Poston R. Ph., Drugs, Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399, (850)245-4292

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

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

RULE NO.: RULE TITLE:
64J-2.019 Funding for Verified Trauma Centers

PURPOSE AND EFFECT: This notice is to inform the public that the Office of Trauma is proposing the development of rulemaking to revise Rule 64J-2.019, F.A.C. The proposed revisions include an additional trauma center funding distribution methodology for the fines collected under Section 318.18, F.S., pursuant to the requirements of Enrolled HB 481 passed during the 2009 Legislative Session and signed into law by the Governor on 6/10/2009.

SUBJECT AREA TO BE ADDRESSED: Funding for verified trauma centers.

RULEMAKING AUTHORITY: 395.4036 FS.

LAW IMPLEMENTED: 395.4036 FS.

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

DATE AND TIME: Tuesday, July 21, 2009, 10:00 a.m. – 12:00 Noon Eastern (9:00 a.m. – 11:00 a.m. Central)

PLACE: Department of Health, Office of Trauma, Capital Circle Office Complex, 4025 Esplanade Way, Building 4025, Room 301, Tallahassee, FL

Individuals may also participate in the workshop via conference call. The conference call number is: (888)808-6959 – enter conference code: 2354440.

DIRECTIONS: Please contact Priscilla Davidson at (850)245-4440, ext. 2749 or via email at priscilla_davidson@doh.state.fl.us.

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: Priscilla Davidson at (850)245-4440, ext. 2749. 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: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: RULE TITLE:
69O-236.001 Annual Report Card

PURPOSE AND EFFECT: To adopt the annual report card to be used by the Office of the Consumer Advocate, as required by Section 627.0613, F.S.

SUBJECT AREA TO BE ADDRESSED: Personal Residential Property Insurers.

RULEMAKING AUTHORITY: 627.0613 FS.

LAW IMPLEMENTED: 627.0613 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 July 8, 2009, 9:30 a.m.

PLACE: 143 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: Debra Seymour, Office of Insurance Regulation, E-mail debra.seymour@floir.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: Debra Seymour, Office of Insurance Regulation, E-mail debra.seymour@floir.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."

**STATE BOARD OF ADMINISTRATION**

RULE NO.: RULE TITLE:
19-8.010 Reimbursement Contract

PURPOSE AND EFFECT: The Florida Hurricane Catastrophe Fund (FHCF) seeks to implement changes made to Section 215.555, Florida Statutes, during the 2009 legislative session.

SUMMARY: Addendum No. 2 to the Reimbursement Contract is amended to reflect a reduction in optional Temporary Increase in Coverage Limit Options (TICL), a fourth Addendum is added which gives effect to the extension of the $10 million FHCF optional coverage, and a fifth Addendum is added which implements the following Legislative changes to the law: TICL options changes, addition of the $10 million optional coverage, a cash build-up factor for the premium formula, the addition of the "estimated claims-paying capacity" to the May and October published bonding report and the uniform reduction of payouts to all participants if the FHCF exceeds its estimated claims-paying capacity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Board has prepared a statement and found the cost of the proposed amendments to be minimal.

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

RULEMAKING AUTHORITY: 215.555(4) FS.

LAW IMPLEMENTED: 215.555(4) 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: Jack E. Nicholson, FHCF Chief Operating Officer, (850)413-1340, jack.nicholson@sbafla.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

(1) through (14) No change.

(15) The reimbursement contract for the 2009-2010 contract year, including all Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2009K- "Reimbursement Contract" or "Contract" between (name of insurer) (the "Company")/NAIC #( ) and The State Board of Administration of the State of Florida ("SBA") which administers the Florida Hurricane Catastrophe Fund ("FHCF"), rev. 05/09, as amended, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2009 through May 31, 2010.

(16) No change.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History–New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 5-13-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, FHCF Chief Operating Officer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 12, 2009

**DEPARTMENT OF CORRECTIONS**

| RULE NO.: | RULE TITLE: |
|---|---|
| 33-108.101 | Inmate Substance Abuse Testing |

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to limit to two hours the amount of time inmates with medical conditions or a claimed inability to urinate in front of others may spend in a dry cell in order to produce a urine sample and to limit to one hour the amount of time inmates who have produced an adulterated sample may spend in a dry cell in order to produce an unadulterated sample.

SUMMARY: The proposed rule limits to two hours the amount of time inmates with medical conditions or a claimed inability to urinate in front of others may spend in a dry cell in order to produce a urine sample and to limit to one hour the amount of time inmates who have produced an adulterated sample may spend in a dry cell in order to produce an unadulterated sample. The proposed rule also clarifies the distinction between the on-site substance abuse testing device and the on-site specimen adulteration testing product.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-108.101 Inmate Substance Abuse Testing.

(1) Definitions.

(a) through (d) No change.

(e) Test refusal – failure on the part of an inmate to fully comply with the department's substance abuse testing procedures, which includes failing to provide a valid urine specimen, attempting to alter his or her urine specimen with adulterants, as established by an on-site specimen adulteration ~~validity~~ testing product ~~device~~, and using substitute urine in makeshift devices or objects. Any inmate who refuses to

comply with the testing process or fails to provide a valid specimen, within the specified time frames as stipulated in subparagraphs (3)(b)8. and (3)(b)10.**,** shall be given a disciplinary report in accordance with Rules 33-601.301-.314, F.A.C.

(f) through (2) No change.

(3) Procedures.

(a) No change.

(b) Specimen Collection Procedures.

1. through 8. No change.

9. After the inmate has voided a urine specimen into the cup, the tester will visually inspect the urine specimen to make sure that the specimen appears to be valid and unadulterated. If the tester suspects that the specimen has been adulterated based upon observation, experience, or prior training, the tester will utilize the on-site specimen adulteration ~~validity~~ testing product ~~device~~ in front of the inmate following the manufacturer's testing protocols. If a positive result is received on the on-site specimen adulteration ~~validity~~ testing product ~~device~~ indicating that the urine specimen was adulterated, the adulterated specimen will not be accepted as a valid specimen and will be discarded. The inmate will be required to submit a valid and unadulterated specimen. If the inmate cannot submit a valid and unadulterated specimen, then the procedure outlined below in subparagraph (3)(b)10. shall apply.

10. Inmates who have adulterated their urine specimen by ingesting substances, as established by the on-site specimen adulteration testing product ~~device~~, shall be detained in the presence of the tester or placed in a "dry cell" for a period not to exceed one ~~two (2)~~ hour~~s~~. During that time, the inmate shall not be allowed to consume any water or other beverage. If~~,~~ after the one ~~two~~ hour period~~,~~ an inmate still fails to submit an unadulterated valid urine specimen, the inmate shall be considered to have refused to provide a urine specimen, and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

11. through 12. No change.

(c) Upon notification from an inmate that he is unable to urinate due to a medical condition, the officer shall verify with medical staff that the inmate possesses a specific medical condition or is taking medication which inhibits the inmate from urinating within the designated time frame. Upon receiving such verification, the inmate shall be given the opportunity to provide a urine specimen under the following conditions:

1. The inmate shall be informed that he or she will be placed in a dry cell until he or she can provide a valid urine specimen, not to exceed two hours. The inmate shall be issued a hospital or other type privacy gown during the time that he or she is housed in the dry cell.

2. through 6. No change.

7. If after the two hour period an inmate fails to submit a valid urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with Rules 33-601.301-.314, F.A.C.

(d) through (h) No change.

Rulemaking ~~Specific~~ Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History–New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02, 2-19-07, 7-29-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gene Hatcher, Deputy Inspector General

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 26, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 5, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:

59A-24.006 Drug Testing Laboratories

PURPOSE AND EFFECT: The agency is proposing to amend the rule on the frequency of on-site surveys of forensic toxicology laboratories that perform testing as part of the drug-free workplace program.

SUMMARY: The proposed rule revisions would revise the requirement for on-site surveys and permit the acceptance of accreditation reports in lieu of some surveys.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 112.0455(13)(a) FS.

LAW IMPLEMENTED: 112.0455(12), (13) FS.

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

DATE AND TIME: July 27, 2009, 1:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

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: Kaylyn Boles, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, FL

32308, (850)922-0791. 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: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28A, Tallahassee, FL 32308, (850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-24.006 Drug Testing Laboratories.

(1) through (6) No change.

(7) Inspections. The agency or the representatives of the federal Department of Health and Human Services Federal Workplace Drug Testing Program shall conduct announced or unannounced inspections of the laboratory at any reasonable time for the purpose of determining compliance with this rule chapter. The right of entry and inspection shall also be extended to any collection sites under contract with the laboratory. Inspections shall document the overall quality of the laboratory setting for the purpose of licensure to conduct drug free workplace testing. Inspection reports shall also contain any requirements of the laboratory to correct deficiencies noted during the inspections.

(a) Prior to laboratory licensure and at least once ~~twice~~ a year after licensure, an on-site inspection of the laboratory shall be conducted.

(b) In order to be considered for licensure renewal, laboratories certified by the federal Department of Health and Human Services Federal Workplace Drug Testing Programs shall submit an ~~one~~ inspection report of the federal Department of Health and Human Services Federal Workplace Drug Testing Programs in lieu of ~~one of~~ the ~~two~~ required ~~bi-~~annual inspection~~s~~. This provision does not apply to laboratories applying for initial licensure. In addition, such laboratories certified by the federal Department of Health and Human Services Federal Workplace Drug Testing Programs shall:

1. Maintain a policy to conduct the testing of all specimens authorized under Section 112.0455, F.S., in the same manner as required for those drugs included under the Mandatory Guidelines for Federal Workplace Drug Testing Programs. This policy must be in writing and contained in the laboratory's policy and procedure manual.

2. Submit to the agency all reports of such inspections, post inspection activities and reports including any corrective action taken by the laboratory within 45 days of the receipt of the initial evaluation report in the laboratory.

3. Request in writing that the inspection report be accepted in lieu of an on-site inspection by the agency.

(c) Laboratories that are accredited by a nationally recognized accreditation organization may submit an accreditation report and proof of non-provisional accreditation or reaccreditation for the current year in lieu of the annual on-site inspection.

(8) through (15) No change.

Rulemaking ~~Specific~~ Authority 112.0455(12)(c), (13)(a) FS. Law Implemented 112.0455(12), (13) FS. History–New 3-15-90, Amended 6-28-91, Formerly 10E-18.006, Amended 5-1-96, 12-5-96, 3-11-98, 3-29-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill McCort

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Holly Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 20, 2009

## DEPARTMENT OF MANAGEMENT SERVICES

### Division of Telecommunications

RULE NO.: RULE TITLE:
60FF-5.002 Rural County Grants

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify the qualifications and procedures for the E911 rural county grant program.

SUMMARY: The rule amendment will delete unnecessary language and to add new language to clarify the qualifications and procedures for the E911 rural county grant program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(9)(a), (b), (c) 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: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.002 Rural County Grants.

The E911 Rural County Grant program is a semi-annual grant program provided for the purpose of assisting rural counties, as defined by Section 365.172(3)(y), F.S., with the installation and maintenance of an Enhanced 911 (E911) system.

(1) No change.

(2) General conditions.

(a) Each rural county applying for rural county grant funds shall complete and submit W Form 1A, "Application for the E911 Rural County Grant Program," effective 7/1/2009 ~~7/1/2008~~, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board

ATTN: Administrative Assistant

4050 Esplanade Way

Building 4030 – Suite 160

Tallahassee, Florida 32399-0950

The applicant must provide the original grant application and nine copies postmarked or delivered to the Board's Office on or before March 1 or October 1 of each year, dependent on the fall or spring application period.

(b) through (c) No change.

(d) Grant applications totaling $25,000.00 or more must be accompanied by at least three written competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. ~~Sole source funding will be considered on a case-by-case basis. Justification for sole source funding should be provided with this application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements. The letter should be provided with this application.~~

(e) Sole source funding will be considered on a case-by-case basis. Justification for sole source funding should be provided with this application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements. The letter should be provided with this application.

(c) through (m) renumbered (f) through (n) No change.

(3) through (4) No change.

Rulemaking ~~Specific~~ Authority 365.172(6)(a)11. FS. Law Implemented 365.173(2)(g), 365.172(9)(a), (b), (c) FS. History–New 12-7-08, Amended .

NAME OF PERSON ORIGINATING PROPOSED RULE: E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 22, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009RULE NO: RULE

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Telecommunications**

RULE NO.: RULE TITLE:

60FF-5.005 Emegency Grants

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to clarify the requirements and procedures for emergency grants.

SUMMARY: The new rule will clarify the requirements and procedures for emergency grants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 365.172(6)(a)11., 365.173(2)(g) FS.

LAW IMPLEMENTED: 365.173(2)(g) 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: John C. Ford, Chair, E911 Board/MQA, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.005 Emergency Grants.

The E911 Emergency Grant program is a grant program establishing an expedited schedule for approval of grants, provided to assist counties with the emergency restoration of Enhanced 911 throughout the State of Florida resulting from natural and man-made disasters or events.

(1) Eligibility: Any Board of County Commissioners in the State of Florida.

(2) General conditions:

(a) Each County applying for Emergency grant funds shall complete and submit W Form 5A, "Application for the E911 Emergency Grant Program," effective 7/1/2008, which is incorporated herein by reference and which may be obtained from the E911 Board office at the following address:

State of Florida E911 Board
ATTN: Administrative Assistant
4050 Esplanade Way, Building 4030 – Suite 160
Tallahassee, Florida 32399-0950.

The applicant must provide the original grant application.

(b) The E911 Board will approve grants for leased equipment only if the applicant county can demonstrate that a lease agreement would be financially beneficial to the grant program as a whole.

(c) Equipment procurement shall be based on the county's purchasing requirement and the applicable State purchasing requirements specified in Chapter 287, F.S., and the requirements of Section 112.061, F.S.

(d) Grant applications totaling $25,000.00 or more must be accompanied by at least three written competitive quotes from different vendors. The E911 Board will compare the three quotes to any existing state contract in order to determine appropriate funding. Any county that has made a good faith effort to obtain three competitive quotes and has not been able to obtain the quotes can request E911 Board review based on substantiated proof of request for quotes or posting of the request with documentation of the limited responses. Sole source funding will be approved on a case-by-case basis. Justification and documentation for sole source funding should be provided with this application. Sole source funding will be approved if provided in accordance with Chapter 287, F.S., or with provision of a letter from the county's purchasing department that the project is a sole source procurement based on the county's purchasing requirements, which should be provided with the application.

(e) Priorities for awarding of grants will be determined by the E911 Board.

(f) The E911 Board may approve funding salary requests on an annual basis.

(g) No grant money will be awarded to be used for the purpose of paying call takers' salaries.

(h) Two or more rural counties may apply for a joint grant, but each county must complete and submit W Form 5A as requested and indicated.

(i) Grant funds shall be deposited in a bank account maintained by the grantee county, and each grant shall be assigned a unique accounting code designation for deposits, disbursements, and expenditures. All E911 Emergency Grant funds in the account shall be accounted for separately from other grantee funds. Grant funds including accrued interest may be used only between the beginning and ending dates of the grant, unless an extension is requested and authorized by the E911 Board. Extension of time will not be granted unless the county submits an executed contract for the grant equipment and/or services, or demonstrates good cause for failure to execute a contract during the grant period.

(j) Grantee counties must submit quarterly reports to the E911 Board, summarizing the expenditures and activities of the grant funds. The reports are due 30 days after the end of the reporting period, which ends September 30, December 31, March 31, and June 30. In lieu of submitting a signed quarterly Grant Budget/Expenditure Report form, the updated form can be e-mailed to the Board's administrative/technical staff. The quarterly and final reports will be considered late if not received by the Board Staff prior to the next scheduled Board Meeting after the due date.

(k) At project completion, a final report shall be submitted based on the same reporting periods described above. The County shall determine the final completion date based on the final payment date or the initiation date of the warranty period. Final supporting documentation including copies of all expenditures and corresponding invoices shall be submitted within 90 days of the final report.

(l) Grant funds are not transferable to any other entity. If equipment purchased using grant funds is sold or transferred within three (3) years of the end of the grant period, the grantee county must return the grant funds to the E911 Board on a pro-rata basis.

(m) The E911 Board will adjust the amount awarded to a county based upon the availability of funds, eligibility of requested items, published quotes, increased effectiveness of grant funds, minimum system requirements for performing the needed E911 function as specified in the State E911 plan, or documented factors provided in the grant application submission.

(3) E911 Emergency Grant Program Schedule – Following the natural and man-made disasters or events and submission of the grant application, the E911 Board will hold an emergency meeting in accordance with Uniform Rules 28-102.003, F.A.C., for the purpose of acting upon emergency matters affecting the public health, safety or welfare.

| | Schedule |
|---|---|
| Event | |
| Counties submit Application | |
| Board Members evaluate applications | Within 5 days |
| Board votes on applications to fund at regularly scheduled meeting | Within 5 days |
| Board sends notification of funding and issues check to counties approved for funding | Within 10 days |
| Implementation period | One year from receipt of award and funds. |

Rulemaking Authority 365.172(6)(a)11. FS. Law Implemented 365.172(6)(a)3.b., 365.173(2)(g), 365.173(2)(i) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Telecommunications**

RULE NO.: RULE TITLE:

60FF-5.006 Requirements for County Carry Forward Funds and Excess Funding

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to set forth the procedural requirements for submitting and reporting the 911 fees required by Section 365.172, Florida Statutes.

SUMMARY: The new rule will new rule to set forth the procedural requirements for submitting and reporting the 911 fees required by Section 365.172, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 365.172(6)(a)11., 365.173(2)(c) FS.

LAW IMPLEMENTED: 365.173(2)(c) 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: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950

THE FULL TEXT OF THE PROPOSED RULE IS:

60FF-5.006 Requirements for County Carry Forward Funds and Excess Funding.

The carry forward funding provision provides counties with the ability to carry forward funding for E911 capital outlay, capital improvements, or equipment replacement expenditures. The excess recovery provision provides a 20 percent limitation on the total E911 fee revenue retained during a calendar year as carry forward. Any overage not utilized by the County for allowable E911 expenditures shall be returned to the E911 Board in accordance with this rule.

(1) Applicability: All Board of County Commissions in the State of Florida

(2) General conditions:

(a) All counties shall provide financial information on the calendar year fee revenues received, the county calendar year E911 expenditures and the carry forward amount for the calendar year. The information shall be provided on the E911 Board Form 6A, "County Carry Forward Funds and Excess Funding Form," effective 3/20/2009, which is incorporated herein by reference and which may be obtained on the Florida E911 website at URL http://florida911.myflorida.com/ or from the E911 Board office at the following address:

State of Florida E911 Board

Attn: Administrative Assistant

4050 Esplanade Way, Building 4030 – Suite 160

Tallahassee, Florida 32399-0950

(3) Carry Forward Funding and Excess Recovery Parameters.

(a) The county shall determine the calculated total fee revenue funding disbursed to the county by the E911 Board during a calendar year.

1. The 20 percent limitation does not apply to funds disbursed to a county:

a. Through the E911 State Grant Program;

b. Through the Rural County Grant Program;

c. Through the Rural County Supplemental Disbursement Program.

(b) When determining carry forward, a county's permissible E911 costs equals the total of the E911 fee expenditures and the county revenue expenditures for authorized E911 expenditures described in Florida Statute §365.173(2)(a)1. and 2, which includes §365.172(9) costs.

1. The following items can be included in the authorized calendar year E911 expenditures subject to the conditions contained here-in.

a. If the funds are in a current year E911 expenditure project that is under contract;

b. If the funds are encumbered for a E911 capital expenditure project that is in the procurement process, which was scheduled to be under contract by the end of the calendar year, and has been delayed but will be under contract by the end of the current fiscal year.

(4) Excess recovery.

(a) Any excess calendar year E911funding greater than the county's total expenditures for permissible E911 costs described in rule item (3)(b), including the 20 percent carry forward allowance, must be returned to the E911 Board. Counties shall deliver revenues from the fee to the E911 Board within 120 days after the end of the calendar year. If unused in a project in accordance with rule item (3)(a)1.d or (3)(a)1.e. the fee revenue shall be returned within 60 days of project

completion. If not under contract a project in accordance rule item (3)(a)1.e., the fee revenue shall be returned by the end of the fiscal year.

(b) All excess funds should be sent to the Florida E911 Board's Post Office Box address: Florida E911 Board, Post Office Box 7117, Tallahassee, Florida 32314.

(c) A transmittal letter indicating that the funds are for excess recovery of E911 Costs shall be sent to the E911 Board including information on the Excess Recovery Check Amount, Check Date, and Check Number.

Rulemaking Authority 365.172(6)(a)11., 365.173(2)(c) FS. Law Implemented 365.173(2)(c) FS. History–New .

NAME OF PERSON ORIGINATING PROPOSED RULE: E911 Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: E911 Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 19, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 23, 2009

**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 Medicine**

| RULE NO.: | RULE TITLE: |
|---|---|
| 64B8-1.007 | List of Approved Forms; Incorporation |

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the revised application forms for licensure in response to written comments submitted by the Joint Administrative Procedures Committee.

SUMMARY: The proposed rule amendments incorporate the revised application forms into the forms rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) DH-MQA 1000, entitled "Board of Medicine Medical Doctor Application for Licensure," (06/09)~~(1/09)~~.

(2) DH-MQA 1008, entitled "Board of Medicine Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.," (06/09)~~(1/09)~~.

(3) DH-MQA 1009, entitled "Board of Medicine Application Materials For Temporary Certificate for Practice in an Area of Critical Need," (06/09)~~(1/09)~~.

(4) through (10) No change.

(11) DH-MQA 1032, entitled "Board of Medicine Application Materials for Initial Registration and Renewal of Intern/Resident/Fellow and House Physician," (06/09)~~(1/09)~~.

(12) through (13) No change.

(14) DH-MQA 1072, entitled "Board of Medicine Medical Faculty Certificate For Allopathic Physicians," (06/09)~~(1/09)~~.

(15) No change.

(16) DH-MQA 1079, entitled "Board of Medicine Temporary Certificate to Practice Medicine for Educational Purposes For Allopathic Physicians," (06/09)~~(1/09)~~.

(17) through (25) No change.

Rulemaking ~~Specific~~ Authority 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317,

458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History–New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08, 1-18-09, 3-17-09, 5-20-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: RULE TITLE:
64B8-4.009 Applications

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised licensure applications in the application rule in response to written comment submitted by the Joint Administrative Procedures Committee.

SUMMARY: The proposed rule amendment incorporates the revised application forms in the Board's application rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) All persons applying for licensure shall submit an application to the Department. The application shall be made on the applicable form set forth below, all of which are hereby adopted and incorporated by reference and can be obtained from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html. The application must be accompanied by the application fee.

(a) DH-MQA 1000, entitled "Board of Medicine Medical Doctor Application for Licensure," (06/09)~~(1/09)~~;

(b) DH-MQA 1008, entitled "Board of Medicine Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.," (06/09)~~(1/09)~~;

(c) DH-MQA 1009, entitled "Board of Medicine Application Materials For Temporary Certificate for Practice in an Area of Critical Need," (06/09)~~(1/09)~~;

(d) DH-MQA 1032, entitled "Board of Medicine Application Materials for Initial Registration and Renewal of Intern/ Resident/Fellow and House Physician," (06/09)~~(1/09)~~;

(e) DH-MQA 1072, entitled "Board of Medicine Medical Faculty Certificate For Allopathic Physicians," (06/09)~~(1/09)~~;

(f) DH-MQA 1079, entitled "Board of Medicine Temporary Certificate to Practice Medicine for Educational Purposes For Allopathic Physicians," (06/09)(1/09).

(2) through (9) No change.

Rulemaking ~~Specific~~ Authority 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History–New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06, 1-18-09, 3-17-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Credentials Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 17, 2009

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: RULE TITLE:
64B9-8.005 Disciplinary Proceedings

PURPOSE AND EFFECT: The proposed rule is necessary to identify unprofessional conduct as it pertains to nurses.

SUMMARY: The proposed rule outlines conduct which is considered unprofessional in the nursing occupation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.018 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 RULES IS: Rick Garcia, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial Rewording of Rule 64B9-8.005 follows. See Florida Administrative Code for present text.)

64B9-8.005 Disciplinary Proceedings.

Unprofessional conduct shall include: Practicing beyond the scope of the licensee's license, educational preparation or nursing experience, including but not limited to: administration or monitoring the administration of any medication intended to create an altered level of consciousness that is a deeper level than moderate sedation for a surgical, diagnostic or therapeutic procedure by a registered nurse or licensed practical nurse; provided:

(1) A registered nurse may, pursuant to physician order, administer or monitor the administration of medications to achieve deep sedation to a patient who is continuously monitored and mechanically ventilated with a secured, artificial airway, or to a patient for end of life care, including hospice patients. Examples of medications used for deep sedation in this situation include, but are not limited to, propofol, pentothal and dexmedetomidine. Due to the potential for rapid, profound changes in sedative/anesthetic depth and the lack of antagonist medications, even if moderate sedation is intended, patients receiving propofol should receive care consistent with that required for deep sedation. Therefore the administration of propofol should only be performed by a practitioner experienced in general anesthesia and not by a registered nurse, with the exception of a patient who is continuously monitored and mechanically ventilated with a secured, artificial airway.

(2) A registered nurse may administer prescribed pharmacologic agents to non-mechanically ventilated patients for the purpose of moderate sedation in anticipation of anxiety and or discomfort during a time-limited surgical, diagnostic or therapeutic procedure. The registered nurse must continuously monitor the patient throughout the procedure and have no other responsibilities that would require leaving the patient unattended or would compromise continuous monitoring during the procedure. The registered nurse must document the patient's level of consciousness at least every five minutes during the procedure. In the event a deeper level of sedation (such as deep sedation or general anesthesia) results from the administration of prescribed pharmacologic agents, the procedure must be stopped and the level of sedation returned to moderate sedation with the assistance of the prescribing physician.

(3) A registered nurse or licensed practical nurse may administer prescribed pharmacologic agents to patients for the relief of existing pain and anxiety, but not for the purpose of deep sedation for a surgical, diagnostic or therapeutic procedure.

(4) In order to administer or monitor any pharmacologic agents in accordance with subsection (2) or (3) above, a registered nurse must:

(a) Prior to any administration or monitoring of any pharmacologic agents, successfully complete a program of study which reflects the extent of privileges requested and which will include a criteria-based competency evaluation. At a minimum, course content will include: pharmacology and physiology, physical assessment and monitoring techniques, airway anatomy, airway management techniques and an opportunity for skill development. The evaluative criteria will cover knowledge and psychomotor skills in assessment and monitoring, principles of pharmacodynamics and pharmacokinetics (onset, duration, distribution, metabolism, elimination, intended and adverse effects, interactions, dosages and contraindications), basic and difficult airway management, mechanical ventilation, and cardiopulmonary resuscitation. The registered nurse must also be certified in advanced cardiac life support;

(b) Complete a patient assessment and ensure that the practice setting requires that the physician prescribing the pharmacologic agent has evaluated the patient based on established criteria;

(c) Ensure that the practice setting requires that the prescribing physician is immediately available throughout the procedure and recovery period;

(d) Ensure that written policies and procedures for managing patients who receive moderate sedation are reviewed periodically and are readily available within the practice setting;

(e) Ensure that the practice setting has in place a quality assurance and performance improvement process that measures patient, process and structural outcome indicators; and

(f) Evaluate the patient for discharge readiness based on specific discharge criteria and ensure that the practice setting requires that the physician approves of the patient discharge.

(5) The following definitions apply for purposes of this rule:

(a) Deep sedation means a medication-induced depression of consciousness that allows patients to respond purposefully only after repeated or painful stimulation. The patient cannot be aroused easily, and the ability to maintain a patent airway

independently may be impaired with spontaneous ventilation possibly inadequate. Cardiovascular function usually is adequate and maintained.

(b) General anesthesia means the patient cannot be aroused, even by painful stimulation, during this medication-induced loss of consciousness. Patients usually require assistance in airway maintenance and often require positive pressure ventilation due to depressed spontaneous ventilation or depression of neuromuscular function. Cardiovascular function may also be impaired.

(c) Moderate sedation means a minimally depressed level of consciousness that allows a surgical patient to retain the ability to maintain a patent airway independently and continuously and respond appropriately to verbal commands and physical stimulation.

(d) Immediately available means having a health care provider trained in advanced cardiac life support and resuscitation skills available to assist with patient care within five minutes.

(6) Pharmacologic agents that may be administered by a registered nurse or licensed practical nurse pursuant to paragraphs (4)(a) and (b) shall not include medications that are intended to result in loss of consciousness such as propofol, penthothal, dexmedetomidine, or any medication which the manufacturer's package insert states should be administered only by individuals trained in the administration of general anesthesia.

Rulemaking ~~Specific~~ Authority 464.018(1)(h) FS. Law Implemented 464.018(1)(h) FS. History–New 11-28-79, Amended 3-16-81, 10-8-81, 9-11-83, Formerly 21O-10.05, Amended 4-21-86, 2-5-87, 8-2-90, 3-12-91, 9-16-91, 4-8-92, 9-29-92, Formerly 21O-10.005, Amended 9-7-93, Formerly 61F7-8.005, Amended 11-6-94, 5-1-95, 11-16-95, Formerly 59S-8.005, Amended 2-18-98, 3-23-00, 2-17-02, 7-5-06, 12-11-06, 4-28-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 3, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 1, 2009

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

| RULE NO.: | RULE TITLE: |
|---|---|
| 64B32-6.004 | Procedures for Approval of Attendance at Continuing Education Courses |

PURPOSE AND EFFECT: The Board proposes the rule development to approve continuing education credit for FEMA courses that meet the requirements set forth in paragraph 64B32-6.004(3)(b), F.A.C.

SUMMARY: The rule amendment will approve continuing education credit for FEMA courses that meet the requirements set forth in paragraph 64B32-6.004(3)(b), F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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

RULEMAKING AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) 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: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) through (2) No change.

(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of nondirect patient care continuing education in the areas of management, risk management, personal growth, and educational techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 hours per biennium may be home study courses.

(a) No change.

(b) Credit for two (2) hours of direct patient care shall be awarded for completion of a FEMA Emergency Management/Preparedness continuing education course that complies with the requirements set forth in newly numbered paragraph (3)(c).

(c)~~(b)~~ No change.

(4) through (6) No change.

Rulemaking ~~Specific~~ Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History–New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, 5-31-04, 4-19-07, 10-8-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Respiratory Care Specialists

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care Specialists

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 10, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: RULE TITLE:
64F-1.0015 Materials Incorporated by Reference

PURPOSE AND EFFECT: This rule adopts and incorporates by reference federal regulations governing the Special Supplemental Nutrition Program for Woman, Infants and Children.

SUMMARY: This rule adopts and incorporates by reference federal regulations governing the Special Supplemental Nutrition Program for Woman, Infants and Children.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 383.011(2)(b), 120.54(6) FS.

LAW IMPLEMENTED: 383.011(2)(b) 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: Debbie Eibeck, Bureau Chief, Bureau of WIC & Nutrition Services, 4025 Esplanade Way, Mail Bin #F-210, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-1.0015 Materials Incorporated by Reference.

Title 7 Code of Federal Regulations Part 246 and Title 7 Code of Federal Regulations Parts 3015 and 3016, as published in the January 2009 ~~2007~~ edition of the Code of Federal Regulations are hereby adopted and incorporated by reference. A copy of these portions of the federal regulations can be located at http://www.gpoaccess.gov/cfr/index.html or can be obtained from the Department of Health, Bureau of WIC and Nutrition Services, 4052 Bald Cypress Way, Bin #A-16, Tallahassee, Florida 32399-1726.

Rulemaking ~~Specific~~ Authority 383.011(2)(b), 120.54(6) FS. Law Implemented 383.011(2)(b) FS. History–New 12-6-07, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debbie Eibeck

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Ana Viamonte Ros, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 24, 2009

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NO.: RULE TITLE:
64F-12.024 Administrative Enforcement

PURPOSE AND EFFECT: The Department proposes to make changes to this chapter to clarify and update the penalties that may be imposed against persons who are adjudged to have violated Chapter 499, F.S. or Chapter 64F-12, F.A.C., as well as updating the citations to and descriptions of applicable provisions of law and permits. The Department proposes to describe and set forth a procedure for settling disciplinary cases through a notice of violation. The Department proposes to clarify that no provision of this section will prevent the Department from denying a permit application or from settling a disciplinary or other matter through authority of Section 120.57(4), F.S.

SUMMARY: The rule revises and updates the penalties applicable to adjudged violations of Chapter 499, F.S. or Chapter 64F-12, F.A.C., as well as clarifies citations to and descriptions of offenses, for which disciplinary actions can be taken. The rule provides a procedure for uncontested settlement of cases and complaints through notices of violation and provides that no provision of the rule section prohibits the Department from denying a permit application, or from settling a case under authority of Section 120.57(4), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed changes will not impact small businesses, small counties, or small cities. There should be no transactional costs for any individual or entity related to this rule revision. There is no change to any fees, costs, monitoring or reporting currently required.

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

RULEMAKING AUTHORITY: 499.05, 499.701 FS.

LAW IMPLEMENTED: 499.012, 499.05, 499.066, 499.701, 499.72 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, R. Ph., Director, Drugs Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin #C-04, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.024 Administrative Enforcement.

(1) In addition to any other action authorized by law, the department will issue a notice of violation, warning letter, or notice of inspection results to any person that violates Chapter 499, Part I F.S., and this rule chapter if the documented facts of the case so warrant.

(2) The department sets forth below a summary listing of prohibited acts or other actions which constitute a violation of Chapter 499, F.S., or the rules adopted thereunder. The purpose of this listing is to give notice to permittees, ~~and~~ registrants and other persons of the range of penalties which will normally be imposed for violation of particular provisions of Chapter 499, F.S., or rules adopted thereunder in a case where a person is adjudged by the department by final order incorporating an Administrative Complaint to have violated a provision of Chapter 499, F.S. or Chapter 64F-12, F.A.C. Whenever a violation of a particular provision of Chapter 499, F.S. or Chapter 64F-12, F.A.C., is addressed by more than one guideline penalty provision below, the more severe applicable penalty provision will apply. The descriptions of the violations below are only intended to be generally descriptive. The reader should look to the actual statutory and rule provisions cited below to determine the conduct the law actually requires or prohibits.

(3) The guidelines are based upon a single count violation of each provision listed. Each separate violation of a provision of Chapter 499, F.S. or Chapter 64F-12, F.A.C., is subject to a separate fine. Each day a violation continues constitutes a separate violation.

(4) These guidelines generally reflect the Department's position as to the severity of a given violation. In determining the applicable penalty within a given guideline range, for a violation of a provision of Chapter 499, Part I, F.S. or a rule adopted thereunder, the Department will also consider any previous violations of those provisions by a person as well as any actions taken to correct a violation or remedy complaints. ~~Multiple counts of violations of the same provision, other violations contained in the same enforcement action, or prior activities are grounds for enhancement of penalties. Aggravating or mitigating circumstances will affect the penalty imposed and can cause the penalty to exceed or be less than the range indicated in these guidelines.~~

(5)~~(4)~~ The following codes outline department policy under Section 499.066~~(3)(a)~~, F.S., and are used to designate the general severity in terms of the threat to the public health for a violation ~~and the range of action which the department will initiate~~.

3 = ~~Warning Letter, Letter of Violation with no fine or Notice of Violation or~~ Administrative Complaint with a fine ranging from $250~~*~~ to $1,000 per violation and up to suspension of permits for one year ~~per day~~.

~~(*) If medical oxygen is the prescription drug involved, the range of the fine is $50 to $1,000.~~

2 = ~~Notice of Violation or~~ Administrative Complaint with a fine ranging from $1,000 ~~$500~~ to $3,000 ~~$2,500~~ per violation, and up to permanent suspension or revocation of permits ~~per day~~.

1 = ~~Notice of Violation or~~ Administrative Complaint with a fine ranging from $3,000 to ~~$1,000~~ $5,000 per violation ~~per day~~; and up to permanent suspension or revocation of permits. ~~Suspension of the permit with a fine; or Revocation of the permit with a fine.~~

| CITE | VIOLATION | GENERAL SEVERITY |
|---|---|---|
| 499 refers to Chapter 499, F.S. | | |
| 12 refers to Rule 64F-12 | | |
| FACILITY, STORAGE: | | |
| 499.0121(a); | | |
| 12.014(4) | Inadequate facility | 3 |
| 499.0121(b) | Inadequate security | 3 |
| 499.0121(a) | Unrestricted access to prescription drugs | 3~~*~~ |
| 12.022(4) | Unrestricted access to ether | 3 |
| 499.0121(3) | Inadequate storage | 3~~*~~ |
| 12.013(3) & 12.014(1) | Improper temperature conditions | 2 |
| 499.0121(1)(b) | Improper ventilation/physical access | 3~~*~~ |
| 499.0121(1)(c); | No quarantine area | 3 |
| 12.013(4) & 499.05355(2) | | |
| MISCELLANEOUS: | | |
| 499.012(6) | Failure to comply with 499.012(6) | 2 |
| 499.005(4) | Activity in violation of law or rules | 3 |
| 499.005(20) | Import~~ing a~~ prescription drug contrary to Federal Food Drug and Cosmetic Act | ~~2~~-1 |
| 499.005(21) | Wholesaling ~~by~~ health care entity Rx drugs | ~~2~~-1 |

| | | |
|---|---|---|
| 499.01(2)(j) and (2)(m) ~~499.0122(2)(d)~~ | Returning sold ~~dispensed~~ drug to inventory | 2 |
| 12.023(5) | Failure to monitor | 2 ~~3 1~~ |
| 499.005(7) | Using currency for Rx drug transaction | ~~2~~ 1 |
| OPERATING: | | |
| 499.005(6) & 499.67(5) | Refusing entry, inspection, taking evidence | ~~2~~ 1 |
| 12.015(2)(c) | Inaccessible during business hours | ~~3~~ 2 |
| 499.005(22); 499.62 & 12.015 | Failure to obtain proper permit ~~(cost of permit plus fine)~~ | 2 ~~3 1~~ |
| 499.015 & 12.016 | Failure to register products ($50 per product per year) | 3 |
| 499.01(4)(a) & 12.016(4) | Failure to notify dept. of address change | 2 ~~3~~ |
| 499.012(16) | Violation by or related to certified representative | 2 |
| 499.039 | Transfer of harmful substance | 3 |
| 499.039 | Transfer violation causing injury | 1 |
| RECORDKEEPING: | | |
| 499.005(18); 499.0121(6); 499.028; 499.052; 499.66; 499.67; 12.012 & 12.022(3); | Failing to maintain records, inventories | 2 ~~3 1~~ |
| 499.66; 499.67 & 12.012 | Failing to make records available | 2 ~~3 1~~ |
| 499.005(28) | Absence of/not providing pedigree papers | ~~2~~ 1 |
| 12.012(1) | Not maintaining a complete audit trail | 2 ~~3~~ |
| 12.012(12) | Separate records, multiple businesses | 3 |
| 12.007(2) | No written procedures for medical oxygen | 2 ~~3~~ |
| SAMPLES: | | |
| 499.005(17) | Sample drug distribution – activity with | 1 |
| 499.005(25) | Charging a dispensing fee for a prescription sample | ~~2~~ 1 |
| ADULTERATED & MISBRANDED: | | |
| 499.005(1) | Activity with adulterated or misbranded product | 2 ~~3 1~~ |
| 499.005(2) | Adulterating or misbranding a product | 2 ~~3 1~~ |
| 499.005(3) | Receiving adulterated/misbranded product | ~~3~~ 2 |
| 499.005(9) | Making a product misbranded | 2 ~~3 1~~ |
| 12.007(3) | Improper labeling on medical oxygen | 2 ~~3~~ |
| 499.013(2)(a) | Prescription Drug Manufacturer not following GMP | 2 ~~3 1~~ |
| 499.013(2)(b) | OTC Drug Manufacturer not following GMP | 2 ~~3 1~~ |
| 499.013(2)(c) & 12.007(1) | Comp. Med. Gas Manufacturer not following GMP | 2 ~~3 1~~ |
| 499.013(2)(d) | Device Manufacturer not following GMP | 2 ~~3 1~~ |
| 12.010 | Cosmetic Manufacturer not following GMP/guidelines | 2 ~~3 1~~ |
| 499.005(1) | Activity with drug which left regulatory control, GMP | 2 ~~1~~ |
| 499.005(26) | Removing pharmacy dispensing label | 1 |
| 499.005(27) | Distributing previously dispensed Rx drug | 1 |
| 499.005(28), (29) | ~~Receipt of Rx drug without~~ pedigree paper violation | ~~2~~ 1 |
| 499.0121(4)(d) | Failure to authenticate pedigree | 1 |
| COUNTERFEIT: | | |
| 499.005(8) | Making/dealing in a counterfeit product | 1 |
| FALSE & MISLEADING: | | |
| 499.005(5) & 12.002 | Disseminating false/misleading ad | 3 |
| 499.005(10) | Forging, counterfeiting, falsely representing a product | ~~2~~ 1 |
| 499.005(11) | Labeling or advertisement of effectiveness when not | 3 |
| 499.005(19); 499.005(23); 499.66 & 499.67 | Making false or fraudulent statements | ~~2~~ 1 |
| 499.005(19); 499.64(4) & 499.67 | Providing department with false/fraudulent records/statements | ~~2~~ 1 |

| | | |
|---|---|---|
| 499.0054 | Advertising Violations | 3 |
| 499.005(23) | Obtaining/attempting to obtain by fraud, deceit, misrepresentation, subterfuge | ~~2~~ 1 |
| 499.005(13) | Activity w/self-testing HIV/AIDS products | 2 |
| UNAUTHORIZED SOURCE OR RECIPIENT: | | |
| 499.005(14) | Purchase or receipt of prescription drug from unauthorized source | 2 ~~1~~ |
| 499.005(16) | Purchase or receipt of Comp. Med. Gas from unauthorized source | 2 ~~3~~* |
| 499.005(15) | Sale or transfer of prescription drug to unauthorized person | 2 ~~3* 1~~ |
| 499.005(24) | Sale or transfer of legend device to unauthorized person | 3 |
| 499.01(2)(j) ~~499.0122(1)(d)~~ & 12.012(4) | Improper sale of veterinary Rx drug | 2 ~~3~~ |
| 12.012(4) | Distribution of medical oxygen by medical oxygen retailer without a prescription (order) | 3 |
| 499.66 | Sale or transfer of ether to unauthorized person | ~~3~~ 2 |
| POSSESSION: | | |
| 499.01(2)(j) ~~499.0122(1)(d)~~ | Activity relating to human Rx drug by Vet. Retailer | 2 ~~3~~ |
| 499.01(2)(p)1. ~~499.013(2)(b)~~ | Possession of prescription drug by OTC Mfgr | 2 ~~3~~ |
| 499.01(2)(o)1. ~~499.013(2)(c)~~ | Possession or ~~of~~ manufacture other Rx drug by Comp. Med. Gas Manufacturer | 2 ~~3~~ |
| 499.01(2)(m) ~~499.0122(1)~~ | Possession of other Rx drugs by medical oxygen retailer | 2 ~~3~~ |
| 499.023 | Activity with unapproved new drug | 2 ~~1~~ |
| 499.03(1) | Illegal possession, etc. of habit forming toxic, etc. new drug | 2 ~~3 1~~ |
| 499.005(12) | Possession in violation of 499.001-499.081 | 2 ~~3*~~ |
| 499.028(15) | Illegal possession of a sample drug | 2 ~~3 1~~ |
| 499.65 | Illegal possession of ether >2.5 gallons | 2 ~~3 1~~ |
| 499.69 | Possession of ether within 500´ of residence | 2 |

(6)~~(5)~~ Administrative fines due the department may be paid by personal check, corporate check, cashier's check, certified check, money order, or other guaranteed funds, payable to the Florida Drugs, Devices and Cosmetics Trust Fund, at 4052 Bald Cypress Way, Bin C-04, Tallahassee, Florida 32399-3254. The department will take further legal action, including but not limited to, enforcing the underlying agreement if payment of an administrative fine by means of non-guaranteed funds does not result in the full payment of the fine.

(7)~~(6)~~ If a limited prescription drug veterinary wholesale distributor, prescription drug wholesale distributor ~~wholesaler, including a broker only,~~ or out-of-state prescription drug wholesale distributor ~~wholesaler~~ fails to pay an administrative fine or costs within 30 days after the fine or costs become final, the department may make a claim against the bond or other security as authorized by Chapter 499, F.S., and this rule chapter ~~provided in Sections 499.012(2) (a) and (c), F.S~~.

(8) For any alleged violation of Chapter 499, F.S., or Chapter 64F-12, F.A.C., the Department may elect to provide the alleged violator with a notice of violation, in order to facilitate the uncontested settlement of all issues related to a complaint or investigation. Generally, this will be done at the completion of an investigation and prior to the filing of an Administrative Complaint. The notice of violation will advise the alleged violator of the statutory violations and provide a proposed penalty for settlement of the disciplinary matters related to a complaint. Upon issuing the notice of violation to an alleged violator, the Department will provide instructions on when and how the alleged violator can settle the disciplinary matter by accepting the notice of violation.

(9) No provision in this section will prevent or restrict the Department from denying a permit, registration or certification based on any provision of Chapter 499, F.S., that authorizes such action.

(10) No provision of this section will prevent or restrict the Department's authority to enter into any settlement agreement concerning violations of Chapter 499 F.S., or this rule chapter, pursuant to the authority of Section 120.57(4), F.S.

Specific Authority 499.039, 499.05, 499.701 FS. Law Implemented 499.012, 499.039, 499.05, 499.066, 499.067, 499.701, 499.72 FS. History–New 7-1-96, Formerly 10D-45.0595, Amended 1-26-99, 4-17-01, 1-1-04, 2-24-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rebecca Poston

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dr. Ana Viamonte Ros, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 15, 2009

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

| RULE NOS.: | RULE TITLES: |
|---|---|
| 64J-1.001 | Definitions |
| 64J-1.006 | Neonatal Transfers |

PURPOSE AND EFFECT: To make modifications to the rules associated with Neonatal Transports to ensure the highest level of care for neonate patients. To make a minor modification to the equipment list regarding suction catheter sizes to ensure consistency with the Bureau of Emergency Medical Services inspection form.

SUMMARY: The proposed rules will revise definitions regarding Neonatal Transports, eliminate the term "interfacility" so that the rule applies to all Neonate Transports, require the receiving neonatologist and the Medical Director confirm that the level of care, staffing, and equipment meet the needs of the transported neonate patient; establish criteria for Medical Directors overseeing Neonatal Transports, and require the Medical Director to confirm that team members have the required training to provide care to neonate patients.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 401.252(4), 401.35 FS.

LAW IMPLEMENTED: 401.252 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: Monday, August 3, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: Florida Department of Health, 4025 Esplanade Way, 3rd Floor, Room 301, Tallahassee, FL 32311

A conference line will be available for those unable to attend in person. We request that parties from the same agency utilize one line if possible to allow other participants to dial in. Toll free conference number: 1(888)808-6959; Conference code: 1454440

REQUEST FOR HEARING MUST BE RECEIVED IN WRITING TO: Lisa Walker, Government Analyst II at the address below.

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, (850)245-4440, ext. 2735 or by email at: 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 RULES IS: Lisa Walker, Government Analyst II, Bureau of EMS, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399, email: Lisa_Walker2@doh.state.fl.us phone: (850)245-4440, ext. *2733; fax: (850)488-9408

THE FULL TEXT OF THE PROPOSED RULES IS:

64J-1.001 Definitions.

(1) through (13) No change.

(14) Neonatal Ambulance – means an ALS permitted vehicle permitted ~~which is designated~~ solely for Neonatal Transport ~~to interfacility transports of neonates to a Level II or Level III neonatal intensive care unit~~.

(15) Neonatal Transport – means critical care interfacility ~~the~~ transport of any neonate ~~requiring emergency transfer~~ from a hospital licensed under Chapter 395, F.S., to a facility licensed under Chapter 408, F.S., to deliver Level II or Level III neonatal intensive care services as defined in Rule 59C-1.042, F.A.C ~~unit~~.

(16) Neonate – means an infant less than either 28 days of life ~~and~~ or ~~less than~~ 5 kg in weight.

Rulemaking ~~Specific~~ Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.4001, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History–New 4-26-84, Amended 3-11-85, Formerly 10D-66.485, Amended 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, 6-9-05, 10-24-05, 4-22-07, Formerly 64E-2.001, Amended 1-12-09, _____.

64J-1.006 Neonatal ~~Interfacility~~ Transfers.

(1) A Neonatal Ambulance ~~Neonates requiring critical care interfacility transport to a Level II or Level III Neonatal Intensive Care Unit shall be transported in either a neonatal ambulance or a permitted ALS or BLS transport ambulance or aircraft.~~

~~(a) A neonatal ambulance~~ shall meet the requirements listed in Table V, paragraphs 64J-1.006(1)(c) and (d) and subsections 64J-1.006(2) and (3), F.A.C., and shall be exempt

from meeting the equipment and medical supplies listed in Rule 64J-1.002, Table I, F.A.C., and in Rule 64J-1.003, Table II, F.A.C.

(2)~~(b)~~ For any Neonatal Transport, the receiving ~~When a permitted BLS or ALS ambulance is used to transport a neonate, the sending~~ neonatologist ~~or physician~~ and the ~~EMS provider's~~ Mmedical Ddirector shall confirm ~~ensure~~ that the level of care, staffing, and equipment is commensurate to the needs of the Nneonate being transported.

(3)~~(c)~~ The Nneonatal Aambulance ~~as defined in subsection 64J-1.001(14), F.A.C.,~~ shall have exterior wording or marking which identifies that the ambulance is only for Nneonatal Ttransport. The wording shall be such that the public cannot mistake a neonatal vehicle as an ambulance for general patient care.

(4)~~(d)~~ Any EMS provider operating a ~~permitted~~ Nneonatal Aambulance ~~for transporting neonates to a Level II or Level III Neonatal Intensive Care Unit~~ shall have a Medical Director for all Neonatal Transports who meets the requirements of 64J-1.004(1)-(4)(a)-(f), F.A.C., except as follows: ~~contract with a neonatologist or have the hospital's staff neonatologist assigned as the provider's medical director.~~

(a) The Medical Director shall be board certified and active in Neonatal-Perinatal Medicine, and shall demonstrate and have available for review by the department documentation of active participation on a national, regional or statewide physician group involved in Neonatal Transport;

(b) The Medical Director is not required to have prehospital care experience;

(c) All references to "patients" and "BLS and ALS procedures" shall be understood as referring to "neonates" and "neonatal advanced life support procedures" respectively;

(d) All references to "paramedics" and "EMTs" shall be understood as referring to persons staffing the Neonatal Transport as referenced in subsection (5), below; and

(e) The Medical Director shall participate in direct contact time with the transport staff while transporting a neonate for a minimum of 10 hours per year.

TABLE V
(Reference Section 64J-1.006, F.A.C.)
Neonatal ~~Interfacility~~ Transfers

| ITEM | QTY. |
|---|---|
| 1. Direct two-way communications with the designated neonatologist or attending physician and or receiving ICU. | |
| 2. A standby or backup power source other than the one contained in the isolette. | One. |
| 3. A source of electrical power sufficient to operate the isolette and ancillary electrically powered equipment. | One. |
| 4. A transport incubator with portable power supply, portable oxygen tanks or liquid oxygen, and a source of compressed air, including appropriate valves, meters, and fittings. | One. |
| 5. Portable heart rate monitor with visual or audible display and alarm system. | One per patient. |
| 6. Portable blood pressure monitor with assortment of cuff sizes suitable for infants. | One each. |
| 7. Battery powered mechanical I.V. pumps capable of delivering as low as 1 cc. increments for I.V. fluids. | Two. |
| 8. Battery or self-powered oxygen sensor and transcutaneous oxygen monitor or oxygen saturation monitor. | One. |
| 9. Oxygen delivery device and tubing | One. |

| | | |
|---|---|---|
| capable of administering high concentrations of oxygen. | | |
| 10. Temperature monitoring device. | | One. |
| 11. Portable ventilator appropriate for neonatal patients. | | One. |
| 12. Anesthesia and/or self-inflating bag with oxygen reservoir less than 750 ml and manometer (pressure gauge); premature, newborn and infant size clear masks. | | |
| 13. Laryngoscope handle. | | One. |
| 14. Blades. | | Miller 00, Miller 0. |
| 15. Bulbs and batteries. | | Two each. |
| 16. Endotracheal tubes. | | 2.0, 2.5, 3.0, 3.5, 4.0. |
| 17. Stylet. | | Two each. |
| 18. Adapters. | | Assortment of sizes. |
| 19. Oral Airways. | | Assortment of sizes. |
| 20. Suction equipment with low suction capabilities of less than 80 mm of hg. | | One. |
| 21. Sterile Gloves assorted sizes. for all crew members. | | Sufficient quantity |
| 22. Suction catheters. | Size 5.0, 6.0, 6.5, 8, & 10 | Two each. ~~8, & 10.~~ |
| 23. Syringes sizes 1 cc. through 60 cc. | | Assortment of sizes. |
| 24. Medication access device. | | Two each. |
| 25. Vascular access devices 23-27 gauge. | | Assortment of sizes. |
| 26. I.V. extension tubing. | | Sufficient length to administer I.V. |
| 27. Securing device. | | Assorted sizes. |
| 28. I.V. filters. | | Two. |
| 29. Umbilical catheters. | Size 3.5 & 5 | Two. |
| 30. Antiseptic solution. | | Ten. |
| 31. Blood sugar device. | | One. |
| 32. Lancets. | | Five. |
| 33. Neonatal stethoscope. | | One. |
| 34. Flashlight. | | One. |
| 35. Gauze pads. | | Assortment of sizes. |
| 36. No. 5 & No. 8 French feeding tubes. | | One each. |
| 37. High intensity light capable of transillumination. | | One. |
| 38. Approved biomedical waste plastic bag or impervious container and used sharps container per Chapter 64E-16, F.A.C. | | One each. |
| 39. Gloves – latex or other suitable materials. | | Sufficient quantity for all crew members. |
| 40. Respiratory face masks. | | Sufficient quantity for all crew members. |
| 41. Special procedure tray or instruments with capability for performing umbilical catheterization, venous cutdown and thoracostomy. | | One. |
| 42. Bulb syringe. (Additional to OB kit) | | One. |
| 43. Cord clamp. | | One. |

| | | |
|---|---|---|
| 44. Chest tube evacuation device. | | One. |
| 45. Needle aspiration device or chest tubes. | | Appropriate sizes for neonate. |

| MEDICATION | WT/VOL | QTY. |
|---|---|---|
| 1. Atropine Sulfate. | 1 mg./10 ml. | One. |
| 2. Injectable Vitamin K. | 1 mg./0.5 ml. | One. |
| 3. Antibiotics, to be determined by medical director. | | |
| 4. Calcium Gluconate. | 10% – 10- ml. | One. |
| 5. Digoxin ped. | 0.1 mg./ml. | One. |
| 6. Anticonvulsant as required by medical director. | | |
| 7. Dextrose. | 50% 50 cc. | One. |
| 8. Dopamine or dobutamine. | Depends on medication | One. |
| 9. Epinephrine. | 1:10,000 | One. |
| 10. Eye prophylaxis. | | One. |
| 11. Furosemide (Lasix). | 20 mg./2 ml. | One. |
| 12. Heparin. | | One. |
| 13. Lidocaine. | 1%/2 mg. | One. |
| 14. Naloxone (Narcan). | 1.0 mg./ml or .4 mg./ml. | One. |
| 15. Paralyzing agent. | | One. |
| 16. Phenobarbital. | | One. |
| 17. Prostin VR. (available for transport) | 500 mcg/ml. | One. |
| 18. Sodium Bicarbonate. | 4.2% soln. | One. |
| 19. Sedative as determined by the Mmedical Ddirector. | | One. |
| 20. Volume expander. | | One. |
| 21. I.V. fluid. | Bags of D5W and D10W | One each. |
| 22. Injectable non-preservative sterile water. | | One. |
| 23. Injectable non-preservative normal saline. | | One. |

(5) Each Neonatal Transport ~~permitted ambulance or neonate ambulance when transporting a neonate to a Level II or Level III Neonatal Intensive Care Unit~~ shall be staffed with a minimum of two persons, excluding the driver or pilot. One person shall be a Registered ~~neonatal~~ Nurse (RN), the second person shall be either an RN, a ~~neonatal registered~~ respiratory therapist (RT), or a paramedic ~~or a registered neonatal nurse~~. Physicians may be substituted by the Medical Director for either of the two persons. The staffing for each N~~n~~eonatal~~e~~ T~~t~~ransport shall be determined by the ~~licensee's~~ M~~m~~edical D~~d~~irector ~~in conjunction with the attending physician and the neonatologist. A physician can be substituted for any team member~~. The Medical Director shall confirm that the staffing for each Neonatal Transport is capable of performing neonatal advanced life support procedures, as referenced by the American Academy of Pediatrics in *Guidelines for Air and Ground Transport of Neonatal and Pediatric Patients*, *3rd ed*, which is incorporated by reference and available at http://www.aap.org.

(a) The Medical Director ~~provider~~ shall confirm ~~assure~~ the RN is licensed in accordance with Chapter 464, F.S.; has ~~have~~ a minimum of 4,000 hours RN experience, which includes 2,000 hours of Level II or Level III Neonatal Intensive Care Unit (NICU) nursing experience; has an ~~and have~~ American Heart Association (AHA) Neonatal Resuscitation Program (NRP) Certification or ~~an~~ equivalent certification; has ~~and~~ successfully completed a neonatal transport stabilization program within 2 years prior to application to Nneonatal Ttransport, approved in writing by a Mmedical Ddirector; and~~,~~ has accompanied~~y~~ a minimum of six Nneonatal Ttransports prior to staffing a Nneonatal Ttransport as the only RN in attendance.

(b) The Medical Director ~~provider~~ shall confirm ~~assure~~ the RT is registered by the National Board of Respiratory Care with a minimum of 2,000 hours of Level II or Level III NICU experience or is ~~be~~ certified as a RT with a minimum of 3,000 hours of Level II or Level III NICU experience.~~;~~ The Medical Director shall also confirm that the RT has:

1. An ~~and have~~ AHA NRP Certification or ~~an~~ equivalent certification;

2. ~~and~~ Ssuccessfully completed a neonatal transport stabilization program within 2 years prior to application to Nneonatal Ttransport, approved in writing by a Mmedical Ddirector; and

3. ~~and,~~ Aaccompanied~~y~~ a minimum of six Nneonatal Ttransports prior to staffing a transport as the only RT in attendance.

(c) The Medical Director ~~provider~~ shall confirm ~~assure~~ the paramedic is either a Florida-licensed paramedic with a minimum of 2,000 hours of Level II or Level III NICU ~~Neonatal Intensive Care unit~~ experience~~;~~ or ~~be~~ a Florida-licensed paramedic with a minimum of 3,000 hours experience~~;~~. The Medical Director shall also confirm that the paramedic has:

1. An ~~and have~~ AHA NRP Certification or ~~an~~ equivalent certification;

2. ~~and~~ Successfully completed a neonatal transport stabilization program within 2 years prior to application to Nneonatal Ttransport, approved in writing by a Mmedical Ddirector; and

3. ~~and,~~ Accompanied~~y~~ a minimum of six Nneonatal Ttransports prior to staffing a Nneonatal Ttransport.

(d) The ~~A neonatologist or a licensee's~~ Mmedical Ddirector may make medical staff substitutions with individuals of comparable skills when the condition of the neonate warrants such substitution.

(6)~~(3)~~ Treatment protocols for the management of the neonate ~~neonatal patient~~ from the receiving ~~responsible~~ neonatologist shall accompany each Nneonatal Ttransport.

Rulemaking ~~Specific~~ Authority 381.0011, 383.19, 395.405, 401.251(6), 401.35 FS. Law Implemented 381.001, 383.15, 395.405, 401.24, 401.25, 401.251, 401.252, 401.26, 401.265, 401.27, 401.30, 401.31, 401.35, 401.41, 401.411, 401.414, 401.421 FS. History–New 11-30-93, Amended 1-26-97, Formerly 10D-66.0525, Amended 8-4-98, 9-3-00, 12-18-06, Formerly 64E-2.006, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John C. Bixler, Chief, Bureau of Emergency Medical Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana Viamonte Ros, State Surgeon General, Florida Department of Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007 Vol/No 33/49; January 4, 2008 Vol/No 34/1; February 15, 2008 Vol/No 34/7; June 13, 2008 Vol/No 34/24; December 24, 2008 Vol/No 34/52

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

| RULE NO.: | RULE TITLE: |
|---|---|
| 65A-4.207 | Age |

PURPOSE AND EFFECT: The proposed rule amendment amends the language and the statutory citation for secondary school grades. Included in this proposed rule amendment are some wording changes and technical changes of a non-substantive nature improving the overall content of the rule.

SUMMARY: The proposed rule amendment amends secondary school grades.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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.

RULEMAKING AUTHORITY: 414.095(18), 414.45 FS.

LAW IMPLEMENTED: 414.0252, 414.095 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: July 27, 2009, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, ACCESS Florida Program Policy, 1317 Winewood Boulevard, Building 3, Tallahassee, Florida 32399-0700, (850)410-3291

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.207 Age.

(1) To be included in a Ttemporary Cecash Aassistance (TCA) benefit grant, a minor child must be a minor child as in Section 414.0252(8), F.S under the age of 18, or age 18 and a full-time student at a secondary school or at the equivalent level of vocational or technical training, and unmarried. An uUnmarried child means the child individual has never been married or if the individual has been married, that the marriage was annulled.

(a) A secondary school is considered grades six 7 through 12 as in Section 1003.413(1), F.S. identified in paragraph 6A-5.0752(2)(g), F.A.C.

(b) Full-time is defined as the number of hours considered to be full-time by the educational institution the child is attending.

(2) A child is eligible to receive TCA cash assistance on the factor of age through the month of the child's eighteenth birthday, or through the month of the child's nineteenth birthday, if attending secondary school or an the full-time equivalent level of career vocational or technical training on a full-time basis. If the child's birthday is on the first day of the month, eligibility ceases effective the minor child's 18th birthday, or 19th birthday, if attending secondary school or an the full-time equivalent level of career vocational or technical training on a full-time basis.

Rulemaking Specific Authority 414.095(18), 414.45 FS. Law Implemented 414.0252, 414.095(12)(b) FS. History–New 1-11-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Nathan Lewis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: George H. Sheldon

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 15, 2009

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

| RULE NO.: | RULE TITLE: |
|---|---|
| 68A-23.003 | Commercial Fishing Devices; Provision for Use in Certain Waters |

PURPOSE AND EFFECT: The purpose of this rule change is to reconcile this section with proposed rule changes to Rule 68A-25.002, F.A.C. Recent proposed changes to Rule 68A-25.002, F.A.C., specify the methods that can be used to harvest freshwater turtles. The effect of this rule development would be to maintain consistency and eliminate any conflicts between this section and Rule 68A-25.002, F.A.C.

SUMMARY: Concerns that freshwater turtle populations would be impacted by recent increases in harvest have led to proposed rule changes to Rule 68A-25.002, F.A.C., that prohibit the collection of freshwater turtles from the wild. Removing references to freshwater turtles from Rule 68A-25.003, F.A.C., would maintain consistency and eliminate any conflicts between this section and Rule 68A-25.002, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The agency has determined that this rule will ____or will not __X__ have an impact on small business. A SERC has ____ or has not _X__ been prepared by the agency.

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.363 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: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.003 Commercial Fishing Devices; Provision for Use in Certain Waters.

(1) No change.

(2) Wire traps and slat baskets:

(a) Species to be taken – Non-game fish and turtles (as prescribed by Rule 68A-25.002, F.A.C.).

(b) through (d) No change.

(3) Pound nets: The use of pound nets shall be prohibited, except that established pound net sites registered with the Commission by December 31, 1982, may be fished only by the registered claimant or his designee. Such pound net registration shall not be transferable to any other person.

(a) Species to be taken – Non-game fish and turtles (as prescribed by Rule 68A-25.002, F.A.C.).

(b) through (c) No change.

(4) Hoop nets:

(a) Species to be taken – Non-game fish and turtles (as prescribed by Rule 68A-25.002, F.A.C.).

(b) through (d) No change.

(5) Minnow lift nets:

(a) Species to be taken – Non-game fish ~~and turtles (as prescribed by Rule 68A-25.002, F.A.C.)~~.

(b) through (d) No change.

(6) Minnow seine:

(a) Species to be taken – Non-game fish (except catfish) ~~and turtles (as prescribed by Rule 68A-25.002, F.A.C.)~~.

(7) through (8) No change.

(9) Permits may be issued by the executive director to authorize the operation of haul seines in specified areas.

(a) Southwest Region haul seine permits:

1. through 7 No change.

8. Non-game fish ~~and turtles (as prescribed in Rule 68A-25.002, F.A.C.)~~ may be harvested from haul seines. Any other fish or wildlife ~~All gamefishes~~ caught shall be returned immediately to the lake being fished.

9. through 11. No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking ~~Specific~~ Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.363 FS. History–New 8-1-79, Amended 10-23-79, 5-19-80, 6-22-80, 6-4-81, 6-21-82, 7-1-83, 7-1-84, 7-1-85, Formerly 39-23.03, Amended 6-1-86, 4-13-88, 7-1-90, 1-1-92, 7-1-92, 10-22-92, 4-20-93, 7-1-95, 4-1-96, 7-1-97, 7-1-98, Formerly 39-23.003, Amended 7-1-08, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 5, 2008

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

| RULE NO.: | RULE TITLE: |
|---|---|
| 68A-23.012 | Special Regulations on Lake Okeechobee |

PURPOSE AND EFFECT: The purpose of this rule change is to reconcile this section with proposed rule changes to Rule 68A-25.002, F.A.C. Recent proposed changes to Rule 68A-25.002, F.A.C. would prohibit collection of Florida snapping turtles, Florida red-bellied turtles and peninsular cooters from the wild. Currently, Rule 68A-25.002, F.A.C., limits take of these species. The effect of this rule development would be to maintain consistency and eliminate any conflicts between this section and Rule 68A-25.002, F.A.C.

SUMMARY: Concerns that freshwater turtle populations would be impacted by recent increases in harvest have led to proposed rule changes to Rule 68A-25.002, F.A.C., that prohibit the collection of freshwater turtles from the wild. Removing references to freshwater turtles from this rule would maintain consistency and eliminate any conflicts between this section and Rule 68A-25.002, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The agency has determined that this rule will ____or will not __X__ have an impact on small business. A SERC has ____ or has not _X__ been prepared by the agency.

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

RULEMAKING AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.3635, 379.377 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: Jim Antista, General Counsel, Legal Office, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-23.012 Special Regulations on Lake Okeechobee.

(1) No change.

~~(2) No peninsular cooter (Chrysemys floridana peninsularis), Florida red-bellied turtle (Chrysemys nelsoni), Florida snapping turtle (Chelydra osceola), or Florida soft-shelled turtle (Trionyx ferox) having a carapace length less than eight inches may be taken or sold.~~

(3) through (4) renumbered (2) through (3) No change.

~~(4)~~(5) Commercial gear specifications and restrictions:

(a) Haul seines:

1. through 4. No change.

5. Closed areas:

a. Haul seines shall not be used or operated in Pelican Bay; in Fisheating Creek Bay north and west of a line from the weather beacon approximately one mile east of the north end of Observation Shoal (designated R "2" on National Oceanic and Atmospheric Administration, National Ocean Survey chart #11428, edition 16) to the westernmost point of Horse Island; that area north and west of a line from the white navigation light at latitude 27 degrees 5 minutes north, longitude 80 degrees 47 minutes west (designated FL 4 sec. 27 ft. 5M on National Oceanic and Atmospheric Administration, National Ocean Survey chart #11428, edition 16) to Henry Creek Lock; that area south of a line connecting the northernmost point of Kreamer Island to the northernmost point of Ritta Island; or in any rim canal, river mouth, channel, within that area shoreward of the boundary delineated by the commercial fishing boundary buoys, or within one statute mile of any rooted, emergent aquatic vegetation. Latitude and longitude coordinates shall be established to further describe boundary lines as defined in this section. Latitude and longitude coordinates so established shall be incorporated in the permit issued pursuant to subsection (3) of this section ~~68A-23.012(4), F.A.C~~.

b. through (d) No change.

(6) through (8) renumbered (5) through (7) No change.

PROPOSED EFFECTIVE DATE: As soon as possible following Commission action.

Rulemaking ~~Specific~~ Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.3635, 379.377 FS. History–New 8-1-79, Amended 11-8-79, 5-19-80, 6-22-80, 6-15-81, 6-21-82, 12-14-82, 7-1-84, 7-1-85, 9-19-85, Formerly 39-23.12, Amended 6-1-86, 2-21-88, 4-4-91, 4-15-92, 7-1-97, 7-1-98, Formerly 39-23.012, Amended _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.W.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tim Breault, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 17, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 22, 2009

# Section III
# Notices of Changes, Corrections and Withdrawals

## DEPARTMENT OF COMMUNITY AFFAIRS

### Division of Housing and Community Development

| RULE NO.: | RULE TITLE: |
|---|---|
| 9B-13.0071 | Cost Effectiveness of Amendments to Energy Code |

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. 35, No. 19, May 15, 2009 issue of the Florida Administrative Weekly.

Change to reference document consisting of amendments to clarify how the cost effective test should be conducted by providing for specific methods and formulas; amendment relating to Internal Rate of Return (IRR) for commercial applications; and editorial corrections as appropriate. The reference document as amended is available on the Florida Building Commission's website at www.floridabuilding.org.

## 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."

## BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

| RULE NO.: | RULE TITLE: |
|---|---|
| 18-21.021 | Applications for Aquacultural Activities |