

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Standards for Processed Citrus Products
 RULE CHAPTER NO.: 20-64

RULE TITLE: Water Extracted Soluble Fruit Solids
 RULE NO.: 20-64.021

PURPOSE AND EFFECT: New rule section exempting approved plants operating under the Florida Quality Systems Certification Program for Finished Product from the notice provisions with regard to Water Extracted Soluble Fruit Solids and renumbering subsequent sections.

SUBJECT AREA TO BE ADDRESSED: Exempting approved plants operating under the Florida Quality Systems Certification Program for Finished Product from the notice provisions with regard to Water Extracted Soluble Fruit Solids.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: Payment Methodology for Outpatient
 RULE NO.: 59G-6.030

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development are to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan

(the Plan) payment methodology effective July 1, 2005 in accordance with the 2005-06 General Appropriations Act, Senate Bill 2600, Specific Appropriation 194.

1. Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. Effective July 1, 2005 through June 30, 2006, these hospitals that qualify under this provision will receive an interim amount equal to 50 percent of the benefit of being exempt from the application of these ceilings, except any public hospital that meets the 11 percent threshold using an average of the 1999, 2000 & 2001 audited DSH data that is available shall not receive a reduction in the amount of their payments as a result of eliminating the outpatient reimbursement ceilings. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available. Any hospital that met the 11 percent threshold in State Fiscal Year 2004-2005 and was also exempt from the outpatient reimbursement ceilings shall remain exempt from the outpatient reimbursement ceilings for State Fiscal Year 2005-2006, subject to the payment limitations imposed in this paragraph.

2. Effective July 1, 2005 outpatient reimbursement ceilings shall be eliminated for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2. Effective July 1, 2005 through June 30, 2006, these hospitals will receive an interim amount equal to 50 percent of the benefit of being excluded from the application of an inpatient ceiling.

3. Effective July 1, 2005, the outpatient reimbursement ceilings shall be eliminated for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2005 or become a designated or provisional trauma center during State Fiscal Year 2005-2006. The agency shall use the average of the 1999, 2000 and 2001 audited DSH data available as of March 1, 2005. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency will use the average of the audited DSH data for 1999, 2000 and 2001 that are available.

4. Interim payments regarding the elimination of reimbursement ceilings shall be increased up to 100% of the benefit of being exempt from the application of these ceilings should the hospital inpatient upper payment limit change to support such an increase. The hospitals qualifying for the restoration of their rates are the hospitals that qualified as hospitals whose Medicaid and charity care days as a percentage to total adjusted hospital days equals or exceeds 11 percent and hospitals with a minimum of ten licensed level II

Neonatal Intensive Care Units located in Trauma Services Area 2. The restoration of the inpatient rates is contingent on new cost report data providing for an increase in the amount of public hospital upper payment limit for State Fiscal Year 2005-2006. Any allowable growth in the public hospital upper payment limit balance will first be used to restore the loss in inpatient rates experienced by Jackson Memorial Hospital. Upon the loss by Jackson Memorial Hospital being restored any remaining growth in the public upper payment limit balance will be applied to the remaining hospitals in the same proportion as their rate reduction.

5. Effective July 1, 2005 the Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan that may include, but is not limited to, the inflation factor, variable cost target, county rate ceiling or county ceiling target rate to achieve a recurring reduction of \$16,796,807 from inflationary and other price level increases.

6. Updates to the outpatient hospital revenue center codes. SUBJECT AREA TO BE ADDRESSED: Outpatient hospital reimbursement rates, ceilings, and revenue codes.

SPECIFIC AUTHORITY: 409.919 FS. LAW IMPLEMENTED: 409.908 FS.

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

TIME AND DATE: 10:00 a.m., November 29, 2005 PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2120B, Tallahassee, Florida 32308, (850)414-2759

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME. PLEASE CONTACT THE PERSON LISTED ABOVE FOR A COPY OF THE PROPOSED RULE LANGUAGE WHEN AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE TITLE: Percentage of Gross Pilotage Assessed RULE NO.: 61G14-19.001 PURPOSE AND EFFECT: The Board proposes the amendment to reduce the percentage of gross pilotage assessed. SUBJECT AREA TO BE ADDRESSED: Percentage of gross pilotage.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~twenty-five hundredths six tenths~~ of one percent (.25%) ~~(0.6%)~~ of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-2-05,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF JUVENILE JUSTICE

Office of Administration

RULE TITLES: RULE NOS.: Scope 63F-9.001 Definitions 63F-9.002 Calculating Estimated Costs 63F-9.003 Fiscally Constrained Counties 63F-9.004

Receipt of Payment 63F-9.005
 Quarterly Reporting 63F-9.006
 Annual Reconciliation 63F-9.007
 Dispute Resolution and Collection 63F-9.008

PURPOSE AND EFFECT: The proposed rule is intended to implement newly created Section 985.2155, Florida Statutes, governing the shared responsibility of counties and the state for juvenile detention.

SUBJECT AREA TO BE ADDRESSED: Standards and procedures for apportioning and collecting counties' responsibility for pretrial secure detention costs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.2155 FS.

LAW IMPLEMENTED: 985.2155 FS.

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

TIME AND DATE: 9:00 a.m. – 3:00 p.m., Friday, November 18, 2005

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Suite 104, Tallahassee, FL 32399-3100, e-mail clyde.benedix@djj.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

63F-9.001 Scope.

This rule establishes the process by which pre-disposition detention costs are shared by state and county government.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(1) FS. History–New _____.

63F-9.002 Definitions.

(1) “Cost of detention care” means the cost of providing detention care as determined by the General Appropriations Act.

(2) “County estimated cost of detention care” means a projected cost estimate based upon a county’s prior annual usage.

(3) “Final court disposition” means the date the court enters a disposition for the subject referral.

(4) “Fiscally constrained county” means a county designated as a rural area of critical economic concern under Section 288.0656, Florida Statutes, and which is not required to pay the full costs of its resident juveniles’ predisposition detention care.

(5) “Residence” means the county where, at the time of referral, a child resides, as determined by a DJJ intake officer and reflected in the Juvenile Justice Information System.

(6) “Secure detention” means the temporary custody of a child under the physical restriction of a detention center or facility pending adjudication, disposition, or placement.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155 FS. History–New _____.

63F-9.003 Calculating Estimated Costs.

(1) Each county’s share of predisposition detention costs is based upon usage during the previous fiscal year, with the first year’s estimates based upon usage during fiscal year 2004-05. Estimates will be calculated as follows:

(a) All youth served in secure detention during the relevant fiscal year as reflected in the Juvenile Justice Information System will be identified;

(b) Each placement record will be matched to the appropriate referral based upon the referral identification code. Placements associated with administrative handling, such as pick-up orders and violations of probation, will be matched to a disposition date for their corresponding statutory charge;

(c) The number of service days in secure detention is computed by including all days up to and including the date of final disposition for the subject referral.

(2) Each county will receive a percentage computed by dividing the number of days used during the previous year by the total number of days used by all counties. The resulting percentage, when multiplied by the cost of detention care as fixed by the legislature, constitutes the county’s estimated annual cost.

(3) The estimated cost will be billed to the counties in monthly installments.

(4) Invoices are to be mailed on the first day of the month prior to the service period, so that an invoice for the August service period will be mailed on July 1.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(3) FS. History–New _____.

63F-9.004 Fiscally Constrained Counties.

(1) Each fiscally constrained county will be assigned a percentage computed by dividing its previous year’s number of predisposition detention days by the total number of predisposition detention days used by all fiscally constrained counties during the previous year.

(2) Each county’s percentage is multiplied by the amount appropriated by the legislature to pay the costs of detention care. For informational purposes, fiscally constrained counties will be invoiced for their prorated monthly share.

(3) If the total number of predisposition service days actually used by all fiscally constrained counties combined exceeds the previous year’s usage for which appropriation was made by the legislature, matching funds will be required to make up the shortfall. Fiscally constrained counties will be assessed for the amount of the shortfall under the following methodology:

(a) The total number of excess service days will be translated into a dollar figure based upon the percentage of increase over the original budgeted amount.

(b) Each fiscally constrained county will be responsible for a share of the shortfall computed by multiplying its assigned percentage calculated in subsection (1) by the total shortfall computed in paragraph (3)(a).

(4) The department shall determine whether a shortfall is likely at the end of the third quarter. If a shortfall is expected, the department shall provide fiscally constrained counties an estimate of their share of the expected shortfall on or before June 1.

(5) Fiscally constrained counties will be billed for their share of the shortfall by August 1, and payment is due no later than October 1.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(4) FS. History—New _____.

63F-9.005 Receipt of Payment.

(1) Payment is to be made by check or by pre-arranged wire transfer, which is due the first day of the monthly service period.

(2) Payment will be deemed in arrears on the second day of the monthly service period.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(6) FS. History—New _____.

63F-9.006 Quarterly Reporting.

(1) Each quarter, the Department shall prepare a report to determine the extent of each county’s actual usage. The report is to assist counties in fiscal planning and budgeting, and is not a substitute for the annual reconciliation or grounds for adjusting or withholding payment.

(2) The report shall contain the following information:

- (a) Youth’s name;
- (b) Youth’s address at the time of the referral;
- (c) Sex;
- (d) Date of birth;
- (e) Name of parent or guardian;
- (f) Phone contact;
- (g) Number of detention days.

(3) The report will be provided to counties 45 days after the end of each quarter.

(4) The limited release of juvenile identifying information contained in each county’s quarterly report is confidential. The release will not include treatment or charging information, is limited to the county official(s) designated to receive the report, and is not to be used for any purpose other than that of verifying the provision of detention services.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(7) FS. History—New _____.

63F-9.007 Annual Reconciliation.

(1) On or before September 30 of each year, the Department shall provide a reconciliation statement to each paying county. The statement shall reflect the difference between the estimated costs paid by the county during the past fiscal year and the actual cost of the county’s usage during that period.

(2) If a county’s actual usage is found to have exceeded the amount paid during the fiscal year, the county will be invoiced for the excess usage. The invoice will accompany the reconciliation statement, and shall be payable on or before November 1.

(3) If a county’s actual usage was less than the estimated amounts paid during the fiscal year, the county will be credited for its excess payments. Credit will be reflected in the November billing, and will carry forward as necessary.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5) FS. History—New _____.

63F-9.008 Dispute Resolution and Collection.

(1) The quarterly reporting marks the point at which a county may take issue with the charges referenced in the report, but it cannot be the basis for withholding payment. Adjustments, including those necessitated by dispute resolution, cannot be made until the annual reconciliation.

(2) Disputes based upon a quarterly report, such as those relating to the residence of served youth or the number of chargeable service days, must be brought within the quarter following that to which the dispute pertains. For example, a dispute over a charge during the July-September quarter must be brought on or before the end of December.

(3) General objections, such as those seeking confirmation of a youth’s county of residence, will be summarily denied. Disputes involving a detained youth’s county of residence must set forth an alternative address asserted to be correct, and should be accompanied by supporting documentation.

(4) Disputes must be raised by means of form DJJ-DCS1, and sent by certified mail to the Department’s Bureau of Finance and Accounting at 2737 Centerview Drive, Suite 212, Tallahassee, Florida 32399-3100. Accompanying documentation in support of the county’s position may be included.

(5) Form DJJ-DCS1, is incorporated by reference and is available from the Bureau of Finance and Accounting in Tallahassee.

(6) The Department’s response constitutes final agency action and may be challenged through the process available in Chapter 120, Florida Statutes.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(8) FS. History—New _____.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance Boards

RULE TITLE: RULE NO.:

Random Audit of License Renewal 64B-5.004
 Requirements

PURPOSE AND EFFECT: To create a rule that specifically authorizes the random audit of license renewal requirements.

SUBJECT AREA TO BE ADDRESSED: Random Audit of License Renewal Requirements.

SPECIFIC AUTHORITY: 456.004(1), 456.025(7) FS.

LAW IMPLEMENTED: 456.004(1), 456.013, 456.072(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Diane Orcutt, Deputy Director, MQA Enforcement, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3250

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

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLE: RULE NO.:

Solicitation 64B2-15.002

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Solicitation.

SPECIFIC AUTHORITY: 460.413(1)(1), 460.405 FS.

LAW IMPLEMENTED: 460.413(1)(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE ISSUE OF THE 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 Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-15.002 Solicitation.

(1) No change.

(2) A chiropractor, or an employee or agent of a chiropractor, shall not conduct impermissible solicitation of solicit, in person or otherwise, a prospective patient with whom a chiropractor has no family or prior professional relationship,

when a significant motive for such solicitation is the chiropractor's pecuniary gain. A chiropractor shall not permit employees or agents of the chiropractor to solicit in the chiropractor's behalf. A chiropractor shall not enter into an agreement, charge, or collect a fee for professional services obtained in violation of this rule. The term "solicit" includes contact in person or by telephone.

(a) Solicitation of a prospective patient involved in an accident or disaster within 30 days of the accident or disaster constitutes impermissible solicitation.

(b)(a) A written communication to a prospective patient constitutes impermissible solicitation soliciting if:

1. through 3. No change.

(c)(b) No change.

(d) A telephone communication or telemarketing campaign constitutes impermissible solicitation if it includes:

1. Fraud, or the use of threats, intimidation, undue influence, or profane or obscene language in telephone communication;

2. Repeated calls that annoy, harass, or abuse the person at the called number. For purposes of this rule, return call(s) to a called number wherein the previous call(s) were routed to an answering machine or voice mail are not considered repeated calls;

3. Calling a person who has previously stated that he or she does not wish to receive a telephone call made by or on behalf of the seller whose chiropractic goods or services are being offered. Every seller of chiropractic goods or services must maintain a "do not call" phone number list in compliance with 16 C.F.R. §310.4(b)(iii)(B) and 47 C.F.R. §64.1200(c)(2);

4. Calling a prospective patient at any time other than between 8:00 a.m. and 8:00 p.m. local time Monday through Saturday of the prospective patient;

5. Requirements for an immediate response from the prospective patient to any offer made during the solicitation;

6. A failure to first disclose at the beginning of the phone call the solicitor's identity and the chiropractor, the chiropractor's license number, and practice on whose behalf the solicitation is being made, the purpose of the call, a statement of the chiropractic goods or services being sold; and that no purchase or payment is necessary to participate in a promotion if a promotion is offered;

7. A failure to recite the disclaimer required by Section 456.062, Florida Statutes, when offering a free, discounted fee or reduced fee service, examination, or treatment;

8. Representations that the solicitation is approved or endorsed by the Board of Chiropractic Medicine;

9. Communications with prospective patients in a way that invade the privacy of the prospective patient, or interfere with an existing doctor/patient relationship; or

10. Communications with prospective patients otherwise prohibited by Chapters 456 and 460, Florida Statutes, or otherwise prohibited by rule or law.

(e) A record of the telephone numbers called and the script(s) used by a solicitor shall be maintained by the chiropractor for two years from the date of last use.

(f) Nothing contained in this rule is intended to authorize any chiropractor to conduct telephone solicitation in violation of Section 817.234(8)(a), (b) or (c), Florida Statutes, or Section 456.072(1)(x), Florida Statutes.

(3) No change.

Specific Authority 460.413(1)(l), 460.405 FS. Law Implemented 460.413(1)(l) FS. History—New 1-10-80, Formerly 21D-15.02, Amended 6-24-93, Formerly 21D-15.002, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.002, Amended 7-12-99,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

RULE NO.: 64B8-9.015

PURPOSE AND EFFECT: The Board proposes the development of rules to address the coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders.

SUBJECT AREA TO BE ADDRESSED: The coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders.

SPECIFIC AUTHORITY: 458.309, 947.005(9) FS.

LAW IMPLEMENTED: 947.005(9) FS.

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

TIME AND DATE: 2:00 p.m., December 1, 2005

PLACE: Sheraton, Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, Florida 33004

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

RULE NO.: 64B15-14.011

PURPOSE AND EFFECT: The Board proposes the development of rules to address the coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders.

SUBJECT AREA TO BE ADDRESSED: The coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders.

SPECIFIC AUTHORITY: 459.005, 947.005(9) FS.

LAW IMPLEMENTED: 947.005(9) FS.

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

TIME AND DATE: 2:00 p.m., December 1, 2005

PLACE: Sheraton, Fort Lauderdale Airport, 1825 Griffin Road, Fort Lauderdale, Florida 33004

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Optical Establishments

RULE TITLE: Optical Establishment Inspection

RULE NO.: 64B29-1.002

PURPOSE AND EFFECT: The Department of Health proposes to amend the rule text.

SUBJECT AREA TO BE ADDRESSED: Optical establishment inspection.

SPECIFIC AUTHORITY: 484.007, 484.014, 484.015 FS.

LAW IMPLEMENTED: 484.007, 484.012, 484.014, 484.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin C08, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLES: General Regulations; Definitions Fees

RULE NOS.: 64F-12.001 64F-12.018

PURPOSE AND EFFECT: This rule amendment defines the term ‘authorized absence’ as used in the statutes dealing with a designated representative. Defining this term will set parameters for conditions under which a designated

representative may be absent from a permitted prescription drug wholesaler establishment during business hours. The proposed rule also provides for an additional on-site inspection fee of \$150 for each re-inspection required for an initial application because the applicant was not ready or available for a scheduled inspection. The bureau's agents schedule initial application inspections with the applicant. However, on an increasing frequency, the applicant fails to appear for the scheduled inspection or does not have the establishment conditions and policies and procedures required for initial inspection despite confirmation on the application and confirmed during the telephone call scheduling the inspection that these requirements have been met. This necessitates a subsequent inspection by the agents.

SUBJECT AREA TO BE ADDRESSED: The term "authorized absence" in Section 499.012(11), F.S., related to a designated representative is defined and an additional on-site inspection fee is authorized when a re-inspection is required for an initial application because the applicant was not ready or available for a scheduled inspection.

SPECIFIC AUTHORITY: 499.05 FS.

LAW IMPLEMENTED: 499.012, 499.041 FS.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY SINCE THESE ISSUES WERE PREVIOUSLY NOTICED AND SUBJECT TO A RULE DEVELOPMENT WORKSHOP ON AUGUST 17, 2005.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257, ext. 210; sandra_stovall@doh.state.fl.us.fl.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0121(6), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C.:

(a) through (b) No change.

(c) Authorized absence, for purposes of Section 499.012(11)(d), F.S., means the management or owner of a permitted wholesale establishment has approved in writing in a document that is available for inspection under Section 499.051, F.S., at the time of the inspection, the absence of the designated representative for a period not to exceed 60 calendar days for situations such as: the birth of the employee's child and to care for the newborn child; the placement of a child with the employee for adoption or foster care; the employee is needed to care for a family member (child, spouse

or parent) with a serious health condition; or the employee's own serious health condition makes the employee unable to perform the functions of the designated representative.

(c) through (cc) renumbered (d) through (dd) No change.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, 1-1-04, 1-29-04, 5-29-05,_____.

64F-12.018 Fees.

(1) through (3) No change.

(4) Miscellaneous other fees are as follows:

Description of other service fees	Fee
Certification of Designated Representative	\$150
Initial Application/On-site Inspection	\$150

(The initial application/on-site inspection fee is non-refundable.)

If the department must re-inspect for an initial application because the applicant does not have security, climate control, a quarantine area, or written policies and procedures, as required by the particular permit for which the applicant is applying; fails to appear for a scheduled inspection; or is otherwise not ready for inspection on or after the date indicated on the application form, an additional on-site inspection fee of \$150 is required for each re-inspection.

Prescription Drug Wholesaler Bond/Security or Out-of-State Prescription Drug Wholesaler Bond/Security, as set forth in Section 499.012(2), F.S. \$100,000

Change of Address Fee:

A relocation fee of \$100 must be paid for each permitted person relocating for which an on-site inspection is required. If no on-site inspection is required, the relocation fee is \$25 per permit. If a permitted person has multiple permits under the same permitted name and address and relocates any or all permitted activities concurrently to the new location, then only one \$100 fee is required plus \$25 for all other permits.

Product Registration (per drug or cosmetic product registered) \$20 *

* The registration fee for a drug or cosmetic product being amended to an existing product registration that has 12 months or less until it expires is \$10.

Listed Identical Products	\$ -0-
Free Sale Certificate	\$ 25
Signature copy (requested concurrently)	\$ 2
Delinquent Establishment Permit Renewal	\$100

(5) No change.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History—New 7-1-96, Formerly 10D-45.0544, Amended 4-17-01, 7-6-03, 1-1-04, 9-13-04,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLE: Disciplinary Standards
RULE NO.: 65C-32.001

PURPOSE AND EFFECT: This notice advises of the agency's desire to obtain an exception to the uniform personnel rules of the Department of Management Services set forth in Title 60L, F.A.C. If approved by the Administration Commission, and following adoption by the agency, the rule would disqualify former agency employees disciplined for cause by the agency, or former agency employees who resign their position in lieu of discipline or pending an investigation from employment or re-employment with the agency.

SUBJECT AREA TO BE ADDRESSED: Discipline and employability of former agency employees.

SPECIFIC AUTHORITY: 110.201 FS.

LAW IMPLEMENTED: 110.201, 110.211, 110.213, 110.227, 110.403, 110.604, 110.605 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: David R. DiSalvo, Human Resources Director-DCF, 1317 Winewood Blvd., Bldg 1, Room 106C, Tallahassee, FL, (850)488-2840

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Filing Procedures for Workers' Compensation Classifications, Rules, Rates, Rating Plans, Deviations and Forms
RULE NO.: 690-189.016

PURPOSE AND EFFECT: The proposed new rule adopts existing policy applicable to the review and approval of workers' compensation classifications, rules, rates, rating plans, deviations and forms. It makes clear that the filing shall be submitted electronically.

SUBJECT AREA TO BE ADDRESSED: Filing procedures for Workers' Compensation.

SPECIFIC AUTHORITY: 624.308(1), 624.424(1)(c) FS.

LAW IMPLEMENTED: 624.307(1), 624.424(1)(c), 627.091, 627.101, 627.211, 627.410 FS.

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

TIME AND DATE: 3:00 p.m., December 1, 2005

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Theresa Eaton, Property and Casualty Product Review, Office of Insurance Regulation, E-mail theresa.eaton@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

RULE TITLE: Use of the Seal of the State of Florida
RULE NO.: 1-2.0021

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise and conform the criteria for using the Great Seal to current administrative practice and to ensure that the Great Seal is only used in a manner that is in the best interest of the State of Florida.

SUMMARY: The Office of the Secretary proposes to develop the rule to clarify and revise the criteria upon which decisions regarding use of the Great Seal are made.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 15.03 FS.

LAW IMPLEMENTED: 15.03 FS.

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

TIME AND DATE: 3:00 p.m., November 29, 2005

PLACE: Large Conference Room, Office of Secretary, Suite 100, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen S. Mathues, Assistant General Counsel, Office of the General Counsel, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6208