

technical factors of eligibility are met. Benefit recovery is required when such individuals are determined to not have been ~~no longer~~ in an eligible noncitizen alien status.

~~(4)(3)~~ Noncitizens who would experience an undue hardship in obtaining current USCIS ~~INS~~ documentation, hospitalized noncitizens or noncitizens with a medical disability will be considered eligible for benefits on the noncitizen factor of eligibility while awaiting the return of USCIS ~~INS~~ secondary or manual verification. Undue hardship includes living a prohibitive distance from the USCIS ~~INS~~ office, lack of transportation, inability to travel to or attend appointments due to a medical condition, or a long waiting period for an appointment with the USCIS ~~INS~~. However, these individuals are subject to recoupment for any benefits issued while verification is pending should they subsequently be determined to have been in an ineligible noncitizen ~~alien~~ status.

Specific Authority 409.919, 414.45 FS. Law Implemented 409.903, 409.904, 410.033, 414.095(3), 414.31 FS. History–New 4-9-92, Amended 11-22-93, Formerly 10C-1.301, Amended 4-18-99,_____.

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

(1) No change.

(2) Simplified Eligibility for Pregnant Women.

(a) through (b) No change.

(c) The following information must be verified or obtained, as indicated below, prior to approval for Medicaid for a pregnant woman.

1. through 3. No change.

4. A declaration of citizenship is required. The applicant’s statement on the Health Insurance Application for Pregnant Woman, CF-ES 2700, 08/2006, is acceptable as a declaration of citizenship. U.S. citizens must provide proof of their U.S. citizenship and identity. Non-citizens must provide proof of immigration status through the USCIS. The department will request verification of immigration status of noncitizens electronically through the VIS-CPS using the noncitizen’s alien number. If the pregnant woman is a non-citizen, she may provide her ~~a~~ Alien ~~n~~Number to the ~~eligibility public assistance~~ specialist on the application. If the information is not on the application, it may be provided ~~obtained~~ by telephone. The pregnant woman’s eligibility as a non-citizen will be determined in accordance with Section 1137 of the Social Security Act. ~~As a non-citizen, she will be requested to provide verification of her immigration status and the SAVE system will be used to verify this information.~~

5. through 6. No change.

(d) No change.

(3) through (5) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.919 FS. History–New 10-8-97, Amended 2-7-01, 10-21-01, 4-1-03, 2-4-04,_____.

65A-1.705 Family-Related Medicaid General Eligibility Criteria.

(1) through (7) No change.

(8) Medicaid Applications Due to KidCare.

(a) through (b) No change.

(c) Prior to approval for Medicaid, children who are U.S. citizens must have their citizenship and identity verified. Prior to approval for Medicaid, verification of immigration status will be required for children who are not citizens. Immigration status will be verified. This requirement will be met through the VIS-CPS SAVE system and completion of a KidCare Program Immigration Status Statement, CF-ES 2083, Oct. 2002 (incorporated by reference). Information about immigration status and the receipt of Medicaid will be sent to parents when they are asked to complete the Immigration Status Statement form. If the requested information is not provided within thirty (30) days, the application will be denied, unless a request for an extension is made or there are extenuating circumstances known to the department justifying an extension. If the verification or information is difficult for the parent or caretaker to obtain, the eligibility specialist must provide assistance obtaining the verification or information when requested.

(d) through (h) No change.

(9) No change.

Specific Authority 409.918, 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.818, 409.919 FS. History–New 10-8-97, Amended 9-28-98, 4-5-99, 11-23-99, 2-15-01, 9-24-01, 4-1-03,_____.

Section II Proposed Rules

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.”

DEPARTMENT OF CORRECTIONS

RULE NO.:

RULE TITLE:

33-501.302

Copying Services for Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that inmates shall be charged for copying services related to civil or administrative legal actions. The cost of providing the copies shall be collected from any existing balance in the inmate’s bank trust fund account and a hold will be placed on the inmate’s account for unpaid costs until the debt has been paid.

Form DC5-154, Copying Services Request and Withdrawal, is amended to indicate the purpose of the requested copies and specify court deadlines.

SUMMARY: Amends the rule to provide that inmates shall be charged for copying services related to civil or administrative legal actions. The cost of providing the copies shall be collected from any existing balance in the inmate's bank trust fund account and a hold will be placed on the inmate's account for unpaid costs until the debt has been paid. Form DC5-154, Copying Services Request and Withdrawal, is amended to indicate the purpose of the requested copies and specify court deadlines.

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

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

SPECIFIC AUTHORITY: 944.09, 945.6038 FS.

LAW IMPLEMENTED: 944.09, 945.6038 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-501.302 Copying Services for Inmates.

(1) All institutions and facilities shall provide photographic copying services to inmates submitting legal documents and accompanying evidentiary materials to judicial or courts ~~and~~ administrative forums ~~bodies~~. No provision of this section shall be implemented in such a way as to conflict with any administrative order, administrative rule, judicial rule or judicial order of court.

(2) Definitions.

(a) Accompanying evidentiary material: refers to a document, record, or other paper object attached to a judicial or agency form or pleading as supporting evidence.

(b) Civil proceeding: refers to any proceeding, except that which is referenced in paragraph (2)(c), brought in a judicial or administrative forum to secure a private or civil right or remedy.

(c) Criminal proceeding: refers to a proceeding brought in a judicial or administrative forum to challenge a felony or misdemeanor conviction or sentence, a parole or conditional release date established by the Florida Parole Commission, or revocation of parole or conditional release. It also includes a proceeding brought to obtain executive clemency.

(d) Judicial or administrative forum: refers to a municipal, county, state, or federal court, a governmental agency, the Florida Division of Administrative Hearings, or any other body or organization that is authorized by law, court order, or agency action to adjudicate a party's legal rights.

(e) Law library supervisor: refers to a library program specialist, librarian specialist, library technical assistant, and, whenever these positions are vacant, any other employee that the warden or designee appoints to oversee operation of the institution's law library program.

(f) Legal or administrative action: refers to an action brought before a municipal, county, state, or federal court, or an action brought before a governmental body to obtain or challenge a ruling, order, or decision of the governmental body. It also includes an action filed in the Division of Administrative Hearings or any other forum that is authorized by law, court order, or agency action to adjudicate a party's legal rights.

(3)(2) Documents will be copied only if they are necessary to initiate a legal or administrative action or if they must be filed or served in a pending legal or administrative action. Except as otherwise provided in this rule, the number of copies made shall be the number required to be filed and served according to the rules of the judicial court or administrative forum body, or required per order of the judicial court or administrative forum body, plus one copy for the inmate to keep if the original is filed or served.

(a) No change.

(b) Title 42, United States Code, Section 1983, civil rights complaints ~~filed into federal district courts.~~

1. Inmates shall be provided a copy for the inmate if the original must be filed with the judicial forum court, and one copy for each named defendant if the complaint names five or fewer defendants.

2. If more than five defendants are named in the complaint, the inmate shall only be made one file copy to keep if the original complaint must be filed with the judicial forum court. No copies shall be made to serve defendants until the inmate presents a judicial court order indicating that the complaint is not being dismissed pursuant to Title 28, United States Code, Section 1915, or Section 57.085 F.S., and directs that specific defendants must be served with a copy. The law library supervisor shall then make the inmate the number of copies needed to serve all the defendants.

(c) Cases, statutes, and other reference materials are not evidentiary materials and will not be copied to accompany legal documents unless the inmate is required to provide such copies by law, administrative rule, administrative order, judicial court rule, or judicial court order.

(d) Requests for records made during the course of discovery. Inmates shall produce an order from a judicial or administrative forum, or pleading from opposing litigants or opposing counsel, requiring the production of records prior to

~~copying. Only the specific records requested shall be copied and only one copy of the records shall be provided unless a judicial or administrative forum orders otherwise. If the discovery request relates to a civil proceeding, the inmate shall be charged for the copies as provided in this section. Inmate requests for access to records of the department shall be handled in accordance with Rule 33-601.901, F.A.C. Documents will not be provided in response to a public records request from an inmate unless the inmate has a sufficient balance in his account, unencumbered by liens, to cover the cost of the copying.~~

~~(4)(3) Inmate requests for copying services shall be submitted on Form DC5-154, Copying Service Request and Withdrawal. Form DC5-154 and the documents to be copied shall be submitted for approval to the Law Library Supervisor, or other staff the warden designates to approve copying service requests, for approval. The law library supervisor or other approving staff may inspect an inmate's documents to ensure that the material to be copied is of a legal or administrative nature and is in accordance with the reason the inmate provided for needing the copies; however, the law library supervisor or other approving staff shall not read the documents. Form DC5-154 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____ 4-29-04.~~

~~(5) Copying services in criminal proceedings. Inmates shall not be charged for copies of legal pleadings and accompanying evidentiary materials made for submission in criminal proceedings. The law library supervisor shall not forward completed DC5-154 forms to the Bureau of Finance and Accounting, Inmate Trust Fund Section.~~

~~(6)(4) Copying services in civil proceedings.~~

~~(a) Inmates will be charged \$0.15 per page for standard legal or letter size copies, or If special equipment or paper is required, the institution is authorized to charge up to the estimated actual cost of duplication to the institution of making the copies. Only one-sided copies will be made; two-sided copies will not be made for inmates.~~

~~(b) The law library supervisor shall forward approved and completed DC5-154 forms to the Bureau of Finance and Accounting, Inmate Trust Fund Section, on at least a weekly basis.~~

~~(c)(5) Filing or Service in Actions Challenging Convictions, Sentences, or Prison Conditions. Inmates who are without funds shall not be denied copying services for documents and accompanying evidentiary materials needed to initiate a civil proceeding legal or administrative action or which must be filed or served in a pending civil proceeding action that challenges convictions and sentences or prison conditions, or are required to be filed or served per order of a~~

~~judicial the court or administrative forum body. However, the cost of providing copies for documents to be filed or served is a debt owed by the inmate that shall be collected as follows: Upon receipt of a completed DC5-154 At the time the inmate submits his request for copies, the Inmate Trust Fund Section department shall place a hold on the inmate's account for the estimated cost of providing the copies. The cost of providing the copies shall be collected from any existing balance in the inmate's bank trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account and all subsequent deposits to the inmate's account will be applied against the unpaid costs until the debt has been paid. Copies shall be provided at a rate of \$0.15 per page.~~

~~(6) Unless they have sufficient funds in their inmate trust account to cover the complete cost of making the copies, inmates shall not be provided copying services for:~~

~~(a) Legal or administrative proceedings that do not relate to a challenge of convictions or sentences, or to challenges of prison conditions.~~

~~(b) Records requests pursuant to Rule 33-601.901, F.A.C.~~

~~(c) Requests for records made during the course of discovery.~~

~~(7) Inmate requests for access to records of the department shall be handled in accordance with Rule 33-601.901, F.A.C. Documents will not be provided in response to a public records request from an inmate unless the inmate has a sufficient balance in his account, unencumbered by liens, to cover the cost of the copying.~~

~~(8)(7) The law library supervisor or other approving staff may require an inmate for whom copies are to be made to seal the copies, except for his file copy, in envelopes and mail them immediately. This requirement, if imposed, shall be explained to the inmate before copies are made. Before the envelopes are sealed and mailed, the librarian or mail collection representative shall stamp the document(s) to be mailed and the inmate's copy, if provided by the inmate, "Provided to (name of institution) on (blank to insert date) for mailing." The mail collection representative shall then have the inmate initial the document(s) next to the stamp.~~

Specific Authority ~~20.315, 944.09, 945.6038~~ FS. Law Implemented ~~20.315, 944.09, 945.6038~~ FS. History—New 10-6-83, Formerly 33-3.051, Amended 6-13-88, 8-20-89, 2-12-91, 4-10-94, 4-21-96, 6-29-98, Formerly 33-3.0051, 33-602.405, Amended 4-29-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Franchatta Barber, Deputy Assistant Secretary of Institutions – Programs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 1, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.203
 RULE TITLE: Control of Contraband

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to prohibit the introduction of any firearm, ammunition, explosive substance or any instrumentality customarily used or designed to be used as a dangerous weapon as defined in Section 790.001, F.S., into or upon the grounds of an institution and to prohibit the possession or control of the same by inmates without authorization and supervision of authorized personnel.

SUMMARY: Amends the rule to prohibit the possession or control of any firearm, ammunition, explosive substance or any instrumentality customarily used or designed to be used as a dangerous weapon as defined in Section 790.001, F.S., by inmates without authorization and supervision of authorized personnel. The rule is also amended to prohibit the introduction of any firearm, ammunition, explosive substance or any instrumentality customarily used or designed to be used as a dangerous weapon as defined in Section 790.001, F.S., into or upon the grounds of an institution.

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

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

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.47, 945.215 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: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.203 Control of Contraband.

(1) No change.

(2) No inmate shall ~~possess or have in his possession or under his control~~ any firearm, ~~ammunition, explosive substance,~~ or any instrumentality customarily used or designed to be used as a dangerous weapon as defined in Section 790.001, F.S., without authorization and, ~~or any explosive~~

~~substance. Inmates may use such tools and implements as are assigned to them by and under the supervision of authorized personnel.~~

(3) No person, whether he be an inmate or other person, unless authorized by the warden, assistant warden, chief of security or the shift supervisor, shall introduce into or upon the grounds of an institution any of the following articles which are hereby declared to be contraband:

(a) through (b) No change.

(c) Any firearm, ammunition, explosive substance, or any instrumentality customarily used or designed to be used as a dangerous weapon, as defined in Section 790.001, F.S.

(d) through (f) No change.

(4) through (8) No change.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.47, 945.215 FS. History—New 10-8-76, Amended 2-24-81, 4-18-82, 8-13-84, 2-13-85, 6-2-85, Formerly 33-3.06, Amended 2-9-87, 11-3-87, 8-14-90, 11-21-91, 1-6-94, 5-28-96, 10-26-97, Formerly 33-3.006, Amended 3-2-00, 7-8-03, 11-10-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 19, 2007

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 2007. The reimbursement schedule contains the procedure codes and maximum fees that are effective January 2007 for the following provider types whose fees are based on a resource-based relative value scale: 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 effect will be to incorporate the Florida Medicaid Provider Reimbursement Schedule, January 2007, in rule.

SUMMARY: The amendment to Rule 59G-4.002, F.A.C., will incorporate by reference the Florida Medicaid Provider Reimbursement Schedule, January 2007. The effect will be to incorporate the Florida Medicaid Provider Reimbursement Schedule, January 2007, in rule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

DATE AND TIME: Thursday, May 24, 2007, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7351

THE FULL TEXT OF THE PROPOSED RULE 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 2007 ~~2006, errata January 2006, updated July 2006~~, 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 website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees. Paper copies of the reimbursement schedule may be obtained by calling Provider Enrollment at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History--New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06, 3-27-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Ouida Mazzoccoli

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 23, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-6.008
 RULE TITLE: Permitted Medications for Horses

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend the Division's rules regarding the race-day administration of Salix to racehorses.

SUMMARY: The rules address the following subject matter areas: changes to the procedure by which reports of administration will be received and processed by the Division, and penalty provisions for Salix tag violations.

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

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

SPECIFIC AUTHORITY: 120.80(4)(a), 550.0251(3), 550.2415(8), (9), (13), (16) FS.

LAW IMPLEMENTED: 120.80(4)(a), 550.0251, 550.2415 FS.

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

DATE AND TIME: May 30, 2007, 10:00 a.m. – 12:00 Noon

PLACE: North Broward Regional Service Center, 1400 West Commercial Blvd., Room 195, Ft. Lauderdale, Florida 33309

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: Mary Polombo, (850)413-0750. 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: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

THE FULL TEXT OF THE PROPOSED RULE IS:

61D-6.008 Permitted Medications for Horses.

(1) through (3)(b)4. No change.

(c) Horses will be eligible to race on the day immediately following the completion of the suspension period. The owner or trainer of any horse placed on the Veterinarian's List as a result of exercise induced pulmonary hemorrhage (bleeding) may elect to place the animal on Florida's official Furosemide (Salix) List. The official Furosemide List shall be maintained by the Salix Coordinator and shall be the official list of horses

approved for racing with furosemide in Florida. Horses placed on the official Furosemide List must have furosemide administered on race day, at a dosage of ~~0.3–1.0 mg/kg~~ (150 mg–500 mg), administered intravenously (I.V.) no closer than 4 hours prior to the officially scheduled post time of the race for which the horse is entered. The furosemide must be administered by a veterinarian currently licensed pursuant to Chapters 474 and 550, Florida Statutes. Every race day administration of furosemide must be reported by the attending veterinarian to the division on Form DBPR PMW-3280, Veterinarian Report of Race-Day Salix Administration (the Salix tag), adopted and incorporated by Rule 61D-10.001, Florida Administrative Code. ~~The Salix tag Form DBPR PMW 3280, Veterinarian Report of Race-Day Salix Administration,~~ shall be delivered by the trainer or the trainer's designee to the Salix Coordinator/State Veterinarian at least two hours prior to the scheduled post-time of the horse's race. Failure to comply with this subsection shall result in a minimum fine of \$100 to be imposed by the Stewards upon the person found to be responsible for failure to deliver the Salix tag the horse being scratched from the race in which it is entered. The Stewards shall scratch a horse if they are unable to determine that a horse on the Salix List has been administered Salix prior to a race, or that Salix was administered to a horse less than four hours prior to the post time of a race that horse is entered to run.

(d) through (7) No change.

Specific Authority 120.80(4)(a), 550.0251(3), 550.2415(8), (9), (13), (16) FS. Law Implemented 120.80(4)(a), 550.0251(11), 550.2415(8), (9) FS. History—New 10-20-96, Amended 1-5-98, 6-6-00, 5-14-02, 6-6-04, 7-6-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: David J. Roberts, Director, Division of Pari-Mutuel Wagering
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Department of Business and Professional Regulation
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 27, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.001
 RULE TITLE: Qualification for Certification
 PURPOSE AND EFFECT: The Board proposes to amend the rule in order to address contractor certification with regard to consistency with the Department's procedures.
 SUMMARY: Contractor certification with regard to consistency with the Department's procedures will be addressed.

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

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

SPECIFIC AUTHORITY: 489.111 FS.

LAW IMPLEMENTED: 489.111 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: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.001 Qualification for Certification.

(1) through (4) No change.

(5) As an alternative to the experience required under Section 489.111(2)(c)1.-3., F.S., an applicant for certification as a wishing to sit for the swimming pool/spa servicing contractor certification examination must submit proof that he meets the requirements of Section 489.111(2)(c)6.d., F.S., by demonstrating one year of proven experience related to the scope of work of a swimming pool/spa servicing contractor as defined in Section 489.105(3)(l), F.S., performed under the supervision of a certified or registered commercial pool/spa, residential pool/spa, or pool/spa servicing contractor, and demonstrating satisfactory completion of a sixty-hour course of instruction, approved by the Board pursuant to Rule 61G4-18.004, F.A.C., and conducted by a course provider registered pursuant to Rule 61G4-18.003, F.A.C., that consists of the following:

(a) through (c) No change.

Specific Authority 489.111 FS. Law Implemented 489.111 FS. History—New 1-6-80, Amended 12-16-80, 6-30-82, 4-11-83, Formerly 21E-15.01, Amended 12-11-90, 8-21-91, 4-16-92, Formerly 21E-15.001, Amended 7-18-94, 12-16-01, 2-6-03, 6-23-04, 1-15-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-113.100 Purpose

PURPOSE AND EFFECT: Incorporate by reference updated Operating Agreements Concerning Regulation Under Part IV of Chapter 373, F.S., between the Department and the Suwannee River Water Management District (SRWMD), St. Johns River Water Management District (SJRWMD), Southwest Florida Water Management District (SWFWMD), and South Florida Water Management District (SFWMD). When this rule becomes effective, the updated Operating Agreements will supersede the October 27, 1998, Operating Agreements Concerning Regulation Under Part IV, Chapter 373, F.S., between the Department and the SFWMD [#98-2, as adopted by reference in paragraph 62-113.100(3)(e), F.A.C.], SRWMD [#98-3, as adopted by reference in paragraph 62-113.100(3)(k), F.A.C.], SWFWMD [#98-4, as adopted by reference in paragraph 62-113.100(3)(p), F.A.C.], and SJRWMD [#98-5, as adopted by reference in paragraph 62-113.100(3)(t), F.A.C.].

SUMMARY: The Operating Agreements between the Department and the Suwannee River, St. Johns River, Southwest Florida, and South Florida Water Management Districts (Districts) provide a division of responsibility between the Department and each water management district (District) regarding permitting, compliance, and enforcement under Part IV of Chapter 373, F.S., mitigation banking under Sections 373.4135 and 373.4136, F.S., and wetland determinations under Sections 373.421(2) through (5), F.S. The updated Operating Agreements will: (1) clarify the division of responsibilities for activities associated with domestic or industrial wastewater treatment activities and potable water facilities; (2) clarify the types of mining activities that will be retained by the Department; (3) provide for District review and agency action on utility lines that are contained within larger plans of development for which the Districts are otherwise responsible; (4) provide that the South Florida Water Management District will review boat docks associated with residential developments, including where the upland development qualified for a no-notice general permit under Rule 40E-400.315, F.A.C.; (5) return to the Department the responsibility for review and agency action on docking facilities and seawalls within the Mosquito Lagoon, Banana River, and Indian River associated with projects that are otherwise the responsibility of the Department within the St. Johns River Water Management District; (6) provide a revision of the threshold for the Districts to review single family

dwelling units, duplexes, triplexes, and quadruplexes associated with four or more contiguous lots under single ownership; (7) revise the division of responsibilities for mitigation banks and Regional Offsite Mitigation Areas; (8) clarify the process for review or transfer of incorrectly submitted applications and modifications of stormwater systems previously authorized under Chapters 17-25 or 62-25, F.A.C.; (9) add an additional provision for Special Case Agreements between the Department and the Districts; (10) eliminate the District's responsibilities for reviewing and taking agency action on aquaculture activities; and (11) clarify the responsibilities for coordinating compliance and enforcement actions that include violations on state owned submerged lands.

The Agreements will be executed by both the Department and the Districts. Concurrent rulemaking is being conducted by each District to incorporate the updated Agreement into the rules of the respective District.

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

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

SPECIFIC AUTHORITY: 373.043, 373.046, 373.418, 403.061 FS.

LAW IMPLEMENTED: 373.026, 373.046, 373.441, 403.061, 403.182 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: Alice Heathcock, Florida Department of Environmental Protection, Office of Submerged Lands and Environmental Resources – MS 2500, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8483, or e-mail: Alice.Heathcock@dep.state.fl.us. Further information and updates on this proposed rule also may be obtained from the Department's Web Site at: <http://www.dep.state.fl.us/water/wetlands/erp/rules/rulestat.htm>. (OGC No.: 07-0080)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-113.100 Purpose.

This rule chapter lists the delegation agreements which have been entered into by the Department with another state agency, political subdivision or water management district, and which delegate any of the Department's duties and responsibilities under Chapters 253, 373, 376 and 403, Florida Statutes, and Rule Title 62, ~~F.A.C. Florida Administrative Code~~. This rule chapter additionally lists the agreements with water management districts which specify that the Department is exercising any of its independent regulatory authorities

pursuant to Chapter 373, F.S. For purposes of ~~Rule~~ Title 62, ~~F.A.C. Florida Administrative Code.~~, wherever the term "Department" appears, it shall mean the Florida Department of Environmental Protection or its delegatee as provided in the agreements listed in ~~Rule~~ Chapter 62-113, ~~F.A.C. Florida Administrative Code.~~ These delegation agreements are hereby incorporated by reference and are available for public inspection and copying during normal business hours at the Department's Office of General Counsel, 3900 Commonwealth Blvd, 2600 Blairstone Road, Tallahassee, Florida.

(1) through (2) No change.

(3) Delegations to water management districts and agreements with water management districts specifying areas in which the Department is exercising any of its independent regulatory authorities pursuant to Chapter 373, F.S.

(a) through (e) No change.

(f) #07-1: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between South Florida Water Management District and Department of Environmental Protection – provides a division of responsibility between the South Florida Water Management District and the Department for the exercise of their authority to implement environmental resource permitting, compliance, and enforcement, under Part IV, Chapter 373, F.S., and a division of responsibility between the South Florida Water Management District and the Department regarding formal wetland determinations pursuant to subsections 373.421(2) through (5), F.S., [Effective Date].

(f) through (k) renumbered (g) through (l) No change.

(m) #07-2: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between Suwannee River Water Management District and Department of Environmental Protection – provides a division of responsibility between the Suwannee River Water Management District and the Department for the exercise of their authority to implement environmental resource permitting, compliance, and enforcement, under Part IV, Chapter 373, F.S., and a division of responsibility between the Suwannee River Water Management District and the Department regarding formal wetland determinations pursuant to subsections 373.421(2) through (5), F.S., [Effective Date].

(l) through (p) renumbered (n) through (r) No change.

(s) #07-3: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between Southwest Florida Water Management District and Department of Environmental Protection – provides a division of responsibility between the Southwest Florida Water Management District and the Department for the exercise of their authority to implement environmental resource permitting, compliance, and enforcement, under Part IV, Chapter 373, F.S., and a division of responsibility between the Southwest Florida Water Management District and the Department regarding formal wetland determinations pursuant to subsections 373.421(2) through (5), F.S., [Effective Date].

(q) through (t) renumbered (t) through (w) No change.

(x) #07-4: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection – provides a division of responsibility between the St. Johns River Water Management District and the Department for the exercise of their authority to implement environmental resource permitting, compliance, and enforcement, under Part IV, Chapter 373, F.S., and a division of responsibility between the St. Johns River Water Management District and the Department regarding formal wetland determinations pursuant to subsections 373.421(2) through (5), F.S., [Effective Date].

(u) through (v) renumbered (y) through (z) No change.

Proposed Effective Date: July 1, 2007.

Specific Authority ~~373.026~~, 373.043, 373.046, 373.418, ~~373.441~~, 403.061 FS. Law Implemented 373.026, 373.046, 373.441, 403.061, 403.182 FS. History–New 1-5-93, Amended 11-16-93, 3-14-94, Formerly 17-113.100, Amended 7-4-95, 4-3-96, 3-24-98, 12-3-98, 7-16-01, ~~7-1-07~~.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Janet G. Llewellyn, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael W. Sole, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 31, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2007

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.:	RULE TITLE
64B15-14.011	Qualifications of Physicians Who Evaluate and Treat Sex Offenders

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

SUMMARY: In this rule, the coursework, training, qualifications and experience of physicians to evaluate and treat sex offenders are established.

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

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

SPECIFIC AUTHORITY: 947.005(9), 948.001(6), 459.005 FS.

LAW IMPLEMENTED: 947.005, 948.30 FS.

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

DATE AND TIME: May 18, 2007, 9:00 a.m.

PLACE: Crowne Plaza, 1201 Riverplace Blvd., Jacksonville, FL 32207

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.011 Qualifications of Physicians Who Evaluate and Treat Sex Offenders.

(1) Before a physician may evaluate or treat sex offenders pursuant to Sections 947 and 948, F.S., as a "qualified practitioner," as defined in Section 947.005(9) or Section 948.001, F.S., the physician shall, at a minimum:

(a) Hold an active license under Chapter 459, F.S. and

(b) Demonstrate coursework, training, qualifications, and experience through the completion of training from a four (4) year psychiatric residency program accredited by the ACGME or AOA.

(2) As a condition of biennial licensure renewal, a physician who evaluates or treats sex offenders as a "qualified practitioner," as defined in Section 947.005(9) or Section 948.001(6), F.S., must complete a minimum of two (2) of the forty (40) hours of required Continued Medical Education on a topic involving the evaluation or treatment of sexual disorders as defined in DSM IV R published by the American Psychiatric Association.

(3) Physicians licensed under Chapter 459, F.S. who had been treating patients defined as sex offenders, as of January 1, 2006, will continue to be a qualified practitioners as defined in Section 947.005(9) or Section 948.001(6), F.S.

Specific Authority 459.005, 947.005(9), 948.001(6) FS. Law Implemented 947.005(9), 948.001(6) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-170.0155
RULE TITLE: Forms

PURPOSE AND EFFECT: The purpose is to amend existing Form OIR-B1-1655, Notice of Premium Discounts for Hurricane Loss Mitigation, to incorporate changes required by Chapter 2007-1, Laws of Florida, and to adopt a Uniform Mitigation Verification Inspection Form for use by insurers.

SUMMARY: Adopts revisions to Form OIR-B1-1655 and adopts new form OIR-B1-XXXX, "Uniform Mitigation Verification Inspection Form", required by Chapter 2007-1, Laws of Florida.

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

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

SPECIFIC AUTHORITY: 624.308(1), 627.711 FS.

LAW IMPLEMENTED: 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS.

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

DATE AND TIME: Tuesday, May 22, 2007, 9:30 a.m.

PLACE: Room 142, 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: Michael Milnes, P&C Product Review, Office of Insurance Regulation, E-mail michaelmilnes@fldfs.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: Michael Milnes, Deputy Director, Product Review, Office of Insurance Regulation

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

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

(j) ~~Effective March 1, 2007. Form OIR-B1-1655, "Notice of Premium Discounts for Hurricane Loss Mitigation", (Rev 3/1/07) 3/07 is adopted and incorporated herein by reference.~~

(k) Form OIR-B1-XXXX, "Uniform Mitigation Verification Inspection Form" (New 7/07).

(2) No change.

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS. History—New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, 12-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Deputy Director, Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Koon, Director, Product Review, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 18, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 9, 2007

- 59A-26.016 Requirements for Administration of Medication to Residents by Unlicensed Medication
- 59A-26.017 Training and Validation Required for Unlicensed Medication Assistants
- 59A-26.018 Plant Maintenance and Housekeeping
- 59A-26.019 Fire Protection, Life Safety, Systems Failure and External Emergency Communication
- 59A-26.020 Plans Submission and Fees Required
- 59A-26.021 Physical Plant Codes and Standards for ICF/DD
- 59A-26.022 Construction and Physical Environment Standards
- 59A-26.023 Disaster Preparedness

Section III Notices of Changes, Corrections and Withdrawals

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

- | RULE NOS.: | RULE TITLES: |
|-------------|--|
| 59A-26.001 | Purpose and Intent |
| 59A-26.002 | Definitions |
| 59A-26.003 | License Required |
| 59A-26.004 | Classification of Deficiencies |
| 59A-26.005 | Licensure Procedure, Fees and Exemptions |
| 59A-26.006 | Responsibilities for Operation |
| 59A-26.007 | Fiscal Standards |
| 59A-26.0075 | Fiscal Prohibitions, Kickbacks and Referrals |
| 59A-26.008 | Admission Policies and Requirements |
| 59A-26.009 | Personnel Standards |
| 59A-26.010 | Training, Habilitation, Active Treatment Professional, and Special Programs and Services |
| 59A-26.011 | Dietary Services |
| 59A-26.012 | Dental Services |
| 59A-26.013 | Psychological Services |
| 59A-26.014 | Drugs and Pharmaceutical Services |
| 59A-26.015 | Administration of Medications to ICF/DD Residents by Unlicensed Medication Assistants |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 12, March 24, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

- | | |
|-------------------------|-------------------|
| RULE NO.: | RULE TITLE: |
| 61B-79.001 | Developer, Filing |
| NOTICE OF CHANGE | |

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 11, March 16, 2007 issue of the Florida Administrative Weekly.

(6)(a) Upon recording the cooperative documents as defined in Section 719.1035(1), Florida Statutes, or recording amendments adding phases as defined in Section 719.403(7), Florida Statutes, the developer or the association shall file the incorporation and recording information with the division within 30 working days on DBPR Form CP 6000-2, **NOTICE OF COOPERATIVE INCORPORATION/RECORDING INFORMATION**, incorporated in this rule and effective _____. Any person ~~You~~ may request a copy of the form, as well as all forms referenced in these rules, by sending a written request to the Division of Florida Land Sales, Condominiums, and Mobile Homes at the Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1033.

(b)1. If ~~you~~, the developer or the association ~~has~~, has not already filed and the division has not reviewed and approved the recorded documents under ~~subsections~~ subsection (2) and (3) of this rule and Sections 719.502, 719.503, and 719.504, Florida Statutes, prior to recording, then the developer or association ~~you~~ shall submit a complete copy of the recorded