

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NOS.:	RULE TITLES:
6A-25.001	Federal Regulations Adopted by Reference
6A-25.002	Definitions
6A-25.003	Informed Choice
6A-25.004	Referral and Application Process
6A-25.005	Assessment for Determining Eligibility and Priority for Services
6A-25.006	Extended Evaluation
6A-25.007	Ability to Serve All Eligible Individuals and Order of Selection for Services
6A-25.008	Individualized Plan for Employment
6A-25.009	Authorization for Services
6A-25.010	Scope of Vocational Rehabilitation Services
6A-25.011	Comparable Services and Benefits
6A-25.012	Division Determinations, Review Procedures
6A-25.013	Confidentiality and Release of Consumer Information/Records
6A-25.014	Physical and Mental Restoration Services
6A-25.015	Vocational and Other Training Services
6A-25.016	Rehabilitation Technology Services
6A-25.017	Case Closure
6A-25.018	Recovery from Third Parties
6A-25.019	Forms and Documents

**PURPOSE AND EFFECT:** The purpose of this rule development is to comply with the requirements in Sections 413.22 and 413.445, F.S., to adopt rules necessary to carry out the purposes of Chapter 413, Part II, F.S. The effect will be rules that accurately reflect all current requirements related to the provision of vocational rehabilitation services.

**SUBJECT AREA TO BE ADDRESSED:** The provision of vocational rehabilitation services.

**RULEMAKING AUTHORITY:** 413.22, 413.445 FS.

**LAW IMPLEMENTED:** 257.36(6), 413.22, 413.24, 413.28, 413.30, 413.32, 413.341, 413.445, 413.72, 413.731 FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:**

**DATES AND TIMES:** September 29, 2010, 1:30 p.m. - 4:00 p.m.; October 6, 2010, 9:00 a.m. - 11:30 a.m.; October 6, 2010, 2:30 p.m. - 5:00 p.m.; October 13, 2010, 9:00 a.m. - 11:30 a.m.; October 15, 2010, 1:30 p.m. - 4:00 p.m.

**PLACES:** September 29, 2010, 1:30 p.m. - 4:00 p.m. - Midtown Centre Community Room, 4040 Woodcock Drive, Building 2200, Suite 151, Jacksonville, FL 32207; October 6, 2010, 9:00 a.m. - 11:30 a.m. - Hurston Building (South Tower), Conference Room B, 400 West Robinson Street, Orlando, FL 32801; October 6, 2010, 2:30 p.m. - 5:00 p.m. - Tampa Bay Workforce Alliance, 9215 North Florida Avenue, Tampa, FL 33612; October 13, 2010, 9:00 a.m. - 11:30 a.m. - Broward County Commissioners Office, Commissioners Chamber, 115 South Andrews Avenue, Ft. Lauderdale, 33301; October 15, 2010, 1:30 p.m. - 4:00 p.m. - LeRoy Collins Leon County Public Library, Conference Rooms A&B, 200 West Park Avenue, Tallahassee, FL 32301

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Melinda Cupp, 2002 Old St. Augustine Road, Building A, Tallahassee, Florida 32301, 1(800)451-4327, ext. 53325 or 1(850)245-3325. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Brent McNeal, Assistant General Counsel, Department of Education, 2002 Old St. Augustine Road, Building A, Tallahassee, FL 32301-4962, (850)245-3327

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT:** <https://app1.fldoe.org/rules/default.aspx>.

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

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

**STATE BOARD OF ADMINISTRATION**

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.028	Reimbursement Premium Formula
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

**PURPOSE AND EFFECT:** To discuss proposed amendments to the following rules: Rule 19-8.010, F.A.C., Reimbursement Contract; Rule 19-8.028, F.A.C., Reimbursement Premium Formula; Rule 19-8.029, F.A.C., Insurer Reporting Requirements, and Rule 19-8.030, F.A.C., Insurer Responsibilities.

SUBJECT AREA TO BE ADDRESSED: Reimbursement contract requirements, premium formula requirements, insurer reporting requirements for the 2011/2012 contract year, and insurer responsibilities.

RULEMAKING AUTHORITY: 215.555 FS.

LAW IMPLEMENTED: 215.555 FS.

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

DATE AND TIME: September 29, 2010, 9:00 a.m. – 12:00 p.m. (ET)

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., 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 7 days before the workshop/meeting by contacting: Tracy Allen, Senior FHCF Attorney, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300; (850)413-1341; tracy.allen@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracy Allen at the address listed above

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

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Florida Energy & Climate Commission**

RULE NOS.:	RULE TITLES:
27N-1.100	General
27N-1.200	Definitions
27N-1.500	Solar Energy Systems Incentives Program

PURPOSE AND EFFECT: The Commission is initiating rulemaking to adopt rule Chapter 27N-1, Florida Administrative Code, implementing the Florida Energy and Climate Protection Act (Section 377.806, F.S.). Specifically, the Commission intends to adopt rules governing the Solar Energy Systems Incentives Program. The effect of the rule would be to: (1) reflect the transfer of program administration from the Department of Environmental Protection to the Florida Energy and Climate Commission; (2) revise application submission requirements and allow for the implementation of an online application for the Solar Energy Systems Incentives Program; The proposed rule provisions are a result of the enactment of HB 7135 during the 2008 Regular Session (Chapter 2008-227, Laws of Florida).

SUBJECT AREA TO BE ADDRESSED: The subjects expected to be addressed in this rule include is revisions to application submission guidelines and the implementation of an online application system for the Solar Energy Systems Incentives Program.

RULEMAKING AUTHORITY: 377.6015, 377.801, 377.803, 377.804, 377.806, 220.192 FS.

LAW IMPLEMENTED: 377.6015, 377.801, 377.803, 377.804, 377.806, 220.192 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, September 24, 2010, 1:00 p.m. – 3:00 p.m.

PLACE: Toni Jennings Room, 110 Senate Office Building, 404 S. Monroe St., Tallahassee, FL

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: Brittany Cummins at (850)487-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Brittany Cummins at (850)487-3800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

27N-1.100 General.

This chapter implements the Florida Energy and Climate Protection Act, ~~Florida Renewable Energy Technologies Act~~ providing for grants for renewable energy and energy-efficient technologies and rebates for solar energy systems. This chapter also implements applications for corporate tax credits for renewable energy technologies provided for in Section 220.192, F.S.

Rulemaking Specific Authority 377.6015, 377.804(3), 377.806(7), 220.192(3) FS. Law Implemented 377.6015, 377.803, 377.804, 377.806, 377.808, 220.192 FS. History–New 10-22-07, Formerly 62-16.100, Amended.

27N-1.200 Definitions.

The words, terms and phrases used in this chapter, unless otherwise indicated, shall have the meaning set forth in Sections 377.803 and 220.192(1), F.S. In addition, when used in this chapter, the following words, phrases, or terms shall have the following meanings:

- (1) “Bioenergy” means energy derived from biomass.

(2) "Biomass" means "biomass" as defined in Section 366.91(2)(a), F.S.

(3) "Commission" means the Florida Energy and Climate Commission. "Department" means the Florida Department of Environmental Protection.

(4) "Matching Funds or Other In-Kind Contributions" means:

(a) Actual cash outlays contributed, including, but not limited to, cash outlays for wages, rental expenses, travel expenses, un-recovered indirect costs, and purchases of material and supplies, as a direct benefit to the project, or;

(b) Non-cash contributions necessary and reasonable for proper and efficient accomplishment of project objectives, the value of which must be established using the following guidelines:

1. Rates for donated or volunteer services of any person must be consistent with their regular rate of pay, or the rate of pay of those paid for similar work at a similar level of experience in the labor market, including the value of fringe benefits.

2. The value of donated expendable property such as office supplies or workshop supplies must not exceed the fair market value of the property.

3. The value of donated real property such as land must not exceed the fair market value of the property.

4. Donated space must be valued at fair rental value of comparable space and facilities in a privately-owned building in the same locale.

5. The value of loaned equipment can not exceed its fair rental value.

6. In-kind travel expense must be valued at the approved State rate as specified in Section 112.061, F.S.

(5) "Purchase date" means, for the purchase of solar energy equipment, the date of execution of a loan agreement or the date of final cash payment.

(6) "Solar thermal pool heater" means a device that traps the heat produced by incident sunlight in collector tubing through which swimming pool water is pumped in order to raise the temperature of the swimming pool water.

Rulemaking Specific Authority 377.6015, 377.804(3), 377.806(7), 220.192(3) F.S. Law Implemented 377.6015, 377.802, 377.804, 377.806, 220.192 FS. History--New 10-22-07, Formerly 62-16.200, Amended \_\_\_\_\_.

27N-1.500 Solar Energy Systems Incentives Program.

(1) APPLICATION. Applications for rebates pursuant to the Solar Energy Systems Incentives Program, Section 377.806, F.S., shall be submitted to the Florida Energy and Climate Commission, ATTN: Solar Energy System Incentives Program, 600 South Calhoun Street, Holland Building, Suite 251, Tallahassee, FL 32399-0001 ~~Department~~ of

~~Environmental Protection, ATTN: Solar Energy System Incentives Program, Florida Energy Office, 2600 Blair Stone Road, MS 21, Tallahassee, FL 32399-2400~~ as follows:

(a) Applications may ~~shall~~ be submitted in hard copy format, using application Form 27N-1.900(2) ~~62-16.900(2)~~, which is adopted and incorporated by reference. Applications submitted in hardcopy format ~~All applications~~ must be submitted by certified mail or hand delivered to the commission department, and must be received by the commission department no later than 5:00 p.m. on the 90th day after the purchase date of the solar energy equipment. If the 120th ~~90th~~ day after the purchase date of the solar energy equipment falls on a weekend or an observed holiday for which commission department offices have been closed, then the deadline shall be the next business day or,

(b) Applications may be submitted online at the Commission's website, using the online version of application Form 27N-1.900(2). Online applications must be completed no later than 5:00 p.m. on the 120th day after the purchase date of the solar energy equipment. If the 120th day after the purchase date of the solar energy equipment falls on a weekend or an observed holiday for which commission offices have been closed, then the deadline shall be the next business day. Online applications shall not be deemed completed until the commission receives all of the information requested on the online form.

~~(c)(b)~~ Rebates are limited to one solar photovoltaic system, one solar thermal system, and one solar pool heater per resident. A separate application must be submitted for each rebate.

~~(d)(e)~~ All applications must include the information required on the application form, a photocopy of the original purchase agreement for the equipment and installation of the solar energy system, a copy of the final receipt of payment if different from the original purchase agreement, and a photograph of the installed system. All information provided to the commission department must be legible.

~~(e)(d)~~ The commission department shall review each timely filed application to determine if the application includes all required information.

~~1. An application that is determined to be complete upon initial filing shall be considered for eligibility and placement in the first-come, first-serve order for allocation of rebates based upon the date and time the application is filed.~~

~~1.2.~~ If the commission department determines that the application does not contain all of the required information the commission department shall notify the applicant of the incompleteness of the application. Timely filed applications which do not include all required information shall not be considered as eligible for rebates and shall not receive a position in the first-come, first-serve order for allocation of rebates.

~~2.3.~~ Applicants who are notified of the incompleteness of a timely filed application may file subsequent information in order to make the application complete. Timely filed applications that are initially determined incomplete, but are subsequently determined complete, shall be considered for eligibility for the rebate and placement in the first-come, first-served order for allocation of rebates based upon the date and time the application is determined complete.

(2) ISSUANCE. The ~~commission department~~ shall issue each rebate after the ~~commission department~~ determines that all required information has been provided for each application to make the application complete, provided funds are available to do so.

Rulemaking Specific Authority 377.6015, 377.806(7) FS. Law Implemented 377.6015, 377.801, 377.802, 377.803, 377.806 FS. History–New 10-22-07, Formerly 62-16.500, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-108.101  
 RULE TITLE: Inmate Substance Abuse Testing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: clarify the testing procedures for those inmates who claim an inability to urinate in the presence of others; clarify identification procedures prior to conducting a substance abuse test; and to amend the language for clarity and grammatical accuracy.

SUBJECT AREA TO BE ADDRESSED: Inmate substance abuse testing.

RULEMAKING AUTHORITY: 944.09, 944.472, 944.473 FS.  
 LAW IMPLEMENTED: 944.09, 944.472, 944.473 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-108.101 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department’s substance abuse testing program.

- (1) Definitions.
- (a) through (f) No change.
- (g) Confirmation Testing – testing conducted by an outside contract laboratory using gas chromatography coupled with mass spectrometry (GC/MS) when on-site results of a test are

positive and the inmate refuses to sign Form DC1-824, Affidavit for Admission of Drug Use. Form DC1-824 is incorporated by reference in paragraph (3)(h) of this rule.

- (h) No change.
- (2) The Department of Corrections conducts the following types of inmate substance abuse testing:

- (a) For-Cause or Reasonable Suspicion Testing.
  - 1. No change.
  - 2. For-cause drug testing (also referred to as reasonable suspicion drug testing) means drug testing based on a belief that an inmate is using or has used drugs or alcohol based on specific facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences shall be based upon:

- a. through b. No change.
- c. Evidence or intelligence reports indicating that an inmate has used, possessed, sold, solicited, or transferred drugs or alcohol.
- 3. through 5. No change.

6. A copy of Form DC6-210, Incident Report, shall be attached to the facility’s copy of the Chain of Custody Form for positive specimens sent to the laboratory for confirmation testing. Form DC6-210 is incorporated by reference in Rule 33-602.210, F.A.C.

- (b) No change.
- (c) Substance Abuse Program Testing. Inmates participating in substance abuse programs will be subject to substance abuse testing as a condition of the programs program.

- (3) Procedures.
  - (a) Chain of Custody.

1. At a minimum, the Chain of Custody Form must include inmate and tester identification, initialed by both the inmate and the tester, date and time of collection, type of test (i.e., random, for-cause, or substance abuse program participation), and identification of all individuals who had custody of the specimen from the time of collection until the specimen was prepared for shipment to the laboratory. Once the outside laboratory receives the specimen, it will become the laboratory’s responsibility to maintain a chain of custody throughout the testing process.

2. The Chain of Custody Form allows for comments by the tester regarding any unusual observations. Any failure by the inmate to cooperate with the collection process and any unusual nature (e.g., discolored urine or urine containing foreign objects) of a specimen ~~provided~~ shall be noted.

- 3. through 4. No change.
- (b) Specimen Collection Procedures.

1. The tester shall ensure that all urine specimens are collected in accordance with department procedures. All collections shall be performed under direct observation, where the tester directly observes the voiding of urine into the

specimen cup, ~~unless the inmate has been placed in a dry cell.~~ Direct observation may also be accomplished through use of mirrors strategically mounted in the collection rest room.

2. Under no circumstances is direct observation of an inmate by a tester of the opposite sex allowed.

3. A female inmate shall not be required to provide a urine specimen during her menstrual cycle.

4. ~~Prior to collecting a urine specimen, the~~ The tester shall ensure that there is positive inmate identification by observing the inmate, confirming his or her ~~prior to collecting the inmate's urine specimen. Sight, name and, DC number, and examining the examination of an~~ inmate's picture identification card ~~shall provide positive identification of the inmate selected for drug testing.~~

5. through 6. No change.

7. The inmate is expected to provide a minimum of 30 ml of urine. If the inmate provides less ~~than this amount~~, the tester shall again attempt to collect an adequate specimen. If the inmate cannot immediately provide an adequate specimen, ~~then~~ the procedure outlined in subparagraph (3)(b)8. below shall apply.

8. An inmate who has not provided an adulterated urine specimen and who claims an inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC1-823, Acknowledgement of Beverage ~~Form~~, shall be completed. Form DC1-823 ~~DCI-823~~ is incorporated by reference in paragraph (3)(h) of this rule. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

9. No change.

10. Inmates who have adulterated their urine ~~specimen~~ by ingesting substances, as established by the on-site specimen adulteration testing product, shall be detained in the presence of the tester or placed in a dry cell for a period not to exceed one hour. During that time, the inmate shall not be allowed to consume any water or other beverage. If after the one hour period an inmate still fails to submit an unadulterated, valid urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

11. No change.

12. If a urine specimen contains blood or appears to contain blood, the inmate who produced the specimen shall be referred immediately to the medical department for evaluation. If no valid reason exists for having blood in the specimen, the inmate will be required to provide another urine specimen. If

the inmate cannot submit a urine specimen, the inmate shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period, and Form DC1-823, Acknowledgement of Beverage ~~Form~~, shall be completed. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C

(c) Upon notification from an inmate that he or she is unable to urinate due to a medical condition, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication that inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. No change.

2. The inmate shall remove ~~the contents of his or her pockets and his or her shirt, shoes, pants, and hat, and the contents of his or her pockets.~~ The inmate shall be thoroughly searched prior to entering the dry cell to prevent him or her from using any adulterants such as bleach or cleanser to alter the specimen.

3. through 6. No change.

7. If after the two hour period an inmate fails to submit a valid urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

(d) If an inmate claims an inability to urinate in front of or in the presence of others, the tester shall collect the urine specimen under the conditions outlined in subparagraphs (3)(c)1.-6. In this circumstance, the inability to urinate is not treated as a medical condition, and the officer does not need to verify with medical staff that the inmate possesses a specific medical condition or is taking medication that inhibits the inmate from urinating within the designated time frame.

(e) Testing of urine specimens.

1. through 4. No change.

5. Negative test results. The tester shall inform the inmate of the negative test results of the on-site testing device. The tester shall record all negative test results in ~~on~~ the department's electronic database. The tester will then dispose of the remaining specimen, specimen cup, and testing device. All forms shall be retained in accordance with state law and rules governing the retention of records.

6. No change.

a. If the inmate chooses to sign Form DC1-824, the testing officer shall complete the affidavit form and have the inmate swear to its content, with the officer witnessing the inmate's signature. The inmate will be placed ~~in~~ into administrative confinement, and a disciplinary report shall be written. The signed Form DC1-824 will be attached to the disciplinary report to be used as evidence in the disciplinary ~~report~~ hearing.

b. No change.

c. If the inmate does not sign Form DC1-824, the following steps shall be taken:

i. through ii. No change.

iii. The tester shall then prepare the urine specimen for shipment, by a commercial carrier, to the designated outside laboratory for confirmation testing.

iv. No change.

7. No change.

(f) Other on-site testing device procedures.

1. Due to product limitations, it may become necessary to utilize other noninvasive on-site testing devices for alcohol testing. In such instances, the certified tester will utilize the on-site testing device in the presence of the inmate in accordance with ~~following~~ the manufacturer's testing protocols. If the initial result of the on-site testing device is positive, and the inmate declines to sign Form DC1-824, Affidavit for Admission of Drug Use, ~~then~~ a urine specimen will be obtained from the inmate and sent to a designated outside laboratory for confirmation testing; in accordance with the procedures outlined in ~~paragraphs~~ paragraph (3)(b); ~~specimen collection procedures;~~ and ~~paragraph~~ (3)(e) above; ~~testing of urine specimens.~~

2. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or ~~his~~ designee. Form DC1-827, Reasonable Suspicion Testing Tracking ~~Form~~, shall be utilized for this purpose. Form DC1-827 is incorporated by reference in paragraph (3)(h) of this rule.

(g) Record keeping. Each facility shall keep all records pertaining to the testing program. This includes the drug testing list and results, Chain of Custody forms, laboratory confirmation reports, and inventory control logs. All records shall be kept in accordance with state law and rules regarding retention of records.

(h) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

1. Form DC1-823, Acknowledgement of Beverage, effective ~~date~~ February 5, 2001.

2. Form DC1-824, Affidavit for Admission of Drug Use, effective ~~date~~ February 5, 2001.

3. Chain of Custody Form, effective ~~date~~ February 5, 2001, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

4. Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective ~~date~~ February 19, 2007.

Rulemaking Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, 7-29-08, 8-26-09, 2-10-10, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-401.105 RULE TITLE: Refusal of Health Care Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide the process for refusal of health care services by inmates and the documentation thereof.

SUBJECT AREA TO BE ADDRESSED: Refusal of Health Care Services.

RULEMAKING AUTHORITY: 944.09, 945.6034 FS.

LAW IMPLEMENTED: 944.09, 765, 766.103, 945.6034 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-401.105 Refusal of Health Care Services.

(1) Definitions.

(a) Provider – a mental or physical health physician, clinical associate, or dentist.

(b) Refusal – an inmate-initiated decision to decline a procedure or treatment that a health care provider has indicated is medically necessary.

(2) It is the responsibility of the provider ordering a particular procedure or treatment to explain to the inmate at the time the initial order is written the:

(a) Diagnosis;

(b) Nature and purpose of the procedure or treatment;

(c) Risks and benefits involved in the proposed treatment or procedures; and

(d) Alternative treatments or procedures.

(3) Documentation of refusal of treatment or procedure.

(a) If an inmate refuses an aspect of health care services other than medication, which is addressed in subsection (4), the inmate shall be required to sign Form DC4-711A, Refusal of Health Care Services. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members. Form DC4-711A is incorporated by reference in subsection (7) of this rule.

(b) If an inmate is being transferred to another facility for medical treatment and indicates prior to departing that he or she will refuse the treatment, the provider at the receiving facility shall be contacted. The provider at the sending facility shall advise the inmate of the risks associated with not receiving recommended treatment. If the inmate still refuses, he or she will be returned to health services to sign Form DC4-711A, Refusal of Health Care Services, and a follow-up visit shall be scheduled to assess if the treatment should be pursued.

(c) A note documenting the date and time of a refusal and stating "refusal signed for (inmate's name and DC#)" shall be made on the chronological record of health care located in the inmate's health record.

(d) Prior to inserting Form DC4-711A, Refusal of Health Care Services, into the inmate's health record, it will be reviewed, initialed, and dated by a provider. This review will be documented on the inmate's chronological record of health care.

(e) Refusal of dental services will be documented by dental health staff on Form DC4-724, Dental Treatment Record, and Form DC4-711A, Refusal of Health Care Services. Form DC4-724 is incorporated by reference in subsection (7) of this rule.

(f) Refusal of mental health services will be documented on Form DC4-711A, Refusal of Health Care Services.

(g) Completed Forms DC4-711A and DC4-724 shall be placed in the inmate's health record.

(4) Medication Refusal.

(a) Inmates may verbally refuse a dose of medication upon presenting to the medication window.

(b) An inmate who has refused either three consecutive doses of medication or five doses over the course of a month shall be required to sign Form DC4-711A, Refusal of Health Care Services. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members. The inmate shall be referred to the prescribing provider for review and further clinical disposition.

(c) If an inmate states that he will refuse all further doses of a prescribed medication, Form DC4-711A, Refusal of Health Care Services, shall be completed and must be signed by the inmate. If the inmate refuses to sign the form, the notation "patient refuses to sign" will be entered and witnessed by two staff members. The inmate will no longer be required to report to the medication window for the purpose of taking the refused medication.

(5) An inmate may not refuse admission to the infirmary, isolation management (medical or mental health), transitional care, or crisis stabilization, as these are institutional housing assignments. The inmate may refuse all medical care while in these housing assignments, but the above-outlined process for refusal of medical treatment shall be followed.

(6) An inmate's refusal of health care services cancels a specific order, treatment, or procedure. A new order will be necessary to initiate a treatment or procedure that has been refused.

(7) The following forms are hereby incorporated by reference. A copy of these forms is available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) Form DC4-711A, Refusal of Health Care Services, effective, \_\_\_\_\_.

(b) Form DC4-724, Dental Treatment Record, effective, \_\_\_\_\_.

Rulemaking Authority 944.09, 945.6034 FS. Law Implemented 944.09, 766.103, 945.6034 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NOS.:	RULE TITLES:
61B-19.001	Filing Education and Training Programs
61B-19.0015	Required Information

PURPOSE AND EFFECT: Chapter 2010-174, L.O.F., amended the requirements for board service allowing newly elected or appointed directors to submit a certificate of satisfactory completion of the educational curriculum administered by a division-approved condominium education provider. The rule amendment addresses the meaning of "educational curriculum" and how a director may obtain a certificate of completion.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses 2010 Legislative changes relating to educational curriculums for the purpose of board member certification as provided in Section 718.112(2)(d)3.b., F.S.

RULEMAKING AUTHORITY: 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.112(2)(d), 718.501(1)(j) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 28, 2010, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

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

A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

The preliminary text of the proposed rule development is also available on line at: <http://www.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html>

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NO.: 61B-23.002                      RULE TITLE: Operation of the Association

PURPOSE AND EFFECT: Chapter 2010-174, L.O.F., amended the provisions of Chapter 718, Florida Statutes, relating to fire safety retrofitting of condominium property by deleting references to "other engineered life safety systems" and changing the voting requirements for an association to opt-out of the retrofitting requirements. This rule amendment conforms the rule to the current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses 2010 Legislative changes relating to fire safety retrofitting of condominium property.

RULEMAKING AUTHORITY: 718.112(2)(b), (d), 718.501(1)(f) FS.

LAW IMPLEMENTED: 718.1085, 718.111(12), 718.112(2)(b), (c), (d), (f), (l), 718.117, 718.501(2), 718.504 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 28, 2010, 10:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary text of the proposed rule development is also available on line at <http://www.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html>

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

## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **Division of Florida Condominiums, Timeshares and Mobile Homes**

RULE NO.: 61B-78.001                      RULE TITLE: Association Fee; Mailing Address; Retrofitting

PURPOSE AND EFFECT: Chapter 2010-174, L.O.F., amended the provisions of Chapter 719, Florida Statutes, relating to fire safety retrofitting of cooperative property by deleting references to "other engineered life safety systems" and changing the voting requirements for an association to opt-out of the retrofitting requirements. This rule amendment conforms the rule to the current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: This rule amendment addresses 2010 Legislative changes relating to fire safety retrofitting of cooperative property.

RULEMAKING AUTHORITY: 719.501(1)(f) FS.

LAW IMPLEMENTED: 719.1055(5), (6), 718.501(1), (2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: September 28, 2010, 11:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary text of the proposed rule development is also available on line at <http://www.myflorida.com/dbpr/lsc/LSCMHRulePromulgation.html>

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

## **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 JUVENILE JUSTICE**

**County and Municipal Juvenile Programs**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
63K-1.001	Purpose and Scope
63K-1.0015	Certification of County or Municipal Juvenile Detention Centers
63K-1.002	Operation of County or Municipal Juvenile Detention Centers
63K-1.003	Operation of County or Municipal Juvenile Delinquency Programs
63K-1.004	Transfers
63K-1.005	Monitoring Fees

**PURPOSE AND EFFECT:** Amendments and additional rule sections are necessary to update the chapter, and to provide for the necessary certification of locally operated juvenile detention centers.

**SUBJECT AREA TO BE ADDRESSED:** Certification requirements are addressed, and provision is made for the collection of monitoring fees. Related provisions are updated to accommodate local operation of juvenile detention centers.

**RULEMAKING AUTHORITY:** 985.688 FS.

**LAW IMPLEMENTED:** 985.688 FS.

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

**DATE AND TIME:** Wednesday, September 29, 2010, 10:00 a.m.

**PLACE:** DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla (850)921-4129

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B1-4.012	Acupoint Injection Therapies

**PURPOSE AND EFFECT:** To cross-reference this rule with paragraph 64B1-9.001(1)(cc), F.A.C., for additional notice to licensees who plan to practice acupoint injection therapy.

**SUBJECT AREA TO BE ADDRESSED:** Acupoint Injection Therapies.

**RULEMAKING AUTHORITY:** 457.102, 457.104 FS.

**LAW IMPLEMENTED:** 457.102 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:** Anthony Jusevitch, Executive Director, Board of Acupuncture/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 Chiropractic**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B2-14.001	Trust Accounting Procedures

**PURPOSE AND EFFECT:** The Board proposes the rule amendment to change the requirements for trust accounts.

**SUBJECT AREA TO BE ADDRESSED:** Trust Accounting Procedures.

**RULEMAKING AUTHORITY:** 460.405 FS.

**LAW IMPLEMENTED:** 460.413(1)(z) 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:** Bruce Deterding, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B8-1.007	List of Approved Forms; Incorporation

**PURPOSE AND EFFECT:** The Board proposes the development of rule amendments to address additional changes to various forms.

**SUBJECT AREA TO BE ADDRESSED:** The incorporation of revised forms.

RULEMAKING AUTHORITY: 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-10.002 RULE TITLE: Application and Licensure Fees

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address application and various licensure fees.

SUBJECT AREA TO BE ADDRESSED: Application and licensure fees.

RULEMAKING AUTHORITY: 456.013(2), 456.025(1), 459.0077, 459.0092 FS.

LAW IMPLEMENTED: 456.013(2), 459.007, 459.0077, 459.0092 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: Anthony Jusevitch, 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.: 64B15-12.0031 RULE TITLE: Registration as a Dispensing Physician; Delegation of Dispensing to Prescribing Physician Assistant

PURPOSE AND EFFECT: The Board proposes the development of a rule to address dispensing physicians and to address the delegation of dispensing by physicians to prescribing physician assistants.

SUBJECT AREA TO BE ADDRESSED: Registration as a dispensing physician and delegation of dispensing to physician assistants.

RULEMAKING AUTHORITY: 459.005, 465.0276 FS.

LAW IMPLEMENTED: 465.0276, 459.022(4)(e) 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: Anthony Jusevitch, 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.: 64B15-12.005 RULE TITLE: Limited Licensure

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the revised application for limited licensure into the Board's rule.

SUBJECT AREA TO BE ADDRESSED: The application for limited licensure.

RULEMAKING AUTHORITY: 459.005, 459.0075 FS.

LAW IMPLEMENTED: 459.0075 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: Anthony Jusevitch, 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.: 64B15-12.010      RULE TITLE: Temporary Certificate for Practice in an Area of Critical Need

PURPOSE AND EFFECT: The Board proposes the development of a rule to address the application and requirements for physicians who practice in areas of critical need.

SUBJECT AREA TO BE ADDRESSED: Application and requirements for practice in areas of critical need.

RULEMAKING AUTHORITY: 459.005, 459.0075(3) FS.

LAW IMPLEMENTED: 459.0075(3) 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: Anthony Jusevitch, 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.: 64B15-18.003      RULE TITLE: Medicinal Drugs Which May be Ordered by Pharmacists

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to update language in the rule addressing specific medications which may be ordered by pharmacists.

SUBJECT AREA TO BE ADDRESSED: Those medicinal drugs which may be ordered by pharmacists.

RULEMAKING AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 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: Anthony

Jusevitch, 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.: 64B15-19.002      RULE TITLE: Violations and Penalties

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to set forth the various disciplinary guidelines and penalties including those applicable to practice in pain management clinics.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines and appropriate penalties including those applicable to practice in pain management clinics.

RULEMAKING AUTHORITY: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 456.50 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: Anthony Jusevitch, 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**

**Division of Family Health Services**

RULE NO.: 64F-12.011      RULE TITLE: Wholesale Distribution of Prescription Drugs – Exceptions and Specific Distributions Authorized

PURPOSE AND EFFECT: The Department intends to review changes in this rule chapter for the purpose of better enabling the Department to provide for the movement of prescription drugs to areas, facilities and health care providers within the state to allow a more efficient response to natural disaster, communicable disease or other health care emergencies for which the Department has responsibility to protect the public health. This also includes enacting “rules established by the department” within the meaning of Section 499.003(54)(b). Florida Statutes. Finally, the Department will review this section for the possibility of rule changes for implementing

Section 499.03, F.S. related to authorizing qualified persons engaged in research teaching and testing to lawfully possess prescription drugs.

**SUBJECT AREA TO BE ADDRESSED:** Exemption to the definition of “wholesale distribution” for emergency medical reasons; exemption letters to facilitate the lawful possession of prescription drugs for research teaching and testing.

**RULEMAKING AUTHORITY:** 499.003(54), 499.012, 499.03, 499.05 FS.

**LAW IMPLEMENTED:** 499.003(54), 499.012, 499.03, 499.05 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, R. Ph., Executive Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C04, Tallahassee, Florida 32399, (850)245-4292, or by email to Rebecca\_Poston@doh.state.fl.us

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

## Section II Proposed Rules

### DEPARTMENT OF TRANSPORTATION

**RULE NO.:** 14-46.001  
**RULE TITLE:** Utilities Installation or Adjustment

**PURPOSE AND EFFECT:** Rule 14-46.001, F.A.C., is being amended to incorporate the updated Utilities Accommodation Manual, and establish requirements for the placement of electric transmission lines within FDOT right of way.

**SUMMARY:** An updated UAM and the permitting criteria for electric transmission lines within FDOT right of way are addressed.

**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:** 334.044(2), 337.401 FS.

**LAW IMPLEMENTED:** 337.401, 337.403 FS.

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** November 9, 2010, 9:00 a.m.

**PLACE:** Florida Department of Transportation, Haydon Burns Building, Executive Conference Room, 605 Suwannee Street, Tallahassee, Florida 32399-0458

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. 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:** Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

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

14-46.001 Utilities Installation or Adjustment.

(1) Purpose. This rule is established to regulate the location and manner for installation and adjustment of utility facilities on any Florida Department of Transportation (FDOT) right of way, in the interest of safety and the protection, utilization, and future development of such rights of way, with due consideration given to public service afforded by adequate and economical utility installations, and to provide procedures for the issuance of permits.

(2) Permits.

(a) FDOT will issue permits for the construction, alteration, operation, relocation, removal, and maintenance of utilities upon the right of way in conformity with the FDOT *Utility Accommodation Manual (UAM)*, August 2010 edition, FDOT Document No. 710-020-001-gf, which is hereby incorporated by reference and made part of this rule, ~~and which supersedes all previous editions. The This Utility Accommodation Manual~~ (UAM) also incorporates by reference ~~and makes part of this rule~~ additional documents, ~~namely those contained in the UAM Section 6.1, Incorporated entitled “References.” The extent to which these documents are made a part of this rule through incorporation by reference into the UAM is limited to the scope of application(s) specifically referenced within the text of the UAM, subject to any modifications, exceptions, or qualifications set forth in the UAM.~~ Copies of the UAM ~~this document~~ are available from the FDOT Maps and Publications Office at 605 Suwannee Street, MS 12, Tallahassee, Florida 32399-0450, or the FDOT Utility Web Site: <http://www.dot.state.fl.us/rddesign/utilities/files/utilities.htm>.