

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kathy Spencer, Division of Agent & Agency Services, Department of Financial Services, 200 E. Gaines Street, 412 Larson Building, Tallahassee, FL 32399-0319, (850)413-5644

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."

EXECUTIVE OFFICE OF THE GOVERNOR

Office of Tourism, Trade and Economic Development

RULE NOS.:	RULE TITLES:
27M-4.001	Definitions and Forms
27M-4.002	Competitive Application for Selection as Loan Administrator
27M-4.003	Certification Decision

PURPOSE AND EFFECT: To formalize the emergency rules used to implement the Economic Gardening Business Loan Pilot Program

SUMMARY: The rule established a competitive application process for loan administrator for the Pilot Program and governed the contract for that program.

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: 288.1081 FS.

LAW IMPLEMENTED: 288.1081 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: Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, (850)487-2568, michelle.dennard@myflorida.com

THE FULL TEXT OF THE PROPOSED RULES IS:

27M-4.001 Definitions and Forms.

As used in Emergency Rules 27M-4.001, 27M-4.002, and 27M-4.003, F.A.C., the following capitalized terms have the meanings indicated. All referenced forms are available on the internet at <http://www.flgov.com/otted> home or may be obtained from the Office.

(1) "Act" means the Economic Gardening Business Loan Pilot Program, Section 288.1081, F.S.

(2) "Agreement" means the standard "Economic Gardening Business Loan Administrator Agreement" form OTTED 8102-4 (3/09), which is hereby incorporated by reference.

(3) "Applicant" means a corporation that seeks selection under Section 288.1081, F.S., as a Recipient of funds to provide loans pursuant to the Act.

(4) "Application" means the standard "Application for Selection as Loan Administrator under the Economic Gardening Business Loan Pilot Program" form OTTED 8102-1 (3/09), which is hereby incorporated by reference.

(5) "Application Evaluation Form" means the standard "Economic Gardening Loan Pilot Program Application Evaluation" form OTTED 8102-2 (3/09), which is hereby incorporated by reference.

(6) "Application Period" means the period during which Applicants submit Applications, which shall be received by the Office between May 18 through June 5 (or the next business day) of each year in which there is a legislative appropriation to fund the Program.

(7) "Eligible" means that an Applicant has demonstrated they be a Florida Corporation not-for-profit incorporated under Chapter 617, F.S., which has its principal place of business in Florida, have five years of verifiable experience of lending to businesses in Florida and have satisfied of each of the requirements specified in Section 288.1081, F.S.

(8) "Loan Administrator" means an Applicant that, after a competitive selection process, the Office selects to receive Program funds and that executes an Agreement with the Office.

(9) "Office" means the Office of Tourism, Trade and Economic Development, whose address is Suite 1902, The Capitol, 402 S. Monroe Street, Tallahassee, Florida 32399-0001.

(10) "Program" means the Economic Gardening Business Loan Pilot Program established by Section 288.1081, F.S.

(11) "Review Committee" means a committee of no more than eight (8) individuals selected by the Office which includes representation from the finance and lending community, Enterprise Florida, and the business community or a representative of the business community.

(12) “Summary Ranking and Recommendation Form” means standard “Economic Gardening Business Loan Pilot Program Summary Ranking and Recommendation Form” form OTTED 8102-3 (3/09), which is hereby incorporated by reference.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History–New _____.

27M-4.002 Competitive Application for Selection as Loan Administrator.

(1) An Applicant shall submit the original and three copies of its completed Application to the Office during the Application Period.

(2) The Office shall date and time stamp all Applications upon receipt, and thereafter take reasonable steps to preserve the integrity of the Application and any revisions.

(3) Upon the close of the Application Period, the Review Committee shall have ten (10) business days to review each Application for completeness and to notify any Applicant in writing if the Review Committee determines that its Application is incomplete. The Review Committee’s notice shall specify the reasons for its determination, and the Applicant shall have ten (10) business days after receipt of such notice to submit a revised Application to the Office. If the Applicant fails to submit a revised Application within the required time, the Review Committee shall notify the Applicant in writing that it is removed from further consideration.

(4) The Review Committee shall evaluate each complete Application and document its evaluation using the Application Evaluation Form. No officer, director, employee, or agent of any Applicant shall participate in the evaluation process.

(5) Within thirty (30) days after the close of the Application Period, the Review Committee shall deliver to the Office the completed Summary Ranking and Recommendation Form along with the original and one copy of each Application and its related Application Evaluation Form.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History–New _____.

27M-4.003 Certification Decision.

(1) Within ten (10) business days after receiving the Summary Ranking and Recommendation Form and supporting materials, the Office shall notify the Applicant or Applicants has/have been selected by the Review Committee as the Loan Administrator.

(2) The Office shall issue a letter to each Applicant selected as a Loan Administrator. Receipt of Program funds shall be conditioned upon their appropriation and availability, and upon the Recipient’s execution of the Agreement. The Office shall notify in writing each Applicant whose Application is denied. The Office’s certification shall be subject to review under Chapter 120 of the Florida Statutes.

Rulemaking Authority 288.1081(7) FS. Law Implemented 288.1081 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michelle Ramsey Dennard, Office of Tourism, Trade, and Economic Development, (850)487-2568, michelle.dennard@myflorida.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Dale A. Brill, Ph.D.

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

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-400.046 RULE TITLE: Formal Determinations

PURPOSE AND EFFECT: The purpose of the proposed rule is to update this section of Chapter 40B-400, Florida Administrative Code (F.A.C.), to revise the Petition for a Formal Wetland and Surfacewater Determination form, and address comments from the Joint Administrative Procedures Committee (JAPC).

SUMMARY: This proposed rule will revise the Petition for a Formal Wetland and Surfacewater Determination form, and incorporate the form within the corresponding rule. In addition, the rule language will be amended to reflect comments received from JAPC.

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: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.118, 373.413, 373.416, 373.426 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: Linda Welch, Rules Coordinator, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-400.046 Formal Determinations.

(1) through (7)(c) No change.

(8) Pursuant to Section 373.421(4), F.S., the Governing Board shall ~~may~~ revoke the formal determination upon a finding that the petitioner has submitted inaccurate information to the District.

(9) Form 40B-400.046A: Petition for a Formal Wetland and Surfacewater Determination, effective DATE, is hereby incorporated by reference. This form is available at District headquarters and on the District's website at www.mysuwanneeriver.com.

Rulemaking Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.118, 373.413, 373.416, 373.426 FS. History--New 10-3-95, Amended 3-7-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2009

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.220 RULE TITLE: Podiatry Services

PURPOSE AND EFFECT: The proposed amendment to Rule 59G-4.220, F.A.C., incorporates by reference the revised Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2009. The amendment to Rule 59G-4.220, F.A.C., will permit the Agency to implement revisions to the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2009.

SUMMARY: Rule 59G-4.220, F.A.C., is being amended to implement changes to the handbook that include changes in fiscal agent references; deleting text regarding locum tenens providers; adding definitions; clarifying policy particularly regarding place of services to mirror that of optometric services and creating a bulleted list for ease of reading; addressing mobile unit limitation; deleting language regarding Average Wholesale Price for injection medication; and discontinuing the use of all procedure codes and handbook text, unless doing so would not be possible.

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: 409.919 FS. LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.9081 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: Wednesday, February 3, 2010, 11:00 a.m. – 12:00 noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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 48 hours before the workshop/meeting by contacting: Kathryn R. Stephens at the Bureau of Medicaid Services, (850)922-7314. 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: Kathryn R. Stephens, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)922-7314, e-mail: stepheka@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.220 Podiatry Services.

(1) No change.

(2) All podiatry services providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Podiatry Services Coverage and Limitations Handbook, January 2009 ~~2004, updated January 2005~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting Option 7.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.906 ~~409.905~~, 409.907, 409.908, 409.9081 FS. History--New 1-23-84, Amended 10-25-84, Formerly 10C-7.529, Amended 4-21-92, 11-9-92, 7-1-93, Formerly 10C-7.0529, 10P-4.220, Amended 1-7-96, 3-11-98, 10-13-98, 5-24-99, 4-23-00, 7-5-01, 2-20-03, 8-5-03, 8-18-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathryn R. Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 10, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-14.004
 RULE TITLE: Florida KidCare Dispute Review Process

PURPOSE AND EFFECT: The proposed amendment to Rule 59G-14.004, F.A.C., incorporates a statutory provision requiring a request for a dispute review and continuation of coverage to be filed within ten (10) working days, as opposed to calendar days, of notification of adverse action. This will permit the enrollee to continue receiving the same category of coverage or services during the course of the dispute review determination process and will give families additional time to address adverse actions affecting program eligibility.

SUMMARY: Rule 59G-14.004, F.A.C., is being amended to change the time period for requesting the dispute review and continuation of coverage regarding notification of adverse action and to enable the enrollee to continue to receive the same category of coverage or services during this process.

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: 409.818(3)(f) FS.

LAW IMPLEMENTED: 409.814(10) 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: Tuesday, February 9, 2010, 3:00 p.m. – 5:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

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 48 hours before the workshop/meeting by contacting: Angela Wiggins at the Bureau of Medicaid Services, (850)922-7313. 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: Angela Wiggins, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, e-mail: wigginsa@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-14.004 Florida Kidcare Dispute Review Process.

(1) through (3) No change

(4) The Florida Kidcare Dispute Review Process is comprised of four review levels addressing the denial of eligibility, failure to make a timely determination of eligibility and suspension or termination of enrollment, including disenrollment for failure to pay the family premium. The Florida Healthy Kids Corporation shall provide information regarding the dispute review process in correspondence to families, making them aware of the existence and availability of the Florida Kidcare Dispute Review Process.

(a) through (d) No change

(e) If the complainant requests continuation of enrollment pending the completion of the review, the Florida Healthy Kids Corporation Dispute Resolution staff shall take the following steps:

1. Determine whether the complainant requested the continuation of enrollment within ten (10) ~~working~~ ~~calendar~~ days of the date of the letter indicating the suspension or termination of his or her child(ren)'s enrollment.

2. If the request was not made within ten (10) ~~working~~ ~~calendar~~ days of the date of the letter the complainant received informing him or her of suspension or termination of his or her children's enrollment, the Florida Healthy Kids Corporation Dispute Resolution staff shall inform the complainant in writing of the denial of continuation of enrollment.

3. If the request was made within ten (10) ~~working~~ ~~calendar~~ days of the date of the letter the complainant received informing him or her of suspension or termination of his or her child(ren)'s enrollment, the Florida Healthy Kids Corporation Dispute Resolution staff shall take the following action to ensure continuation of enrollment, if the child(ren) meets all other Florida Kidcare Program qualifications:

a. through b. No change.

(f) through (r) No change.

~~Rulemaking Specific~~ Authority 409.818(3)(f) FS. Law Implemented 409.814(10) ~~818~~ FS. History--New 2-27-08, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Angela Wiggins

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 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 Massage

RULE NO.: 64B7-25.001
 RULE TITLE: Examination Requirements

PURPOSE AND EFFECT: To update the application for licensure to add additional questions for applicants.

SUMMARY: The amendment updates the application for licensure to accommodate new questions as a result of legislative changes in Section 456.0635, F.S.

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: 456.013(5), (7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.042(1) FS.

LAW IMPLEMENTED: 456.013(7), 456.017(1)(c), 456.034, 456.0635, 480.041, 480.042 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: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-25.001 Examination Requirements.

(1) The Department shall issue a license to a person who:

(a) Pays to the Department the fee set out in subsection 64B7-27.002(1), F.A.C.;

(b) Submits a completed application on form DH-MQA 1115, "Application For Licensure," (Rev. 10/09 ~~7/08~~). The form and the attached instructions are incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at http://www.doh.state.fl.us/mqa/massage/ma_lic_req.html;

(c) Completes a course of study at a massage school approved by the Board pursuant to Rule Chapter 64B7-32, F.A.C.; or completes an approved apprenticeship program in accordance with Rule Chapter 64B7-29, F.A.C.;

(d) Completes the HIV/AIDS course requirement in Rule 64B7-25.0012, F.A.C.;

(e) Passes a national examination approved by the Board;

(f) Completes a course relating to the prevention of medical errors as required by subsection 456.013(7), F.S.

(2) The Board approves the following examinations:

(a) National Certification Board for Therapeutic Massage and Bodywork Examination;

(b) National Certification Examination for Therapeutic Massage;

(c) National Exam for State Licensure option administered by the National Certification Board for Therapeutic Massage and Bodywork;

(d) The Massage and Bodywork Licensing Examination administered by the Federation of State Massage Therapy Boards.

Rulemaking Authority 456.013(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.042(1) FS. Law Implemented 456.013(7), 456.017(1)(c), 456.034, 456.0635, 480.041, 480.042 FS. History--New 11-27-79, Amended 9-2-80, 10-9-85, Formerly 21L-25.01, Amended 12-22-92, 3-24-93, 5-20-93, Formerly 21L-25.001, Amended 8-12-93, 6-28-94, 8-18-96, Formerly 61G11-25.001, Amended 5-20-98, 7-30-02, 3-31-08, 6-15-09, 9-6-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-31.001
 RULE TITLE: Colon Hydrotherapy

PURPOSE AND EFFECT: To update terminology and to approve a national examination.

SUMMARY: The rule amendment approves a national examination and removes outdated language.

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: 456.036, 480.035(7), 480.041(4) FS.

LAW IMPLEMENTED: 456.036, 480.032, 480.033, 480.041(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: Kay Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-31.001 Colon Hydrotherapy Colonie Irrigation.

(1) Intent.

(a) The Board of Massage finds that the colon hydrotherapy colonie irrigation procedures, while falling directly within the scope of Chapter 480, Florida Statutes, presents a substantial danger to the public if performed by incompetent practitioners.

(b) The Board of Massage further finds that a significant proportion of licensees do not perform the colonic procedure and further that a significant proportion of those desiring to enter the profession do not intend to engage in the practice of colon hydrotherapy colonies.

(c) This rule is promulgated to ensure that only those who have been determined duly qualified to practice colon hydrotherapy colonie irrigation may do so in an effort to protect the health, safety and welfare of the public.

(2) Prior to the practice of colon hydrotherapy colonie irrigation, any licensed massage therapist, or apprentice shall be required to present certification to the Board of successful completion of examination by a Board approved massage school after completion of a supervised classroom course of study in colonic irrigation or in the case of a duly authorized apprenticeship training program, evidence of having completed 100 hours of colonic irrigation training, including a minimum of 45 hours of clinical practicum with a minimum of 20 treatments given.

(3) Prior to the practice of colonic irrigation, any licensed massage therapist, or apprentice shall be required to successfully complete and pass the National Board for Colon Hydrotherapy Examination (NBCHT) which is approved by the Board ~~colonic irrigation examination administered by the Department of Health.~~

(4) Any licensed massage therapist whose license has been in an inactive or retired status for more than two consecutive biennial licensure cycles shall be required to successfully complete and pass the NBCHT, colonie irrigation examination administered by the Department prior to resuming the practice of colonic irrigation.

(5) Any applicant for massage therapist licensure or licensed massage therapist, who in conjunction with previous massage therapist licensure was certified to practice colon hydrotherapy colonies, shall be required to successfully

complete and pass the NBCHT colonie irrigation examination administered by the Department prior to practicing colon hydrotherapy colonie irrigation.

Rulemaking Specific Authority 456.036, 480.035(7), 480.041(4) FS. Law Implemented 456.036, 480.032, 480.033, 480.041(4) FS. History—New 12-18-84, Formerly 21L-31.01, Amended 1-30-90, 2-13-91, Formerly 21L-31.001, 61G11-31.001, Amended 1-26-00, 5-5-04, 2-27-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 7, 2009

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.003

RULE TITLE: Minimum Requirements for Board Approved Massage Schools

PURPOSE AND EFFECT: To update the curriculum requirements for board-approved massage schools.

SUMMARY: The rule amendment provides for additional course requirements for Board-approved massage schools.

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: 480.035(7) FS.

LAW IMPLEMENTED: 480.033(9), 480.041(1)(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: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-32.003 Minimum Requirements for Board Approved Massage Schools of Massage Therapy Approval.

(1) In order to receive and maintain Board of Massage Therapy approval, a massage school, and any satellite location of a previously approved school, must:

(a) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 1005, F.S., or the equivalent licensing authority of another state or county, or be within the public school system of the State of Florida; and

(b) Offer a course of study that includes, at a minimum, the 500 classroom hours listed below, completed at the rate of no more than 6 classroom hours per day and no more than 30 classroom hours per calendar week:

Course of Study	Classroom Hours
Anatomy and Physiology	150
Basic Massage Theory and <u>History</u>	
Clinical Practicum	100 <u>225</u>
<u>Clinical Practicum</u>	<u>125</u>
Florida Statutes/Rules and History	
of Massage	40
Theory and Practice of Hydrotherapy	45
Allied Modalities	<u>76</u> 97
<u>Business</u>	<u>15</u>
<u>Theory and Practice of Hydrotherapy</u>	<u>15</u>
<u>Florida Laws and Rules</u>	<u>10</u>
<u>(Chapters 456 and 480, F.S. and</u>	
<u>Rule 64B7, F.A.C.)</u>	
<u>Professional Ethics</u>	<u>4</u>
HIV/AIDS Education	3
<u>Medical Errors</u>	<u>2</u>

(c) Apply directly to the Board of Massage Therapy and provide the following information:

1. Sample transcript and diploma;
2. Copy of curriculum, catalog or other course descriptions;
3. Faculty credentials; and
4. Proof of licensure by the Department of Education.

(2) All faculty members of the massage therapy school must meet the minimum requirements of the Department of Education.

(3) Board of Massage Therapy approval shall be withdrawn if the massage school:

(a) Modifies its curriculum to fall below the minimum standards set out in this rule, or fails to require its students to complete the minimum standards in order to graduate;

(b) Submits to the Board of Massage Therapy on behalf of an applicant for licensure documents containing information the school, through its owner, manager, instructors, or other employees or agents, knows to be false;

(c) Violates any standard applicable to the school pursuant to licensure by the Department of Education;

(d) Violates any applicable rule herein.

(4) A Board of Massage Therapy-approved school must notify the Board of Massage Therapy within 90 days of:

- (a) Changes in curriculum;

(b) Changes in faculty or staff, including submission of the credentials of new faculty; and

(c) Changes in address.

(5) Any change in ownership of a Board of Massage Therapy approved school must be approved by the Board of Massage Therapy.

Rulemaking Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Amended 8-15-89, 12-22-92, Formerly 21L-32.003, Amended 10-20-96, Formerly 61G11-32.003, Amended 8-16-98, 10-30-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2009

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

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-401.701	Medical and Substance Abuse Clinical Files

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. 9, March 6, 2009 issue of the Florida Administrative Weekly.

33-401.701 Medical and Substance Abuse Clinical Files.

(1) through (9) No change.

(10) Use and disclosure of protected health information.

(a) through (g) No change.

(h) In accordance with 45 C.F.R. § 164.502, a personal representative of a deceased inmate shall have access to or authorize the disclosure of the deceased inmate's protected health information that is relevant to the personal representative's legal authority to act on behalf of the deceased inmate or the deceased inmate's estate. To authorize the