

SUBJECT AREA TO BE ADDRESSED: Procedures for application for licensure as a direct disposer under Section 497.602, F.S.

RULEMAKING AUTHORITY: 497.103(5), 497.141(2), 497.602(2)(a), (i), 497.602(3)(d) FS.

LAW IMPLEMENTED: 497.602 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 17, 2011, 9:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.:	RULE TITLE:
69K-100.040	Funeral Director Affiliation With Funeral Establishment

PURPOSE AND EFFECT: This rulemaking action implements changes to Section 497.372, F.S., as enacted by the Florida legislature in Chapter 2010-125, Laws of Florida. This proposed rule was approved by the Board of Funeral, Cemetery, and Consumer Services at its monthly meeting on 1-6-2011. The purpose and effect of the rule is to establish criteria for determining whether an affiliation exists between a funeral director and a funeral establishment, through the funeral director's ownership of, employment by, or contractual relationship with, a funeral establishment.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by this rule is the affiliation of a funeral director with a funeral establishment, as required by Section 497.372(2), F.S.

RULEMAKING AUTHORITY: 497.103(5), 497.130(1)(n), 497.372(2) FS.

LAW IMPLEMENTED: 497.372(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 17, 2011, 11:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison 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 2 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@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: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire

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

Section II Proposed Rules

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-503.001	Chaplaincy Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that notwithstanding any other Department regulation, approved lighters and matches may be used in religious ceremonies requiring the use of such items and female inmates may be permitted to wear dresses rather than pants in order to accommodate a sincere religious belief.

SUMMARY: The proposed rule clarifies that notwithstanding any other Department regulation, approved lighters and matches may be used in approved religious ceremonies

requiring the use of such items and female inmates may be permitted to wear dresses rather than pants in order to accommodate a sincere religious belief.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 90.505, 944.09, 944.11, 944.803 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-503.001 Chaplaincy Services.

(1) through (2) No change.

(3) Religious Services and Rituals.

(a) through (g) No change.

(h) Notwithstanding any other Department rule, procedure, or policy, approved lighters and matches may be used during approved religious ceremonies that require the use of such items.

(4) through (5) No change.

(6) The chaplain shall be authorized to maintain written communication with inmates where the inmate and the ~~chaplain~~ Chaplain have been at the same institution, at the same time, and either the inmate or the ~~chaplain~~ Chaplain has transferred to another Florida Department of Corrections institution under the following conditions:

(a) No change.

(b) Consistent with the effective management and order of the institution, the ~~chaplain~~ Chaplain maintaining written communication with an inmate at another Florida Department of Corrections institution must inform the ~~chaplain~~ Chaplain at the inmate's current institutional location.

(7) through (11) No change.

(12) Notwithstanding any other Department rule, procedure, or policy, a female inmate shall be permitted to wear dresses rather than pants if it is necessary to accommodate the inmate's sincere religious beliefs.

~~(13)~~(12) Inmates who wish to observe religious dietary laws shall be provided a diet sufficient to sustain them in good health without violating those dietary laws. Exceptions may be made only in unusual cases where providing a special diet would:

(a) Require exceeding budgetary allowances,

(b) Create a threat to the security, order, or effective management of the institution, or

(c) Amount to unjustified special treatment of inmates receiving the special diet.

(d) The institution shall prepare and identify food so that those inmates who wish to abstain from eating pork or pork products may do so.

(e) The chaplain shall advise the institutional officials in charge of food services on all matters relating to the implementation of this subsection.

~~(14)~~(13) Religious Publications.

(a) Inmates shall have access to religious publications through the chapel or institutional library or as provided through the chaplain.

(b) The chaplain shall assist inmates in obtaining personal copies of religious books and periodicals, subject to rules of the Department.

(c) Religious publications shall include the following:

1. Sacred texts – the primary religious documents from which the standards of the faith are derived.

2. Prayer books – the instructional material, prayers and liturgies for the observation of holy rituals, services and personal devotion;

3. Devotional literature – religious commentary, religious calendars, personal instruction in the faith, and sermon type material.

Rulemaking Authority 944.09, 944.11 FS. Law Implemented 90.505, 944.09, 944.11, 944.803 FS. History—New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01, 1-9-03, 2-25-08, 9-22-08, 1-25-10, 3-2-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Alex Taylor, Chaplaincy Services Administrator

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Edwin G. Buss, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: June 13, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: July 1, 2011

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.:

RULE TITLE:

64B18-14.010

Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to update violations and penalties.

SUMMARY: Violations and penalties will be updated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 456.072, 456.077, 461.005 FS, 461.007 FS.

LAW IMPLEMENTED: 456.013(6), 456.072, 456.077, 461.007, 461.013 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-14.010 Citations.

(1) through (3) No change.

VIOLATIONS

(a) No change.

1. through 3. No change.

4. Failure to attend during the first biennium or within twelve (12) months of initial licensure one full day of a meeting of the Board of Podiatric Medicine at which disciplinary hearings are conducted. Guidelines outlined in Rule 64B18-17.005.

(b) through (m) No change.

(5) through (6) No change.

PENALTY

\$500 fine and required attendance of one full day of board meeting.

Rulemaking Specific Authority 456.072, 456.077, 461.005 FS. Law Implemented 456.057, 456.062, 456.072, 456.077, 461.012, 461.013(7) FS. History—New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended 11-23-00, 8-13-02, 7-26-04, 6-14-06, 10-11-06, 10-7-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 24, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 1, 2011

DEPARTMENT OF HEALTH

Prescription Drug Monitoring Program

RULE NO.:

RULE TITLE:

64K-1.002

American Society of Automation in Pharmacy Standards and Formats

PURPOSE AND EFFECT: To establish data reporting standards designed to capture controlled substance dispensing data from dispensing practitioners and pharmacies. To encourage responsible prescribing by implementing provisions to help establish a limited access comprehensive electronic database system for controlled substances.

SUMMARY: This rule describes the format for submissions to the Prescription Drug Monitoring Program database as ASAP 2007 version 4.1, specifies the Zero Report standard for no controlled substances dispensed, and provides where the standards may be obtained.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 893.055 FS.

LAW IMPLEMENTED: 893.055 FS

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca R. Poston, Program Manager, 4052 Bald Cypress Way, Bin #C16, Tallahassee, Florida 32399-3250, (850)245-4797 or Rebecca_Poston@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64K-1.002 American Society of Automation in Pharmacy Standards and Formats.

The format for submission to the database shall be in accordance with the Electronic Reporting Standard for Prescription Monitoring Programs of the American Society for Automation in Pharmacy (ASAP), ASAP 2007 version 4.1. The format for submission to the database if no controlled substances dispensed shall be in accordance with the ASAP Zero Report standard. A copy of the Electronic Reporting Standard for Prescription Monitoring Programs may be

obtained from the American Society for Automation in Pharmacy, 492 Norristown Road, Suite 160, Blue Bell, Pennsylvania 19422, Telephone: (610)825-7783, Website: www.asapnet.org.

Rulemaking Authority 893.055 FS. Law Implemented 893.055 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rebecca Poston

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: H. Frank Farmer, M.D., Ph.D, FACP

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 2010

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: RULE TITLE:

69K-23.003 Renewal of Direct Disposer Licenses

PURPOSE AND EFFECT: To establish procedures, forms, and a schedule for biennial renewal of direct disposer licenses. This is mandatory rulemaking pursuant to changes made to Section 497.603(2), F.S., by s. 27 of Chapter 2010-125, Laws of Florida. This proposed new rule was approved by the Board of Funeral, Cemetery, and Consumer Services on January 6, 2011. SUMMARY: Establishes procedures and a schedule for biennial renewal of direct disposer licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. An SERC has been prepared by the agency.

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

RULEMAKING AUTHORITY: 497.103(5), 497.603(2) FS.

LAW IMPLEMENTED: 497.103(2), 497.140(6), 497.603(2) FS.

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

DATE AND TIME: August 25, 2011, 9:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida. NOTE: This hearing is a rescheduling of a hearing previously set for July 13, 2011.

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: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@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 IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for a hearing to Mr. Shropshire

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-23.003 Renewal of Direct Disposer Licenses.

(1) Direct disposer licenses shall expire at 11:59 p.m. on August 31 of every odd-numbered calendar year.

(2) Renewal fees for direct disposers shall be as specified in Rule 69K-17.0030, F.A.C. In addition, the unlicensed activity fee in the amount of \$5.00, required under Section 497.140(6), Florida Statutes, shall be remitted by the licensee with each renewal fee.

(3) At least 90 days prior to the expiration date of the direct disposer license, the Division of Funeral, Cemetery, and Consumer Services shall mail each direct disposer holding a valid direct disposer license, a license renewal notice, to the licensee's preferred mailing address as shown in the Division's records. A direct disposer shall renew his/her license by returning the license renewal notice to the Division at the address stated on the invoice, with the applicable renewal and unlicensed activity fees, prior to the expiration date of the license.

Rulemaking Authority 497.103(5), 497.603(2) FS. Law Implemented 497.103(2), 497.603, 497.140(6) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, on behalf of the Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, F.S.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 7, 2011