

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6B-4.010
RULE TITLE: Instructional Personnel Assessment Systems

PURPOSE AND EFFECT: The purpose of the rule development is to review current practices and requirements for district instructional personnel assessment systems to determine amendments to be proposed that take account of applicable performance-based pay regimes. The effect of the amendment will be the development of district-based assessment systems that fulfill current requirements for assessment and performance-based pay.

SUBJECT AREA TO BE ADDRESSED: Instructional personnel assessment systems.

SPECIFIC AUTHORITY: 1001.02, 1012.22, 1012.34 FS.

LAW IMPLEMENTED: 1012.22, 1012.34 FS., Ch. 2006-26, s. 3, Laws of Florida.

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

DATE AND TIME: January 29, 2007, 4:00 p.m. – 6:00 p.m.

PLACE: The Schultz Center for Teaching and Leadership, Room Gentry BC, 4019 Boulevard Center Drive, Jacksonville, FL 32207

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: Pam Stewart, Deputy Chancellor, Educator Quality, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Stewart, Deputy Chancellor, Educator Quality, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400

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

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.: 33-208.002
RULE TITLE: Rules of Conduct

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to prohibit unauthorized possession of ammunition by employees on Department of Corrections property, or at any other place while on duty.

SUBJECT AREA TO BE ADDRESSED: Employee conduct.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.002 Rules of Conduct.

The Department of Corrections requires all employees to familiarize themselves with all rules and regulations pertaining to their positions and duties, and that employees abide by these rules and regulations. The following rules of conduct and performance standards are applicable both on and off the job to all Department of Corrections employees. Some of these rules of conduct are found again in abbreviated form in the next section titled "Range of Disciplinary Actions," however, all rules of conduct are enforceable by appropriate disciplinary action regardless of whether they are listed in the range of disciplinary actions.

(1) through (24) No change.

(25) Unauthorized possession of firearms, ~~or~~ other weapons, or ammunition on Department of Corrections property, or at any other place while on duty, is prohibited.

(26) No change.

Specific Authority 944.09 FS. Law Implemented 944.09, 944.14, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS. History—New 10-8-76, Amended 10-11-77, 4-19-79, 6-18-83, Formerly 33-4.02, Amended 8-15-89, 10-20-90, 3-20-91, 1-30-96, 3-24-97, 4-19-98, Formerly 33-4.002, Amended 7-17-02, 4-5-04, 4-17-06,_____.

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 ammunition into or upon the grounds of an institution.
SUBJECT AREA TO BE ADDRESSED: Control of contraband.
SPECIFIC AUTHORITY: 944.09, 945.215 FS.
LAW IMPLEMENTED: 944.47, 945.215 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-602.203 Control of Contraband.
- (1) through (2) No change.
- (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, or any instrumentality customarily used or designed to be used as a dangerous weapon.
 - (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,_____.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District
RULE NOS.: 40B-4.3020
RULE TITLES: Content of Works of the District Development Permit Applications
 40B-4.3030 Conditions for Issuance of Works of the District Development Permits
 40B-4.3040 Unlawful Use of Works of the District
PURPOSE AND EFFECT: The purpose of the rule development is to update these sections of Chapter 40B-4, Florida Administrative Code, based on the regulatory

experience of the District since the inception of environmental resources permitting. The effect of the proposed rule amendments will be to provide for more efficient and effective regulation of works of the district activities that are subject to regulation and to provide for better comprehension of the subject rules.
SUBJECT AREA TO BE ADDRESSED: This proposed rule development will codify additional criteria for works of the district permits.
SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.
LAW IMPLEMENTED: 120.60, 373.084, 363.085, 373.086 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only).
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board
RULE NO.: 61G4-15.006
RULE TITLE: Financial Responsibility, Definition, Grounds for Denial
PURPOSE AND EFFECT: The Board proposes a rule amendment for the consideration of minimum credit as a component for determining financial responsibility and stability.
SUBJECT AREA TO BE ADDRESSED: Financial Responsibility, Definition, Grounds for Denial.
SPECIFIC AUTHORITY: 489.115(5), (6) FS.
LAW IMPLEMENTED: 489.115(5), (6) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G.W. Harrell, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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| RULE NOS.: | RULE TITLES: |
| 64B15-6.003 | Physician Assistant Licensure |
| 64B15-6.0035 | Physician Assistant Licensure Renewal and Reactivation |

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment for Rules 64B15-6.003 and 64B15-6.0035, F.A.C., are to conform the requirements for continuing medical education for initial licensure and licensure renewal to the recent amendments to Sections 456.013 and 456.033, F.S.

SUBJECT AREA TO BE ADDRESSED: Physician Assistant Licensure; Physician Assistant Licensure Renewal and Reactivation.

SPECIFIC AUTHORITY: 456.013, 456.033(1), 459.005, 459.022 FS.

LAW IMPLEMENTED: 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS.

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

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

64B15-6.003 Physician Assistant Licensure.

(1) through (3) No change.

(4) The applicant must submit a statements documenting containing the following information:

~~(a) Completion of three hours of all Category I, American Osteopathic Association or American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention;~~

~~transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(b) Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patient to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association or American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~(c) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Osteopathic Association or American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.~~

(5) No change.

Specific Authority 459.005, 459.022 FS. Law Implemented 120.53(1)(a), 456.013, 456.031, 456.033, 459.022 FS. History—New 10-18-77, Formerly 21R-6.03, Amended 10-28-87, 4-21-88, 4-18-89, 9-26-90, 5-20-91, 10-28-91, 3-16-92, Formerly 21R-6.003, Amended 11-4-93, 3-29-94, Formerly 61F9-6.003, Amended 2-1-95, Formerly 59W-6.003, Amended 6-7-98, 3-10-02, 2-23-04, 10-30-06, _____.

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

(1) No change.

(2) Requirements for Renewal.

(a) through (c) No change.

(d) As part of every third biennial renewal licensure period, For all licensees shall complete two (2) hours no more and no less than one hour shall consist of training in domestic violence which includes information on the number of patients in that professional’s practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) Upon a licensee’s first renewal of licensure, the licensee must document the completion of one (1) For all licensees one hour of Category I American Medical Association Continuing Medical Education which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management, prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirements. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly demonstrate that the course includes Florida law in HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

~~(f) Notwithstanding the provisions of paragraphs (d) and (e), above, a physician assistant may complete continuing education on end-of-life care and palliative health care in lieu of continuing education in HIV/AIDS or domestic violence, if that physician assistant has completed the HIV/AIDS or domestic violence continuing education in the immediately preceding biennium. This allows for end-of-life care and palliative health care continuing education to substitute for HIV/AIDS or domestic violence continuing education in alternate biennia.~~

~~(g) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated~~

professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour or a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(3) No change.

(4) Reactivation of Inactive License. To reactivate a license that has been inactive for two (2) consecutive biennial cycles, the licensee must:

(a) through (d) No change.

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-6.0035(2)(c), (d), (e), and (f) and (g), F.A.C., for each biennium in which the license was inactive; and

(f) No change.

(5) through (8) No change.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b), (c) FS. History–New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, 7-13-04, 7-27-04,_____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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| RULE NOS.: | RULE TITLES: |
| 64B15-7.001 | Anesthesiologist Assistant Licensure Renewal and Reactivation |
| 64B15-7.003 | Application for Licensure and Licensure Requirements for Anesthesiologist Assistants |

PURPOSE AND EFFECT: The purpose and effect for Rules 64B15-7.003 and 64B15-7.0013, F.A.C., are to conform the requirements for continuing medical education for initial licensure and licensure renewal to the recent amendments to Sections 456.013 and 456.033, F.S.

SUBJECT AREA TO BE ADDRESSED: Anesthesiologist Assistant Licensure Renewal and Reactivation; Application for Licensure and Licensure Requirements for Anesthesiologist Assistants.

SPECIFIC AUTHORITY: 459.023, 459.005 FS.

LAW IMPLEMENTED: 459.023, 456.013(7), 456.031, 456.033 FS.

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

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

64B15-7.001 Anesthesiologist Assistant Licensure Renewal and Reactivation.

(1) An anesthesiologist assistant must renew his licensure on a biennial basis. Upon request by the Board or Department, the licensee must submit satisfactory documentation of compliance with the requirements set forth below.

(2) Requirements for Renewal.

(a) Completion of the anesthesiologist assistant licensure renewal application on the appropriate form provided by the Department.

(b) Submission of a signed, sworn statement of no felony convictions in the previous two years.

(c) Submission of a written statement attesting to completion of 40 hours of Continuing Medical Education in the previous two years, or provide documentation of current certification issued by the NCCAA.

(d) As part of every third biennial renewal of licensure period – all licensees shall complete two (2) hours of training in domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. Home study courses approved by the above agencies will be acceptable.

(e) Upon a licensee's first renewal of licensure, the licensee must document the completion of three (3) hours of Category I American Medical Association Continuing Medical Education, which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome; the modes of transmission, including transmission from healthcare worker to patient and patient to healthcare worker; infection control procedures, including universal precautions; epidemiology of the disease; related infections including TB; clinical management; prevention; and current Florida law on AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Any hours of said CME may also be counted toward the CME license renewal requirement. In order for a course to count as meeting this requirement, licensees practicing in Florida must clearly

demonstrate that the course includes Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients. Only Category I hours shall be accepted.

(f) Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

(3) Reactivation of Inactive License. To reactivate an inactive license, the licensee must:

(a) Submit to the Department the original inactive license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as an anesthesiologist assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee became inactive to the present; or, if the licensee has not practiced as an anesthesiologist assistant for at least 2 of the 4 years preceding application for reactivation, the licensee must either:

1. Demonstrate completion of the Nova Southeastern University Anesthesia Competency Assessment or an equivalent anesthesia assessment program approved by the Board; or

2. Re-take and successfully complete the NCCAA certification examination.

(d) Submit to the Department a statement of any criminal or disciplinary actions pending in any jurisdiction;

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-31.007(2)(c), (d), (e), and (f), F.A.C., for each biennium in which the license was inactive;

(f) Submit the protocol as set forth in Rule 64B8-31.005, F.A.C.;

(g) Demonstrate financial responsibility as set forth in Rule 64B8-31.006, F.A.C.; and

(h) Pay the appropriate fees, as set forth in Rule 64B8-31.012, F.A.C.

(4) Licensure Renewal or Reactivation.

(a) Application for renewal as a licensed anesthesiologist assistant must be made upon a form supplied by the Department, and incorporated in Rule 64B8-1.007, F.A.C.

(b) Renewal application forms submitted to the Board must be complete in every detail and must be typed or legibly printed in black ink.

(c) Application for reactivation shall be made in writing and in accordance with Section 456.036, F.S.

(5) The renewal or reactivation fees are found in Rule 64B8-31.012, F.A.C.

(6) The failure of any license holder to either renew the license or elect inactive status before the license expires shall cause the license to become delinquent.

(a) The delinquent status licensee must affirmatively apply for active or inactive status during the licensure cycle in which the license becomes delinquent. The failure by the delinquent status licensee to cause the license to be reactivated or made inactive before the expiration of the licensure cycle in which the license became delinquent shall render the license null and void without further action by the Board or the Department.

(b) The delinquent status licensee who applies for license reactivation or inactive status shall:

1. File with the Department the completed application for inactive status as required by Section 456.036, F.S., or apply for licensure reactivation as required by Section 456.036, F.S.;

2. Pay to the Board either the license reactivation fee or the inactive status fee, the delinquency fee, and if applicable, the processing fee; and

3. If reactivation is elected, demonstrate compliance with the continuing education requirements found in Rule 64B8-31.007, F.A.C.

(7) Licensees who are spouses of members of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board in order to obtain the exemption. Upon the licensee's return to Florida, the licensee must inform the Department of his or her return within 30 days.

(8) Reactivation of a retired status license. To reactivate the license of a retired status licensee whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of medicine within the past five (5) years shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the anesthesiologist assistant must:

(a) Surrender to the Department the original retired status license;

(b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as an anesthesiologist assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee entered retired status to the present;

(d) Provide documentation of successful completion of the 16 credit hour Graduate Clerkship offered by Nova Southeastern University Anesthesia Assistant Program or an equivalent program approved by the Board;

(e) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-31.007(2)(c)-(g), F.A.C., for each biennium in which the license was inactive; and

(f) Pay the appropriate fees set forth in Section 456.036(4)(b), F.S. and subsections 64B8-31.012(4) and (8), F.A.C.

(g) In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCAA.

(9) The Department shall refuse to reactivate the license of a retired status anesthesiologist assistant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 459.023, 459.005 FS. Law Implemented 459.023, 456.013(7), 456.031, 456.033 FS. History—New _____.

64B15-7.003 Application for Licensure and Licensure Requirements for Anesthesiologist Assistants.

(1) No change.

(a) through (c) No change.

(2) Requirements for Licensure.

(a) through (c) No change.

(d) The applicant must provide documentation of the following:

~~1. Completion of three hours of all Category I, American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I A continuing education related to the practice of osteopathic medicine or under osteopathic auspices which includes the topics of Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome: the disease and its spectrum of clinical manifestations; epidemiology of the disease; related infections including TB; treatment, counseling, and prevention; clinical management; transmission from healthcare worker to patient and patient to healthcare worker; universal precautions and isolation techniques; and legal issues related to the disease. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

~~2. Completion of one hour of continuing medical education on domestic violence which includes information on the number of patients in that professional's practice who are likely to be victims of domestic violence and the number who are likely to be perpetrators of domestic violence, screening~~

~~procedures for determining whether a patient has any history of being either a victim or a perpetrator of domestic violence, and instruction on how to provide such patients with information on, or how to refer such patients to, resources in the local community, such as domestic violence centers and other advocacy groups, that provide legal aid, shelter, victim counseling, batterer counseling, or child protection services, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. Home study courses approved by the above agencies will be acceptable. If the applicant has not already completed the required continuing medical education, upon submission of an affidavit of good cause, the applicant will be allowed six months to complete this requirement.~~

3. Completion of two hours of continuing medical education relating to prevention of medical errors which includes a study of root cause analysis, error reduction and prevention, and patient safety, and which is approved by any state or federal government agency, or nationally affiliated professional association, or any provider of Category I or II American Medical Association Continuing Medical Education or American Osteopathic Association approved Category I-A continuing education related to the practice of osteopathic medicine or under osteopathic auspices. One hour of a two hour course which is provided by a facility licensed pursuant to Chapter 395, F.S., for its employees may be used to partially meet this requirement.

- (e) No change.
- (3) No change.

Specific Authority 459.023, 459.005 FS. Law Implemented 459.023, 456.013(7), 456.031, 456.033 FS. History—New 8-2-05, Amended.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.797
 RULE TITLE: Standards of Practice for Compounding Sterile Preparations – (CSPs)

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards of Practice for Compounding Sterile Preparations – (CSPs).

SPECIFIC AUTHORITY: 465.005, 465.0155, 465.022 FS.

LAW IMPLEMENTED: 465.005, 465.0155, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-27.850
 RULE TITLE: Standards of Practice for Othotics and Pedorthics

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to create standards of practice for othotics and pedorthics.

SUBJECT AREA TO BE ADDRESSED: Standards of Practice for Othotics and Pedorthics.

SPECIFIC AUTHORITY: 468.808, 468.812(3) FS.

LAW IMPLEMENTED: 468.808, 468.812(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.850 Standards of Practice for Othotics and Pedorthics.

(1) Definitions.

(a) "Orthosis" means a medical device used to provide support, correction, or alleviation of neuromuscular or musculoskeletal dysfunction, disease, injury, or deformity, but does not include the following assistive technology devices: upper extremity adaptive equipment used to facilitate the activities of daily living, including specialized utensils, combs, and brushes; finger splints; wheelchair seating and equipment that is an integral part of the wheelchair and not worn by the patient; elastic abdominal supports that do not have metal or plastic reinforcing stays; arch supports; nontherapeutic accommodative inlays and nontherapeutic accommodative

footwear, regardless of method of manufacture; unmodified, over-the-counter shoes; prefabricated foot care products; durable medical equipment such as canes, crutches, or walkers; dental appliances; or devices implanted into the body by a physician. For purposes of this subsection, "accommodative" means designed with the primary goal of conforming to the individual's anatomy and "inlay" means any removable material upon which the foot directly rests inside the shoe and which may be an integral design component of the shoe.

(b) "Orthotics" means the practice, pursuant to a licensed physician's written prescription, of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of an orthosis or pedorthic device; however, the repair, replacement, adjustment, or servicing of any existing orthosis may be performed without an additional prescription from the patient's physician, unless the original prescription states otherwise. If a patient is under the care of a licensed occupational therapist or physical therapist, the pharmacist must consult with the therapist if the therapist has requested consultation regarding the fitting, design, or fabrication of an orthosis or regarding treatment with an orthosis.

(d) "Pedorthic device" means therapeutic shoes, shoe modifications made for therapeutic purposes, prosthetic fillers of the forefoot, and foot orthoses for use from the ankle and below, but does not include arch supports; nontherapeutic accommodative inlays and nontherapeutic accommodative footwear, regardless of method of manufacture; unmodified, over-the-counter shoes; or prefabricated foot care products. For purposes of this subsection, "accommodative" means designed with the primary goal of conforming to the individual's anatomy and "inlay" means any removable material upon which the foot directly rests inside the shoe and which may be an integral design component of the shoe.

(e) "Pedorthics" means the practice, pursuant to a licensed physician's written prescription, of evaluating, treatment formulating, measuring, designing, fabricating, assembling, fitting, adjusting, servicing, or providing the initial training necessary to accomplish the fitting of a pedorthic device; however, the repair, replacement, adjustment, or servicing of any existing pedorthic device may be performed without an additional prescription from the patient's physician, unless the original prescription states otherwise. If a patient is under the care of a licensed occupational therapist or physical therapist, the pharmacist must consult with the therapist if the therapist has requested consultation regarding the fitting, design, or fabrication of a pedorthic device or regarding treatment with a pedorthic device.

(2) Pursuant to a licensed physician's written prescription, the pharmacist shall assume the responsibility for assessing the patient, planning the patient's treatment program, and directing the program. No pharmacist shall implement a prescription

that, in the pharmacist's judgment, is contraindicated. No change shall be made in the prescription without the authorization of the prescribing physician.

(3) The pharmacist's professional responsibilities include:

(a) Ongoing consultation with the prescribing physician regarding information that will impact the patient's medical and functional outcomes.

(b) Orthotic and or pedorthic evaluation of the patient.

(c) Identification and documentation of precautions, special problems, or contraindications.

(d) Development of a treatment plan including the short and long terms goals.

(e) Implementation of a treatment plan.

(f) Periodic review and update of the treatment plan, including reassessment of the patient in reference to goals and, when necessary, modification of the treatment plan.

(g) Collaboration with members of the health care team when appropriate.

(h) Advising the patient, in terms which the patient can understand, of the nature and purpose of the services to be rendered and the techniques for use and care of an orthosis or pedorthic device.

(i) Determination of the appropriateness of proper fit and function of any orthosis or pedorthic device.

(4) A pharmacist may delegate duties to nonlicensed supportive personnel if those duties are performed under the supervision of the pharmacist. In such instances the supervising pharmacist is responsible for all acts performed by such persons. It is below the standard of practice and prohibited for a pharmacist to delegate or assign activities, tasks or procedures that fall within the scope of any practice defined in Section 468.812(3), F.S., to support personnel, without providing supervision for the performance of the activities, tasks or procedures.

Specific Authority 468.808, 468.812(3) FS. Law Implemented 468.808, 468.812(3) FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:

RULE TITLE:

64B16-27.851

Record-Keeping for Othotics and Pedorthics

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to create record-keeping for othotics and pedorthics.

SUBJECT AREA TO BE ADDRESSED: Record-keeping for Othotics and Pedorthics.

SPECIFIC AUTHORITY: 456.057(16), 468.802, 468.808, 468.812(3) FS.

LAW IMPLEMENTED: 456.057(16), 468.802, 468.808, 468.812(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-27.851 Record-Keeping for Othotics and Pedorthics.

(1) The pharmacist or supportive personnel shall prepare and maintain in a timely manner patient records which include, at a minimum, the following:

- (a) The patient name, address and telephone number;
- (b) The location and dates of all treatment, evaluation or consultation;
- (c) The name of the prescribing physician;
- (d) All prescriptions pertaining to services provided to the patient;
- (e) A treatment or service plan;
- (f) Progress notes for each session;

(2) The licensee may charge a fee for the reproduction of records, which shall be no greater than \$ 1.00 per page for the first 25 pages, and \$ 0.50 per page for every page after 25. In addition, the actual cost of postage may be added. Reasonable costs of reproducing radiographs and such other kinds of records shall be the actual costs. "Actual costs" means the cost of the material and supplies used to duplicate the record and the labor and overhead costs associated with the duplication.

(3) The licensee shall retain the patient record for at least two years from the date of last entry, unless otherwise provided by law.

Specific Authority 456.057(16), 468.802, 468.808, 468.812(3) FS. Law Implemented 456.057(16), 468.802, 468.808, 468.812(3) FS. History--New _____.

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-500.009
 RULE TITLE: Education Requirements for School Psychologists

PURPOSE AND EFFECT: To update the rule.
 SUBJECT AREA TO BE ADDRESSED: Education Requirements for School Psychologists.
 SPECIFIC AUTHORITY: 490.015 FS.
 LAW IMPLEMENTED: 456.013, 456.031, 490.005(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE 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: Susan Love, Executive Director, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Environmental Health

| RULE NOS.: | RULE TITLES: |
|------------|--|
| 64E-2.002 | Basic Life Support Service License – Ground |
| 64E-2.003 | Advanced Life Support Service License – Ground |
| 64E-2.007 | Vehicle Permits |
| 64E-2.008 | Emergency Medical Technician |
| 64E-2.009 | Paramedic |
| 64E-2.0094 | Voluntary Inactive Certification |
| 64E-2.0095 | Involuntary Inactive Certification |

PURPOSE AND EFFECT: Announce workshops to open discussion with the EMS community regarding rule promulgation. Topics for change to include, updating Emergency Medical Technician and Paramedic applications for certification, updating the application process, bulk renewals, and permitting EMS water vehicles.

SUBJECT AREA TO BE ADDRESSED: Basic Life Support Service License – Ground, Advanced Life Support Service License – Ground, Vehicle Permits, Emergency Medical Technician, Paramedic, Voluntary Inactive Certification, and Involuntary Inactive Certification.

SPECIFIC AUTHORITY: 381.0011, 381.0034, 381.0035, 395.405, 401.121, 401.23, 401.25, 401.265, 401.27, 401.34, 401.35, 401.411 FS.

LAW IMPLEMENTED: 381.001, 381.0011, 381.0205, 381.025, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.23, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.281, 401.30, 401.31, 401.321, 401.34, 401.35, 401.41, 401.411, 401.414, 401.421 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: February 12, 2007, 1:30 p.m. – 2:00 p.m. (additional time will be added if necessary; not to exceed 4:30 p.m.) Discussions on this day will be regarding EMT/Paramedic forms, application process, and bulk renewals.

February 13, 2007 9:00, a.m. – 9:30 a.m. (additional time will be added if necessary; not to exceed 12:00 p.m.). Discussions on this day will be regarding EMS watercraft.

PLACE: Miami-Dade Fire Rescue, 9300 N.W. 41st Street, Miami, FL 33178, phone number (786)331-5000

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Alexander Macy, Bureau of Emergency Medical Services, (850)245-4440, ext. 2735 or alexander_macy@doh.state.fl.us If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, (850)245-4440, ext. 2733 or Lisa_Walker2@doh.state.fl.us

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: 69B-211.320
 RULE TITLE: Curriculum Standards for Special Designation

PURPOSE AND EFFECT: The rule adds Professional Property Insurance Adjuster (PPIA) and Certified Claims Adjuster (CCA) as special designations for curriculum standards as established by the rule in accordance with the new legislation.

SUBJECT AREA TO BE ADDRESSED: Persons seeking the professional claims adjuster designation and persons providing training for the designation.

SPECIFIC AUTHORITY: 626.221 FS.

LAW IMPLEMENTED: 626.221 FS.

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

DATE AND TIME: Tuesday, February 6, 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: Hazel Muhammad, (850)413-5460 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Hazel Muhammad, Chief, Bureau of Licensing, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5460

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69B-211.320 Curriculum Standards for Special Designation.

Pursuant to Section 626.221(1), Florida Statutes, the Department of Financial Services establishes the following curriculum standards:

- (1) No change.
- (2) For designation as an Accredited Claims Adjuster (ACA), ~~or~~ Professional Claims Adjuster (PCA), or Professional Property Insurance Adjuster (PPIA) from the HurriClaim Training Academy, or Certified Claims Adjuster (CCA) from the Association of Property and Casualty Claims Professionals, the requirement is at least 40 course hours:

- (a) through (b) No change.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History–New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Amended 1-17-05,_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.: 69O-149.205, 69O-149.206, 69O-149.207
 RULE TITLES: Indemnity Standard Risk Rates, Preferred Provider/Exclusive Provider Standard Risk Rates, Health Maintenance Organization Standard Risk Rates

PURPOSE AND EFFECT: To publish the standard risk rates as required by Section 627.6675(3)(c), F.S.

SUBJECT AREA TO BE ADDRESSED: Standard Risk Rates.

SPECIFIC AUTHORITY: 624.308, 627.6675(3)(c) FS.

LAW IMPLEMENTED: 624.307(1), 627.6498(4), 627.6675(3), 641.3922(3) FS.

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

DATE AND TIME: February 9, 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 calendar days before the workshop/meeting by contacting: Tracie Lambright, Life & Health Product

Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracie Lambright, Life & Health Product Review, Office of Insurance Regulation, E-mail: Tracie.Lambright@fldfs.com

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

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.: 33-601.727
RULE TITLE: Visitor Conduct

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that all food and beverages purchased by visitors shall be purchased and consumed in the visiting area.

SUMMARY: Amends the rule to provide that all food and beverages purchased by visitors shall be purchased and consumed in the visiting area.

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

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: 944.09, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 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:

33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on department property.

(a) through (i) No change.

(j) Visitors shall not give to or receive from the inmate any item of any description nor take any article whatsoever from the visiting area or grounds of the institution unless authorization is first obtained from the warden or duty warden. The only exceptions are food and beverage items purchased by visitors from vending machines or canteens and photographs purchased through the inmate photo project. The visitor may pass the food or beverage only to the inmate he or she is visiting. However, all food and beverages shall be purchased and consumed in the visiting area. The visitor shall not give cash or currency directly to an inmate.

(k) No change.

(2) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented ~~20-315,~~ 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03,_____.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenthia "Tina" Hayes, Acting Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2006

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

| | |
|------------|--|
| RULE NOS.: | RULE TITLES: |
| 58A-2.0236 | Residential Units |
| 58A-2.025 | Physical Plant Requirements (Inpatient Facility and Unit) |
| 58A-2.026 | Comprehensive Emergency Management Plan |

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to delete the physical plant standards, including fire safety standards, in Rules 58A-2.0236, Residential Units, and 58A-2.025, Physical Plant Requirements (Inpatient Facility and Unit), F.A.C., which are incorporated under the Florida Building Code, 2004 Edition, 2006 Supplements, Section 437; to incorporate changes in Section 400.610(1)(b)1., F.S., in accordance with Chapter No. 2006-71, Section 24, Laws of Florida, regarding the hospice's responsibility to provide the same type and quantity of services to hospice patients in a special needs shelter that were being provided prior to evacuation; and to incorporate changes to the Hospice Comprehensive Emergency Management reporting form, incorporated by reference in the rule.