, Amended 10-13-08, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Gary J. Holland, Assistant General Counsel, Department of State

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Kurt S. Browning, Secretary of State

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** March 16, 2010

## **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

### **Division of Food Safety**

**RULE NO.:** RULE TITLE:

5K-5.014 Grading Services for Poultry

**PURPOSE AND EFFECT:** The rule amendment changes and clarifies the fee and cost schedule for poultry grading services provided by Department graders and increases the hourly fees charged to a poultry processor.

**SUMMARY:** The Florida Department of Agriculture and Consumer Services (DACCS) provide voluntary grading services to food establishments that process poultry in accordance with US Department of Agriculture standards. The Department charges the poultry processor an hourly fee to recover the costs of this service. This rule amendment provides an incremental increase to the hourly fees charged to a processor to cover the costs incurred by DACCS. Additionally, language is modified to clarify the current terminology used to distinguish between regular hours, overtime hours, holiday hours, regular shift differential and overtime shift differential.

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

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

**RULEMAKING AUTHORITY:** 570.07(23), 583.04 FS.

**LAW IMPLEMENTED:** 583.051, 583.052 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** April 23, 2010, 11:00 a.m. – 1:00 p.m.

**PLACE:** Eyster Auditorium, Conner Building, 3125 Conner Blvd., Tallahassee, FL 32399-1650

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop #C-18, Tallahassee, FL 32399-1650; Telephone: (850)245-5595. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop #C-18, Tallahassee, FL 32399-1650; telephone: (850)245-5595

**THE FULL TEXT OF THE PROPOSED RULE IS:**

5K-5.014 Grading Services for Poultry.

(1) Definitions. As used in this rule, the following definitions shall apply:

(a) Non-scheduled days ~~Days not previously scheduled or non-specified days~~ means days not scheduled in the application for service.

(b) Department means the Florida Department of Agriculture and Consumer Services.

(c) Non-resident location means a production site to which no full-time grader has been assigned, but the site has been previously approved for grading in accordance with an application for service.

(d) Full-time resident location means a production site to which a full-time grader has been assigned in accordance with an application for service requesting 40 or more hours of grading services per week.

(e) Part-time resident location means a production site where a part-time grader has been assigned to the site in accordance with an application for service requesting less than 40 hours of grading services per week.

(f) Regular shift differential means additional compensation of \$2.00 per hour added to a grader's regular hourly wage on a shift beginning after 3:00 p.m.

(g) Overtime shift differential means additional compensation of \$2.00 per hour added to a grader's overtime hourly wage on a shift beginning after 3:00 p.m.

(2) Pursuant to its authority under Section 583.052, Florida Statutes, to cooperate with and enter into agreements with various state and federal agencies, the department has entered a Cooperative Agreement with the United States Department of Agriculture for the providing of a voluntary cooperative poultry grading service.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

(a) Grader's time per hour for:

1. <u>Regular Hours</u> <del>Resident location</del>	\$39.50	<del>30.30</del>
2. <u>Overtime Hours</u>	\$43.50	<del>34.30</del>
3. <u>Holiday Hours</u> <del>Non-resident location</del>	\$59.25	<del>37.30</del>
4. <u>Regular Shift Differential</u>		
<del>Non-specified days</del>	\$41.50	<del>37.30</del>
5. <u>Overtime Shift Differential</u>	\$45.50	

~~6.5:~~ In addition to the charge for the grader's time per hour, an additional charge of \$2.00 ~~1.40~~ per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 3:00 ~~1:00~~ p.m.

(b) Travel time and costs:

1. Time for travel to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-scheduled ~~specified~~ days at a resident location shall be charged at the same rate as grading services provided.

2. Mileage and per diem to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-scheduled ~~specified~~ days at a resident location shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

(4) Moneys due to the department for grading services provided to a producer who orders said services must be received within 30 days of the date of invoice.

(5) USDA volume charge on a per pound of poultry basis will be identified separately on each billing statement.

(6) For purposes of this rule, holiday hours means those hours of work performed during days identified by the State of Florida as official holiday days for state personnel.

PROPOSED EFFECTIVE DATE: July 1, 2010.

Rulemaking Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History--New 8-13-92, Formerly 5E-7.014, Amended 9-30-96, 9-5-01, 7-1-06, 7-1-10.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dr. Marion Aller, Director, Division of Food Safety

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner Charles Bronson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010, Vol. 36, No. 9

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

RULE NO.: 5K-6.010                      RULE TITLE: Grading Services for Shell Eggs

PURPOSE AND EFFECT: The rule amendment changes the fee and cost schedule for shell egg grading services provided by Department graders and increases the hourly fees charged to a shell egg processor.

SUMMARY: The Florida Department of Agriculture and Consumer Services (DACS) provides egg grading services to food establishments that process shell eggs in accordance with US Department of Agriculture standards. The Department charges the shell egg processor an hourly fee to recover the costs of this service. This rule amendment provides an incremental increase to the hourly fees charged to a processor to cover the costs incurred by DACS. Additionally, language is modified to clarify the current terminology used to distinguish between regular hours, overtime hours, holiday hours, regular shift differential and overtime shift differential.

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

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

RULEMAKING AUTHORITY: 570.07(23), 583.04 FS.

LAW IMPLEMENTED: 583.051, 583.052 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 23, 2010, 11:00 a.m. – 1:00 p.m.

PLACE: Eyster Auditorium, Conner Building, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop #C-18, Tallahassee, FL 32399-1650; telephone: (850)245-5520

THE FULL TEXT OF THE PROPOSED RULE IS:

5K-6.010 Grading Services for Shell Eggs.

(1) Definitions. As used in this rule, the following definitions shall apply:

(a) Non-scheduled days ~~Days not previously scheduled or non-specified days~~ means days not scheduled in the application for service.

(b) Department means the Florida Department of Agriculture and Consumer Services.

(c) Non-resident location means a production site to which no full-time grader has been assigned, but the site has been previously approved for grading in accordance with the application for service.

(d) Full-time resident location means a production site to which a full-time grader has been assigned in accordance with an application for service requesting 40 or more hours of grading services per week.

(e) Part-time resident location means a production site where a part-time grader has been assigned to the site in accordance with an application for service requesting less than 40 hours of grading services per week.

(f) Regular shift differential means additional compensation of \$2.00 per hour added to a grader's regular hourly wage on a shift beginning after 3:00 p.m.

(g) Overtime shift differential means additional compensation of \$2.00 per hour added to a grader's overtime hourly wage on a shift beginning after 3:00 p.m.

(2) Pursuant to its authority under Section 583.052, Florida Statutes, to cooperate with and enter into agreements with various state and federal agencies, the department has

entered a Cooperative Agreement with the United States Department of Agriculture for the providing of a voluntary cooperative shell egg grading service.

(3) Under that agreement and to offset the cost of providing services to the producer who orders them, the department establishes the following schedule:

(a) Grader's time per hour for:

- 1. Regular Hours Resident location \$39.50 ~~30.30~~
- 2. Overtime Hours \$43.50 ~~34.30~~
- 3. Holiday Hours Non-resident location \$59.25 ~~37.30~~
- 4. Regular Shift Differential
- Non-specified days \$41.50 ~~37.30~~
- 5. Overtime Shift Differential \$45.50

~~6.5.~~ In addition to the charge for the grader's time per hour, an additional charge of \$2.00 ~~4.40~~ per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 3:00 ~~4:00~~ p.m.

(b) Travel time and costs:

1. Time for travel to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-scheduled ~~specified~~ days at a resident location shall be charged at the same rate as grading services provided.

2. Mileage and per diem to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-scheduled ~~specified~~ days at a resident location shall be reimbursed at the prevailing rates provided in Section 112.061, F.S.

(4) Moneys due to the department for grading services provided to a producer who orders said services must be received within 30 days of the date of invoice.

(5) USDA volume charge on a per dozen basis will be identified separately on each billing statement.

(6) For purposes of this rule, holiday hours means those hours of work performed during days identified by the State of Florida as official holiday days for state personnel.

PROPOSED EFFECTIVE DATE: July 1, 2010.

Rulemaking Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History--New 8-13-92, Formerly 5E-8.010, Amended 9-30-96, 9-5-01, 10-1-06, ~~7-1-10~~.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Marion Aller, Director, Division of Food Safety

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Commissioner Charles Bronson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 5, 2010, Vol. 36, No. 9

**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."

**PUBLIC SERVICE COMMISSION**

**RULE NO.:** 25-22.061  
**RULE TITLE:** Stay Pending Judicial Review  
**PURPOSE AND EFFECT:** Rule 25-22.061, F.A.C., Stay Pending Judicial Review, is amended for consistency with Florida Rule Appellate Procedure 9.310, and to clarify who shall hear motions for stay and what factors are considered by the Florida Public Service Commission in granting a stay and in setting an interest rate when a stay is conditioned upon the posting of a bond or corporate undertaking. Docket No. 100062-OT.

**SUMMARY:** Rule 25-22.061, F.A.C., Stay Pending Judicial Review, is amended to delete provisions concerning automatic stays pending judicial review granted to public entities filing a notice of appeal in administrative actions under Chapter 120, F.S. The amendments state the factors which the Commission may consider in determining whether to grant a stay and under what conditions the Commission may condition a stay, list the factors that the Commission may consider in setting an interest rate when granting a stay conditioned upon the posting of a bond or corporate undertaking, and clarify that motions for stay shall be heard by those Commissioners who were on the deciding panel for the order being appealed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** The rule amendments would benefit the Commission by updating, clarifying and streamlining rule language; utilities would benefit from the rule becoming more accurate and specific concerning the granting of stays of orders pending judicial review; the changes would not result in any transactional costs to utilities, customers, small businesses, the Commission, or local governments.

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

**RULEMAKING AUTHORITY:** 350.127(2) FS.

**LAW IMPLEMENTED:** 120.68(3) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.**

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: Office of Commission Clerk, 2540 Shumard Oak

Blvd., Tallahassee, FL, (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, [kcowdery@psc.state.fl.us](mailto:kcowdery@psc.state.fl.us)

**THE FULL TEXT OF THE PROPOSED RULE IS:**

25-22.061 Stay Pending Judicial Review.

(1) When the order being appealed involves the refund of moneys to customers or a decrease in rates charged to customers, the Commission shall, upon motion filed by the utility or company affected, grant a stay pending judicial proceedings. The stay shall be conditioned upon the posting of good and sufficient bond, ~~or~~ the posting of a corporate undertaking, ~~or and~~ such other conditions as the Commission finds appropriate to secure the revenues collected by the utility subject to refund.

~~(b) In determining the amount and conditions of the bond or corporate undertaking, the Commission may consider such factors as:~~

- ~~1. Terms that will discourage appeals when there is little possibility of success; and~~
- ~~2. A rate of interest that takes into consideration:~~
  - ~~a. The use of the money that the stay permits;~~
  - ~~b. The prime and other prevailing rates of interest at commercial banks and other potential sources of capital in the amount involved in the appeal.~~

(2) Except as provided in subsection (1), a party seeking to stay a final or nonfinal order of the Commission pending judicial review may shall file a motion with the Commission, which has shall have authority to grant, modify, or deny such relief. A stay pending review granted pursuant to this subsection may be conditioned upon the posting of a good and sufficient bond or corporate undertaking, other conditions relevant to the order being stayed, or both. In determining whether to grant a stay, the Commission may, among other things, consider:

- (a) Whether the petitioner has demonstrated a likelihood of success on the merits is likely to prevail on appeal;
- (b) Whether the petitioner has demonstrated a likelihood of sustaining that he is likely to suffer irreparable harm if the stay is not granted; and
- (c) Whether the delay in implementing the order will likely cause substantial harm or be contrary to the public interest if the stay is granted.

~~(3)(a) When a public body or public official appeals an order involving an increase in a utility's or company's rates, which appeal operates as an automatic stay, the Commission shall vacate the stay upon motion by the utility or company and~~

~~the posting of good and sufficient bond or corporate undertaking. When determining the amount and conditions of the bond or corporate undertaking, the Commission may consider such factors as those set forth in subparagraph (1)(b)2.~~

~~(b) When a public body or public official appeals an order that does not involve an increase in rates, the Commission may vacate the stay or impose any lawful conditions.~~

~~(3)(4) When a stay or vacation of a stay is conditioned upon the posting of a bond, or corporate undertaking, or other appropriate form of surety, the Commission shall may at the time it grants the stay or vacation of the stay, set the rate of interest to be paid by the utility or company pursuant to subsection 25-4.114(4), F.A.C., for telecommunication companies, subsection 25-6.109(4), F.A.C., for electric public utilities, subsection 25-7.091(4), F.A.C., for gas public utilities, and subsection 25-30.360(4), F.A.C., for water and wastewater utilities in the event that the Court's decision requires a refund to customers.~~

~~(4)(5) Motions filed pursuant to subsections (1) or (2) of this rule shall be heard by those Commissioners who were on the deciding panel for participated in the proceeding which resulted in the order being appealed. However, motions filed under subsection (3) of this rule may be ruled upon by the Chairman or the Commissioner assigned as the prehearing officer in the case.~~

Rulemaking Specific Authority 350.127(2) FS. Law Implemented 120.68(3) FS. History--New 2-1-82, Formerly 25-22.61, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kathryn G.W. Cowdery, Office of General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 35, No. 42, October 23, 2009

**DEPARTMENT OF CORRECTIONS**

RULE NOS.:	RULE TITLES:
33-602.220	Administrative Confinement
33-602.221	Protective Management
33-602.222	Disciplinary Confinement

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to specify that an inmate in administrative confinement may possess religious items pursuant to Rule 33-602.201, F.A.C., to clarify visiting procedures for inmates in administrative confinement, to clarify the visiting procedure for inmates in protective management, to specify that an inmate in disciplinary confinement may possess religious items

pursuant to Rule 33-602.201, F.A.C., and to strike language that prohibits inmates in confinement settings from being provided typing services.

SUMMARY: The proposed rules specify that inmates in administrative and disciplinary confinement may possess religious items pursuant to Rule 33-602.201, F.A.C., clarify visiting procedures for inmates in administrative confinement and protective management, and strike language that prohibits inmates in confinement settings from being provided typing services.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.34, 945.04 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULES IS:

33-602.220 Administrative Confinement.

(1) through (4) No change.

(5) Conditions and Privileges.

(a) through (b) No change.

(c) Personal Property – inmates shall be allowed to retain the same personal property as is permitted general population inmates unless there is a indication of a security problem, in which case removal or denial of any item shall be documented on Form DC6-229. An Inmate Impounded Personal Property List, Form DC6-220, designating what personal items were removed, shall be completed by security staff and signed by the inmate. The original will be placed in the inmate's property file and a copy of the form will be given to the inmate. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. Inmates shall be allowed to possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. All property retained by the inmate must fit into the storage area provided.

(d) through (h) No change.

(i) Visiting – all visits for inmates in administrative confinement must be approved in advance by the ~~ICT~~ or warden or designee. The warden or designee shall notify the control room in writing when approval is given in advance of

the visitor arriving at the institution. Requests for inmates in administrative confinement to visit shall be in writing to the ICT. Those inmates who are a threat to the security of the institution shall be denied visiting privileges. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or designee shall determine whether a pre-approved visit will be contact or non-contact based on one or all of the criteria set forth in subsection (2) of Rule 33-601.735, F.A.C. ~~The warden or his or her designee must approve all visits in advance.~~

(j) No change.

(k) Legal Access – legal materials shall be as accessible to inmates in administrative confinement as to inmates in general population as long as security concerns permit. An inmate in confinement may be required to conduct legal business by correspondence rather than a personal visit to the law library if security requirements prevent a personal visit. However, all steps shall be taken to ensure the inmate is not denied needed access while in confinement. Although the inmate may not be represented by an attorney at any administrative hearing, access shall be granted for legal visits at any reasonable time during normal business hours to the inmate’s attorney or aide to that attorney. Indigent inmates shall be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent shall be allowed to purchase paper, security pens and envelopes for this purpose through a canteen order. ~~An Typewriters or typing services are not considered required items and shall not be permitted in confinement cells.~~ However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate who is provided an auxiliary aid shall also be allowed access to a certified research aide for the purpose of preparing legal documents, legal mail, or filing a grievance.

(q) No change.

(6) through (11) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 945.04 FS. History–New 4-7-81, Amended 6-23-83, 3-12-84, Formerly 33-3.081, Amended 4-22-87, 8-27-87, 7-10-90, 12-4-90, 3-24-97, 4-26-98, 10-5-98, Formerly 33-3.0081, Amended 2-12-01, 2-5-02, 1-19-03, 4-1-04, 3-5-06, 10-31-06, 4-8-08, 6-25-08, 6-8-09, \_\_\_\_\_.

33-602.221 Protective Management.

(1) through (3) No change.

(4) Conditions and Privileges.

(a) through (h) No change.

(i) Visiting – a visiting schedule shall be implemented to ensure a minimum of two hours a week for inmates to receive visits. Visiting shall take place in a separate facility from the general population if a separate facility is available. If a

separate facility is not available, the warden or duty warden ~~A visiting time for protective management inmates shall schedule visiting be set aside in the visiting park~~ either before or after visiting hours for general population inmates, ~~during visiting hours if separate facilities for visitation are available,~~ or on different days from the general population. Visiting shall be limited by the warden or his or her designee when it is concluded that a threat to the inmate exists by allowing visitation in the visiting area or when supervision is limited. The warden or ICT is authorized to make exceptions for visitors who have traveled a great distance. Attorney-client visits shall be in accordance with Rule 33-601.711, F.A.C., and shall not be restricted except on evidence that the visit would be a threat to security and order. The warden or ~~his or her~~ designee must approve all visits in advance and is authorized to approve special visits pursuant to Rule 33-601.736, F.A.C.

(j) through (10) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History–New 6-23-83, Amended 3-12-84, Formerly 33-3.082, Amended 6-4-90, 7-10-90, 12-4-90, 4-26-98, Formerly 33-3.0082, Amended 2-12-01, 1-19-03, 4-1-04, 6-8-09, \_\_\_\_\_.

33-602.222 Disciplinary Confinement.

(1) through (3) No change.

(4) Conditions and Privileges.

(a) through (b) No change.

(c) Personal Property. Inmates in confinement shall be allowed to retain stamps, eyeglasses, hearing aids, personal watches, and rings unless there is an indication of a security problem. Inmates in disciplinary confinement may also possess religious items pursuant to the provisions of Rule 33-602.201, F.A.C. If removal of any item in the inmate’s possession is determined necessary, the correctional staff shall document their actions on the Form DC6-229, Daily Record of Special Housing, which shall be approved by the chief of security. The correctional staff shall issue the inmate a receipt for her or his confiscated items by completing the Inmate Impounded Personal Property List, Form DC6-220. Form DC6-220 is incorporated by reference in Rule 33-602.201, F.A.C. Inmates in disciplinary confinement shall not possess any products that contain baby oil, mineral oil, cocoa butter, or alcohol.

(d) through (j) No change.

(k) Legal Access.

1. No change.

2. Indigent inmates shall be provided paper, envelopes, and security pens in order to prepare legal papers or notify visitors of confinement status. ~~An Typewriters or typing services are not required items and shall not be permitted in disciplinary confinement.~~ However, an inmate with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader). An inmate

who is provided an auxiliary aid shall also be allowed access to a certified law clerk for the purpose of preparing legal documents, legal mail or filing a grievance.

(14) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 3-12-84, Formerly 33-3.084, Amended 7-10-90, 4-28-96, 12-7-97, 3-23-99, Formerly 33-3.0084, Amended 2-12-01, 2-15-02, 4-1-04, 1-16-06, 10-31-06, 6-25-08, 6-8-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
George Sapp, Deputy Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Richard Davison, Deputy Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Cost Management and Control**

RULE NOS.:	RULE TITLES:
59B-16.001	Definitions
59B-16.002	Universal Patient Authorization Forms
59B-16.003	Rebuttable Presumption and Immunity from Civil Liability

PURPOSE AND EFFECT: The proposed rule will establish universal patient authorization forms in both paper and electronic formats which may be used by a health care provider to document patient permission for the disclosure and use, in any form or medium, of an identifiable health record. The universal patient authorization forms must be accepted by a provider as valid authorization to release an identifiable health record if the form is completed according to the instructions accompanying the form. The proposed rule will incorporate by reference a full disclosure form for treatment and quality of care purposes and limited disclosure form that may be used for treatment or certain non-treatment purposes.

SUMMARY: The agency is proposing a rule that will establish new Rules 59B-16.001 and 59B-16.003, F.A.C., providing for the incorporation by reference of the Universal Patient Authorization Form for Full Disclosure of Health Information for Treatment and Quality of Care, the Universal Patient Authorization Form for Limited Disclosure of Health Information and accompanying instructions. The forms provide instructions for the completion of the form that must be met to create the rebuttable presumption that the release of identifiable health record was appropriate.

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

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

RULEMAKING AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.051(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 30, 2010, 10:00 a.m.

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

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: Carolyn H. Turner, at (850)412-3782. 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 RULES IS: Carolyn Turner, Office of the Director, Florida Center for Health Information and Policy Analysis, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE FULL TEXT OF THE PROPOSED RULES IS:

59B-16.001 Definitions.

As used in Rules 59B-16.001 through 59B-16.003, F.A.C.:

(1) "Health care provider" means any other person or organization that furnishes, bills, or is paid for health care services in the normal course of business.

(2) "Electronic format" means a form as provided in Rule 59B-16.002, F.A.C., that is completed, signed electronically and transmitted electronically to the health care provider if the signature is validated by the provider or third party on behalf of the provider through an authentication process consistent with national standards recognized by the Office of the National Coordinator for Health Information Technology.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History—New \_\_\_\_\_.

59B-16.002 Universal Patient Authorization Forms.

(1) The Universal Patient Authorization Form for Full Disclosure of Health Information for Treatment and Quality of Care including instructions for completing the form is posted at: www.FHIN.net. The Universal Patient Authorization Form for Full Disclosure of Health Information for Treatment and Quality of Care dated 3.1.10 is incorporated by reference as AHCA Form FC4200-004.



(2) The Universal Patient Authorization Form for Limited Disclosure of Health Information including instructions for completing the form is posted at: www.FHIN.net. The Universal Patient Authorization Form for Limited Disclosure of Health Information dated 3.1.10 is incorporated by reference as AHCA Form FC4200-005.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History--New \_\_\_\_\_.

59B-16.003 Rebuttable Presumption and Immunity from Civil Liability.

(1) The exchange by a health care provider of an identifiable health record upon receipt of a form in either paper or electronic format completed and submitted in accordance with agency instructions as provided in Rule 59B-16.002, F.A.C. creates a rebuttable presumption that the release of the identifiable health record was appropriate.

(2) A health care provider that discloses or uses an identifiable health record in reliance on the information provided to the health care provider on a properly completed authorization form that may be on paper or in an electronic format does not violate any right of confidentiality and is immune from civil liability for accessing or releasing an identifiable health record.

Rulemaking Authority 408.15(8) FS. Law Implemented 408.051(4) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Christine Nye, Director, Florida Center for Health Information and Policy Analysis, Agency for Health Care Administration, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 8, 2010

**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 ENVIRONMENTAL PROTECTION**

RULE NOS.:  
62-550.310

RULE TITLES:  
Primary Drinking Water Standards:  
Maximum Contaminant Levels and  
Maximum Residual Disinfectant  
Levels

62-550.500

General Monitoring and Compliance  
Measurement Requirements for  
Contaminants and Disinfectant  
Residuals

PURPOSE, EFFECT AND SUMMARY: The Department is adopting the federal Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2 D/DBPR) that is incorporated in the federal regulations in the July 1, 2009, edition of 40 CFR 141. There were errors in the notice that was published in the Florida Administrative Weekly on March 12, 2009, in the three tables incorporated into the two above-listed rules. These two rules are being withdrawn and that notice is published concurrent with this notice. The remaining rules that were noticed on March 12, 2009, are part of the Department's adoption of the federal Stage 2 Disinfectants and Disinfection Byproducts Rule. Specifically, Rule 62-550.310, F.A.C., is being amended to expand the applicability of the chlorine and chloramine maximum residual disinfectant levels (MRDLs) in accordance with the Stage 2 D/DBPR; to clarify that the Stage 1 D/DBPR MCLs for total trihalomethanes (TTHM) and haloacetic acids five (HAA5) apply until the date specified for compliance with the Stage 2 D/DBPR MCLs for TTHM and HAA5; and to specify the Stage 2 D/DBPR MCLs for TTHM and HAA5, the water systems to which these MCLs apply, and the effective dates for these MCLs. Rule 62-550.500, F.A.C., is being amended to clarify that the monitoring and compliance measurement requirements in the Stage 2 D/DBPR take precedence over the general monitoring and compliance measurement requirements in Rule 62-550.500, F.A.C.

RULEMAKING AUTHORITY: 403.8055, 403.861(9) FS.

LAW IMPLEMENTED: 403.852(12), 403.853(1), (3), 403.859(1), 403.861(16), (17) FS.

THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, [Virginia.Harmon@dep.state.fl.us](mailto:Virginia.Harmon@dep.state.fl.us)

SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.

THE FULL TEXT OF THE PROPOSED RULES IS:

DRINKING WATER STANDARDS, MONITORING, AND REPORTING

62-550.310 Primary Drinking Water Standards: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels.

(These standards may also apply as ground water quality standards as referenced in Chapter 62-520, F.A.C.)

(1) No change.

(2) ~~DISINFECTANT RESIDUALS – Except for the chlorine dioxide maximum residual disinfectant level, which applies to all public water systems using chlorine dioxide as a disinfectant or oxidant, this subsection applies only to community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process.~~ Maximum residual disinfectant levels (MRDLs) are listed in Table 2, which is incorporated herein and appears at the end of this chapter. These MRDLs apply to the public water systems referenced below.

(a) The chlorine dioxide MRDL applies to all public water systems that add chlorine dioxide as a disinfectant or oxidant.

(b) The chlorine and chloramine MRDLs apply to all community or non-transient non-community water systems that add chlorine or chloramines to the water in any part of the drinking water treatment process.

(c) Effective [insert the effective date of these rule amendments], the chlorine and chloramine MRDLs apply to all consecutive community or consecutive non-transient

non-community water systems that do not add chlorine or chloramines but deliver water that has been treated with chlorine or chloramines.

(3) ~~DISINFECTION BYPRODUCTS – This subsection applies to all community or non-transient non-community water systems adding a chemical disinfectant to the water in any part of the drinking water treatment process. The Stage 1 maximum contaminant levels (MCLs) for disinfection byproducts. The disinfection byproduct maximum contaminant levels (MCLs) are listed in Table 3, which is incorporated herein and appears at the end of this chapter. These MCLs apply to the public water systems referenced below.~~

(a) The bromate MCL applies to community or non-transient non-community water systems that add ozone.

(b) The chlorite MCL applies to community or non-transient non-community water systems that add chlorine dioxide.

(c) The Stage 1 total trihalomethanes (TTHM) and haloacetic acids five (HAA5) MCLs apply to community or non-transient non-community water systems that add a chemical disinfectant to the water in any part of the drinking water treatment process. These Stage 1 MCLs apply until the appropriate date specified for Stage 2 compliance in paragraph (d) below.

(d) The Stage 2 TTHM and HAA5 MCLs apply to community or non-transient non-community water systems that use a primary or residual disinfectant other than ultraviolet light or deliver water that has been treated with a primary or residual disinfectant other than ultraviolet light. These Stage 2 MCLs apply beginning on the dates shown in the table below.

SYSTEM TYPE	COMPLIANCE DATE
<b>SYSTEMS THAT ARE NOT PART OF A COMBINED DISTRIBUTION SYSTEM AND SYSTEMS THAT SERVE THE LARGEST POPULATION IN A COMBINED DISTRIBUTION SYSTEM</b>	
System serving 100,000 or more people	April 1, 2012
System serving 50,000 – 99,999 people	October 1, 2012
System serving 10,000 – 49,999 people	October 1, 2013
Ground water system serving less than 10,000 people or Subpart H system not treating any surface water source and serving less than 10,000 people	October 1, 2013
Subpart H system treating a surface water source and serving less than 10,000 people	October 1, 2013, if no <i>Cryptosporidium</i> monitoring is required under 40 CFR 141.701(a)(4) or October 1, 2014, if <i>Cryptosporidium</i> monitoring is required under 40 CFR 141.701(a)(4)
<b>OTHER SYSTEMS THAT ARE PART OF A COMBINED DISTRIBUTION SYSTEM</b>	
Consecutive system or wholesale system	At the same time as the system with the earliest compliance date in the combined distribution system

(4) through (6) No change.

Rulemaking Specific Authority 403.8055, 403.861(9) FS. Law Implemented 403.852(12), 403.853(1) FS. History—New 11-19-87, Formerly 17-22.210, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.310, Amended 9-7-94, 8-1-00, 11-27-01, 4-14-03, 4-25-03, 11-28-04, \_\_\_\_\_.

62-550.500 General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals.

These general requirements shall apply unless other monitoring or compliance measurement requirements are specified in Rules 62-550.511 through 62-550.540, F.A.C., or Rules 62-550.821 and 62-550.822, F.A.C.

(1) No change.

(2) Monitoring Frequencies. Monitoring frequencies for each group of contaminants or disinfectant residuals are specified in Rules 62-550.511 through 62-550.520, F.A.C., plus Rule 62-550.821, F.A.C., and are summarized in Table 7 (effective date of this rule).

(3) Monitoring Schedule. Each public water system shall monitor at the time designated by this subsection during each compliance cycle and compliance period. Table 8 (effective date of this rule), summarizes when public water systems shall perform initial or routine monitoring.

(4) through (11) No change.

Rulemaking Specific Authority 403.8055, 403.861(9) FS. Law Implemented 403.853(1), (3), 403.859(1), 403.861(16), (17) FS. History—New 11-19-87, Formerly 17-22.300, Amended 1-18-89, 5-7-90, 1-1-93, 1-26-93, 7-4-93, Formerly 17-550.500, Amended 9-7-94, 8-1-00, 11-27-01, 4-14-03, 11-28-04, \_\_\_\_\_.

STAGE 1 MAXIMUM CONTAMINANT LEVELS FOR DISINFECTION BYPRODUCTS		
TABLE 3: [insert the effective date of these rule amendments]		
FEDERAL CONTAMINANT ID NUMBER	CONTAMINANT	MCL (mg/L)
2950	Total Trihalomethanes (TTHM)	Stage 1: 0.080 with compliance determined based on the RAA for the system <sup>1</sup> Stage 2: 0.080 with compliance determined based on the LRAA at each monitoring location <sup>2</sup>
2456	Haloacetic Acids (Five) (HAA5)	Stage 1: 0.060 with compliance determined based on the RAA for the system <sup>1</sup> Stage 2: 0.060 with compliance determined based on the LRAA at each monitoring location <sup>2</sup>
1011	Bromate	0.010
1009	Chlorite	1.0

<sup>1</sup> For further details regarding compliance determinations, see 40 CFR 141.133(b)(1), which is incorporated by reference in Rule 62-550.821, F.A.C.

<sup>2</sup> For further details regarding compliance determinations, see 40 CFR 141.620(c)(7) and (d), which are incorporated by reference in Rule 62-550.822, F.A.C.

Abbreviations Used: MCL = maximum contaminant level; mg/L = milligrams per liter;

RAA = running annual average;

LRAA = locational running annual average.

TABLE 7: MONITORING FREQUENCIES AND LOCATIONS:										
[insert the effective date of these rule amendments]										
CONTAMINANT OR DISINFECTANT RESIDUAL GROUP	APPLICABILITY	INITIAL OR ROUTINE MONITORING		TRIGGER THAT INCREASES MONITORING	INCREASED MONITORING		TRIGGER THAT REDUCES MONITORING	REDUCED MONITORING		MONITORING LOCATION(S)
		GWSS SYSTEMS	SUBPART H SYSTEMS		GWSS SYSTEMS	SUBPART H SYSTEMS		GWSS SYSTEMS	SUBPART H SYSTEMS	
ASBESTOS RULE 62-550.511	CWSS, NTNCWSS	1 SAMPLE EVERY 9 YEARS		SAMPLE > MCL	1 SAMPLE QUARTERLY		SYSTEM NOT SUSCEPTIBLE	NO SAMPLING REQUIRED		NOTE 1
NITRATE & NITRITE RULES 62-550.500(5) & 62-550.512	CWSS, NTNCWSS	1 SAMPLE ANNUALLY	1 SAMPLE QUARTERLY	GWSS SYS. WITH SAMPLE ≥ 50% OF MCL	1 SAMPLE QUARTERLY		SUBPART H SYS. WITH EACH OF 4 MOST RECENT QUARTERLY SAMPLES < 50% OF MCL	---	1 SAMPLE ANNUALLY DURING QUARTER WITH HIGHEST RESULT	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
	TWSS	1 SAMPLE ANNUALLY		NITRATE SAMPLE > MCL OR NITRITE SAMPLE ≥ 50% OF MCL	1 SAMPLE QUARTERLY		---	---		
INORGANICS RULES 62-550.500(5) & 62-550.513	CWSS, NTNCWSS	1 SAMPLE EVERY 3 YEARS	1 SAMPLE ANNUALLY	SAMPLE > MCL	1 SAMPLE QUARTERLY		4 CONSECUTIVE QUARTERS < MCL	SEE ROUTINE MONITORING		EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS

CHLORINE & CHLORAMINES RULES 62-550.514(1) & 62-550.821	CWSs/NTNCWSs ADDING OR DELIVERING WATER THAT HAS BEEN TREATED WITH CHLORINE OR CHLORAMINES	MULTIPLE SAMPLES MONTHLY; SEE NOTE 2		---	---	---	---	---	NOTE 2
CHLORINE DIOXIDE RULES 62-550.514(1) & 62-550.821	CWSs/NTNCWSs / TWSs ADDING CHLORINE DIOXIDE	1 SAMPLE DAILY		SAMPLE > MCL	ADDITIONAL 3-SAMPLE SET THE FOLLOWING DAY		---	---	NOTE 3
TOTAL TRIHALOMETHANES & HALOACETIC ACIDS (FIVE) STAGE 1 MCL; STAGE 1 MCL+ RULES 62-550.514(2) & 62-550.821	CWSs/NTNCWSs ADDING A DISINFECTANT & SERVING ≥ 10,000 PERSONS	1 SAMPLE PER TREATMENT PLANT QUARTERLY	4 SAMPLES PER TREATMENT PLANT QUARTERLY	---	---	GWS SYS. WITH ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL; SUBPART H SYS. WITH ANNUAL AVG SOURCE-WATER TOC ≤ 4.0 MG/L & ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.	1 SAMPLE PER TREATMENT PLANT QUARTERLY	NOTE 4
	CWSs/NTNCWSs ADDING A DISINFECTANT & SERVING 500 to 9,999 PERSONS	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.	1 SAMPLE PER TREATMENT PLANT QUARTERLY	GWS SYS. WITH AVG. OF ANNUAL SAMPLES > MCL	1 SAMPLE PER TREATMENT PLANT QUARTERLY	---	1 SAMPLE PER TREATMENT PLANT EVERY 3 YEARS DURING MONTH OF WARMEST WATER TEMP.	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.	
	CWSs/NTNCWSs ADDING A DISINFECTANT & SERVING < 500 PERSONS	1 SAMPLE PER TREATMENT PLANT ANNUALLY DURING MONTH OF WARMEST WATER TEMP.		AVG. OF ANNUAL SAMPLES > MCL	1 SAMPLE PER TREATMENT PLANT QUARTERLY		GWS SYS. WITH ANNUAL AVG TTHM & HAA5 ≤ 50% OF MCL FOR 2 CONSECUTIVE YEARS OR ≤ 25% OF MCL FOR 1 YEAR	---	
TOTAL TRIHALOMETHANES & HALOACETIC ACIDS (FIVE) - STAGE 2 MCL; RULES 62-550.514(2) & 62-550.822	CWSs/NTNCWSs USING A PRIMARY OR RESIDUAL DISINFECTANT OTHER THAN UV LIGHT OR DELIVERING WATER THAT HAS BEEN TREATED WITH A PRIMARY OR RESIDUAL DISINFECTANT OTHER THAN UV LIGHT	POPULATION BASED - REFER TO 40.CFR 141.621(a)(2)		MONITORING ANNUALLY OR LESS FREQUENTLY & TTHM SAMPLE ≥ 0.080 MG/L OR HAA5 SAMPLE ≥ 0.060 MG/L AT ANY LOCATION	DUAL SAMPLE SETS QUARTERLY AT ALL LOCATIONS		GWS WITH LRAA TTHM & HAA5 ≤ 50% OF MCL AT ALL MONITORING LOCATIONS; SUBPART H SYS. WITH ANNUAL AVG SOURCE-WATER TOC ≤ 4.0 MG/L & LRAA TTHM & HAA5 ≤ 50% OF MCL AT ALL MONITORING LOCATIONS	POPULATION BASED - REFER TO 40.CFR 141.623(a)	HIGHEST TTHM LOCATIONS & HIGHEST HAA5 LOCATIONS IN ACCORDANCE WITH 40.CFR 141. SUBPART V. MONITORING PLAN
CHLORITE STAGE 1 MCL; RULES 62-550.514(2) & 62-550.821	CWSs/NTNCWSs ADDING CHLORINE DIOXIDE	1 SAMPLE DAILY		SAMPLE > MCL	ADDITIONAL 3-SAMPLE SET THE FOLLOWING DAY		---	---	NOTE 5
		3-SAMPLE SET MONTHLY		---	---	NO INDIVIDUAL ENTRY-POINT OR DIST. SYS. SAMPLE > MCL FOR 1 YEAR	3-SAMPLE SET QUARTERLY		
BROMATE STAGE 1 MCL; RULES 62-550.514(2)(b) & 62-550.821	CWSs/NTNCWSs ADDING OZONE	1 SAMPLE PER TREATMENT PLANT MONTHLY		---	---	ANNUAL AVG BROMATE ≤ 0.025 MG/L BASED ON MONTHLY MEASUREMENTS ANNUAL AVG SOURCE-WATER BROMIDE ≤ 0.05 MG/L BASED UPON MONTHLY MEASUREMENTS	1 SAMPLE PER TREATMENT PLANT QUARTERLY	ENTRANCE TO DIST. SYS. UNDER NORMAL OPERATING CONDITIONS	
VOLATILE ORGANICS RULES 62-550.500(5) & 62-550.515	CWSs, NTNCWSs	4 CONSECUTIVE QUARTERLY SAMPLES EVERY 3 YEARS OR, IF AUTHORIZED, 1 SAMPLE ANNUALLY; SEE NOTE 6		DETECTION OF ANY VOC AT > 0.0005 MG/L	1 SAMPLE QUARTERLY		GWS SYS. WITH NO DETECTION OF ANY VOC DURING 3 YEARS OF ANNUAL SAMPLING	1 SAMPLE EVERY 3 YEARS	NOTE 7
SYNTHETIC ORGANICS RULES 62-550.500(5) & 62-550.516	CWSs/NTNCWSs SERVING > 3,300 PERSONS	4 CONSECUTIVE QUARTERLY SAMPLES EVERY 3 YEARS		DETECTION OF ANY SOC	1 SAMPLE QUARTERLY		NO DETECTION OF ANY SOC DURING INITIAL COMPLIANCE PERIOD	2 QUARTERLY SAMPLES IN THE SAME YEAR EVERY 3 YEARS	NOTE 7
	CWSs/NTNCWSs SERVING ≤ 3,300 PERSONS							1 SAMPLE EVERY 3 YEARS	
MICROBIOLOGICAL CONTAMINANTS RULE 62-550.518	CWSs, NTNCWSs, TWSs SERVING > 1,000 PERSONS	MULTIPLE SAMPLES MONTHLY; SEE NOTE 8		TOTAL COLIFORM POSITIVE SAMPLE	NOTE 9		---	---	SITES REFLECTING WATER THROUGHOUT DIST. SYS.
		TWSs SERVING ≤ 1,000 PERSONS	2 SAMPLES QUARTERLY	2 SAMPLES MONTHLY					

SECONDARY CONTAMINANTS RULES 62-550.500(5) & 62-550.520	CWSs	1 SAMPLE EVERY 3 YEARS	---	---	---	---	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
GROSS ALPHA, RADIUM-226, RADIUM-228, & URANIUM RULE 62-550.519(1)	CWSs	INITIAL MONITORING IS 4 CONSECUTIVE QUARTERLY SAMPLES; ROUTINE MONITORING IS 1 SAMPLE EVERY 3 YEARS; SEE NOTE 10	SAMPLE > MCL OR IF MONITORING ONCE EVERY 6 YEARS, A SAMPLE RESULT > 1/2 MCL OR IF MONITORING ONCE EVERY 9 YEARS, A SAMPLE RESULT ≥ DETECTION LIMIT	1 SAMPLE QUARTERLY WHEN PREVIOUS SAMPLE RESULT IS > MCL OR IF SAMPLING EVERY 9 YEARS AND THE SAMPLE IS ≤ MCL BUT > 1/2 MCL, SAMPLE EVERY 6 YEARS; OR IF SAMPLE IS ≥ DETECTION LIMIT BUT 1/2 ≤ MCL OR IF SAMPLING EVERY 6 YEARS AND THE SAMPLE IS > 1/2 MCL BUT ≤ MCL, SAMPLE EVERY 3 YEARS	AVERAGE OF INITIAL MONITORING SAMPLES OR LAST REDUCED MONITORING SAMPLE < DETECTION LIMIT	1 SAMPLE EVERY 9 YEARS	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
					DETECTION LIMIT ≤ AVERAGE OF INITIAL MONITORING SAMPLES OR LAST REDUCED MONITORING SAMPLE ≤ 1/2 MCL	1 SAMPLE EVERY 6 YEARS	
BETA PARTICLE & PHOTON RADIOACTIVITY RULE 62-550.519(2)	CWSs DESIGNATED AS VULNERABLE	1 SAMPLE QUARTERLY FOR GROSS BETA & 1 SAMPLE ANNUALLY FOR TRITIUM & STRONTIUM-90	SAMPLE > MCL	1 SAMPLE MONTHLY FOR GROSS BETA, TRITIUM, & STRONTIUM-90	ANNUAL AVERAGE OF GROSS BETA MINUS POTASSIUM-40 ≤ 50 pCi/L	1 SAMPLE EVERY 3 YEARS FOR GROSS BETA, TRITIUM, & STRONTIUM-90	EVERY ENTRY POINT TO DIST. SYS. DURING NORMAL OPERATING CONDITIONS
	CWSs DESIGNATED AS UTILIZING WATERS CONTAMINATED BY EFFLUENTS FROM NUCLEAR FACILITIES	QUARTERLY FOR GROSS BETA & IODINE-131 & ANNUALLY FOR TRITIUM & STRONTIUM-90; SEE NOTE 11	QUARTERLY RESULT FOR GROSS BETA OR IODINE-131 > MCL; ANNUAL RESULT FOR TRITIUM OR STRONTIUM-90 > MCL	MONTHLY FOR GROSS BETA, IODINE-131, TRITIUM, & STRONTIUM-90	ANNUAL AVERAGE OF GROSS BETA MINUS POTASSIUM-40 ≤ 15 pCi/L	EVERY 3 YEARS FOR GROSS BETA, IODINE-131, TRITIUM, & STRONTIUM-90	

Abbreviations used:

CWSs = community water systems; SOC = synthetic organic contaminant;  
 GWSs ~~SYSTEMS~~ = ground water systems; TOC = total organic carbon;  
 HAA5 = haloacetic acids (five); TTHM = total trihalomethanes;  
 MCL = maximum contaminant level; TWSs = transient non-community water systems;  
 UV = ultraviolet;  
 MG/L = milligrams per liter; VOC = volatile organic contaminant  
 NTNCWSs = non-transient non-community water systems;  
 pCi/L = picocuries per liter

NOTE 1: Systems susceptible to asbestos contamination due solely to corrosion of asbestos-cement pipe shall sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur. Systems susceptible to asbestos contamination due solely to source water shall monitor at every entry point to the distribution system during normal operating conditions. Systems susceptible to asbestos contamination due to both source water and corrosion of asbestos-cement pipe shall sample at a tap served by asbestos-cement pipe and under conditions where asbestos contamination is most likely to occur.

NOTE 2: Systems shall measure the residual disinfectant level at the same locations in the distribution system where, and at the same time when, total coliforms are sampled.

NOTE 3: Systems shall take routine daily samples at the entrance to the distribution system. Systems shall take additional three-sample sets in the distribution system at the following locations:

(a) If chloramines are used to maintain a disinfectant residual in the distribution system, or if chlorine is used to maintain a disinfectant residual in the distribution system and there are no disinfectant addition ~~disinfection~~ points after the entrance to the distribution system (i.e., no booster chlorination), the system shall take three samples as close to the first customer as possible at intervals of at least six hours.

(b) If chlorine is used to maintain a disinfectant residual in the distribution system and there are one or more disinfectant addition points after the entrance to the distribution system (i.e., booster chlorination), the system shall take one sample at each of the following locations: as close to the first customer as possible, in a location representative of average residence time, and as close to the end of the distribution system as possible.

NOTE 4: Systems taking one sample shall take the sample at a location reflecting maximum residence time in the distribution system. Systems taking more than one sample shall take at least 25% of the samples at locations representing maximum residence time of the water in the distribution system and shall take the remaining samples at locations representing at least average residence time in the distribution system and representing the entire distribution system, taking into account number of persons served, different sources of water, and different treatment methods.

NOTE 5: Systems shall take routine daily samples at the entrance to the distribution system. Systems shall take routine monthly or additional three-set samples in the distribution system; each three-set sample shall consist of one sample at

each of the following locations: a location as close to the first customer as possible, a location representative of average residence time, and a location reflecting maximum residence time in the distribution system.

NOTE 6: For initial base point monitoring, systems shall take four consecutive quarterly samples during the first three-year compliance period. If a system does not detect any VOC, it shall take one sample annually beginning with the next three-year compliance period.

NOTE 7: During the first quarter of initial base point monitoring, ~~GWSS systems~~ shall take a minimum of one sample that is representative of each well. Under all other circumstances, systems shall sample at every entry point to the distribution system during normal operating conditions.

NOTE 8: The minimum number of samples shall be as set forth in subsection 62-550.518(2), F.A.C.

NOTE 9: Systems shall conduct repeat monitoring in accordance with subsection 62-550.518(7), F.A.C., and systems that routinely collect fewer than five samples per month shall collect at least five samples during the next month the system provides water to the public.

NOTE 10: The Department shall waive the final two quarters of initial monitoring for a sampling point if the results of the samples from the previous two quarters are below the regulatory detection limit. Additionally, under the conditions described in paragraph 62-550.519(1)(c), F.A.C., historical data may be used to satisfy initial monitoring requirements. ~~Systems shall take one sample quarterly if an MCL is exceeded.~~

NOTE 11: Quarterly monitoring for gross beta shall be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. For iodine-131, a composite of five consecutive daily samples shall be analyzed once each quarter. Annual monitoring for tritium and strontium-90 shall be conducted by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

TABLE 8: INITIAL OR ROUTINE MONITORING SCHEDULE					
REFERENCE SUBSECTION 62-550.500(3): [insert the effective date of these rule amendments]					
Under initial or routine monitoring, public water systems shall take required samples during the time period specified below.					
CONTAMINANT OR DISINFECTANT RESIDUAL GROUP	COMMUNITY WATER SYSTEMS SERVING MORE THAN 3,300 PEOPLE	COMMUNITY WATER SYSTEMS SERVING 3,300 OR FEWER PEOPLE	NON-TRANSIENT NON-COMMUNITY WATER SYSTEMS	TRANSIENT NON-COMMUNITY WATER SYSTEMS	
ASBESTOS RULES 62-550.500(3) & 62-550.511	FIRST YEAR OF EACH NINE-YEAR COMPLIANCE CYCLE	SECOND YEAR OF EACH NINE-YEAR COMPLIANCE CYCLE	THIRD YEAR OF EACH NINE-YEAR COMPLIANCE CYCLE	NOT REQUIRED	
NITRATES AND NITRITES RULES 62-550.500(3) & 62-550.512	GROUND WATER SYSTEMS	ANNUALLY			
	SUBPART H SYSTEMS	QUARTERLY			ANNUALLY
INORGANICS RULES 62-550.500(3) & 62-550.513	GROUND WATER SYSTEMS	FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	THIRD YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	NOT REQUIRED
	SUBPART H SYSTEMS	ANNUALLY			NOT REQUIRED
CHLORINE & CHLORAMINES RULES 62-550.514(1) & 62-550.821	MONTHLY FOR SYSTEMS ADDING OR DELIVERING WATER TREATED WITH CHLORINE OR CHLORAMINES				NOT REQUIRED
CHLORINE DIOXIDE RULES 62-550.514(1) & 62-550.821	DAILY FOR SYSTEMS ADDING CHLORINE DIOXIDE				
TOTAL TRIHALOMETHANES & HALOACETIC ACIDS (FIVE) STAGE 1 MCLs STAGE 1 MCL RULES 62-550.500(3), 550.514(2), & 62-550.821	GROUND WATER SYSTEMS	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT & SERVING ≥ 10,000 PEOPLE & ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT & SERVING < 10,000 PEOPLE	ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT & SERVING ≥ 10,000 PEOPLE & ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT & SERVING < 10,000 PEOPLE	NOT REQUIRED

	SUBPART H SYSTEMS	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT	QUARTERLY FOR SYSTEMS ADDING A DISINFECTANT & SERVING ≥ 500 PEOPLE & ANNUALLY DURING MONTH OF WARMEST WATER TEMPERATURE FOR SYSTEMS ADDING A DISINFECTANT & SERVING < 500 PEOPLE		NOT REQUIRED
TOTAL TRIHALOMETHANES & HALOACETIC ACIDS (FIVE) STAGE 2 MCLs RULES 62-550.500(3), 62-550.514(2), & 62-550.822	GROUND WATER SYSTEMS	QUARTERLY FOR SYSTEMS SERVING ≥ 10,000 PEOPLE; ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS FOR SYSTEMS SERVING < 10,000 PEOPLE	ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS	QUARTERLY FOR SYSTEMS SERVING ≥ 10,000 PEOPLE; ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS FOR SYSTEMS SERVING < 10,000 PEOPLE	NOT REQUIRED
	SUBPART H SYSTEMS	QUARTERLY	QUARTERLY FOR SYSTEMS SERVING ≥ 500 PEOPLE; ANNUALLY DURING MONTH OF HIGHEST DBP CONCENTRATIONS FOR SYSTEMS SERVING < 500 PEOPLE		
CHLORITE STAGE 1 MCL RULES 62-550.514(2) & 62-550.821		DAILY AT ENTRANCE TO DISTRIBUTION SYSTEM & MONTHLY IN DISTRIBUTION SYSTEM FOR SYSTEMS ADDING CHLORINE DIOXIDE			NOT REQUIRED
BROMATE STAGE 1 MCL RULES 62-550.514(2) & 62-550.821		MONTHLY FOR SYSTEMS ADDING OZONE			NOT REQUIRED
VOLATILE ORGANICS RULES 62-550.500(3) & 62-550.515		QUARTERLY OR, IF AUTHORIZED, ANNUALLY DURING THE FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	QUARTERLY OR, IF AUTHORIZED, ANNUALLY DURING THE SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	QUARTERLY OR, IF AUTHORIZED, ANNUALLY DURING THE THIRD YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	NOT REQUIRED
SYNTHETIC ORGANICS RULES 62-550.500(3) & 62-550.516		QUARTERLY DURING THE FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD-UNLESS REDUCED MONITORING IS AUTHORIZED	QUARTERLY DURING THE SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD-UNLESS REDUCED MONITORING IS AUTHORIZED	QUARTERLY DURING THE THIRD YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD UNLESS REDUCED MONITORING IS AUTHORIZED	NOT REQUIRED
MICROBIOLOGICAL CONTAMINANTS RULES 62-550.500(3) & 62-550.518	GROUND WATER SYSTEMS	MONTHLY			MONTHLY FOR SYSTEMS SERVING > 1,000 PEOPLE & QUARTERLY FOR SYSTEMS SERVING ≤ 1,000 PEOPLE
	SUBPART H SYSTEMS	MONTHLY			
GROSS ALPHA, RADIUM-226, RADIUM-228 & URANIUM RULES 62-550.500(3) & 62-550.519		ROUTINE MONITORING OCCURS DURING FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD UNLESS REDUCED MONITORING IS APPROVED	ROUTINE MONITORING OCCURS DURING SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD UNLESS REDUCED MONITORING IS APPROVED	NOT REQUIRED	NOT REQUIRED
BETA PARTICLE & PHOTON RADIOACTIVITY RULES 62-550.500(3) & 62-550.519		QUARTERLY/ANNUALLY FOR SYSTEMS DESIGNATED AS VULNERABLE OR UTILIZING WATERS CONTAMINATED BY EFFLUENTS FROM NUCLEAR FACILITIES		NOT REQUIRED	NOT REQUIRED
SECONDARY CONTAMINANTS RULES 62-550.500(3) & 62-550.520		FIRST YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	SECOND YEAR OF EACH THREE-YEAR COMPLIANCE PERIOD	NOT REQUIRED	NOT REQUIRED

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NOS.:

64B5-2.0126

64B5-2.013

RULE TITLES:

Conduct at Examination Site

Dental Examination Requirements and Grading

PURPOSE AND EFFECT: To clarify and update language.

SUMMARY: These rules will clarify and update language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statements of Estimated Regulatory Cost were prepared. The Board determined that small businesses would not be affected by these rules.

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

RULEMAKING AUTHORITY: 456.004(5), 466.004(4), 456.017(1)(b), 466.004(4) FS.

LAW IMPLEMENTED: 456.079, 456.017(1)(b), (2), 466.006(4), 466.009 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-2.0126 Conduct at Examination Site.

(1) The examination supervisor, assistant examination supervisor and proctors are the designated agents in maintaining a secure and proper examination and administration.

(2) through (3)(a) No change.

(b) Conduct which violates the standard of test administration, such as disrupting the examination site, inappropriately communicating with any other examinee during the administration of the examination; copying answers from another examinee or permitting one's answers to be copied by another examinee during the administration of the examination; having in one's possession during the administration of the licensing examination any appliances, tools, models, teeth, books, notes, written or printed materials or data of any kind, cell phones, PDAs, pagers, or other electronic devices other than the examination materials distributed or specifically listed as approved materials for the examination room in the examinee's official Candidate Information Booklet which is made available on the Department's examination webpage at <http://www.doh.state.fl.us/mqa/Exam/main-cand.htm>, or presented to the examinee in advance of the examination date by the Department. In cases where the examinee is found to be in possession of items other than those distributed at the exam site or specifically listed as approved materials for the examination room in the Candidate Information Booklet, the minimum sanction shall be to declare the scores on said examination invalid.

(c) No change.

(4) No change.

Rulemaking Specific Authority 456.004(5), 466.004(4) FS. Law Implemented 456.017(1)(d), 456.079 FS. History—New 2-7-96, Amended 5-21-96, Formerly 59Q-2.0126, Amended 5-1-02, \_\_\_\_\_.

64B5-2.013 Dental Examination Requirements and Grading.

(1)(a) through (d) No change.

(2) No change.

(a) The Written Examination for dental licensure shall consist of the laws and rules of the State of Florida regulating the practice of dentistry and dental hygiene. The written examination is administered via computer-based platform.

(b) No change.

(c) Applicants will be given no more than 90 minutes to complete the written examination.

(3) No change.

(a) No change.

(b) Every candidate who is scheduled to take the entire practical or clinical examination or who is scheduled to retake any part of the practical or clinical examination which involves the use of a live patient must secure liability insurance coverage in amounts determined by the board. This protection is for injuries or harm which may be sustained or may be claimed to have been sustained by a dental patient in the course of the examination. Each candidate must present proof of such coverage to the credentials committee before he or she will be allowed to perform any procedures on a live patient. Neither the board nor the department shall be held liable for any claim, suits, judgments, or damages, consequent or otherwise and including attorney's fees and costs arising out of any actual or claimed injuries or harm alleged by dental patients during the course of the examination.

(c) 1. through 2. No change.

3. Demonstration of Endodontic Skills on Specified Teeth (simulated tooth).

4. No change.

(d) No change.

1. Class II Amalgam and Class III Composite on Patient. This part of the Practical or Clinical Examination shall consist of a preparation procedure and a restoration procedure. The tooth selected for the Class II Amalgam restoration must be a permanent posterior tooth with at least one proximal primary carious lesion which shows no sign of previous excavation and radiographically extends at least to the DEJ at the contact point. The tooth selected for the Class III composite restoration must be a permanent anterior tooth with at least one proximal primary carious lesion which shows no signs of previous excavation and radiographically extends at least to the DEJ. The following areas will be assessed in determining a grade for each procedure:

a. through b. No change.

2. through 4. No change.

(e) The grading system used during the Practical or Clinical Examination is as follows:



The quality of a candidate’s work on the four parts of the Clinical or Practical Examination is graded in accordance with a detailed analytic scoring guide and specific scoring criteria for each component of each task. The examiners use four competency levels to rate clinical skills on the four parts of the Clinical or Practical Examination:

- Mandatory 0 – Complete failure and critically deficient
- Marginally Substandard – Below minimal acceptable dental treatment
- Minimally Acceptable – Minimal acceptable dental treatment
- Satisfactory – Optimal dental treatment

Three examiners independently evaluate all rated treatment criteria for each part of the Clinical or Practical Examination and the median competency level in each category (criteria) is determined. These median competency levels are translated into a numerical score. Candidates must earn at least 75% of the maximum possible raw score on each part to pass that part. Critical errors (Mandatory 0) are given special consideration. Critical errors are errors of commission or omission that would be serious enough to endanger a patient’s oral or general health, or could lead to patient injury or may jeopardize the overall treatment of the patient. A corroborated critical error, such as perforation while preparing an access opening for an endodontic procedure will result in failure of the Endodontic part of the Clinical or Practical Examination even though other rated treatment criteria for the Endodontic part are acceptably completed. When in the judgment of two examiners the applicant’s performance on any grading criteria is deemed critically deficient, the applicant will be awarded a zero (0) on that part of the examination and the examination may be terminated by the assistant examination supervisor.

A candidate’s score on a part of the Clinical or Practical Examination may also be affected by certain conduct or errors that warrant a penalty deduction from the total score on that part. An example of a penalty deduction on a part is the loss of all points if two treatment selections for either the Amalgam or the Composite procedure are not acceptable or a second treatment selection is not presented if the first treatment selection is rejected.

(f) through (j) No change.

(4) No change.

(a) The Diagnostic Skills Examination shall be an objective type of examination, demonstrating ability to diagnose conditions within the human oral cavity and its adjacent tissues and structures from photographs, slides, radiographs, or models. The Diagnostic Skills Examination may include, but not be limited to the following: medical considerations, periodontics, and prosthetics including the viewing and evaluation of digitalized photographs of exhibits of complete, fixed, partial and removable partial prosthetics. Exhibits may include, but not be limited to, impressions, denture set-ups, study models, master casts, wax rims, partial

denture frameworks, bite registrations, crowns, bridges, crown and bridge dies and preparations, and radiographs. The Diagnostic Skills Examination should assess the examinee’s abilities to recognize critical clinical conditions or situations encountered regularly in the general practice of dentistry and to formulate appropriate treatment options. The Diagnostic Skills Examination is administered via computer-based testing platform.

(b) through (c) No change.

Rulemaking Authority 456.017(1)(b), 466.004(4) FS. Law Implemented 456.017(1)(b), (2), 466.006(4), 466.009 FS. History–New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99, 11-15-99, 8-3-05, 7-17-07, 8-1-08, 6-28-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 20, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 8, 2010

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-10.011  
RULE TITLE: Retired Status and Reactivation of Retired Status License

PURPOSE AND EFFECT: To clarify and update language.

SUMMARY: This rule will clarify and update language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-10.011 Retired Status and Reactivation of Retired Status License.

(1) through (2)(b) No change.

(c) Dentists must demonstrate compliance with Rule 64B5-17.011, F.A.C., Financial Responsibility.

(3) Any dentist whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of dentistry within the past five (5) years shall be required to appear before the Credentials Committee of the Board and establish the ability to practice with care and skill sufficient to protect the health, safety and welfare of the public. At the time of such appearance, the dentist must:

(a) Demonstrate compliance with subsection (2) above;

(b) Account for any activities related to the practice of dentistry during the period that the licensee was on retired status or not practicing in another jurisdiction and establish an absence of malpractice or disciplinary actions pending in any jurisdiction.

(4) The Department shall refuse to reactivate the license of a retired status dentist who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Rulemaking Specific Authority 456.036 FS. Law Implemented 456.036 FS. History–New 2-14-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 15, 2010

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-11.012  
RULE TITLE: Application Forms

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the application forms.

SUMMARY: The rule amendment will modify the application forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost was prepared and voted upon. The Board determined that although it estimates receipt of approximately 2,523 licensure application over the next five years, small businesses would not be affected by this rule. However, a SERC was prepared for review.

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

RULEMAKING AUTHORITY: 490.004(4) FS.

LAW IMPLEMENTED: 490.005, 490.006(1)(b) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.012 Application Forms.

(1) All applicants for licensure pursuant to Chapter 490, F.S., shall complete and submit form DH-MQA 1187, (Revised 01/10 ~~9/09~~), “Application for Psychologist Licensure,” which is incorporated herein by reference and which be obtained from the Board office or on the Board’s website at <http://www.doh.state.fl.us/mqa/psychology>.

(2) through (4) No change.

Rulemaking Authority 490.004(4) FS. Law Implemented 490.005, 490.006(1)(b) FS. History–New 6-25-02, Amended 5-24-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Psychology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2009

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.205  
RULE TITLE: Eligibility Determination Process

PURPOSE AND EFFECT: The proposed rule amendment amends the ACCESS Florida Application, CF-ES 2337, amends the interview requirements, incorporates forms that can be used in the eligibility determination process, and includes some wording changes and technical changes of a non-substantive nature improving the overall content of the rule.

SUMMARY: The proposed rule amendment amends the general eligibility determination process.

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

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

RULEMAKING AUTHORITY: 409.919, 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.919, 410.033, 414.045, 414.095, 414.31 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 28, 2010, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291, cindy\_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.205 Eligibility Determination Process.

(1) The individual completes a Department application for assistance to the best of the individual's ability using either the ACCESS Florida Application, CF-ES 2337, 03/2010 01/2008, incorporated by reference in ~~Rule 65A-1.400, F.A.C.~~, or an ACCESS Florida Web Application (only accepted electronically), CF-ES 2353, 03/2008, incorporated by reference in Rule 65A-1.400, F.A.C., and submits it. An application must include at least the individual's name, address and signature to initiate the application process. An eligibility specialist determines the eligibility of each household member for public assistance. An applicant ~~can~~ may withdraw the application at any time without affecting their right to reapply at any time.

(a) The Department must determine an applicant's eligibility initially at application and if the applicant is determined eligible, at periodic intervals thereafter. It is the applicant's responsibility to keep appointments with the eligibility specialist and furnish information, documentation and verification needed to establish eligibility. If the Department schedules a telephonic appointment, it is the Department's responsibility to be available to answer the applicant's phone call at the appointed time. If the information, documentation or verification is difficult for the applicant to obtain, the eligibility specialist must provide assistance in obtaining it when requested or when it appears necessary.

(b) Time standards for processing applications vary by public assistance program in accordance with 7 C.F.R. §273.2(g), 45 C.F.R. §206.10(a)(3)(i) and 42 C.F.R. §435.911. For Food Stamp and Cash Assistance ~~P~~programs, time standards begin the date following the date the application was filed and end on the date the Department makes benefits available or mails a notice concerning eligibility. For the Medicaid Program, the time standard ends on the date the Department mails an eligibility notice. The Department must process and determine eligibility within the following time frames:

Program:	Application Processing Time Standards:
Expedited Food Stamps	7 days
Food Stamps	30 days
Temporary Cash Assistance, Refugee Assistance and Child In Care Medical Assistance and State Funded Programs for individuals who apply on the basis of disability	45 days
For all other Medical Assistance and State Funded Programs for applicants on the basis of non-disability eligibility, including OSS, QMB, SLMB, and QI1	90 days
	45 days

All days counted after the date of application are calendar days. Applicant delay days do not count in determining compliance with the time standard. The Department uses information provided on the Screening for Expedited Medicaid Appointments form, CF-ES 2930, ~~Screening for Expedited Medicaid Appointments~~, 04/2007, incorporated by reference, in ~~Rule 65A-1.400, F.A.C.~~ to expedite processing of Medicaid disability-related applications.

(c) If the eligibility specialist determines during ~~at~~ the interview or at any time during the application process that the applicant must provide additional information or verification, or that a member of the assistance group must comply with Child Support Enforcement or register for employment services, the eligibility specialist must give the applicant written notice allowing ten calendar days from request or the interview to furnish the requested information or to comply with ~~the verification or employment registration requirement(s)~~. For all programs, verifications are due ten calendar days from the date of written request or the interview, or 30 days from the date of application, whichever is later. In cases where the applicant must provide medical information, the return due date is 30 calendar days following the written request or the interview, or 30 days from the date of application, whichever is later. If the due date falls on a holiday or weekend, the deadline is the next working day. ~~If the verification or information is difficult for the person to obtain, the eligibility specialist must provide assistance in obtaining the verification or information when requested or when it appears necessary.~~ If the applicant does not provide required verifications or information, ~~as applicable~~, by the deadline date, the application will be denied, unless the applicant

requests an extension or there are extenuating circumstances justifying an additional extension. The eligibility specialist makes the decision of whether to grant the request for extension. When the applicant provides all required information or verification, ~~as applicable~~, the eligibility specialist determines eligibility for the public assistance programs. If the eligibility criteria are met, benefits are authorized.

(d) In accordance with 42 C.F.R. §435.911, unusual circumstances that might affect the timely processing of Medicaid applications include applicant delay, physician delay and emergency delay as defined below. Unusual circumstances are non-agency processing delays, and the calendar time passing during such delay(s) does not count as part of the 90-day time standard for determining the timeliness of Medicaid eligibility decisions based on disability.

1. Applicant delay is the time attributed to the applicant who ~~does not fails to~~ keep any scheduled appointment or ~~to~~ provide requested and required eligibility information or verification. Applicant delay begins the date the applicant does not keep a Department scheduled appointment with either the Department or health professionals and ends the date the applicant keeps that appointment as rescheduled; or, the date the applicant does not ~~provide bring~~ requested and required information ~~for to~~ the initial interview and ends the date the applicant provides the information to the Department. The "Are You Disabled and Applying for Medicaid?" brochure, CF/PI 165-107, 06/2008, incorporated by reference, describes requested and required information for eligibility determination.

2. through 3. No change.

(2) In accordance with 7 C.F.R. §273.14, 45 C.F.R. §206.10(a)(9)(iii), 42 C.F.R. §435.916, and Section 414.095, F.S, the Department must determine eligibility at periodic intervals.

(a) No change.

(b) A partial eligibility review entails review of one or more, but not all factors of eligibility. The Department schedules partial reviews based on known facts or anticipated changes or when an unanticipated change occurs. It does not usually require ~~an a face-to-face~~ interview unless it cannot obtain the necessary information without the interview.

(3) The Department ~~conducts phone or must conduct~~ face-to-face interviews with ~~food stamp and cash assistance~~ applicants/recipients or their ~~authorized/designated~~ ~~authorized~~ representatives ~~when required for the at each~~ application or complete eligibility review process ~~unless waived due to hardship as described in 7 C.F.R. §273.2(e)(2)~~. The Department conducts ~~face-to-face interviews upon request complete redeterminations of eligibility and recipient interviews in accordance with federal regulations governing the benefit type by phone~~, in the ACCESS Florida office, the applicant's/recipients home, or other ~~agreed upon~~ location

~~upon which the applicant/recipient and eligibility specialist mutually agree. The applicant/recipient or their authorized/designated representative must keep the interview appointment or make arrangements with the eligibility specialist prior to the appointment time to reschedule the missed appointment, if necessary.~~

(4) If an applicant or recipient ~~does not fails to~~ keep an appointment without arranging another time with the eligibility specialist; ~~or does not fails or refuses to~~ sign and date the applications described in subsection (1); ~~fails or refuses to submit a periodic report~~; or ~~does not fails or refuses to~~ submit required documentation or verification the Department will deny benefits as it cannot establish eligibility.

(5) The Department ~~can may~~ substantiate, verify or document information provided by the applicant/recipient as part of each determination of eligibility. For any program, when there is a question about the validity of the information provided, the Department will ask for additional documentation or verification as required. The term verification is used generically to represent this process.

(a) No change.

(b) Verification confirms the accuracy of information through a source(s) other than the individual. The Department ~~can may~~ secure verification electronically, telephonically, in writing, or by personal contact.

(c) No change.

(6) No change.

(7) In accordance with Food Stamp Program waivers, food stamp ~~applicants/recipients who applicants that~~ have been interviewed, but ~~do not failed to~~ return the requested verification by the deadline, ~~can may~~ be denied prior to the 30th day. ~~Under approved federal Food Stamp Program waivers face-to-face interviews are not required.~~

(8) ~~The following forms, incorporated by reference, can be used in the eligibility determination process: Verification of Employment/Loss of Income, CF-ES 2620, 03/2009; Verification of Dependent Care Expenses, CF-ES 2621, 03/2010; Verification of Shelter Expenses, CF-ES 2622, 03/2010; School Verification, CF-ES 2623, 10/2005; and Work Calendar, CF-ES 3007, 10/2005. Copies of materials incorporated by reference the CF-ES 2337, CF-ES 2930 and CF/PI 165-107 are available from the ACCESS Florida Headquarters Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or on the Department's website at <http://www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx>. The CF-ES 2353 is available on the Department's web site at <http://www.myflorida.com/accessflorida/>.~~

~~Rulemaking Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 409.919, 410.033, 414.045, 414.095, 414.31 FS. History—New 4-9-92, Amended 11-22-93, 8-3-94, Formerly 10C-1.205, Amended 11-30-98, 9-27-00, 7-29-01, 9-12-04, 9-11-08.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Nathan Lewis  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: George H. Sheldon  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 12, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: October 9, 2009

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.: 65A-1.704  
RULE TITLE: Family-Related Medicaid Eligibility Determination Process

PURPOSE AND EFFECT: The proposed rule amendment removes the requirement for assistance groups receiving Transitional Medicaid to provide periodic reports and includes technical changes of a non-substantive nature.

SUMMARY: The proposed rule amendment removes the requirement for Transitional Medicaid recipients to file periodic reports of their income and work related child care expenses to the Department at three month intervals.

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

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

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.919 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 19, 2010, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Thomas, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, FL 32399-0700, (850)410-3477, Susan\_Thomas@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.704 Family-related Medicaid Eligibility Determination Process.

(1) Public assistance staff determine eligibility for Family-related Medicaid at application, when a change in conditions of eligibility is reported, or, on not greater than a 12

month cycle. The individual or the designated representative is required to assist the Department in completing the determination or redetermination of Medicaid eligibility. Qualified designated Medicaid providers determine presumptive eligibility for pregnant women. Requests for Medicaid coverage on behalf of children in care of the Department of Juvenile Justice are made on form CF-ES 2293, Child in Care Medicaid, April 2007 ~~March 2000~~ (incorporated by reference).

(2) Simplified Eligibility for Pregnant Woman.

(a) The application form for a pregnant woman applying only for Medicaid and only for herself based on pregnancy is CF-ES Form 2700, Health Insurance Application for Pregnant Woman, 10/2008 ~~04/2007~~ (incorporated by reference). This form and attached information/rights and responsibilities (pages 2 & 3) (~~pages 3 & 4~~) may be used as a mail-in application form or it may be provided directly to a local Children and Family Services office, health department or other Qualified Designated Provider (QDP). Copies of the mail-in application forms may be offered to pregnant women by mail or picked up by them in health departments and other QDP sites as well as selected doctors' offices designated by each ~~circuit district~~/regional ACCESS Economic Self Sufficiency Program Office.

(b) No change.

(c) 1. through 3. No change.

4. A declaration of citizenship is required. The applicant's statement on the Health Insurance Application for Pregnant Pregnant Woman, CF-ES 2700, ~~04/2007~~, is acceptable as a declaration of citizenship. U.S. citizens must provide proof of their U.S. citizenship and identity, if they are not subject to an exemption as specified in 42 C.F.R. 435.406 (2007) (incorporated by reference).

5. through 7. No change.

(d) No change.

(3) No change.

~~(4) Assistance groups receiving Medicaid are required to provide periodic reports at three month intervals. The recipient must provide complete information about gross income and work related child care expenses for the period of the report. The recipient's statement of the amounts will be accepted.~~

~~(4)(5) Copies of the forms and materials incorporated by reference in this rule may be obtained are available from the ACCESS Florida Headquarter's Office at Department of Children and Family Services, Economic Self Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Forms are also available on the Department's web site at <http://www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx>.~~

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History-New 10-8-97, Amended 2-7-01, 10-21-01, 4-1-03, 2-4-04, 6-26-08, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Nathan Lewis  
NAME OF AGENCY HEAD WHO APPROVED THE  
PROPOSED RULE: George H. Sheldon  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 23, 2010  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: February 12, 2010

Performance Evaluation form CJSTC-4 CMS was revised to delete the requirement to shoot with a rifle or carbine in the “4 and 5 zone” of the B-29 reduced police silhouette target.

**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.”

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE NO.: RULE TITLE:  
5E-1.023 Procedures for Landowners and Leaseholders to Submit a Notice of Intent to Implement Nitrogen Best Management Practices (BMPs)

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

The Notice of Proposed Rulemaking published in The Florida Administrative Weekly on December 24, 2009 stated the Notice of Rule Development was published in The Florida Administrative Weekly on December 6, 2009. This was an error and the correct date of publication is November 6, 2009.

**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**

RULE NO.: RULE TITLE:  
11B-35.0024 Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and Instructor Training Courses Requiring Proficiency Demonstration

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

This is to advise that the rule number for “Rule 11B-35.0024, F.A.C.,” was inadvertently left off the list of rule sections on the Bureau of Administrative Code’s electronic form when filing the proposed rule; however, the text for Rule 11B-35.0024, F.A.C. was filed and the only revision was the date Form CJSTC-4 CMS was revised. The CMS Firearms

**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE NO.: RULE TITLE:  
58C-1.0031 Lead Agency Dispute Resolution  
**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. 41, October 16, 2009 issue of the Florida Administrative Weekly.

This is the second notice of change. The first notice of change was published in Vol. 36, No. 2, January 15, 2010 issue of the Florida Administrative Weekly.

58C-1.0031 Lead Agency Dispute Resolution.

(1) through (5) No change.

(6) DISPUTE RESOLUTION.

(a) through (b) No change.

(c) The decisionmaker must render a written decision within 30 calendar days after the hearing if no transcript of the proceedings is requested, or within 30 days after receipt of the hearing transcript by the decisionmaker. If the 30th day falls on a weekend or state holiday, the deadline shall be the next business day. The provisions of this paragraph may be waived only upon stipulation by all parties.

1. No change.

2. If rejecting the AAA’s intended award, the decisionmaker must simultaneously issue a recommendation to the AAA supported by findings of fact and conclusions of law. If the decisionmaker rejects the AAA’s intended award, the AAA must award the designation of lead agency to the next highest scoring party.

3. If a timely request for a review of the decisionmaker’s recommendation is not made pursuant to subsection (7) of this rule, the AAA may either accept or reject the decisionmaker’s recommendation. If the AAA rejects the decisionmaker’s recommendation, the AAA must notify all parties in writing within 10 calendar days after the recommendation is received, outlining the reason or reasons for rejecting the recommendation; and the AAA must either start the procurement process again or make an award consistent with its reason or reasons for rejecting the decisionmaker’s