

## Section II Proposed Rules

### DEPARTMENT OF HEALTH

#### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: RULE TITLE:

64B4-3.0085 Intern Registration

PURPOSE AND EFFECT: To incorporate new applications.

SUMMARY: To incorporate new applications.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board concluded that this rule change will not have any impact on licensees and their businesses or the businesses that employ them. The rule will not increase any fees, business costs, personnel costs, will not decrease profit opportunities, and will not require any specialized knowledge to comply. This change will not increase any direct or indirect regulatory costs. Hence, the Board determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 491.004(5) FS.

LAW IMPLEMENTED: 456.013, 456.0635, 491.0045, 491.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ashleigh Irving, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy

and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, or by email: Ashleigh.Irving@flhealth.gov.

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 64B4-3.0085 Intern Registration.

(1) through (7) No Change.

(8) Form HD5045-MQA, Graduate-Level Practicum, Internship, or Field Experience Verification Form – Marriage and Family Therapy (Revised ~~2/24/20~~), hereby adopted and incorporated by reference, which can be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-12735>, or on the web at [www.floridamentalhealthprofessions.gov/resources](http://www.floridamentalhealthprofessions.gov/resources), must be submitted by a qualified supervisor on behalf of the Marriage and Family Therapist registered intern upon completion of the practicum, internship, or field work required for licensure when not satisfied by the individuals' graduate program.

(9) through (11) No Change.

*Rulemaking Authority 491.004(5) FS. Law Implemented 456.013, 456.0635, 491.0045, 491.005 FS. History—New 6-8-09, Amended 2-24-10, 10-17-10, 4-4-13, 2-9-16, 6-7-16, 9-1-16, 2-27-19, 3-9-21, 9-8-21, 5-30-23, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: April 17, 2024

## Section III

### Notice of Changes, Corrections and Withdrawals

NONE

## Section IV

### Emergency Rules

Notice of Emergency Rule

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

**59AER24-1 Medical Records Procedures for Treatment of Premature Rupture of Membranes and Other Life Threatening Conditions.**

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** On April 1, 2024, the Florida Supreme Court issued its decision in *Planned Parenthood of Southwest and Central Florida, et al., v. State of Florida, et al.* (Case No. SC2022-1050). Pursuant to section 9, ch. 2023-21, Laws of Florida, this decision triggered a change in the law. Effective May 1, 2024, the Heartbeat Protection Act goes into effect, and a physician may not knowingly perform or induce a termination of pregnancy if the physician determines the gestational age of the unborn baby is more than 6 weeks, except under certain circumstances. Prior to this change in the law, abortions have been permitted up to a gestational age of 15 weeks. Preterm premature rupture of membranes (PPROM), ectopic pregnancy, and molar pregnancy are medical conditions that can occur when the gestational age of an unborn child is greater than 6 weeks, and can present an immediate danger to the health, safety, and welfare of women and unborn children in hospitals and abortion clinics if immediate and proper care and treatment is not rendered. The Agency finds there is an immediate danger to the health, safety, and welfare of pregnant women and babies due to a deeply dishonest scare campaign and disinformation being perpetuated by the media, the Biden Administration, and advocacy groups to misrepresent the Heartbeat Protection Act and the State's efforts to protect life, moms, and families. The Agency is initiating rulemaking to safeguard against any immediate harm that could come to pregnant women due to disinformation. This rulemaking will ensure health care providers establish medical records procedures that will adequately protect the care and safety of both mothers and their unborn babies during medical emergencies. Hospital patients will benefit from immediate enhancements to recordkeeping as these facilities continue to administer emergency medical procedures to save the lives of pregnant women and unborn children. Therefore, emergency rulemaking is justified.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The procedure used to adopt this emergency rule is fair as a significant change in the law is imminent. Immediate guidance is necessary in order for licensed facilities to continue to administer life-saving procedures as disinformation spreads. The decision triggering the new law was issued thirty days ago, and the Heartbeat Protection Act becomes effective May 1. Therefore, non-emergency rulemaking was not feasible or practicable. This emergency rule is necessary to ensure the health, safety, and welfare of pregnant women and unborn babies during medical emergencies; provides at least the procedural protection given by other statutes, the State Constitution, or the United States

Constitution; and takes only the action necessary to protect the public interest under the emergency procedure.

**SUMMARY:** This emergency rule requires policies and procedures for the maintenance of medical records for the treatment of premature rupture of membranes, ectopic pregnancies, trophoblastic tumors, and other life-threatening conditions.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Kelli Fillyaw at Agency for Health Care Administration, Division of Health Care Policy and Oversight, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS# 28A, Tallahassee, FL 32308, email Kelli.Fillyaw@ahca.myflorida.com or phone 850-412-4442.

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

**59AER24-1 Medical Records Procedures for Treatment of Premature Rupture of Membranes and Other Life Threatening Conditions.**

Each hospital shall maintain written policies and procedures governing the maintenance of medical records for the treatment of premature rupture of membranes, ectopic pregnancies, trophoblastic tumors, and other life-threatening conditions. The policies and procedures shall be reviewed at least annually, dated to indicate time of last review, and revised as necessary. At a minimum, the policies and procedures shall address the following:

(1) When a patient receives a diagnosis of premature rupture of membranes, the patient shall be admitted for observation unless the treating physician determines that another course of action is more medically appropriate under the circumstances to ensure the health of the mother and the unborn baby. When the treating physician determines that another course of action is more medically appropriate, the physician shall document the reasons why the alternate course of action is more appropriate.

(2) When a physician attempts to induce the live birth of an unborn baby, regardless of gestational age, to treat the premature rupture of membranes, and the unborn baby does not survive, the incident does not constitute an abortion and shall not be reported pursuant to Rule 59A-9.034. The treating physician shall document the treatment in the patient's medical record.

(3) The treatment of an ectopic pregnancy is not an abortion and shall not be reported pursuant to Rule 59A-9.034. The treating physician shall document the treatment in the patient's medical record.

(4) The treatment of a trophoblastic tumor is not an abortion and shall not be reported pursuant to Rule 59A-9.034. The treating physician shall document the treatment in the patient's medical record.

Rulemaking Authority 395.1055 FS. Law Implemented 390.0112, 395.3015 FS. History—New 5-1-24.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: May 1, 2024

### Notice of Emergency Rule

#### AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59AER24-2 Reports

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: On April 1, 2024, the Florida Supreme Court issued its decision in *Planned Parenthood of Southwest and Central Florida, et al., v. State of Florida, et al.* (Case No. SC2022-1050). Pursuant to section 9, ch. 2023-21, Laws of Florida, this decision triggered a change in the law. Effective May 1, 2024, the Heartbeat Protection Act goes into effect, and a physician may not knowingly perform or induce a termination of pregnancy if the physician determines the gestational age of the unborn baby is more than 6 weeks, except under certain circumstances. Prior to this change in the law, abortions have been permitted up to a gestational age of 15 weeks. Preterm premature rupture of membranes (PPROM), ectopic pregnancy, and molar pregnancy are medical conditions that can occur when the gestational age of an unborn child is greater than 6 weeks, and can present an immediate danger to the health, safety, and welfare of women and unborn children in hospitals and abortion clinics if immediate and proper care and treatment is not rendered. The Agency finds there is an immediate danger to the health, safety, and welfare of pregnant women and babies due to a deeply dishonest scare campaign and disinformation being perpetuated by the media, the Biden Administration, and advocacy groups to misrepresent the Heartbeat Protection Act and the State's efforts to protect life, moms, and families. The Agency is initiating rulemaking to safeguard against any immediate harm that could come to pregnant women due to disinformation. This rulemaking will ensure health care providers establish medical records procedures that will adequately protect the care and safety of both mothers and their unborn babies during medical emergencies. Hospital patients will benefit from immediate enhancements to recordkeeping as these facilities continue to administer emergency medical procedures to save the lives of pregnant women and unborn children. Therefore, emergency rulemaking is justified.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The procedure used

to adopt this emergency rule is fair as a significant change in the law is imminent. Immediate guidance is necessary in order for licensed facilities to continue to administer life-saving procedures as disinformation spreads. The decision triggering the new law was issued thirty days ago, and the Heartbeat Protection Act becomes effective May 1. Therefore, non-emergency rulemaking was not feasible or practicable. This emergency rule is necessary to ensure the health, safety, and welfare of pregnant women and unborn babies during medical emergencies; provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution; and takes only the action necessary to protect the public interest under the emergency procedure.

SUMMARY: This emergency rule amends 59A-9.034, Florida Administrative Code to clarify reporting requirements regarding the treatment of premature rupture of membranes, ectopic pregnancies, and trophoblastic tumors.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Kelli Fillyaw at Agency for Health Care Administration, Division of Health Care Policy and Oversight, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS# 28A, Tallahassee, FL 32308, email Kelli.Fillyaw@ahca.myflorida.com or phone (850)412-4442.

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### **59AER24-2 (59A-9.034) Reports.**

(1) Pursuant to Section 390.0112, F.S., an abortion clinic and any medical facility in which abortions are performed, including a physician's office must submit a report each month to the Agency, regardless of the number of ~~terminations of pregnancy abortions~~, and regardless of method used. Monthly reports must be received by the Agency within 30 days following the preceding month. Failure to submit this report so that it is timely received by the Agency will result in an administrative fine being imposed pursuant to Section 390.0112, F.S.

(2) Monthly reports for abortions must be submitted on the Monthly Report of Induced Terminations of Pregnancy, AHCA Form 3130-1010 OL, July 2022, which is hereby incorporated by reference. This form is only accepted electronically and is available at: <https://apps.ahca.myflorida.com/SingleSignOnPortal/Login.aspx?ReturnUrl=%2fSingleSignOnPortal>. A copy of the form can also be found at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-14931>.

(3) Each clinic shall maintain a log of all ~~terminations of pregnancy abortions~~, recording the date of the procedure and period of gestation.

(4) When a physician attempts to induce the live birth of an unborn baby, regardless of gestational age, to treat the

premature rupture of membranes, and the unborn baby does not survive, the incident does not constitute an abortion and shall not be reported pursuant to this rule.

(5) The treatment of an ectopic pregnancy shall not be considered an abortion and shall not be reported pursuant to this rule.

(6) The treatment of a trophoblastic tumor shall not be considered an abortion and shall not be reported pursuant to this rule.

*Rulemaking Authority 390.012 FS. Law Implemented 390.0112, 390.012 FS. History—New 6-13-90, Formerly 10D-72.034, Amended 8-24-94, 9-25-06, 7-13-08, 5-19-16, 9-26-16, 1-16-17, 12-20-22, 5-1-24.*

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: 5/1/2024

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT  
Criminal Justice Standards and Training Commission  
RULE NO.: RULE TITLE:  
11B-27.002 Certification, Employment or Appointment, Reactivation, and Terminating Employment or Appointment of Officers

NOTICE IS HEREBY GIVEN that on May 01, 2024, the Department of Law Enforcement, received a petition for received a petition for permanent waiver of subsection 11B-27.002(4) by Seymour Thompson. Petitioner wishes to waive that portion of the rule that states: (a) Within four years of the beginning date of a Commission-approved Basic Recruit Training Program, an individual shall successfully complete the program, achieve a passing score on the applicable State Officer Certification Examination, and gain employment, and certification as an officer.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Florida Department of Law Enforcement, P.O. Box 1489 Tallahassee, FL, 32302 or by telephone at (850)410-7676.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
RULE NO.: RULE TITLE:  
62-602.270 Eligibility for Operator Examinations  
The Department of Environmental Protection hereby gives notice: An order was issued April 30, 2024, granting the School Board of Brevard County’s Petition for a Variance. The Petition was received on January 26, 2024. Notice of receipt of the

initial Petition was published in the Florida Administrative Register on February 1, 2024. The Petition requested a variance from paragraph 62-602.270(1)(a), F.A.C., to allow students enrolled in the Heritage High School Academy of Environmental Studies, Brevard County, Florida, to take the Class C Water Treatment and/or Class C Wastewater Examination for the Operator Certification Program prior to high school graduation, subject to certain conditions. No public comments were received. The Order, OGC file number 24-0187, grants the Petition for Variance based on a showing that the Petitioner demonstrates the purpose of the underlying statute will be or has been achieved by other means and strict application of the rule would result in substantial hardship to Petitioner.

A copy of the Order or additional information may be obtained by contacting:

Keith Davie, Florida Department of Environmental Protection, 2600 Blair Stone Road, Mail Station 3506, Tallahassee, FL 32399-2400; telephone (850)245-8617; e-mail Keith.Davie@Floridadep.gov, during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

DEPARTMENT OF CHILDREN AND FAMILIES  
Family Safety and Preservation Program  
RULE NO.: RULE TITLE:  
65C-45.003 Foster Home Initial Licensing Requirements for all Levels of Licensure

NOTICE IS HEREBY GIVEN that on April 30, 2024, the Department of Children and Families, received a petition for temporary waiver of subsection 65C-45.003(2), Florida Administrative Code, from Family Partnerships of Central Florida. Subsection 65C-45.003(2), Fla. Admin. Code, requires community-based care lead agencies participating in the attestation model for license to enter into a Memorandum of Agreement with the Regional Licensing Office. The pertinent Memorandum is incorporated by reference in paragraph 65C-45.003(2)(b).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Families, 2415 North Monroe Street, Suite 400, Tallahassee, FL 32303 or Agency.clerk@myflfamilies.com.

## Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF TRANSPORTATION