

**Section I**

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.099821  
 RULE TITLE: Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

**PURPOSE AND EFFECT:** The purpose of the rule development is to adopt standardized procedures for the Department to ensure that submission of data by the private prekindergarten provider or public school which documents on a standardized assessment the achievement and progress of the children served.

**SUBJECT AREA TO BE ADDRESSED:** Submission of data on a standardized assessment the achievement and progress of the children served.

**RULEMAKING AUTHORITY:** 1002.69(5), (6), 1002.73(2)(d) FS.

**LAW IMPLEMENTED:** 1002.69(5), (6) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Stuart Greenberg, Executive Director, Office of Early Learning/Prekindergarten, 325 West Gaines Street, Tallahassee, Florida or stuart.greenberg@fldoe.org

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400 or lynn.abbott@fldoe.org

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.014  
 RULE TITLE: General Requirements for Adult General Education Program

**PURPOSE AND EFFECT:** The purpose of the rule development is to review the requirements for the adult general education program to determine if additional assessments should be included.

**SUBJECT AREA TO BE ADDRESSED:** Adult Education.

**RULEMAKING AUTHORITY:** 1001.02(1) FS.

**LAW IMPLEMENTED:** 1008.405, 1011.80 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:** Zelda Rogers, Adult and Career Education, Department of Education, (850)245-9906. TO REQUEST A RULE DEVELOPMENT WORKSHOP contact Lynn Abbott at lynn.abbott@fldoe.org or (850)245-9661

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-10.041  
 RULE TITLE: Substitution for Requirements for Eligible Disabled Students at Florida Colleges and Postsecondary Career Centers

**PURPOSE AND EFFECT:** The purpose of the rule development is to add the definitions of disability types to align with governing statute, to allow students who are eligible for a course substitution in a skill area to be waived from taking the college preparatory coursework in the respective skill area so that such students will not be prevented from continuing their education, and to clarify when and to whom colleges should submit the report of the number of granted substitutions by type of disability, the substitutions provided, the substitutions identified as available for each documented disability and the number of requests for substitutions which were denied.

**SUBJECT AREA TO BE ADDRESSED:** Course substitution requirements for students with disabilities in the Florida College System.

**RULEMAKING AUTHORITY:** 1001.02, 1007.264, 1007.265 FS.

**LAW IMPLEMENTED:** 1007.02, 1007.264, 1007.265 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:** Amy Albee, Florida Department of Education, Division of Florida Colleges, amy.albee@fldoe.org, (850)245-9488

Requests for the rule development workshop should be addressed to Lynn Abbott, Agency Clerk, Department of Education at lynn.abbott@fldoe.org or (850)245-9661.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-10.041 Substitution for Requirements for Eligible Disabled Students at Florida State Universities, Community Colleges, and Postsecondary Career Centers.

(1) Each ~~university and community college~~ board of trustees within The Florida College System and each district school board which operates a postsecondary career center shall develop and implement policies and procedures for providing reasonable substitution for eligible students as required by Sections 1007.264 and 1007.265, Florida Statutes. In determining whether to grant a substitution, documentation to substantiate that the disability can be reasonably expected to prevent the individual from meeting requirements for admission to the institution, admission to a program of study, entry to upper division, or graduation shall be provided. In determining whether to grant a substitution, a college may consider pertinent educational records. For purposes of this rule, the following definitions shall apply.

(a) Deaf/Hard of Hearing. A hearing loss of thirty (30) decibels or greater, pure tone average of 500, 1000, 2000, and 4000 hertz (Hz), ANSI unaided, in the better ear. Examples include, but are not limited to, conductive hearing impairment or deafness, sensorineural hearing impairment or deafness, high or low tone hearing loss or deafness, and acoustic trauma hearing loss or deafness.

(b) Visual Impairment. Disorders in the structure and function of the eye as manifested by at least one of the following: visual acuity of 20/70 or less in the better eye after the best possible correction, a peripheral field so constricted that it affects one's ability to function in an educational setting, or a progressive loss of vision which may affect one's ability to function in an educational setting. Examples include, but are not limited to, cataracts, glaucoma, nystagmus, retinal detachment, retinitis pigmentosa, and strabismus.

(c) Specific Learning Disability. A disorder in one or more of the basic psychological or neurological processes involved in understanding or in using spoken or written language. Disorders may be manifested in listening, thinking, reading, writing, spelling, or performing arithmetic calculations. Examples include dyslexia, dysgraphia, dysphasia, dyscalculia, and other specific learning disabilities in the basic psychological or neurological processes. Such disorders do not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, to emotional disturbance, or to an environmental deprivation.

(d) Orthopedic Impairment. A disorder of the musculoskeletal, connective tissue disorders, and neuromuscular system. Examples include but are not limited to cerebral palsy, absence of some body member, clubfoot, nerve damage to the hand and arm, cardiovascular aneurysm (CVA), head injury and spinal cord injury, arthritis and rheumatism, epilepsy, intracranial hemorrhage, embolism, thrombosis (stroke), poliomyelitis, multiple sclerosis, Parkinson's disease, congenital malformation of brain cellular tissue, and physical disorders pertaining to muscles and nerves, usually as a result of disease or birth defect, including but not limited to muscular dystrophy and congenital muscle disorders.

(e) Speech/Language Impairment. Disorders of language, articulation, fluency, or voice which interfere with communication, pre-academic or academic learning, vocational training, or social adjustment. Examples include, but are not limited to, cleft lip and/or palate with speech impairment, stammering, stuttering, laryngectomy, and aphasia.

(f) Emotional or Behavioral Disability. Any mental or psychological disorder including but not limited to organic brain syndrome, emotional or mental illness, or attention deficit disorders.

(g) Autism Spectrum Disorder. Disorders characterized by an uneven developmental profile and a pattern of qualitative impairments in social interaction, communication, and the presence of restricted repetitive, and/or stereotyped patterns of behavior, interests, or activities. These characteristics may manifest in a variety of combinations and range from mild to severe.

(h) Traumatic Brain Injury. An injury to the brain, not of a degenerative or congenital nature but caused by an external force, that may produce a diminished or altered state of consciousness, which results in impairment of cognitive ability and/or physical functioning.

(i) Other Health Impairment. Any disability not identified in paragraphs (1)(a)-(h), except those students who have been documented as having an intellectual disability, deemed by a disability professional to make completion of the requirement impossible.

(2) The policies and procedures shall include at least the following:

(a) A mechanism to ~~identify~~ inform persons eligible for reasonable substitutions due to a disability ~~vision impairment, hearing impairment, dyslexia or other specific learning disability.~~

(b) A mechanism for identifying reasonable substitutions for criteria for admission to the institution, admission to a program of study, entry to upper division, or graduation related to each disability,

(c) A mechanism for making the designated substitutions known to affected persons,

(d) A mechanism for making substitution decisions on an individual basis, and

(e) A mechanism for a student to appeal denial of a substitution or a determination of eligibility.

(3) The policies shall provide for articulation with other state institutions which shall include, at a minimum, acceptance of all substitutions previously granted by a state postsecondary institution.

(4) The policies shall include a provision for students who qualify for a course substitution which would allow such students to be exempt from the college preparatory requirements, as provided in State Board Rule 6A-10.0315, F.A.C., in the basic skill area for which the student is eligible for a course substitution, provided that successful completion of the college preparatory coursework is not considered an essential part of the curriculum in the student's academic program.

(5)(4) The Commissioner of Education shall coordinate with the Chancellor of the State University System to, shall provide for coordination of the provision of technical assistance in the implementation of this rule.

(6)(5) Each Florida public university, community college and postsecondary career center operated by a school district shall maintain and report records on the number of students granted substitutions by type of disability, the substitutions provided, the substitutions identified as available for each documented disability and the number of requests for substitutions which were denied. Each college within The Florida College System shall report such information to the Department of Education, Division of Florida Colleges once a year by July 1. The Course Substitution Report is incorporated by reference herein and can be obtained at <http://www.fldoe.org/cc/educators/Disability/dss.asp>.

Rulemaking Specific Authority 1007.264, 1007.265 FS. Law Implemented 1007.264, 1007.265 FS. History--New 4-13-87, Amended 12-18-05,\_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE NO.: 9N-1.001                      RULE TITLE: State Building Code Adopted

PURPOSE AND EFFECT: To correct the notice published on June 25, 2010, to reflect a new date upon which the Special Occupancy TAC will conduct a rule development workshop to accept public input regarding proposed modifications to the selected edition of the model codes, the combination of which to comprise the 2010 Florida Building Code in conformity with the triennial update process specified in Sections 553.73(3), (6), Florida Statutes. Local technical amendments to the 2007 Florida Building Code and continuation of previously adopted Florida-specific amendments will be considered. This correction relates only to the date and time of the workshop before the Special Occupancy Technical Advisory Committee.

All other meetings to which the June 25, 2010, notice refers shall take place as indicated. The specific modifications and amendments for consideration at this workshop are identified in the agenda for the Special Occupancy Technical Advisory Committee meeting noticed on July 15, 2010, and available in accordance with Section 120.525(1)-(2), Florida Statutes available via the Commissions website, [www.floridabuilding.org](http://www.floridabuilding.org).

SUBJECT AREA TO BE ADDRESSED: The Florida Building Code.

RULEMAKING AUTHORITY: 553.73(1), 553.73(2), 553.73(7), 553.73(8), 553.901 FS.

LAW IMPLEMENTED: 553.72, 553.73(2), 553.73(3), 553.73(7), 553.73(8), 553.73(9), 553.901 FS.

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

DATE AND TIME: July 27, 2010, 9:00 a.m.

PLACE: Special Occupancy TAC, Department of Community Affairs, Randall Kelley Training Center, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE NOS.:	RULE TITLES:
9N-3.002	Definitions
9N-3.007	Product Approval by the Commission
9N-3.008	Approval of Product Evaluation Entities, Product Validation Entities, Testing Laboratories, Certification Agencies, Quality Assurance Agencies and Accreditation Bodies
9N-3.011	Forms

**PURPOSE AND EFFECT:** This notice supersedes the notice published on July 16, 2010. The purpose of the rule development workshop is to implement section 39, chapter 2010-176, Laws of Florida, and create an expedited method of product approval for products certified to comply with the Florida Building Code and repeal means by which the Florida Building Commission approves evaluation entities in addition to those identified in statute. To update the forms/BCIS (Building Code Information System) to update the payment screens and to add provision for approval of product by DCA.

**SUBJECT AREA TO BE ADDRESSED:** State system of product approval.

**RULEMAKING AUTHORITY:** 553.77(1)(i), 553.842(1), (8) FS.

**LAW IMPLEMENTED:** 553.842(1), (8) FS.

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

**DATE AND TIME:** August 10, 2010, 8:30 a.m. or as soon thereafter as the matter comes before the Commission in accordance with its agenda.

**PLACE:** Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247 or at [www.floridabuilding.org](http://www.floridabuilding.org)

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

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

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

**EXECUTIVE OFFICE OF THE GOVERNOR**

**Office of Tourism, Trade and Economic Development**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
27M-5.001	Definitions and Forms
27M-5.002	Application for Certification as a Qualified Production
27M-5.003	Certification Decision Process
27M-5.004	Audit of Actual Qualified Expenditures
27M-5.005	Filing Report of Qualified Expenditures
27M-5.006	Disqualification of Productions
27M-5.007	Payment of Incentive Rebate

**PURPOSE AND EFFECT:** This rule implements the Entertainment Industry Financial Incentive Program (the "Program") established in the Office of Tourism, Trade, and Economic Development by Section 288.1254, F.S.

**SUBJECT AREA TO BE ADDRESSED:** This rule establishes a process by which production companies may apply for qualification and certification for allocation of Program funds.

**RULEMAKING AUTHORITY:** 288.1254(8)(a) FS.

**LAW IMPLEMENTED:** 288.1254 FS.

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

**DATE AND TIME:** August 19, 2010, 9:00 a.m. – 12:00 p.m. (noon)

**PLACE:** Room 2103, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399-0001

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, Suite 1902, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399-0001, (850)487-2568

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
59A-3.065	Definitions

**PURPOSE AND EFFECT:** The agency is proposing to revise this rule on hospital licensure to update statute and rule references, revise organization titles and descriptions.

**SUBJECT AREA TO BE ADDRESSED:** Revisions will be made to statutory and rule references, to accrediting organizations and to reference criteria.

**RULEMAKING AUTHORITY:** 395.1055 FS.

**LAW IMPLEMENTED:** 381.006, 381.0098, 381.231, 395.001, 395.002, 395.1023, 395.1025, 395.1055, 408.035, 408.036, 415.503, 415.5055 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: August 9, 2010, 1:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room B, 2727 Mahan Drive, Tallahassee, FL 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: Kaylyn Boles, Bureau of Health Facility Regulation, at (850)412-4339 or at Kaylyn.Boles@ahca.myflorida.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: Bill McCort, Bureau of Health Facility Regulation, at (850)412-4341 or at William.McCort@ahca.myflorida.com

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-7.021  
 RULE TITLE: Laboratory Licensure – Qualifications, Licensure, Operation and Application

PURPOSE AND EFFECT: The agency is proposing to amend the rule that incorporates the laboratory licensure application and identifies information needed in laboratory applications.

SUBJECT AREA TO BE ADDRESSED: Revisions to laboratory applications that are incorporated by reference to consolidate the application forms.

RULEMAKING AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.051, 483.101, 483.111, 483.172, 483.221, 483.23, 408.804, 408.805, 408.806, 408.807, 408.812, 408.813, 408.814, 408.815, 408.816, 408.817, 408.831 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: August 20, 2010, 1:30 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)412-4500. 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)412-4500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1) The application for licensure shall include the following information applicable to the laboratory operation:

(a) The application for an initial licensure, including changes of ownership and additions of specialty and subspecialty shall contain:

1. Name, mailing and street address of the laboratory.
2. Specialties and subspecialties performed.
3. A list of equipment.
4. The number of hours the director spends in the laboratory.
5. Names, mailing and street addresses of specimen collection stations, branch offices and other facilities representing the clinical laboratory.
6. Name and source of proficiency testing programs.
7. Annual volume of tests anticipated to be performed.
8. Location and type of alternate-site testing in hospital facilities.
9. The name, address and employer or tax identification number of the laboratory owner.
10. A current certificate of status or authorization pursuant to Chapter 607, 608, 617 or 620, F.S.
11. Such other information requested on AHCA Form 3170-2004 Health Care Licensing Application Clinical Laboratories – Non-Waived, January 2010 -B, Initial Clinical Laboratory Licensure Application, September, 2009, AHCA Form 3170-2004C, Change of Licensed Owner Application, September 2009, ACHA Form 3170-2004D, Addition of Specialty, Subspecialty or change in Specialty, September 2009, or AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009, necessary in carrying out the purpose of this part as stated in Section 483.021, F.S., and Sections 408.805, 408.806, 408.807, 408.810 and 408.813,

F.S. as applicable to the laboratory operation. AHCA Forms 3170-2004B, 3170-2004C and 3170-2004D, shall be obtained from the agency and is incorporated by reference herein and are available at: [http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/Laboratory\\_Licensure/applications.shtml](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/applications.shtml).

(b) The application for renewal licensure shall contain:

1. Name, mailing and street address of the laboratory.
2. Specialties and subspecialties performed.
3. Names, mailing and street addresses of specimen collection stations, branch offices and other facilities representing the clinical laboratory.
4. Annual volume of tests performed.
5. Location and type of alternate-site testing in hospital facilities.
6. The name and employer or tax identification number of the laboratory owner.

7. Information requested on AHCA Form 3170-2004 Health Care Licensing Application Clinical Laboratories – Non-Waived, January 2010, Clinical Laboratory License Renewal Application, REV September 2009, and AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009. AHCA Form 3170-2004, AHCA Form 3170 Health Care Licensing Application Clinical Laboratories – Non-Waived, January 2010 Clinical Laboratory License Renewal Application, REV September, 2009, and AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009 shall be obtained from the agency and are incorporated by reference herein and are available at: [http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/Laboratory\\_Licensure/applications.shtml](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Laboratory_Licensure/applications.shtml).

(c) In addition to information required under paragraphs 59A-7.021(1)(a) and (b), F.A.C., accredited laboratories surveyed by an approved accreditation program in lieu of the agency, as specified in Rule 59A-7.033, F.A.C. and Chapter 408, Part II, F.S., must also submit:

1. Proof of current accreditation or licensure by the approved accreditation program; and
2. Proof of authorization for the approved accreditation program to submit to the agency such records or other information about the laboratory required for the agency to determine compliance with Chapter 59A-7, F.A.C. and Chapter 483, Part I, F.S.

(2) through (11) No change.

Rulemaking Authority 483.051, 408.819 FS. Law Implemented 483.051, 483.101, 483.111, 483.172, 483.221, 483.23, 408.804, 408.805, 408.806, 408.807, 408.812, 408.813, 408.814, 408.815, 408.816, 408.817, 408.831 FS. History—New 11-20-94, Amended 7-4-95, 12-27-95, 3-25-03, 3-1-10,\_\_\_\_\_.

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Health Facility and Agency Licensing

RULE NO.: 59A-7.034  
RULE TITLE: Alternate-Site Testing

PURPOSE AND EFFECT: The agency is proposing to amend the rule that establishes criteria for alternate-site testing within hospitals to consider advancements in clinical laboratory testing equipment and clarify the requirements regarding internal needs assessments and the responsibilities of the laboratory director.

SUBJECT AREA TO BE ADDRESSED: Revisions are needed to address advancements in clinical laboratory testing equipment, who may perform clinical laboratory testing at alternate sites within hospitals, what is required to be submitted to the Agency for review and approval and timeframes for reviews.

RULEMAKING AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.051, 483.181, 483.201, 483.221, 483.23 408.806, 408.813, 408.814, 408.816, 483.813 FS.

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

DATE AND TIME: August 12, 2010, 1:30 p.m. – 5:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room D, 2727 Mahan Drive, Tallahassee, Florida  
Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)412-4500. 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: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)412-4500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59A-7.034 Alternate-Site Testing.

(1) Agency Intent: This rule implements Section Alternate-site testing shall include laboratory tests performed in a hospital facility licensed under Chapter 395, F.S., out of the physical or administrative confines of the central laboratory which is licensed under Chapter 483.051(9), Part I, F.S., regarding criteria for alternate-site testing to be performed under the supervision of a clinical laboratory director. A clinical laboratory licensed under Chapter 483, Part I, F.S., may establish satellite locations under its administrative confines on the same or adjoining grounds of a hospital

licensed under Chapter 395, F.S., that is not an alternate site. Clinical laboratory testing within the satellite locations shall be performed by clinical laboratory personnel licensed under Chapter 483, Part III, F.S., or exempt from licensure under that part, whereas testing at an alternate site location shall be performed by personnel permitted under paragraph 59A-7.034(5)(a), F.A.C. Alternate site testing allows specific personnel, who are not licensed clinical laboratory personnel, and are listed under subparagraphs 59A-7.034(5)(a)1., 7., and 9., F.A.C., to perform limited laboratory tests identified under paragraphs 59A-7.034(7)(a)(e), F.A.C. Locations of alternate site testing include, patients' bedsides, nurses' stations as well as locations determined appropriate by the laboratory director in a written plan that meets the requirements of Rule 59A-7.034, F.A.C.

(2) Supervision of Alternate-site Tests: All alternate site tests must be performed under the supervision of the licensed clinical laboratory director who is responsible for all laboratory testing done under the hospital's clinical laboratory license(s). Alternate sites are sites that are located outside of the physical or administrative confines of the central laboratory, but still under the administrative control of the hospital. Staff performing the testing at these alternate sites, as authorized under subsection (10), are not required to be licensed under Chapter 483, Part III, F.S., as clinical laboratory personnel.

(a) Hospitals may hold more than one clinical laboratory license. For each clinical laboratory license held by the hospital, a qualified clinical laboratory director must supervise the laboratory and any alternate sites of that licensed laboratory.

(b) There is no requirement for licensure for the clinical laboratory director of laboratory that holds a federal Certificate of Waiver.

(3)(4) Location of Alternate-site Testing: All alternate-site testing must be performed on the same or adjoining grounds and on the physical premises of the hospital licensed under Chapter 395, F.S. facility referenced in Rule 59A-7.034, F.A.C.

(4) Hospital Internal Needs Assessment: The laboratory director must document need for any alternate-site testing. The internal needs assessment submitted to the Agency for review must contain information necessary for the Agency to determine whether the protocol for implementation, tests to be performed, criterion used to select the tests to be performed, training, staffing, tracking, and competency evaluations proposed meet the criteria established in subsections (8) through (12).

(5) Submission of the Hospital Internal Needs Assessment: The internal needs assessment must be submitted to the agency for review and approval prior to the implementation of any alternate-site testing at: the Agency for Health Care Administration, Clinical Laboratory Unit, M.S. 32, 2727 Mahan Drive, Tallahassee, Florida 32308.

(a) Submission of internal needs assessment with licensure applications: When the needs assessment is submitted at time of licensure application, either initial, change of ownership, renewal or addition of speciality or subspeciality, the time frames and requirements for both the Agency and the provider are outlined in Chapter 408, Part II, F.S. and Rule 59A-35.060, Florida Administrative Code. Separate written approval for the operation of the alternate testing site is not issued when the internal needs assessment is submitted and reviewed as a part of the licensure application. The issuance of the license is evidence of Agency approval of any alternate site listed on the licensure application.

(b) Submission at times other than licensure application: Alternate site internal needs assessments may be submitted at times other than initial, change of ownership, renewal or addition of speciality or subspeciality licensure applications. When the internal needs assessment is submitted at times other than application times, the agency will respond with either approval or notification of elements that are needed to show compliance with criteria established in subsections (8) through (12) within 45 days of receipt of the internal needs assessment. Laboratories must receive written Agency approval prior to implementing the alternate test site when submitted at times other than with a licensure application described in paragraph (a).

(2) A hospital laboratory licensed under Chapter 483, Part I, F.S., located in a hospital licensed under Chapter 395, F.S., shall be permitted to maintain under its supervision, one or more testing sites as authorized under this section provided the laboratory submits written notification of such testing to the agency. Such notification shall specify the categories of personnel as provided in subsection 59A-7.034(5), F.A.C., that perform alternate site testing in that hospital facility. The laboratory director must maintain a current listing of all personnel authorized to perform alternate site testing as required under subsection 59A-7.034(4), F.A.C.

(a) Alternate sites for testing authorized under Rule 59A-7.034, F.A.C., shall be noted on all laboratory licensure applications submitted to the agency.

(6)(b) Required Licensure: The laboratory must be licensed in all specialties or subspecialties in which testing is performed at the alternate sites referenced in paragraph (a); above. Testing at these sites shall be limited to those tests for which the laboratory supervising director and laboratory personnel are qualified pursuant to Chapter 64B3 and authorized under Chapter 59A-7, F.A.C.

(3) Testing shall be the responsibility of the clinical laboratory director and shall be performed under the director's supervision and administrative control as specified under subsection 59A-7.035(1), F.A.C. The director shall be responsible for selecting the tests to be performed in accordance with Rule 59A-7.034, F.A.C. All such testing is subject to requirements specified in Chapter 59A-7, F.A.C. The

~~laboratory director has the authority and responsibility to determine corrective action to be taken to maintain an equivalent standard of care for the entire hospital facility up to and including termination of alternate-site testing where there is documentation of noncompliance with Chapter 59A-7, F.A.C.~~

(7) Written Protocols and Quality Assurance Programs:

(a) A written protocol shall be established by the laboratory director and implemented according to ~~by~~ the service(s) being performed at the performing alternate-site testing as required under subsection 59A-7.029(3), F.A.C., applicable to tests performed.

1. There shall be a procedure manual at each site where alternate-site testing is performed.

2. The alternate site procedure manual ~~The procedure manual located at the alternate test site~~ shall specifically address the alternate-site testing done at that location.

3. The procedure manual shall be reviewed biennially by the laboratory director.

(b) The laboratory director is responsible for developing a quality assurance program that is appropriate for the test methods used at the alternate-testing site as required under Rule 59A-7.031, F.A.C. Criteria for repeating a result or obtaining a sample for assay in the hospital laboratory must be outlined by the director and included in the quality assurance program.

~~(c)4-~~ The laboratory must maintain the capability of verifying the validity of test results obtained at the alternate-test site as specified in Rule 59A-7.029, F.A.C.

~~2. Subparagraph 59A-7.034(3)(b)1., F.A.C., shall not be construed to prohibit the performance of Activated Clotting Time tests or referral of infrequently performed tests to another laboratory licensed under Chapter 483, Part I, F.S., for analysis.~~

~~(8)(e)~~ Elements Required in Needs Assessment: The director in consultation with the appropriate medical staff shall prepare an internal needs assessment for alternate-site testing for each testing site which shall include evaluation of patient benefits and criteria for such testing. The internal needs assessment shall also include an evaluation of proposed methodologies for tests to be performed at the alternate-sites composed, at a minimum, of evaluation of accuracy, precision, comparison of test results with the hospital laboratory, instrument performance, maintenance requirements, reagent preparation, if applicable, and storage and availability of supplies such as reagents, controls and proficiency samples for the testing site.

(a)4. The selection of alternate-site test methods shall assure that their performance and operational characteristics meet the clinical requirements for the intended alternate-site testing location.

~~(b)2-~~ A written procedure for validating alternate-site test methods shall be developed which outlines the process and criteria used to conduct the required validation to maintain an equivalent standard of care for the entire facility.

~~(c)3-~~ The validation process shall ensure that all alternate-site test methods chosen demonstrate accuracy, precision, reliability, correlation, ~~ease of operation~~, and maintenance capabilities given the environment in which each will be used.

~~(d)4-~~ In addition to requirements set forth in Rule 59A-7.029, F.A.C., each alternate-site test method shall be evaluated relative to reporting time and error.

~~5. Alternate-site testing shall only be conducted at sites where the director has established and documented in the internal needs assessment that such testing is necessary for the proper care and treatment of patients.~~

~~6. The internal needs assessment must be reviewed and approved by the laboratory director prior to initiation of testing at any alternate test site and biennially thereafter.~~

~~7. Documentation of the initial and each biennial review and approval of the internal needs assessment must be maintained in the laboratory and available for review by the agency for each site for a minimum of two years after testing is discontinued.~~

~~(d) The director shall designate in writing, for each test site, a director, supervisor or technologist qualified under Chapter 483, Part III, F.S., who in the absence of the director, monitors the performance of testing personnel, reporting of results and compliance with established policies.~~

(9)(4) Recordkeeping Requirements: Records.

(a) All records of personnel authorized to perform alternate-site testing must be readily available for inspection by the agency and any other surveying agency including accrediting organizations if the laboratory is accredited, for at least two years. These records shall include the name of each person performing such testing and documentation that each individual performing alternate-site testing is licensed by the state or certified by a national organization in a health care profession as required in subsection 59A-7.034(10)(5), F.A.C., competency evaluations, patient results, quality control, corrective actions, proficiency surveys, and instrument maintenance.

(b) Results of all testing performed shall be made a part of the patient's permanent medical record and shall meet the requirements specified in Rule 59A-7.028, F.A.C.

(c) Records of alternate-site tests, testing locations, and the internal needs assessment for the tests, along with agency approval as indicated under paragraph (5)(b) must be maintained for two years and available to any surveying agency including an accrediting organization if the laboratory is accredited.

(10)(5) Alternate-site Testing Personnel Requirements testing personnel requirements.



(a) Testing personnel shall have a high school diploma, or its equivalent, and have met the HIV/AIDS educational requirements pursuant to Section 381.0035, F.S. In addition, all testing personnel in the alternate-test site locations shall meet one of the following requirements:

1. Is licensed as an advanced registered nurse practitioner, a registered nurse or licensed practical nurse pursuant to Chapter 464, F.S.,

2. Is licensed as a radiologic technologist pursuant to Chapter 468, Part IV, F.S.,

3. Is licensed as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.,

4. Is a phlebotomist certified by the American Society of Clinical Pathologists (ASCP), National Certification Agency for Medical Laboratory Personnel (NCA), American Society of Phlebotomy Technicians (ASPT) or American Medical Technologists (AMT),

5. Is licensed as a physician assistant pursuant to Chapter 458 and 459, F.S.,

6. Is a perfusionist certified by the nationally certified perfusionists organization, American Board of Cardiovascular Perfusionists,

7. Is a cardiovascular technician certified by the Cardiovascular Credentialing International (CCI),

8. Is a registered cardio invasive specialist.

~~9.8.~~ Is licensed as a director, supervisor, technologist or technician under Chapter 483, Part IV, F.S., or exempt from such licensure as provided in that chapter, or

~~10.9.~~ Is a licensed Emergency Medical Technician (EMT) or Paramedic pursuant to Chapter 401, F.S.

(b) Meets the staff training and educational requirements set out in the alternate-site policy and procedure manual developed by the laboratory director for individuals performing tests categorized as waived.

~~(c)(b)~~ The laboratory director shall, in consultation with medical staff designated by the hospital, establish the training needs for the test methods used at each site. This training at a minimum must ensure that alternate-site testing personnel have received had instruction in the following areas:

1. Specimen collection, handling and storage including infection control procedures.

2. Instrument procedures including skills required to perform preventive maintenance, calibration and troubleshooting.

3. Skills required to implement quality control procedures and evaluate quality control results.

4. Skills required to perform specific test procedures.

5. Result reporting and documentation techniques including knowledge of reporting procedures for life threatening results.

6. Awareness of the factors that influence test results including the skills required to assess and verify the validity of patient test results through the assessment and correlation of pre-analytical and post-analytical phases of testing with laboratory data generated during the analytical phase of testing as they relate to common physiological conditions and quality control, and

7. Monitoring of systems and results for errors including instruction on corrective action including whether or not results can be reported.

~~(d)(e)~~ Successful completion of a training program approved by the Board of Clinical Laboratory Personnel provided under Section 483.811, F.S., shall meet the minimum training requirements specified in paragraph (b), above.

~~(11)(6)~~ Responsibilities of the Laboratory Director Pertaining laboratory director pertaining to the Alternate-test Site alternate-test site.

(a) The laboratory director shall:

1. Ensure that testing personnel are limited to those who meet the requirements of paragraph 59A-7.034(10)(5)(a), F.A.C.; and

2. Establish methods for the evaluation of competency to verify that alternate-site testing personnel perform procedures and report test results promptly and accurately. Evaluation of competency shall include:

a. Sample handling skills;

b. Skills required to perform the test method;

c. Skills required to perform preventive maintenance, troubleshooting, and calibration procedures, applicable to the test methodologies;

d. Demonstration of knowledge of reagent stability and storage applicable to the test system in use;

e. Skills required to implement quality control policies and procedures and evaluate quality control results;

f. An awareness of the factors that influence test results;

g. Skills required to assess and verify the validity of patient test results through the assessment of quality control testing outcomes results;

h. Demonstration of knowledge of patient preparation for each test performed;

i. Demonstration of knowledge of infection control procedures; and

j. Demonstration of knowledge of reporting procedures for life threatening results.

(b) Validation of personnel competency shall include review of test results, quality control records, proficiency testing results and preventive maintenance records; direct observation of test performance and instrument maintenance; and assessment of performance through testing previously analyzed specimens, internal blind samples, or proficiency testing samples.

(c) Evaluation of competency for alternate-site testing personnel must be performed prior to initiation of patient testing and at least annually thereafter.

(d) Documentation of licensure or certification, as applicable, pursuant to subsection 59A-7.034(10)(5), F.A.C., and competency evaluations must be maintained during the tenure of all testing personnel and for a minimum of two years thereafter and made available to the agency at the time of inspection.

~~(12)(7)~~ Tests ~~Performed performed~~. Only test procedures approved by the ~~agency laboratory director~~ and documented in the internal needs assessment in accordance with Rule 59A-7.034, F.A.C., shall be performed at the alternate-test site.

(a) Tests performed at these sites shall not exceed moderately complex test procedures and must:

- 1. Employ whole blood specimens that require no specimen or reagent manipulation, treatment, extraction, separation or any other processing of any kind; and
- 2. Utilize automated test systems in which a specimen is directly introduced into the system. Such instrumentation shall automatically provide for instrument calibration without access by the operator to modify or adjust calibration limits.

(b) Alternate-test sites are also permitted to perform waived tests, activated clotting times, gastric occult blood, gastric pH and urine specific gravity by refractometer. Heparin concentration, heparin dose response and thrombelastograph tests are permitted to be performed only by perfusionists certified by nationally certified perfusionists and laboratory personnel licensed as director, supervisor, or technologist under Chapter 483, Part IV, F.S.

(c) Data output must be directly reportable in the final units of measurement needed for patient care without need for data conversion or other manipulation.

(d) Electronic instrumentation must have a mechanism whereby the operator is alerted when patient results exceed the reportable operating range of the test method and when calibration is not acceptable; such results shall not be used for the diagnosis, treatment, management or monitoring of patients as required under Rule 59A-7.029, F.A.C., and shall be validated through the central laboratory.

~~(e) Waived tests are permitted to be performed by hospital staff designated to provide the testing under the hospital's policies and procedures.~~

~~(13)(8)~~ The agency shall take administrative action pursuant to Sections 483.201, 483.221, 408.813, 408.814, 408.816 and 483.23, F.S., up to and including revocation of the approval for operation of any or all alternate-testing sites where the agency determines that said sites have operated in violation of Chapter 483, Part I, F.S., and the provisions of Chapter 59A-7, F.A.C. In addition, pursuant to Sections 483.201, 483.221, and 483.23, F.S., in the event of such a

violation, the agency shall take administrative action up to and including revocation of the laboratory license of the laboratory maintaining the alternate-testing site.

Rulemaking Authority 483.051 FS. Law Implemented 483.051, 483.181, 483.201, 483.221, 483.23, 408.806, 408.813, 408.814, 408.816, 483.813 FS. History—New 12-27-95, Amended 12-8-09, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:  
59G-4.002

RULE TITLE:  
Medicaid Provider Reimbursement  
Schedule

PURPOSE AND EFFECT: The amendment to Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, January 1, 2010. The reimbursement schedule contains the procedure codes and maximum fees that are effective January 1, 2010 for the following providers whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, registered nurse first assistant, and visual. The amendment to Rule 59G-4.002, F.A.C., will permit the Agency to implement revisions to the Florida Medicaid Provider Reimbursement Schedule.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement Schedule.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.908, 409.912, 409.913 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: Tuesday, August 10, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

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: Jessica Kenny at the Bureau of Medicaid Services, (850)412-4231. 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: Jessica Kenny, Medicaid

Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4231, e-mail: jessica.kenny@ahca.myflorida.com

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**59G-4.002 Medicaid Provider Reimbursement Schedule.**

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 1, 2010 ~~March 2009~~, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, ~~independent laboratory~~, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, ~~portable x-ray~~, registered nurse first assistant, and visual. The Florida Medicaid Provider Reimbursement Schedule is available from the Medicaid fiscal agent's Web site ~~Portal~~ at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies of the reimbursement schedule may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.908, 409.912, 409.913 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, 7-25-07, 9-29-08, 4-28-09, 2-11-10,\_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Purchasing**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
60A-1.002	Purchase of Commodities or Contractual Services
60A-1.016	Contract and Purchase Order Requirements
60A-1.041	Solicitation Requirements

**PURPOSE AND EFFECT:** To revise Chapter 60A-1, Florida Administrative Code, and forms PUR 1000 and 1001 with needed updates, to incorporate changes from Chapter 2010-151, Laws of Florida, and to clarify these rules and incorporate additional information regarding current practices and procedures related to purchases made by state offices.

**SUBJECT AREA TO BE ADDRESSED:** Incorporating changes regarding purchases made by state offices into Chapter 60A-1, Florida Administrative Code, and corresponding forms.

**RULEMAKING AUTHORITY:** 287.042(3), 287.042(12) FS.

**LAW IMPLEMENTED:** 287.057, 287.058 FS., Chapter 2010-151, Laws of Florida.

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

**DATE AND TIME:** August 26, 2010, 2:00 p.m. – 4:00 p.m.  
**PLACE:** Department of Management Services, 4050 Esplanade Way, Room 101, Tallahassee, Florida 32399-0950  
 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 3 days before the workshop/meeting by contacting: Karen Armstrong, (850)488-8440, Karen.armstrong@dms.myflorida.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:** Karen Armstrong, Department of Management Services, 4050 Esplanade Way, Suite 360, Tallahassee, Florida 32399-0950, (850)488-8440, Karen.armstrong@dms.myflorida.com  
**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Employees' Insurance**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
60P-2.0036	Spouse Program

**PURPOSE AND EFFECT:** The purpose of the amendment to Rule 60P-2.0036, F.A.C., is to create rule conformity with the changes outlined by the most recent General Appropriations Act. The effect will be that the rules reflect the most recent legislative intent. The Division of State Group of Insurance decided to substantially reword the entire rule for overall clarity, but the only substantive change is that the State no longer pays the entire premium for married couples who participate in the spouse program.

**SUBJECT AREA TO BE ADDRESSED:** Spouse Program in State Group Health Insurance.

**RULEMAKING AUTHORITY:** 110.123(5) FS.

**LAW IMPLEMENTED:** 110.123 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:** August 11, 2010, 10:00 a.m. – 11:30 a.m.  
**PLACE:** Betty Easley Conference Center, 4075 Esplanade way, Building 4075, Room 152, Tallahassee, FL 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 7 days before the workshop/meeting by contacting: Michelle Robleto, Director, telephone (850)921-4658, fax (850)488-0252. 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: Michelle Robleto, Director, Division of State Group Insurance, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0905, telephone (850)921-4658, fax (850)488-0252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewrite of Rule 60P-2.0036 follows. See Florida Administrative Code for present text.)

60P-2.0036 Spouse Program.

(1) The spouse program is pretax family health insurance coverage where each employee contributes to the monthly premiums as determined by the annual funding by the Legislature through the General Appropriations Account.

(2) For the purposes of this section, "Designated Agent" means an entity the Department may contract with to provide benefits administration services, but does not include an employee's agency personnel office or other employees of the employee's agency, unless so designated in writing by the Division.

(3) Participation in the spouse program is voluntary and available to any married state employee whose spouse is also a state employee. To enroll in the spouse program, married state employees must submit an application completed by both spouses to the Designated Agent within the specified timeframe for one of the following events:

(a) Within thirty-one (31) days of marriage to another state employee in accordance with Rule 60P-2.002 or 60P-2.003, F.A.C.; or

(b) Within sixty (60) days of spouse's new employment or re-employment with the State of Florida; or

(c) During the annual Open Enrollment period.

(4) In no case shall a retroactive effective date be assigned. Spouse program benefits begin the first of the month following receipt and approval by the Designated Agent of the application.

(5) Eligibility for and participation in the spouse program and state contributions shall cease, if one of the following disqualifying events occurs:

(a) One or both employees end employment with the state;  
or

(b) One or both employees go on leave without pay status;  
or

(c) The employees divorce; or

(d) The death of a spouse.

(6) All state employees participating in the spouse program shall report any above described disqualifying event to the Designated Agent to avoid any underpayment of premiums.

(7) Upon learning of ineligibility, the Designated Agent shall investigate and determine the effective end-date of participation in the spouse program and make the change, regardless of whether or not one or both spouses submitted an application to terminate participation. The effective end-date of participation in the spouse program shall be as of the date of the disqualifying event listed in subsection (5) above.

(8) Unless otherwise directed by the employee, each disqualifying event will result in the following health insurance coverage levels as follows:

(a) If one employee ends employment with the state, the remaining employee's coverage level will be changed to family coverage level.

(b) If one employee goes on leave without pay status, the remaining employee's coverage level will be changed to family coverage level.

(c) If the employees' divorce, and there are eligible dependents, each remaining employee's coverage will be determined as set forth under the terms and conditions of the divorce decree.

(d) If the employees' divorce, and there are no eligible dependents, each remaining employee will be changed to individual coverage.

(e) If the employees' divorce, at no time will family coverage level include a former spouse.

(f) If one spouse dies, and there are eligible dependents, the remaining employee's coverage level will be family coverage.

(g) If one spouse dies, and there are no eligible dependents, the coverage level of the remaining employee will change to individual coverage.

(9) If participants in the spouse program do not timely notify the designated agent of their disqualifying event, the participants shall be financially liable for medical or prescription drug claims incurred by the participants and their dependents, and any premiums paid by the state during the time the participants and/or their dependents were not eligible.

(10) If an ineligible spouse returns to eligible state employment, the spouse program shall only become effective upon the re-enrollment in the program by both employees in accordance with subsection (3) above.

Rulemaking Authority 110.123(5) FS. Law Implemented 110.123 FS. History--New 8-22-96, Repromulgated 1-31-02, Amended \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of State Employees' Insurance**

RULE NO.: 60P-6.0075  
 RULE TITLE: Benefits

PURPOSE AND EFFECT: The purpose of the amendment to Rule 60P-6.0075, F.A.C., is to reflect the changes to state employee's benefits as required in the most recent General Appropriations Act. The State will no longer be offering to cover 100% of the premium payments for state group health insurance for Senior Management Service or Selected Exempt Service employees.

SUBJECT AREA TO BE ADDRESSED: State Group Insurance Benefits.

RULEMAKING AUTHORITY: 110.161(5), 110.403(1), 110.605(1) FS.

LAW IMPLEMENTED: 110.205(2), 110.403(1)(c), 110.603(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: August 11, 2010, 10:00 a.m. – 11:00 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Building 4075, Room 152, Tallahassee, FL 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 7 days before the workshop/meeting by contacting: Michelle Robleto, Director, telephone (850)921-4658, fax (850)488-0252. 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: Michelle Robleto, Director, Division of State Group Insurance, Department of Management Services, 4050 Esplanade Way, Tallahassee, FL 32399-0905, telephone (850)921-4658, fax (850)488-0252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60P-6.0075 Benefits.

(1) Subject to the limitations provided under the Internal Revenue Code to avoid discrimination, the amount of salary reduction which a participant may elect under the Pretax Premium Plan shall be the aggregate amount of employee premiums for coverage under the State Group Insurance Program.

(2) All participants' contributions to any reimbursement account under the Program shall be made by salary reduction except in the case of certain participants of the Medical Reimbursement Account whose employment has terminated.

(3) A participant's gross compensation shall not be affected by participation in any Plan. A participant who contributes to a deferred compensation plan or a tax sheltered annuity may be required to adjust his contributions to such programs. Employee contributions under the State University System Optional Retirement Program will be computed on the participant's adjusted gross income automatically.

(4) ~~The Subject to the appropriation of funds the State shall pay a monthly contribution towards for the following insurance coverage for each full-time member of the Senior Management Service or Selected Exempt Service as funded annually by the Legislature through the General Appropriations Act, or otherwise absorbed within the existing budget authority of the employing agency, as follows; in addition, the State may pay 100% of the premium for an individual or family dental insurance plan, provided that premiums are funded by the Legislature through the appropriations act or otherwise absorbed within the existing budget authority of the employing agency:~~

(a) ~~The 100% of the premium for the state individual life insurance policy;~~

(b) ~~100% of the premium for the individual or family state group health insurance plan, or up to an equal dollar amount for a health maintenance organization premium; and~~

(b)(c) ~~The 100% of the premium for the state individual disability insurance policy; and~~

(c) The premium for a state group health insurance plan.

Rulemaking Specific Authority 110.161(5), 110.403(1), 110.605(1) FS. Law Implemented 110.161, 110.205(2), 110.403(1)(c), 110.603(2) FS. History—New 8-26-96, Repromulgated 4-25-02, Repromulgated as Amended 4-25-02, Amended \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-1.00205  
 RULE TITLE: General Inspection Requirements

PURPOSE AND EFFECT: The proposed rule development will move the general inspection requirements from Rule 61C-1.002, F.A.C., to a new rule section; update forms incorporated by reference; specify inspection frequency for permanent public food service establishments, theme park food carts, and mobile food dispensing vehicles; improve readability under the plain language initiative; and ensure accurate and consistent terms throughout the rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses forms incorporated by reference; public food service establishment inspection frequency; and a general update of the rule language to improve readability and ensure accurate and consistent terms throughout the rule.

RULEMAKING AUTHORITY: 509.032 FS.

LAW IMPLEMENTED: 509.032 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, telephone: (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61C-1.00205 General Inspection Requirements.

(1)(a) Division personnel shall inspect all public lodging establishments as often as necessary to enforce law and protect the public's health, safety and welfare. The result of each inspection shall be recorded on DBPR Form HR-5022-014, LODGING INSPECTION REPORT, incorporated herein by reference and effective 2009 December 3, and a legible copy shall be provided to the operator.

(b) Division personnel shall inspect all public food service establishments and other places where food is served to or prepared for service to the public as often as necessary to enforce the law and protect the public's health, safety and welfare. The result of each inspection shall be recorded on DBPR Form HR-5022-015, FOOD SERVICE INSPECTION REPORT, incorporated herein by reference and effective 2009 October 1, and a legible copy shall be provided to the operator. Persons operating a public food service establishment shall permit division personnel right of entry during operating hours to observe food preparation and service, and if necessary, examine records of the establishment to obtain information relating to food and supplies purchased, received or used.

(c) The operator of each public food service establishment shall maintain the latest inspection report on premises and shall make it available to any consumer upon request.

(d) Inspection Frequency.

1. Except as otherwise provided in this section, public lodging establishments and permanent public food service establishments shall be inspected a minimum of three times annually.

2. Nontransient rooming houses, vending machines, theme park food carts, and mobile food dispensing vehicles shall be inspected a minimum of twice annually.

3. Vendors at temporary food service events shall be inspected at the time of licensure and shall be inspected at such other times as the division determines is necessary to ensure the public's health, safety, and welfare.

4. Nontransient and transient apartments shall be inspected once annually.

5. Establishments licensed for a partial year will receive a prorated number of inspections, including the opening inspection, during the first partial year of operation.

(2) Obtaining forms. Samples of the forms incorporated in this section are available from the Division of Hotels and Restaurants Internet website [www.MyFloridaLicense.com/dbpr/hr](http://www.MyFloridaLicense.com/dbpr/hr); by e-mail to [call.center@dbpr.state.fl.us](mailto:call.center@dbpr.state.fl.us); or upon written request to the Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

Rulemaking Authority 509.032 FS. Law Implemented 509.032 FS. History—New

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-3.002  
 RULE TITLE: Qualifications for Examination  
 PURPOSE AND EFFECT: The Board proposes these changes to delete the health certification, require the submission of a high school diploma, to adopt and incorporate by reference licensure forms and add the Board's website where the forms may be obtained.

SUBJECT AREA TO BE ADDRESSED: Qualifications for Examination

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013, 464.008 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-3.002 Qualifications for Examination.

(1) An applicant seeking certification to take the licensure examination shall submit a completed Application for Nursing Licensure by Examination, form number DH-MQA 1094, 10/08 or Application for Nursing Licensure by Re-Examination, form number DH-MQA 1120, 10/08, hereby incorporated by reference demonstrating, on forms provided by the Department, evidence that he or she meets the qualifications prescribed by the Nurse Practice Act, Chapter 464, F.S. These forms are available from the Board office or on the Board's website: www.doh.state.fl.us/mqa/nursing. The demonstration shall include ~~Such evidence shall consist of:~~

~~(a) Certification by a physician licensed pursuant to Chapter 458 or 459, F.S., physician's assistant licensed pursuant to Chapter 458 or 459, F.S., or A.R.N.P. certified pursuant to Chapter 464, F.S., that the applicant is in good mental and physical health.~~

~~(a)(b)~~ A high school diploma, or a high school diploma equivalent.

~~(b)(c)~~ For graduates of an approved nursing program, a notice of graduation or of completion of the requirements for graduation. For graduates of an approved program equivalent, an official transcript or equivalent documentation which identifies all courses completed with a minimum acceptable passing score established by the institution or program at which each course was completed that meet graduation requirements. For graduates of programs in ~~If the applicant is seeking to qualify to write the examination on the basis of education received in a country other than the United States, the applicant must obtain a report by a credentialing agency that meets the requirements of Rule 64B9-3.014, F.A.C.~~

~~(c)(d)~~ For an applicant writing the examination for practical nurses on the basis of practical nursing education equivalency, a completed Practical Nurse Equivalence (PNEQ) Application Letter, form number DH-MQA 1233, 03/10, hereby incorporated by reference documentation from the professional nursing school which states the number of completed clock hours or theoretical and clinical instruction comparable to practical nursing program requirements as set forth in Rule Chapter 64B9-2, F.A.C., or an official certified transcript which sets forth graduation from an approved professional program. The form is available from the Board office or on the Board's website: www.doh.state.fl.us/mqa/nursing.

~~(d)(e)~~ Successful completion of any one of the approved English competency examinations with:

1. through 8. No change;

9. A valid U.S. High School Diploma;

~~10.9.~~ Completion of a college level course for academic credit in a U.S. institution; or

(2) through (5) No change.

Rulemaking Specific Authority 464.006 FS. Law Implemented 456.013, 464.008 FS. History--New 4-27-80, Amended 3-16-81, 8-2-81, 7-11-83, Formerly 21O-8.21, Amended 3-3-87, 12-8-87, 6-8-88, Formerly 21O-8.021, Amended 1-30-94, Formerly 61F7-3.002, Amended 9-25-96, Formerly 59S-3.002, Amended 7-27-98, 4-19-00, 5-8-01, 9-23-03, 1-29-07, 11-22-07.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: RULE TITLE:

64B9-3.0025

Remedial Courses for Reexamination

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete references to repealed rules and add references to appropriate statutory educational standards.

SUBJECT AREA TO BE ADDRESSED: Remedial Courses for Reexamination.

RULEMAKING AUTHORITY: 464.008(3) FS.

LAW IMPLEMENTED: 464.008(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 IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-3.0025 Remedial Courses for Reexamination.

To meet the requirements of Section 464.008(3), F.S., remedial courses must be approved by the Board, and must meet the following requirements:

(1) ~~The education objectives, faculty qualifications, administrative procedures and clinical training shall comply with the standards in Sections 464.019(1)(a), (b), (d), (e) and (f), F.S. Rules 64B9-2.004, 64B9-2.005, 64B9-2.007 and 64B9-2.008, F.A.C.~~

(2) The curriculum shall comply with the guidelines in Sections 464.019(1)(g) and (h), F.S.:

~~(a) Comply with the guidelines in paragraphs 64B9-2.006(1)(a), (b), (c), (d) and (e), F.A.C.;~~

~~(b) Meet the content requirements in subparagraphs 64B9-2.006(2)(c)3. and (3)(a)3., F.A.C.;~~

~~(c) and shall include a minimum of 80 hours didactic education and 96 hours clinical experience in a medical-surgical setting.~~

~~1. Content for professional nurse remedial course must include medical, surgical, obstetric, pediatric, geriatric and psychiatric nursing~~

2. ~~Content of practical nurse remedial course must include medical, surgical, obstetric, pediatric and geriatric nursing~~

Rulemaking Specific Authority 464.008(3) FS. Law Implemented 464.008(3) FS. History—New 3-23-00, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-4.002                      RULE TITLE: Requirements for Certification

PURPOSE AND EFFECT: The Board proposes to adopt and incorporate by reference licensure application form and add the Board’s website where the form can be obtained, and to approve an additional nursing specialty certifying agency.

SUBJECT AREA TO BE ADDRESSED: Requirements for Certification.

RULEMAKING AUTHORITY: 456.048, 464.006, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-4.002 Requirements for Certification.

(1) In accordance with the provisions of Section 464.012, F.S., any person who wishes to be certified as an Advanced Registered Nurse Practitioner shall submit a completed Application for Dual Registered Nurse (RN) and Advanced Registered Nurse Practitioner, form number DH-MQA 1124, 08/09, hereby incorporated by reference an application to the Department, on forms prescribed by it, as incorporated in subsection 64B9 4.004(1), F.A.C., demonstrating that the applicant holds a current unencumbered license to practice professional nursing in Florida. The form is available from the Board office or on the Board’s website: [www.doh.state.fl.us/mqa/nursing](http://www.doh.state.fl.us/mqa/nursing).

(2) No change.

(3) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:

(a) through (g) No change.

(h) Oncology Nursing Certification Corporation.

(4) through (5) No change.

Rulemaking Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS. History—New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06, 6-4-09, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-4.004                      RULE TITLE: Requirements for Documentation

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and add new language to clarify the requirements for documentation.

SUBJECT AREA TO BE ADDRESSED: Requirements for Certification.

RULEMAKING AUTHORITY: 456.048, 464.006, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), (2), 464.012, 464.018(1)(b), (2) FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-4.004 Requirements for Documentation.

(1) A Registered Nurse applying for initial certification as an Advanced Registered Nurse Practitioner shall submit with a completed application ~~file with the Department an “Initial Application for Certification As An Advanced Registered Nurse Practitioner,” Form DOH NUR 105 (9/97), effective 4-5-00, incorporated herein by reference, and available from the Board office, and provide the Board with~~ the following:

(a) Documentation acceptable to the Board that the educational program attended meets the program guidelines stipulated in subsections 64B9-4.003(1) and (2), F.A.C.

(b) Proof acceptable to the Board of satisfactory completion of the educational program which shall consist of:

1. An official Registrar’s copy of the applicant’s transcript shall be sent directly to the Board from the school and shall denote successful completion of the formal post-basic program or awarding of the masters’ degree in a nursing clinical specialty.



2. A verification form prescribed by the Board submitted by the director of the advanced nursing program indicating successful completion with the official school seal.

3. Documentation which demonstrates compliance with subsection 64B9-4.003(2), F.A.C.

4. Such other documentary proof which evidences completion.

(c) Documentation of national certification by a national nursing specialty board identified in subsection 64B9-4.002(3), F.A.C., or documentation of certification by a specialty board that meets the requirements set forth in subsection 64B9-4.002(4), F.A.C., by submitting: If the applicant is required to be nationally certified, one of the following shall also be submitted:

1. A notarized true and correct copy of the original or recertification specialty board certificate.

2. Such other documentary proof which evidences certification by an appropriate specialty board.

3. Verification from the specialty association of certification.

~~(2) A Registered Nurse applying for certification as an Advanced Registered Nurse Practitioner in the category of certified nurse midwife, shall file the appropriate application form with the Department and provide the Board with the following:~~

~~(a) Documentation that the specialty board meets requirements stipulated in Rule 64B9-4.002, F.A.C., or proof of certification by an appropriate specialty board recognized by the Board in subsection 64B9-4.002(4), F.A.C.~~

~~(b) Proof of certification by a specialty Board recognized by the Board shall consist of one of the following:~~

~~1. The original specialty certificate.~~

~~2. A notarized true and correct copy of the current specialty certificate.~~

~~3. Such other documentary proof specialty which evidences certification by an appropriate specialty Board.~~

~~4. Verification from the specialty association of certification.~~

~~(c) Documentation acceptable to the Board as set forth in section (1)(b) of this rule which demonstrates compliance with subsection 64B9-4.003(2), F.A.C.~~

Rulemaking Specific Authority 464.006, 464.012 FS. Law Implemented 464.012 FS. History—New 8-31-80, Amended 10-6-82, Formerly 21O-11.25, Amended 3-19-87, Formerly 21O-11.025, 61F7-4.004, Amended 5-29-96, 2-12-97, Formerly 59S-4.004, Amended 4-5-00,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.:  
64B16-26.601

RULE TITLE:  
Standards for Approval of Courses  
and Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the standards for approval of continuing education courses and providers.

SUBJECT AREA TO BE ADDRESSED: Standards for Approval of Continuing Education Courses and Providers.

RULEMAKING AUTHORITY: 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.025(7), 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**

**Division of Disease Control**

RULE NO.:  
64D-3.046

RULE TITLE:  
Immunization Requirements: Public  
and Nonpublic Schools, Grades  
Preschool, Kindergarten Through  
12, and Adult Education Classes

PURPOSE AND EFFECT: The Bureau of Immunization proposes an amendment to update forms and guidelines that are incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed include an updated DH 680 Form (Certification of Immunization) and the Immunization Guidelines for Florida Schools, Childcare Facilities and Family Day Care Homes. The guidelines will be updated to require a tetanus-diphtheria-acellular-pertussis (Tdap) vaccination rather than a tetanus-diphtheria (Td) vaccination at 7th grade entry to be implemented with the 2009-2010 school year.

RULEMAKING AUTHORITY: 381.003 FS.

LAW IMPLEMENTED: 381.003 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: August 9, 2010, 8:30 a.m. (EDT)

PLACE: 2585 Merchants Row Blvd., Tallahassee, FL 32399-1719

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan Lincicome, Senior

Management Analyst Supervisor, Department of Health, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A11, Tallahassee, FL 32399-1719

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64D-3.046 Immunization Requirements: Public and Nonpublic Schools, Grades Preschool, Kindergarten Through 12, and Adult Education Classes.

(1)(a) Immunization and Documentation Requirements:

(a) A student may attend a public or non-public school, grades preschool through 12 or and adult education class if younger than 21, if prior to admittance, attendance or transfer, they present one of the following for inspection for validity by an authorized school official:

1. DH Form 680, Florida Certification of Immunization (July 2010 2008), incorporated by reference, available from Department of Health (DOH) county health departments (CHDs), or physicians' offices; or

2. DH Form 681, Religious Exemptions for Immunizations (English/Spanish/Haitian-Creole) (February 2002), incorporated by reference, available at DOH CHDs, must be signed by the local county health department medical director or designee. Documentation of receipt of or exemption from must be noted for the following immunizations: diphtheria, tetanus, pertussis, poliomyelitis, measles (rubeola), rubella, mumps, varicella and hepatitis B. The manner and frequency of administration of the immunizations shall conform to recognized standards of medical practice.

(b) Specific immunization requirements by grade, in addition to those in paragraph (1)(a), which must be documented prior to admittance, attendance or any other initial entrance are detailed in the Immunizations Guidelines-Florida Schools, Childcare Facilities and Family Daycare Homes (July 2010), incorporated by reference, available online at: [www.doh.state.fl.us/disease\\_ctrl/immune/schoolguide.pdf](http://www.doh.state.fl.us/disease_ctrl/immune/schoolguide.pdf) transfer.

(a) ~~Preschool Completion of Haemophilus influenzae type b vaccination.~~

(b) ~~Preschool or kindergarten effective with the 2001/2002 school year completion of varicella vaccination. Each subsequent year thereafter the next highest grade will be included in the requirement so that students transferring into Florida schools are added to the varicella immunized cohort.~~

1. ~~7th Grade Completion of a tetanus diphtheria booster.~~

2. ~~Additional Documentation requirements for Exemptions.~~

1.3. Temporary or permanent medical exemption on DH Form 680 must be signed by a practitioner licensed under Chapter 458 or 459, Florida Statutes, or their authorized representative. For temporary or permanent medical exemption the signing practitioner must possess medical records documenting the medical basis for each such exemption. For exemption from the rubeola immunization the practitioner

~~must include with DH Form 680, Florida Certification of Immunization, incorporated by reference in subsection 64D-3.046(1), F.A.C., documentation on their own stationery of the physician's request for exemption, asserting that the student had an illness comprised of a generalized rash lasting three or more days, a fever of 101 degrees Fahrenheit or greater, a cough, and/or conjunctivitis and, in the physician's opinion, has had the ten day measles (rubeola) or serologic evidence of immunity to measles.~~

~~2.(e) A DH Form 680 that does not include a temporary or permanent medical exemption must be signed Forms are to be fully executed by a practitioner licensed under Chapters 458, 459, 460, or 464, F.S., or their authorized representative (where permitted in the particular certification) per instructions for the appropriate school year as provided in DH Form 150-615, Immunization Guidelines Florida Schools, Child Care Facilities and Family Day Care Homes (July 2008), incorporated by reference, available online at: [www.doh.state.fl.us/disease\\_ctrl/immune/schoolguide.pdf](http://www.doh.state.fl.us/disease_ctrl/immune/schoolguide.pdf).~~

~~3.(d) Florida SHOTS (State Health Online Tracking System) Electronically Certified DH Form 680 accessed directly by the school produced by a CHD or a physician's office, as provided in subsection (7), is considered certified in writing and signed by the Florida SHOTS private provider may be utilized.~~

~~(e) DH Form 681, Religious Exemptions for Immunizations (English/Spanish/Haitian-Creole) (February 2002), incorporated by reference, available at DOH CHDs, must be issued and signed by the local county health department medical director or designee.~~

~~(f) Otherwise, required immunizations not performed must be accounted for under the Temporary or Permanent Medical Exemptions, DH Form 680, Florida Certification of Immunization, Parts B and C, incorporated by reference in subsection 64D-3.046(1), F.A.C.~~

~~(2)(3) Documentation Requirements for Schools:~~

~~(a) The original or a copy of a valid original of the form(s) required under this rule paragraph (1)(a) shall remain in the student's cumulative health record unless accessible in Florida SHOTS.~~

~~(b) Antigen doses by dates of immunization shall be transferred as data elements through the Florida Automated System for Transferring Education Records (FASTER).~~

~~(c) Compliance Reporting:~~

~~1. Each public and nonpublic school with a kindergarten and/or seventh grade shall submit an annual compliance report. The report shall be completed on DH Form 684, Immunization Annual Report of Compliance for Kindergarten and Seventh Grade (June 2009 January 2007), incorporated by reference, available at DOH CHDs. The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the CHD~~

director/administrator no later than October 1 of each school year where the data will be compiled on DH Form 685, Kindergarten and Seventh Grade Annual Report of Compliance County Summary (June 2009 November 2006), incorporated by reference, available at DOH CHDs; or electronically generated by the Department of Education.

2. After consultation with the Department of Education, the Department of Health shall require compliance reports from public and nonpublic schools and preschools for selected grades (K-12 and preschool) in special situations of vaccine preventable disease outbreak control or identified need for monitoring through surveys for immunization compliance levels. Such reports shall include the status of all children who were attending school at the beginning of the school year. Reports shall be forwarded to the CHD director/administrator within a specified period, as determined by the DOH.

~~(3)(4)~~ Homeless, Transfers and Juvenile Justice – A temporary exemption to requirements of subsection 1.(2) above not to exceed 30 days may be issued by an authorized school official for any of the following, consistent with the definitions in Section 1003.01, F.S.:

- (a) A homeless child.
- (b) A transfer student.
- (c) A student who enters a juvenile justice education program or school.

(d) Children of military families as defined under Section 1000.36, F.S.

~~(4)(5)~~ Notwithstanding subsection (2), the Department may:

(a) Designate any required immunization as unnecessary or hazardous, according to recognized standards of medical practice.

(b) Upon determination that a shortage of vaccine exists, approve issuance of temporary medical exemption with extended expiration dates by practitioners or authorized school officials until such time as, in the DOH's opinion, vaccine will be available in sufficient quantity for such deferred vaccinations to be completed.

~~(5)(6)~~ Florida SHOTS (State Health Online Tracking System) Opt Out Provision – Parents or guardians may elect to decline participation in the Florida immunization registry, Florida SHOTS, by submitting a Florida SHOTS Notification and Opt Out Form to the DOH. The form, either a DH Form 1478 (English) or DH Form 1478S (Spanish) or DH Form 1478H (Haitian-Creole), incorporated by reference, is available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin # A-11, Tallahassee, FL 32399-1719. The immunization records of children whose parents choose to opt-out will not be shared with other entities that are allowed by law to have access to the children's immunization record via authorized access to Florida SHOTS.

~~(6)(7)~~ Florida SHOTS Private Provider Participation – Any health care practitioner licensed in Florida under Chapters 458, 459, or 464, F.S., may request authorization to access Florida SHOTS by filling out a DH Form 1479, Authorized Private Provider User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 1479 will be returned to the Department of Health for processing and authorization to access Florida SHOTS. Notification of access approval and instruction for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

~~(7)(8)~~ Florida SHOTS School and Licensed or Registered Child Care Facility Participation – Any public or nonpublic school, or licensed or registered child care facility may request authorization to access Florida SHOTS by completing a DH Form 2115, Authorized School and Licensed or Registered Child Care Facility User Agreement for Access to Florida SHOTS (January 2007), incorporated by reference, available from the DOH, Bureau of Immunization, 4052 Bald Cypress Way, Bin #A-11, Tallahassee, FL 32399-1719. The DH Form 2115 will be returned to the DOH for processing and authorization to access Florida SHOTS. Notification of access approval and instructions for accessing Florida SHOTS will be provided by the DOH. The authorized user and the applicable licensing authority or agency shall notify the DOH, Bureau of Immunization Florida SHOTS personnel when an authorized user's license or registration has expired or has been suspended or revoked.

Rulemaking Authority 381.0011(13), 381.003(1), (2), 381.005(2), 1003.22 FS. Law Implemented 381.0011(4), 381.003(1), 381.005(1)(i), 1003.22 FS. History–New 11-20-06, Amended 7-15-07, 7-28-08,\_\_\_\_\_.

Editorial Note: Formerly 10D-3.88, 10D-3.088 and 64D-3.011.

## DEPARTMENT OF HEALTH

### Division of Emergency Medical Operations

RULE NO.:

RULE TITLE:

64J-2.019

Funding for Verified Trauma Centers

PURPOSE AND EFFECT: This notice is to alert the public that the Office of Trauma is proposing the development of rulemaking to revise Rule 64J-2.019, F.A.C., pursuant to the implementation of Chapter 2010-80, Laws of Florida (Enrolled CS/CS/HB 325) and Chapter 2010-161 (Enrolled HB 5311) passed during the 2010 Legislative Session. For the implementation of Chapter 2010-80, the proposed revisions add the new statutes (318.0083(1)(b)3.a. and 3.b.) for funds generated from the use of traffic infraction cameras to enforce violations of red-light running. Ten dollars of each citation

generated from the implementation of these statutes are to be deposited into the DOH administrative trust fund for distribution to verified trauma centers pursuant to Section 395.4036(1), F.S.

Enrolled HB 325 was not amended to conform to the trust fund language in HB 5311, which designated the use of the Emergency Medical Services Trust Fund for deposit of the trauma center designated funding. Pursuant to the provisions of Chapter 2010-161, F.S., the proposed revisions remove reference to the DOH Administrative Trust Fund where referenced in this rule, and provides that all funds governed under this rule shall be distributed to verified trauma centers in the quarter following deposit into the Department's trust funds. The department will be seeking revisions to Sections 318.0083(1)(b)3.a. and 3.b. to change the trust fund title currently in these sections from the DOH administrative trust fund to the Emergency Medical Services Trust Fund to ensure all funds designated for payment to trauma centers are deposited into the same trust fund.

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

RULEMAKING AUTHORITY: 395.4036 FS.

LAW IMPLEMENTED: 395.4036 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, August 6, 2010, 10:00 a.m. (EST); 11:00 (CST)

PLACE: Capital Circle Office Complex, Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 180, Tallahassee, Florida; Conference Call Number: 1(888)808-6959; Conference Code: 2354440

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Dana Miller (850)245-4440, \*2749. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan\_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64J-2.019 Funding for Verified Trauma Centers.

(1) No change.

(2) Funds governed under this rule shall be distributed to verified trauma centers in the quarter following deposit into the Department's trust funds. Funds collected under Sections 318.14(5), 318.18(5)(e) and (20) and 318.18(15), F.S., and deposited into the department's administrative trust fund shall be distributed quarterly to the certified trauma centers.

(a) No change.

(b) Funds collected under Section 318.14(5), F.S., governed under this rule and deposited into the department's administrative trust fund shall be distributed to the trauma centers as follows:  $[(.5 \times \text{funds}) / \text{Current total number of trauma centers}] + [(.5 \times \text{funds}) \times (\text{Caseload volume for the trauma center for the year} / \text{The sum of caseload volume for all trauma centers during the year})]$ .

(c) Funds collected under Sections 318.18(15), 316.0083(1)(b)3.a. and 316.0083(1)(b)3.b., F.S., governed under this rule and deposited in accordance with ~~into the department's administrative trust funds under~~ Section 395.4036(1), F.S., shall be distributed as follows:

1. through 3. No change.

(d) Funds collected under Section 318.18(5)(c) and (20), F.S., governed under this rule and deposited into the department's administrative trust fund shall be distributed as follows.

1. through 3. No change.

(3) No change.

Rulemaking Authority 395.4036 FS. Law Implemented 395.4036 FS. History—New 4-25-06, Amended 1-9-07, Formerly 64E-2.040, Amended 10-22-09,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NOS.:	RULE TITLES:
64J-3.001	Certification of 911 Public Safety Telecommunicators
64J-3.002	Public Safety Telecommunication Course Equivalency
64J-3.003	Renewal of 911 Public Safety Telecommunicator

PURPOSE AND EFFECT: Establish a procedure for the approval of public safety telecommunication training programs, establish rules for 911 public safety telecommunicator trainees, define receiving, transferring, and dispatching functions, establish rules for examination process, establish rules for renewal process.

SUBJECT AREA TO BE ADDRESSED: 911 public safety telecommunicators.

RULEMAKING AUTHORITY: 401.465 FS.

LAW IMPLEMENTED: 401.465 FS.

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

DATE AND TIME: August 11, 2010, 8:00 a.m. – 5:00 p.m.  
 PLACE: St. Petersburg College, SPC Allstate Center, 3200 34th Street South, St. Petersburg, FL 33711

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rebecca Cash (850)245-4440, Ext. 2725

Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin # C-18, Tallahassee, Florida 32399. 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: Rebecca Cash, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C-18, Tallahassee, Florida 32399, (850)245-4440, Ext. 2725

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

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
64J-3.001	Certification of 911 Public Safety Telecommunicators
64J-3.002	Public Safety Telecommunication Course Equivalency
64J-3.003	Renewal of 911 Public Safety Telecommunicator

**PURPOSE AND EFFECT:** Change the above referenced rules in accordance with provisions in the Laws of Florida 2010-188 (SB 742). Changes include fee reduction in initial certification, renewal certification, inactive status, and reactivation. Fees to include a new application fee for determination of equivalency. Grandfather clause reduced to 3 years for eligibility, requirements of 2 years experience to be certified dropped, recertification hours reduced to 20 hours biannually. Initial certification hour increased from 208 hours to 232 hours to be eligible to sit for the State of Florida 911 public safety telecommunicator exam.

**SUBJECT AREA TO BE ADDRESSED:** 911 public safety telecommunicators.

**RULEMAKING AUTHORITY:** 401.465 FS.

**LAW IMPLEMENTED:** 401.465 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Rebecca Cash, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C-18, Tallahassee, Florida 32399; (850)245-4440, ext. 2725. 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: Rebecca Cash, Bureau of Emergency Medical Services, 4052 Bald Cypress Way Bin #C-18, Tallahassee, Florida 32399, (850)245-4440 ext. 2725

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64J-3.001 Certification of 911 Public Safety Telecommunicators ~~Emergency Dispatchers~~.

Application for 911 Public Safety Telecommunicator ~~Emergency Dispatcher~~ Certification is done through DH Form 5066, 07/10 ~~10/08~~, 911 Public Safety Telecommunicator ~~Emergency Dispatcher~~ Initial/Original Certificate Application, which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or is found on the internet forms page at <http://www.fl-ems.com>.

Rulemaking Authority 401.35, 401.465 FS. Law Implemented 401.465 FS. History–New 3-17-09, Amended.

64J-3.002 Public Safety Telecommunication Course Equivalency.

An agency seeking to determine equivalency of their training program shall submit to the Department of Health a copy of their training curriculum and DH Form 5067, 07/10 ~~06/09~~, 911 Public Safety Telecommunicator ~~Emergency Dispatcher~~ Training Course Equivalency Application, which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or is found on the internet forms page at: <http://www.fl-ems.com>. The training program shall consist of no less than 232 ~~208~~ hours. The department shall identify from DH Form 5067, 07/10 ~~06/09~~, 911 Public Safety Telecommunicator ~~Emergency Dispatcher~~ Training Course Equivalency Application, the instructional objectives within their training program that meet each of the student performance standards as outlined in the Department of Education’s Public Safety Telecommunication Curriculum Framework, Program Number P090101, Occupational Completion Point – Data Code A, Dispatcher: Police Fire and Ambulance effective July 2010 ~~2009~~, which is incorporated by reference and available for reference on the Department of Education website at: <http://www.fldoe>.

[org/workforce/dwdframe/law\\_cluster\\_frame09.asp](http://www.fl-ems.com/workforce/dwdframe/law_cluster_frame09.asp). Entities subject to the jurisdiction of the Department of Education are not eligible for this determination.

Rulemaking Authority 401.35, 401.465 FS. Law Implemented 401.465 FS. History–New 10-26-09, Amended.

**64J-3.003 Renewal of 911 Public Safety Telecommunicator ~~Emergency Dispatcher~~ Certification.**

(1) To be eligible for renewal certification as a 911 emergency dispatcher, the applicant shall submit DH Form 5068, ~~07/10~~ ~~06/09~~, Renewal/Change of Status 911 Emergency Dispatcher Certification Form, which is incorporated by reference and available from the department, as defined by subsection 64J-1.001(9), F.A.C., or is found on the internet forms page at <http://www.fl-ems.com>, prior to February 1 of each odd year and complete the following:

(a) Complete ~~20~~ ~~24~~ hours of 911 Public Safety Telecommunicator ~~emergency dispatcher~~ renewal training based on the Department of Education Public Safety Telecommunication Curriculum Framework, Program Number P090101, Occupational Completion Point – Data Code A, Dispatcher: Police Fire and Ambulance effective July ~~2010~~ ~~2009~~, available for reference on the Department of Education website at: [http://www.fldoe.org/workforce/dwdframe/law\\_cluster\\_frame09.asp](http://www.fldoe.org/workforce/dwdframe/law_cluster_frame09.asp). The department shall accept either the affirmation from a public safety agency as defined in Section 365.171(3)(d), F.S., or a certificate of completion of ~~20~~ ~~24~~ hours of renewal training from a department-approved Florida 911 Public Safety Telecommunicator ~~emergency dispatcher~~ training program equivalent to the Department of Education Public Safety Telecommunication Curriculum Framework, Program Number P090101, Occupational Completion Point – Data Code A, Dispatcher: Police Fire and Ambulance effective July ~~2010~~ ~~2009~~.

(b) Applicants applying for recertification must obtain ~~20~~ ~~24~~ hours of renewal training, as defined in paragraph 64J-3.003(1)(a), F.A.C., which may be earned through various delivery methods outlined in Table I.

911 <u>Public Safety Telecommunicator</u> <del>Emergency Dispatcher</del> Renewal Requirement	
Table I	
Delivery Method	Maximum Credit Hours Allowed
Journal Review	12 Hours
Workshop/Seminar/Classroom	16 Hours
Multi-media	12 Hours
QA/QI Review	12 Hours
Planning and Management Meetings	12 Hours
Teaching	12 Hours
Protocol Review	12 Hours

(2) An individual who has received an initial certification as a 911 Public Safety Telecommunicator ~~emergency dispatcher~~ of no more than 180 days prior to February 1 of each odd year shall be exempt from the first renewal period. If an initial certification is obtained prior to August 1st of the preceding renewal year, that certificate holder must apply for renewal certification.

(3) In the event a certified 911 Public Safety Telecommunicator ~~emergency dispatcher~~ changes the mailing address, name, or place of supervised full-time employment he or she has provided to the department, the applicant shall notify the department upon renewal.

Rulemaking Authority 401.35, 401.465 FS. Law Implemented 401.465 FS. History–New 10-26-09, Amended.

DH Form 5066, 5067, and 5068 can be found at [www.fl-ems.com/dispatchers.html](http://www.fl-ems.com/dispatchers.html)

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NO.: 65C-13.030  
 RULE TITLE: Standards for Licensed Out-of-Home Caregivers

PURPOSE AND EFFECT: To amend standards for licensing out-of-home caregivers.

SUBJECT AREA TO BE ADDRESSED: Standards for Licensed Out-of-Home Caregivers.

RULEMAKING AUTHORITY: 409.175 FS.

LAW IMPLEMENTED: 409.175 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: Stacey Cleveland, Statewide Licensing Specialist, 1317 Winewood Boulevard, Tallahassee, Florida 32399, (850)921-8833, [Stacey\\_Cleveland@dcf.state.fl.us](mailto:Stacey_Cleveland@dcf.state.fl.us)

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.: 69A-37.082, 69A-37.083, 69A-37.084, 69A-37.085  
 RULE TITLES: Purpose, Scope, Definitions, Eligibility Requirements for Supplemental Compensation

- 69A-37.086 Enrollment Procedures for Supplemental Compensation
- 69A-37.087 Cessation of Supplemental Compensation
- 69A-37.088 Eligibility Requirements for Re-Entry
- 69A-37.089 Prescribed Forms

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule development workshop is to determine whether changes need to be made to the definition of accreditation and if so, whether changes need to be made to related rules. In addition, all other matters encompassed in the above rules are open for discussion.

**SUBJECT AREA TO BE ADDRESSED:** Firefighter supplemental compensation.

**RULEMAKING AUTHORITY:** 633.01(1), 633.45(2)(a) FS.

**LAW IMPLEMENTED:** 633.082 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:** Tuesday, August 17, 2010, 1:30 p.m.

**PLACE:** Auditorium, Florida State Fire College, 11655 N.W. Gainesville Rd., Ocala, FL 34482

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: Karl Thompson, Standards Section Supervisor, Bureau of Fire Standards and Training, Division of the State Fire Marshal, 11655 N.W. Gainesville Rd., Ocala, FL 34482; phone (352)369-2800, Ext. 3; karl.thompson@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** The person listed above

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Risk Management**

- RULE NO.:** 69H-2.008
- RULE TITLE:** Other Forms Adopted

**PURPOSE AND EFFECT:** The Division of Risk Management adjusts claims for employees, volunteers, and other covered persons per Chapter 284, F.S. Currently, the Authorization to Release form DFS-D0-1407 does not state the reason for the requested medical records. This amendment will add a sentence to the form that explicitly states that the medical authorization release concerns a workers' compensation claim.

The additional language is needed for the Division to obtain crucial medical records and to ultimately perform its statutory authority to adjust and settle workers' compensation claims for those covered persons under Section 284.31, F.S.

**SUBJECT AREA TO BE ADDRESSED:** Form DFS-D0-1407 for requesting information from workers' compensation claimants and liability claimants.

**RULEMAKING AUTHORITY:** 284.17, 284.39 FS.

**LAW IMPLEMENTED:** 284.30, 284.40, 284.41 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:** Tuesday, August 10, 2010, 9:30 a.m.

**PLACE:** 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: George Rozes, (850)413-4754 or George.Rozes@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** George Rozes, Senior Management Analyst II, Division of Risk Management, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0336, (850)413-4754

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

69H-2.008 Other Forms Adopted.

(1) The following forms are hereby adopted and incorporated by reference. These forms shall be used to aid the Division in the performance of its administrative duties by securing pertinent facts and information on claims filed against the Fund, as the circumstances of particular cases may require.

(a) through (e) No change.

(f) DFS-D0-1407, "Medical Authorization", rev. 2/10 ~~11/05~~;

(g) through (i) No change.

(2) No change.

Rulemaking Authority 284.17, 284.39 FS. Law Implemented 284.30, 284.40, 284.41 FS. History--New 1-7-92, Amended 6-28-01, Formerly 4H-2.008, Amended 7-4-04, 5-4-05, 10-5-09, \_\_\_\_\_.