

4. The identification procedures for verification that the named licensee has taken the home study course;

5. A sample certificate of completion; and

6. If not completely original, references and permission for use or reprint of any copyrighted materials regardless of source.

(10) No change.

Specific Authority 456.025(4), 468.361(3) FS. Law Implemented 456.025(7), 468.361(3) FS. History--New 4-24-96, Amended 5-7-97, Formerly 59R-75.0041, Amended 4-23-98, 6-9-99, Formerly 64B8-75.0041, Amended 7-4-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Respiratory Care

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 11, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.: RULE TITLE:
1B-2.011 Library Grant Programs

NOTICE OF CORRECTION

The Florida Department of State hereby publishes this Notice of Correction to the Notice of Proposed Rulemaking, Rule Number 1B-2.011, published in Vol. 29, No. 32, August 8, 2003 issue of the Florida Administrative Weekly. The Notice of Proposed Rulemaking should have stated the following:

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED BY 5:00 P.M. (EST), FRIDAY, AUGUST 29, 2003, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 11:00 a.m. (EST), Tuesday, September 2, 2003

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: RULE TITLE:
IT-1.001 Division of Cultural Affairs

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 the Vol. 29, No. 18, May 2, 2003 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: Changes have been made to these documents that address the comments made by the Joint Administrative Procedures Committee.

The changes to subsection IT-1.001(17) include: The phrase "is authorized to" is changed to "will."

1. Clarification of the grant extension criteria in section 10 of the Grant Award Agreement.

2. Revisions to the Addendum to Contract mentioned in section 13 of the Grant Award Agreement. The revisions are:

MONITORING

1) The words "may include, but not be limited to" have been deleted. The single word "include" has been substituted.

2) The revised date on Federal OMB Circular A-133 is June 27, 2003. The Circular has been incorporated by reference.

3) The words "and/or other procedures" have been deleted.

AUDITS

1) In Part I: Federally Funded (paragraph 3.), the typographical error has been corrected and the word "and" has been changed to "an."

2) In Part II: State Funded (paragraph 1) has been revised.

3) In Part V: Record Retention, the words "unless extended in writing by the Department of State" have been deleted.

Specific Authority 265.284(5)(d), 265.286(1), 265.2861(2)(b), 265.701(4) FS. Law Implemented 215.97, 265.284, 265.286, 265.2861, 265.701, 286.011, 286.12, 286.25 FS. History--New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Downey, Director of Division of Cultural Affairs

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: RULE TITLE:
IT-1.001 Division of Cultural Affairs

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 the Vol. 29, No. 18, May 2, 2003 issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: Changes have been made to these documents that address the comments made by the Joint Administrative Procedures Committee.

The changes to subsection IT-1.001(20) include: The phrase "is authorized to" is changed to "will."

1. A correction and addition to the Specific Authority section. Section 255.043(5) has been corrected to read 255.043(4), and 265.702(8) has been added.

2. An addition to the Law Implemented section. Section 265.702 has been added.

3. Clarification of the grant extension criteria in section 10 of the Grant Award Agreement.

4. Revisions to the Addendum to Contract mentioned in section 13 of the Grant Award Agreement. The revisions are:
MONITORING.

1) The words “may include, but not be limited to” have been deleted. The single word “include” has been substituted.

2) The revised date on Federal OMB Circular A-133 is June 27, 2003. The Circular has been incorporated by reference.

3) The words “and/or other procedures” have been deleted.

AUDITS

1) In Part I: Federally Funded (paragraph 3.), the typographical error has been corrected and the word “and” has been changed to “an.”

2) In Part II: State Funded (paragraph 1) has been revised.

3) In Part V: Record Retention, the words “unless extended in writing by the Department of State” have been deleted.

Specific Authority 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609(1),(4),(6), 265.701(4), 265.702(8) FS. Law Implemented 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS. History—New 11-23-82, Formerly IT-1.01, Amended 10-1-96, 10-31-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Linda Downey, Director of Division of Cultural Affairs

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5M-3	Best Management Practices (BMPs) for Citrus, Cow/Calf, Dairies and Other Agriculture in the Lake Okeechobee priority basins (S-191, S-154, S65 D and E)
RULE NOS.:	RULE TITLES:
5M-3.001	Purpose
5M-3.002	Definitions
5M-3.003	Approved Best Management Practices
5M-3.006	Land Application of Animal Wastes

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 27, July 3, 2003, of the Florida Administrative Weekly:

The changes were made in response to written comments received from the Joint Administrative Procedures Committee.

5M-3.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have a minimal individual or cumulative adverse impacts to the water resources of the state. The rule defines the phosphorus management requirements of agricultural producers necessary to receive a presumption of compliance with state water quality standards, including those established by the Total Maximum Daily Load (TMDL) program, pursuant to Chapter 403.067, F.S. and the South Florida Water Management District’s Works of the District Program contained in Ch 40E-61, F.A.C. Implementation of this rule is part of a comprehensive program to achieve water quality standards. Reasonable assurance for achieving water quality standards is enhanced through verification monitoring at representative sites and subsequent identification of additional or modified control measures where needed. Where it is determined that additional control measures are necessary to achieve compliance with water quality standards, established phosphorus reduction targets of total maximum daily loads, the implementation of these measures will be achieved through a modification of this rule.

5M-3.002 Definitions.

(1) “Agricultural Nutrient Management Assessment and Plan” (“ANMAP”) means a site-specific plan establishing the rate at which nutrients (manure, litter, waster bedding and process wastewater) can be land applied so as to meet crop nutrient needs while minimizing the amount of pollutant discharged to waters of the State. The ANMAP shall include site-specific Best Management Practices to address all relevant operation and maintenance activities. The ANMAP shall be consistent with the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) Field Office Technical Guide ~~technical standards~~ and the USDA’s Comprehensive Nutrient Management Planning Technical Guidance (CNMP) December 2000 Technical Guidance for Developing Comprehensive Nutrient Management Plans located in Part 600.5 of the National Planning Procedures Handbook Amendment 4, which may be viewed or copied by going to <http://www.nrcs.usda.gov/programs/af/>, or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd Street, Gainesville, Florida 32614-1510.

(4) “Buy-out Dairy Property” means property on which a “dairy farm”, as defined in subsection 5D-1.001(49), F.A.C., and “high intensity use area”, as defined by the Florida Department of Environmental Protection (FDEP) through ~~in~~ Rule 62-670.200, F.A.C. dated December 26, 1996, have ceased operations.

(5) “Certified Technical Service Provider (“CTSP”) means an individual, or an entity or public agency having an employee or employees who meet the minimum NRCS criteria for providing technical service for conservation planning or a

specific conservation practice or system. The minimum criteria for providing technical service is outlined in 7CFR Part 652, subpart B, effective November 20, 2002. Individuals who meet the minimum NRCS criteria must be approved and certified by the USDA/NRCS State Conservationist and placed on the approved list to provide technical service to program participants or to the Department.

~~(6)(5)~~ “Conservation Plan” means a record of the landowner’s decisions and supporting information for treatment of a unit of land or water as a result of the planning process that meets Field Office Technical Guide (FOTG) quality criteria for each natural resource (soil, water, air, plants, and animals) and takes into account economic and social considerations. The plan must be developed in accordance with the United States Department of Agriculture/ Natural Resources Conservation Service (USDA/NRCS) National Planning Procedures Handbook- Amendment 4 3 and approved by USDA/NRCS, and shall specify the schedule of operations and land activities needed to solve identified natural resource problems. The needs of the landowner, the resource, and the federal, state and local requirements must be met. The National Planning Procedures Handbook- Amendment 4 3 may be viewed or copied by going to http://policy.nrcs.usda.gov/scripts/lpsiiis.dll/H/H_180_600.htm, or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

~~(7)(6)~~ “Field Office Technical Guide” (FOTG) means the official NRCS series that includes volumes I-V, in effect August 01, 2003, which set forth the guidelines, criteria, and standards for planning and applying conservation treatments, which may be viewed or copied by going to <http://www.nrcs.usda.gov/technical/efotg/> or obtained from USDA/NCRS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

~~(8)(7)~~ “Nutrient Management” Plan means a component of a site specific conservation plan that is designed and applied according to the USDA/NRCS conservation practice standard included in Section IV, Code 590 Nutrient Management, Code 590, located in section IV of the FOTG/Efotg. Nutrient Management Plans specify the amount, placement, form, and timing of the application of nutrients including manure and animal by-products, and soil amendments. Nutrient Management Plans are applicable to all lands where plant nutrients and soil amendments are applied. The Nutrient Management section of the FOTG/Efotg, Code 590, Conservation practice standard may be viewed or copied by going to <http://ftp.ftw.nrcs.usda.gov/pub/nhcup/pdf/590.pdf> <http://policy.nrcs.usda.gov/scripts/lpsiiis.dll/H/H.htm>.

5M-3.003 Approved Best Management Practices.

(1) Implementation of a site specific conservation plan developed in accordance with the USDA/NRCS National Planning Procedures Handbook- Amendment 4 3 and approved by the USDA/NRCS. A copy of the National Planning

Procedures Handbook Amendment 4 3 may be obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510.

5M-3.006 Land Application of Animal Wastes.

Animal wastes shall be applied at a phosphorus-based agronomic rate. The landowner or leaseholder must have a current (5 year old or less) nutrient management plan, prepared by a Certified Technical Service Provider, or the ~~USDA/NRCS United States Department of Agriculture(USDA), Natural Resource Conservation Service(NRCS)~~, consistent with the USDA/NRCS, Field Office Technical Guide, Conservation Practice Standards – Code 590 “Nutrient Management” and Code 633 “Waste Utilization.” The landowner or leaseholder must maintain adequate records demonstrating adherence to the Nutrient Management Plan. The Nutrient Management Plan and associated records, shall be made available to the Department or its representative, upon request. FOTG Code 590 “Nutrient Management” may be viewed or copied by going to <http://ftp.ftw.nrcs.usda.gov/pub/nhcup/pdf/590.pdf>. FOTG Code 633 “Waste Utilization” may be viewed or copied by going to <http://ftp.ftw.nrcs.usda.gov/pub/nhcup/pdf/633.pdf>.

Specific Authority 373.4595(c)6., 403.067(7)(d)1. FS. Law Implemented 373.4595(c)6., 403.067(7)(d)1. FS. History–New _____.

DEPARTMENT OF REVENUE

RULE NOS.:	RULE TITLES:
12-24.021	Scope
12-24.023	Recordkeeping Requirements – General

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to these proposed rules, as published in the Vol. 29, No. 7, pp. 591-601, February 14, 2003, issue of the Florida Administrative Weekly. These changes are in accordance with subparagraph 120.54(3)(d)1., F.S.

Rule 12-24.021, F.A.C., has been changed so that, when adopted, the rule will read:

Rules 12-3.0012 and 12-24.021 through 12-24.030, F.A.C., ~~and publication GT400515~~ define the requirements imposed on taxpayers for the maintenance and retention of books, records, and other sources of information under s. 213.35, F.S. These rules ~~and publications~~ address such requirements where all or part of the taxpayer’s records are received, created, maintained or generated through computer, electronic, and imaging processes and systems. Unless in conflict with the specific requirements imposed by other rules of the Department, these rules shall govern the recordkeeping and retention requirements imposed by the revenue laws administered by the Department.

Subsection (1) of Rule 12-24.023, F.A.C., has been changed so that, when adopted, this subsection will read:

(1) A taxpayer shall maintain all records that are necessary to make a determination of its correct tax liability for any tax specified in Section 72.011, F.S. All required records must be made available on request by the Department as provided in Section 213.34, F.S. Such records shall comply with the adequate records provisions discussed in Rule 12-3.0012 and publication GT400515, which is adopted by reference in Rule 12-3.0017, and shall include, but not be limited to: books of account, invoices, bills of lading, gross receipts from sales, resale certificates, consumer exemption certificates, and other pertinent records.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.820
 RULE TITLE: Maximum Management
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 19, May 9, 2003, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.007
 RULE TITLE: Foreign Degrees

SECOND NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule published in Vol. 29, No. 20, May 16, 2003, issue of the Florida Administrative Weekly. This Change supercedes the Notice of Change was filed on July 23, 2003 for publication on August 1, 2003 in Vol. 29, No. 31. These changes were made in response to comments from the Joint Administrative Procedures Committee.

61G15-20.007 Foreign Degrees.

(1) Applicants having degrees from foreign institutions shall be required to document “substantial equivalency” to the 2002 ABET Accreditation Yearbook for Accreditation Cycle Ended Sept. 30, 2002 Board for Engineering and Technology, Inc. (ABET) engineering criteria, as found in the 1996 annual report of ABET. This document is hereby incorporated by reference.

(2) In order to document “substantial equivalency” to an ABET accredited engineering program, degree, the applicant candidate must demonstrate:

(a) 32 +6 college credit hours of higher mathematics and basic sciences. The These hours of mathematics must be beyond algebra and trigonometry and must emphasize mathematical concepts and principles rather than computation. Courses in probability and statistics, differential calculus, integral calculus, and differential equations are required. Additional courses may include probability, statistics, linear algebra, numerical analysis, and advanced calculus. As for the hours in basic sciences.

~~(b) 16 college credit hours of basic sciences. courses~~ Courses in general chemistry and calculus-based general physics are required, with at least a two semester (or equivalent) sequence of study in either area. Additional basic sciences courses may include life sciences (biology), earth sciences (geology), and advanced chemistry or physics. Computer skills and/or programming courses cannot be used to satisfy mathematics or basic science requirements.

~~(b)(e)~~ No change.

~~(c)(d)~~ No change.

~~(d)(e)~~ In addition, evidence of attainment of appropriate laboratory experience, computer based skills with engineering applications, competency in English, ~~knowledge of probability and statistics,~~ and understanding of the ethical, social, economic and safety considerations of engineering practice must be presented. As for competency in English, transcripts of course work completed, course content syllabi, testimonials from employers, college level advanced placement tests, Test of English as a Foreign Language (TOEFL) scores of at least 550 in the paper-based version, or 213 in the computer-based version, will be accepted as satisfactory evidence.

(3) No change.

(4) The Educational Advisory Committee in making its evaluation will consider the following elements: faculty, curricula, students, administration and commitment.

~~(a) Institutional factors including but not limited to, recognition by appropriate governmental authority, standing within the profession, accreditation status, and recognition by other evaluation agencies shall be considered.~~

~~(b) ABET minimum curricular content requirements in mathematics and basic sciences, humanities and social sciences, engineering sciences, and engineering design must be met as set forth in subsection (2).~~

~~(c) Transcripts of course work completed, course content syllabi, notarized testimonials from employers, college level advance placement tests, Test of English as a Foreign Language (TOEFL) scores of at least 550 in the paper based version, or 213 in the computer based version, will be accepted as satisfactory evidence.~~

(5) through (7) renumbered (4) through (6) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Natalie Lowe, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-3.004
 RULE TITLE: Application for Retired Status

SECOND 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. 29, No. 4, January 24, 2003, issue of the Florida Administrative Weekly. This Change supercedes the change published on August 1, 2003 in Vol. 29, No. 31.

61G17-3.004 Application for Retired Status.

(1) A person wishing to apply for Retired Status shall submit a completed application to the Board. The application entitled "Surveyor and Mapper Retired Status Application," SM-4757, is incorporated by reference, effective . Copies of the form may be obtained from the Board office. The Board shall certify as eligible for Retired Status any applicant who has completed the application form and who has chosen to relinquish or not to renew his or her license.

(2) Professional Surveyors and Mappers on Retired Status may use the term "Professional Surveyor and Mapper Retired or PLS Retired"; however, such surveyor or mapper shall refrain from any practice of surveying and mapping and the use of his or her seal. Any Professional Surveyor and Mapper in Retired Status who wishes to become active shall make application for licensure and meet the licensure criteria in effect at the time of application.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-30.005
 RULE TITLE: Physician Assistant Licensure
 Renewal and Reactivation

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. 29, No. 4, of the January 24, 2003, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Council on Physician Assistants, at its meeting held on July 11, 2003, in Tampa, Florida agreed to change the rule to address the concerns outlined by the JAPC. The Board of Medicine, at its meeting held on August 2, 2003, in Orlando, Florida, approved the Council's recommendation. The changes are as follows:

1. Subsection (4) of the proposed rule amendment shall be reworded to read:

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

- (a) Submit to the Department the original inactive license;
- (b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;

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

1. Successfully complete the 16 credit hour Graduate Clerkship offered by Nova Southeastern University (Physician Assistant Department) or an equivalent program approved by the Council; and

2. Practice under the direct supervision of a supervising physician approved by the Council for one (1) year;

3. In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCPA;

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

(e) Submit proof of completion of the continuing medical education requirements in compliance with Rule 64B8-30.005(2)(c), (d), (e), (f) and (g) for each biennium in which the license was inactive;

(f) Pay the appropriate fees.

2. Subsection (8) of the proposed rule amendment shall be deleted in its entirety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253