

(d) Legal fees ~~that are reasonable and necessary and incurred in conjunction with acquiring or permitting of property; however, legal fees for litigation, application preparation or legal research are not considered eligible uses of Predevelopment Loan funds (development team's counsel);~~

(e) through (4)(d) No change.

Specific Authority 420.528 FS. Law Implemented 420.526, 420.527 FS. History—New 3-23-93, Amended 1-16-96, 5-21-96. Formerly 9I-38.008, Amended 3-26-98, 7-17-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Melanie Jordan, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or facsimile (850)921-6060

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gwen Lightfoot, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301-1329, (850)488-4197 or facsimile at (850)921-6060

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 13, 1998, Corporation Board Meeting
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 26, No. 2, January 14, 2000

Any person requiring special accommodation at this workshop because of a disability or physical impairment should contact Linda Hawthorne at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system which can be reached at 1(800)955-8771 (TDD).

AHCA Form 3160-0007, 05/00

AHCA Form 3160-0008, 05/00

AHCA Form 3160-0010, 05/00

AHCA Form 3160-0011H, 05/00

AHCA Form 3160-0011S, 05/00

Statewide Provider and Subscriber Assistance Program Request for Review and Release Form
Agency for Health Care Administration Statewide Provider and Subscriber Assistance Program HMO Response Form
Statewide Provider and Subscriber Assistance Program Hearing Information Sheet
Statewide Provider and Subscriber Assistance Program HMO Hearing Response Form
Statewide Provider and Subscriber Assistance Program Subscriber/Provider Hearing Response Form

Section III

Notices of Changes, Corrections and Withdrawals

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-12.020
RULE TITLE: Statewide Provider and Subscriber Assistance Program Forms

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. 26, No. 15, April 14, 2000, issue of the Florida Administrative Weekly.

FORM NO./REVISION DATE	TITLE
<u>AHCA Form 3160-0006, 05/00</u>	<u>Agency for Health Care Administration Statewide Provider and Subscriber Assistance Program Quarterly Report of Subscriber Grievances</u>

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-2.008
RULE TITLE: Clinical Training

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. 26, No. 15, of the April 14, 2000, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee, and voted upon by the Board at its meeting held on June 7, 2000, in Jupiter Beach, Florida. When changed, subsections (13) through (16) shall read as follows:

(13) An approved program which includes preceptorships must demonstrate to the Board upon application for approval or upon application for approval of a curriculum change it meet all of the following requirements:

- (a) Written objectives are specified and given to the preceptor prior to the experience.
- (b) The preceptor is approved by the faculty of the program and the facility or agency.
- (c) The preceptor shall have clinical expertise and competence in the area where serving as a preceptor.

(d) The preceptor shall be physically present in the unit and available to the student at all times the student is performing in a nursing capacity with patients and clients.

(e) The student's preceptorship experiences shall be evaluated by the faculty, in collaboration with the preceptor.

(14) Level One Preceptorships included in practical or professional nursing programs must meet the requirements of subsection (13), and the following:

(a) The preceptor shall be assigned no more than two (2) students for any preceptor experience, but a student may have multiple preceptors.

(b) The student shall be enrolled in the course of the program in which the preceptor experience is a part and shall not be reimbursed for nursing services from the agency in which the experience is received.

(c) Each student shall have a designated program faculty member who supervises the student and is readily available on site to the student during the time the student is performing in a nursing capacity with patients and clients.

(d) Faculty shall be responsible for supervising the preceptor experiences for up to twelve students in any one facility.

(15) Level Two Preceptorships included in a professional nursing program must meet all the criteria of subsection (13) and the following:

(a) The student shall have received clinical and theoretical instruction in all areas of nursing specified in Rule 64B9-2.006(2) for the professional nursing program prior to beginning any preceptor Level Two experience.

(b) Only registered nurses may serve as preceptors for professional nursing students.

(c) Each designated preceptor may have one alternate preceptor who meets the requirements of Rule 64B9-2.008(14). When the designated preceptor is unable to supervise the student due to unforeseen circumstances, the alternate supervisor may supervise the student.

(d) The student may practice at multiple sites if approved by the faculty and the facilities, but may not practice unless the designated preceptor or alternate preceptor is available at each site.

(e) The preceptor may have two assigned students for any preceptorship.

(f) The supervising faculty member must be available to the student and the preceptor and may be reachable by telephone or beeper rather than on site.

(g) The faculty student ratio may be up to 1:18.

(16) Community-based learning experiences may be included as clinical experiences in a nursing curriculum prior to the completion of nursing courses when they meet the following requirements:

(a) There shall be outcome criteria which clearly state the purpose(s) for the community-based leading experience selected, within the overall framework of the specific nursing course within the nursing program's curriculum.

(b) Clinical experiences in community-based learning shall not be the majority of a curriculum's total clinical hours, and shall be consistent with the terminal objectives of the program.

(c) Each student shall have a designated program faculty member who supervises the student. The faculty member supervising and available to the student may be reachable by telephone, beeper, or other portable communication technology rather than being physically on site.

(d) The student faculty ratio may be up to 1:12.

(e) Students shall have documented skills appropriate to the experiences planned.

(f) Nurse faculty shall retain the responsibility for the selection and guidance of student community-based learning experiences and for the evaluation of student performance in collaboration with the student's preceptor(s).

(g) Students may not participate in invasive or complex nursing activities in a community agency without direct supervision of a faculty member or an approved RN preceptor.

(h) Only registered nurses may serve as preceptors for professional nursing students.

(i) The preceptor shall be approved by the faculty and the agency.

(j) The preceptor shall be physically present and available to the student at all times the student is engaged in nursing care.

(k) In community-based experiences, appropriately prepared preceptors may assist in teaching students. The preceptor to student ratio shall not exceed 1:8 and shall be based on the student's level of education and experience, the acuity level of the patients and the type of nursing interventions performed.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, Florida 32207

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.:
64B18-12.009

RULE TITLE:
Fees for Licensure Pursuant to
Section 461.018, Florida
Statutes

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 28, No. 8, February 25, 2000, issue of the Florida Administrative Weekly. The changes

are in response to comments provided by the staff of the Joint Administrative Procedures Committee. The rule shall now read as follows:

64B18-12.009 Fees for Licensure Pursuant to Section 461.018, Florida Statutes.

The following fees are prescribed by the Board for licensure pursuant to Section 461.018, F.S.:

- (1) The fee for renewal of inactive status is \$50.
- (2) The fee for renewal of delinquent status is \$50.
- (3) The fee for renewal or reactivation is \$50.
- (4) The fee for unlicensed activity is \$5 which is imposed by the Department and shall be in addition to the other licensure fees.

(5) Proof of financial responsibility shall be demonstrated by a letter of credit for \$1,000.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER NO.: RULE CHAPTER TITLE:
64E-2 Emergency Medical Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to proposed rule 64E-2, FAC., in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly, Vol. 26, No. 20 on May 19, 2000. The changes reflect comments received during the public hearing process and upon comments received from the Joint Administrative Procedures Committee. The changes are as follows:

64E-2.003(8)(a) Replace paragraph with: Unless otherwise specifically exempted, each advanced life support nontransport vehicle, when personnel are providing advanced life support treatment or care, must be staffed with a certified paramedic or licensed physician.

64E-2.003(8)(b) Replace the last sentence with: When such advanced life support nontransport vehicle is operating under this section, the vehicle must be staffed with at least one person who must be an emergency medical technician.

64E-2.005(2)(a) Delete the words "and for the sum of at least \$5,000,000 for damage to property arising from any one accident."

64E-2.006, Table VI, Number 22. Delete "6.5".

64E-2.008(1)(a) Replace the words "a department approved Florida training" with "an initial EMT training".

64E-2.008(2)(b) Delete "BLS".

64E-2.009(1)(a) Replace the words "a department approved Florida" with "an initial".

64E-2.009(2)(c) renumber (c) to (3); renumber remaining paragraph back to (4).

64E-2.037(1)(b) Insert new (b) and renumber remaining paragraphs. New (b): Effective January 1, 2003 emergency medical services providers shall develop and implement operating procedures for regulation of temperature and ventilation of controlled substances, medications and fluids stored on permitted vehicles consistent with the manufacturer's instructions.

64E-2.037(2) Insert after "Chapter II", ", April 1, 2000,".

DH Form 622 EMT/Paramedic Recertification Application. Page 1, website address added.

DH Form 1698P Page 2, h. and i. Replace "Chapter" with "section". Page 5, d. Replace paragraph with: "Attach a list of the documents retained in a student's complete record. Must include records of participation in hospital clinical and field training, medical records, course objectives and outlines, class schedules, learning objectives, lesson plans, numbers of applicants, numbers of students accepted and correspondence. (Attachment 6). Page 5, e. Replace with: Do you have records on file for the number of students successfully completing the training program? Yes _____ No _____".

DH Form 1698E Page 2, h. and i. Replace "Chapter" with "section". Page 5, d. Replace paragraph with: "Attach a list of the documents retained in a student's complete record. Must include records of participation in hospital clinical and field training, medical records, course objectives and outlines, class schedules, learning objectives, lesson plans, numbers of applicants, numbers of students accepted and correspondence. (Attachment 6). Page 5, e. Replace with: Do you have records on file for the number of students successfully completing the training program? Yes _____ No _____".

DH Form 1267, Item 22. Delete "6.5".

DH Form 622 Page 1 and Page 3. Added website address and phone number at the bottom of each page. P.O. X00699

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

RULE NO.: RULE TITLE:
65-2.043 Hearings Request and Notification of Right to Hearings

NOTICE OF CORRECTION

The above proposed rule was incorrectly printed in the June 30, 2000, Vol. 26, No. 26, Florida Administrative Weekly. It should have read as follows:

65-2.043 Hearings Request and Notification of Right to Hearings.

(1) through (2) No change.

(3) In Food Stamp cases:

(a) The notice of adverse action shall be considered timely if the advance notice period provides at least 10 days from the date the notice is mailed to the date upon which it becomes effective. Also, if the advance notice period ends on a weekend or holiday, and a request for a Fair Hearing is received the day after the weekend or holiday, the Department shall consider the request timely. ~~For monthly reporting households whose benefits are to be terminated, suspended, or reduced based on information contained in an untimely monthly report or for failure to file a monthly report, the notice shall be considered timely if it is received by the household no later than the date benefits reflected on the notice are to be received or in place of the benefits when the benefits are terminated or suspended. When a household who has returned a timely and complete monthly report form incurs an adverse change in the amount of food stamp benefits as a result of the monthly report, the Department form, HRS-ES form 3050, Notice of Decision, incorporated in Rule 65A-1.400, will be sent to the household at least 10 days prior to the date of effective action.~~

(b) through (c) No change.

(4) In all other cases 'timely' means that the notice is mailed at least 10 days before the date of action, that is, the date upon which the action would become effective. 'Adequate' means a written notice that includes a statement of what action the agency intends to take, the reasons for the intended agency action, ~~the specific regulations supporting such action,~~ explanation of the individual's right to request an evidentiary hearing (if provided) and a State Agency hearing, and the circumstances under which assistance is continued if a hearing is requested. The specific regulations supporting the action must be included for Medicaid actions.

~~(5)(a)~~ The agency shall dispense with timely notice but shall send adequate notice to be received no later than the effective date of the action when:

1. through 9. renumbered (a) through (i) No change.

~~10. In the Aid to Families with Dependent Children Program, the Department shall dispense with timely notice to recipients who are required to file a monthly report form only in those instances specified in Rule 65A-1.081(d)2.,(e)2.,(g) and (h)2. In all other instances, recipients subject to monthly reporting will receive 10 days advance notice of reduction or termination of benefits as set forth in 65A-1.081(h)1.~~

Specific Authority ~~409.285, 420.53, 20.05, 409.026~~ FS. Law Implemented ~~409.285, 420.53, 420.57, 420.58~~ FS. History—New 5-17-78, Amended 3-1-79, Formerly 10-2.43, Amended 4-28-86, Formerly 10-2.043, Amended

Section IV Emergency Rules

DEPARTMENT OF INSURANCE

RULE TITLE: Emergency Rule Continuing the Occupational Safety and Health Standards for Firefighter Employment
 RULE NO.: 4ER00-2

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Insurance hereby states that the following circumstances constitute an immediate danger to the public health, safety, and welfare.

1. This emergency rule is necessitated by the action of the Florida Legislature in 1999, by repealing the Florida Occupational Safety and Health Act, Chapter 442, Florida Statutes, effective July 1, 2000, and sunsetting the Division of Safety of the Department of Labor and Employment Security as of the same date. The Florida Legislature adjourned the 2000 legislative session without reinstating Chapter 442, Florida Statutes, or the Division of Safety. The Division of Safety had previously promulgated rules relating to firefighting employment safety and health standards, which essentially followed firefighting standards adopted by the federal Occupational Safety and Health Administration (OSHA). Because of the repeal of Chapter 442, Florida Statutes, the rules of the Division of Safety will cease to exist on July 1, 2000. Section 633.01(1), Florida Statutes, gives the Department of Insurance, Division of State Fire Marshal general authority to adopt rules on any matter conferring powers or duties upon the State Fire Marshal in Chapter 633, Florida Statutes. Section 633.45(1)(a), Florida Statutes, is the specific law to be implemented providing for the Division of State Fire Marshal to establish uniform minimum standards for the employment of firefighters. Existing rules of the Division of Safety, which sunset as of June 30, 2000, were sufficient to establish uniform minimum standards for firefighter employment safety; however, as of June 30, 2000, those rules will no longer exist, and the Division of State Fire Marshal must exercise its power and duties relating to the charge of Section 633.45(1)(a), Florida Statutes.

2. The rules relate directly to the public health, safety, and welfare in that the employment safety of firefighters is paramount, and the overriding consideration and focus of the State Fire Marshal and units of local government and fire control districts, if each unit of local government or fire control district is to maintain a viable, effective, operating fire department.

3. Since the legislature's adjournment, the Division of State Fire Marshal has not been afforded sufficient time to implement rules through the rulemaking process provided for in Section 120.54, Florida Statutes. If the Division of State Fire