

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE:

RULE NO.:

Adoption of Federal Regulations and Other Standards

5K-4.002

PURPOSE AND EFFECT: The rule amendment adopts the Food and Drug Administration 1999 "Food Code" and updates other references and standards.

SUBJECT AREA TO BE ADDRESSED: The safe and sanitary operation of food establishments.

SPECIFIC AUTHORITY: 500.09, 500.12(1)(f), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.11, 500.12(4)(a), 500.13 FS.

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

DATE AND TIME: 1:30 p.m., June 29, 1999

PLACE: George Eyster IV Auditorium, 3125 Conner Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. H. Wayne Derstine, Environmental Administrator, Bureau of Food and Meat Inspection, 3125 Conner Blvd., Tallahassee, FL 32399-1650, Telephone (850)488-3951

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.002 Adoption of Federal Regulations and Other Standards.

(1) No change.

~~(2) Retail Food Store Sanitation.~~

~~(a) The purpose of this rule is to adopt sanitation criteria, standards and requirements for retail food stores that protect foods during storage and display, and provide the public safeguards against purchase of unsafe or unwholesome foods.~~

~~(b) The provisions and requirements of Part 1, Chapters 1 through 7 of the "Model Retail Food Store Sanitation Code," jointly published in 1982 by the Association of Food and Drug Officials and the Food and Drug Administration, are hereby adopted by reference as rules under Chapter 500, F.S., and a copy is filed herewith. Interested persons may obtain copies of this code by contacting the Association of Food and Drug Officials, Post Office Box 3425, York, PA 17402, and copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, Tallahassee, Florida.~~

~~(c) The 1984 supplemental provisions and requirements to Chapters 1 through 7 of the "Model Retail Food Store Sanitation Code" relating to customer self-service of unpackaged (bulk) food are hereby adopted by reference as rules under Chapter 500, F.S., and a copy is filed herewith. Interested persons may obtain copies by contacting the Association of Food and Drug Officials, Post Office Box 3425, York, PA 17402, and copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, Tallahassee, Florida.~~

~~(2)(3) No change.~~

~~(4) Food Service Sanitation.~~

~~(a) The provisions and requirements of the United States Department of Health, Education and Welfare Publication No. (FDA) 78-2081 (Rev. June, 1978), Food Service Sanitation Manual, Part IV, Chapters One through Nine, are hereby adopted by reference as rules under Chapter 500, F.S. Interested persons may obtain copies of this publication by contacting the U.S. Government Printing Office. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, Tallahassee, Florida.~~

~~(b) The term "extensively remodeled" as used in the above referenced publication is defined as "structural changes to existing establishments which cost in excess of 50% of the assessed value to the facility as determined by the county property appraiser."~~

~~(c) The requirements and sanitation criteria of this rule apply to all food service activity within and associated with food establishments and retail food stores permitted and inspected by the department.~~

~~(3)(5) No change.~~

~~(4)(6) Food Code – Provisions Adopted Temperatures – Revision.~~

~~(a) Chapters 1-7 Sections 3-202.11, 3-401.11 through 3-401.15, 3-402.11, 3-403.11, and 3-501.12 through 3-501.16 of the "Food Code 1999 1995" published by the U.S. Public Health Service of the U.S. Department of Health and Human Services (1999 Sept. 1995), are hereby adopted by reference as a rules under Chapter 500, F.S., except for the following provisions:~~

~~1. 1-201.10(B)(31), (32), (87)~~

~~2. 2-102.11~~

~~3. 3-304.14(B)(2)~~

~~4. 5-203.11(C)~~

~~5. 5-402.12~~

~~6. 6-202.110~~

All provisions in the "Food Code 1999" that are adopted herein by reference shall apply to all food establishments regulated by the Florida Department of Agriculture and Consumer Services. Interested parties may obtain copies of this publication by

contacting the U. S. Government Printing Office. Copies are available for examination at the Florida Department of Agriculture and Consumer Services, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Room 289, Tallahassee, Florida 32399-1650. ~~These sections supersede the provisions regarding food temperatures found in the United States Department of Health, Education and Welfare Publication No. (FDA) 78-2081 (Rev. June, 1978); Food Service Sanitation Manual and the "Model Retail Food Store Sanitation Code," jointly published in 1982 by the Association of Food and Drug Officials and the Food and Drug Administration, previously adopted by reference.~~

(b) Existing mechanical refrigeration units which are being utilized to maintain potentially hazardous food at 7°C (45°F) or below and are otherwise in good repair shall have until ~~September 8, 2002, 5 years from the effective date of this rule~~ to comply with the requirements of 5°C (41°F) or below. Mechanical refrigeration units in new and extensively remodeled ~~food establishments as of the effective date of this rule~~ are required to maintain foods at 5°C (41°F) or below as stated in section 3-501.16 of the "Food Code 1999". When a mechanical refrigeration unit must be replaced, the replacement unit must comply with temperature requirements of 5°C (41°F) or below for potentially hazardous food. The term "extensively remodeled" as used in this rule means "structural changes to an existing food establishment which cost in excess of 50% of the assessed value of the establishment as determined by the county property appraiser".

**(5) Other Standards**

(a) Cloths used for wiping food spills on food-contact surfaces of equipment shall be clean and rinsed frequently in an approved sanitizing solution. Cloths used for wiping food spills on food-contact surfaces shall be used for no other purpose. The cloths shall be stored in the sanitizing solution between uses.

(b) Cloths used for cleaning non-food-contact surfaces shall be clean and rinsed frequently in an approved sanitizing solution. Cloths used for cleaning non-food-contact surfaces shall be used for no other purpose. These cloths shall be stored in the sanitizing solution between uses.

Specific Authority 500.09, 500.12(1)(f), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.11, 500.12(4)(a), 500.13 FS. History—Revised 3-1-72, Amended 12-31-74, 1-18-83, 6-17-85, Formerly 5E-6.02, Amended 7-25-88, 4-13-92, Formerly 5E-6.002, Amended 8-8-95, 9-9-96, 12-10-96, 4-10-97, 9-8-97, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Student Fees  
 RULE NO.: 6A-14.054

PURPOSE AND EFFECT: The purpose is to amend the rule to conform to recently revised statutes. The effect will be to clarify requirements related to the assessment and collection of student fees.

SUBJECT AREA TO BE ADDRESSED: The requirements for the assessment and collection of student fees by community colleges.

SPECIFIC AUTHORITY: 229.053(1), 240.311(3), 240.325, 240.35 FS.

LAW IMPLEMENTED: 239.117, 239.301, 240.116(2)(a), 240.301(5), 240.319, 240.325, 240.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

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

**DEPARTMENT OF EDUCATION**

**State Board of Community Colleges**

RULE TITLE: Delegation of Powers and Duties  
 RULE NO.: 6H-1.030

PURPOSE AND EFFECT: The purpose is to amend the rule to delegate authority to approve or disapprove proposals to use Academic Improvement Trust Funds, submitted in accordance with the provisions of Section 240.36(7)(c), Florida Statutes. The effect of this action will be to make the process more efficient for the individual colleges and the State Board of Community Colleges. It will shorten the response time for acting on these proposals and will reduce the size of the agenda for the meetings of the State Board of Community Colleges.

SUBJECT AREA TO BE ADDRESSED: The process for approving use of funds from the community colleges Academic Improvement Trust Funds.

SPECIFIC AUTHORITY: 240.309(1) FS.

LAW IMPLEMENTED: 240.311(4), 240.36(7)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AS NOTICED IN A FUTURE ISSUE OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sydney H. McKenzie III, General Counsel, State Board of Community Colleges, Division of Community Colleges, 325 West Gaines St., Tallahassee, FL 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6H-1.030 Delegation of Powers and Duties.

The executive director of the community college system is the executive officer and secretary of the State Board of Community Colleges. The following powers and duties are delegated by the Board to the executive director.

- (1) Review new associate degree and certificate programs for relationship to student demand.
- (2) Advise presidents of fiscal policies adopted by the legislature and of their responsibility to follow such policies.
- (3) Represent the State Community College System before the legislature and the State Board of Education.
- (4) Administer the state program of support for the State Community College System.
- (5) Review and approve operating budgets and budget amendments of the community colleges. The executive director periodically shall report such action to the State Board of Community Colleges.
- (6) Approve community college expenditures in the absence of budget approval.
- (7) Implement the community college program fund.
- (8) Approve community college calendar exceptions.
- (9) Administer personnel functions for the Board, except when specifically exempted by Board action, according to rules of the Department of Management Services Administration.
- (10) Approve or disapprove proposals for use of Academic Improvement Trust Funds.

Specific Authority 240.309(1) FS. Law Implemented ~~420.53(1), 240.309(1), 240.311(4), 240.36(7)(c)~~ FS. History—New 2-27-84, Amended 1-7-85, 5-28-85, Formerly 6H-1.30, Amended 3-9-87, \_\_\_\_\_.

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

RULE CHAPTER TITLE:                      RULE CHAPTER NO.:

The Brooks of Bonita Springs II  
 Community Development District                      42Z-1  
 RULE TITLES:    RULE NOS.:  
 Creation and Establishment                      42Z-1.001  
 Boundary    42Z-1.002  
 Supervisors    42Z-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district (CDD), The Brooks of Bonita Springs II Community Development District (“the District”), pursuant to Chapter 190, F.S. The petition to establish the District, filed by Long Bay Partners, LLC, (Petitioner), requests that the Florida Land and Water Adjudicatory Commission establish by rule The Brooks of Bonita Springs CDD. The land area proposed to be served by the District whose charter was created by general law will be approximately 1,222.85 acres. All proposed lands in the District are within unincorporated Lee County, bounded on the North by Corkscrew Woodlands, Williams Road and various parcels of property; on the East by Interstate 75; on the West by Seminole Gulf Railroad and by undeveloped parcels of property west of Railroad; and on the South by The Brooks, a development of regional impact (DRI) in Lee County.

SUBJECT AREA TO BE ADDRESSED: Establishment of The Brooks of Bonita Springs II Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 10:00 a.m., Thursday, July 22, 1999

PLACE: Room 2106, The Capitol, Tallahassee, Florida 32399-0001

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty at (850)488-7793 at least 5 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ken van Assenderp, Young, van Assenderp & Varnadoe, 225 South Adams Street, Suite 200, Tallahassee, Florida 32301, telephone (850)222-7206 or Barbara Leighty, Senior Governmental Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

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

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid Program Development Office**

RULE TITLE: Early Intervention Services  
RULE NO.: 59G-4.085

PURPOSE AND EFFECT: The purpose of this rule is to establish authority for the Medicaid Early Intervention Services program, for which the Florida legislature appropriated specific funds. The effect is to consolidate the policies specific to the Early Intervention Services program into rule.

SUBJECT AREA TO BE ADDRESSED: Early Intervention Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 10:00 a.m., June 30, 1999

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenn Jones, P. O. Box 12600, Tallahassee, Florida 32317-2600, Telephone: (850)922-7310

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.085 Early Intervention Services.

(1) This rule applies to all Early Intervention Service providers enrolled in the Medicaid program.

(2) All Early Intervention Service providers enrolled in the Medicaid program must comply with the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, February 1999, incorporated by reference; and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and EPSDT 221, which is incorporated by reference in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History--New

**AGENCY FOR HEALTH CARE ADMINISTRATION  
Medicaid Program Development Office**

RULE TITLE: Medical Foster Care  
RULE NO.: 59G-4.197

PURPOSE AND EFFECT: The purpose of the rule development is to separate Medical Foster Care from Prescribed Pediatric Rehabilitative Services, rule 59G-4.260; and incorporate by reference the Florida Medicaid Medical Foster Care Coverage and Limitations Handbook, December 1997, in 59G-4.197. The effect will be to incorporate by reference the current Florida Medicaid Medical Foster Care Coverage and Limitations Handbook and to eliminate duplication.

SUBJECT AREA TO BE ADDRESSED: Medical Foster Care.  
SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 8:00 a.m., June 30, 1999

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kenn Jones, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7310

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.197 Medical Foster Care.

(1) This rule applies to all Medical Foster Care (MFC) providers enrolled in the Medicaid program.

(2) All Medicaid-enrolled Medical Foster Care (MFC) providers must be in compliance with the Florida Medicaid Medical Foster Care Coverage and Limitations Handbook, December 1997, incorporated by reference, and the Florida Medicaid Reimbursement Handbook, HCFA 1500 and EPSDT 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History--New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	61H1-38.001
Fifth Year of Accounting Education Program	61H1-38.002
General Requirements	61H1-38.003
Eligibility Criteria	61H1-38.004
Scholarships	61H1-38.005
Terms for Council Members	61H1-38.006
Fees	61H1-38.007

**PURPOSE AND EFFECT:** The Legislature has granted the Board authority under Section 473.3065, Florida Statutes, to establish standards and procedures under which minorities may apply for scholarship assistance. Rule Chapter 61H1-38 shall include those rules listed as Emergency Rules 61H1ER99-1 through 61H1ER99-7, effective April 14, 1999.

**SUBJECT AREA TO BE ADDRESSED:** Certified Public Accountant Education Minority Assistance Program.

**SPECIFIC AUTHORITY:** 473.3065(3) FS.

**LAW IMPLEMENTED:** 473.3065 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Martha P. Willis, Division Director, Division of Certified Public Accounting, Board of Accountancy, 2610 N. W. 43 Street, Gainesville, Florida 32606

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

CHAPTER 61H1-38  
CERTIFIED PUBLIC ACCOUNTANT EDUCATION  
MINORITY ASSISTANCE PROGRAM

61H1-38.001 Definitions.

Minority – As used herein, the term “minority” shall have the same meaning as set out in Section 288.703(3), F.S.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New \_\_\_\_\_.

61H1-38.002 Fifth Year of Accounting Education Program.

As used in Section 473.3065(1), a student will be deemed to be enrolled in the “fifth year of accounting education program” so long as the student has completed or is in the final semester of completing a minimum of one hundred and twenty (120) semester hours of academic credit and either is in the process of matriculation in an academic program of higher learning in this state that will result in completion of at least thirty (30)

semester hours in excess of that required for a baccalaureate degree or, when the scholarship authorized under Section 473.3065, F.S., will be awarded, has been accepted into and will be enrolled in a different program of higher learning at an approved institution of higher learning in this state that will result in the completion of at least thirty (30) semester hours in excess of that required for a baccalaureate degree. Any program meeting this definition must be configured such that successful completion of the program will qualify a candidate to take the CPA examination on Florida under the provisions of Chapter 473, F.S., and the rules promulgated thereto.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New \_\_\_\_\_.

61H1-38.003 General Requirements.

Approved Institutions – Residency scholarships will only be awarded to students who are Florida residents and who are enrolled in the fifth year of an accounting education program in an institution of higher learning in this state which is accredited by one of the accrediting bodies set forth in Rule 61H1-27.001, F.A.C.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History–New \_\_\_\_\_.

61H1-38.004 Eligibility Criteria.

A student who meets the foregoing general criteria shall be eligible to be chosen to receive a scholarship so long as the following criteria are met:

(1) Applicants must demonstrate a financial need which is defined as the cost of attendance at an institution of higher education less the expected family contribution and any gift aid for which the student is entitled. “Cost of attendance” is defined as a Board approved estimate of the expenses incurred by a typical financial aid student attending college. It includes direct educational costs (tuition, supplies, computers) as well as indirect costs (room and board, transportation, laundry, child care and personal expenses). Applicants will be required to authorize the Certified Public Accountant Education Minority Assistance Advisory Council (Council) to verify information submitted including financial assistance and educational costs. It is the intent that scholarship money from this source should not affect a student’s eligibility for other scholarships, but should reduce their self-help aid. However, the Council shall take other assistance into consideration when determining a student’s eligibility for a scholarship under this section.

(2) Applicants must be enrolled as full-time students in a fifth year accounting program as defined in 473.306(2), F.S., at an approved institution as defined in 61H1-27.001, F.A.C., and declared a major in accounting.

(3) Applicants must demonstrate scholastic ability of a minimum undergraduate grade point average of 2.5 based on a 4.0 scale.

(4) Applicants must academically in good standing as defined by the college or university.

(5) Applicants must be of "good moral character" as that term is defined in Section 473.306(4)(a), F.S.

(6) All applications must be postmarked by May 1 of the year to which the scholarship will apply.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History--New

61H1-38.005 Scholarships.

(1) Scholarships will be awarded in the amount of \$3,000.00 per semester up to a maximum of two (2) semesters.

(2) Scholarship checks will be made payable jointly to the institution and the student and will be mailed during August for those enrolled in the fall term and during December for those enrolled in the winter term.

(3) A maximum of \$100,000.00 may be expended for all scholarships each year.

(4) A minimum of \$1,000.00 must be maintained in the program account.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History--New

61H1-38.006 Terms for Council Members.

Initial terms will be phased in by appointing two (2) members for a two (2) year term to expire December 31, 2000, and two (2) members to a three (3) year term to expire December 31, 2001. Thereafter all terms will be three (3) years except for the Board Member who shall be appointed annually by the Board Chair.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History--New

61H1-38.007 Fees.

An equal assessment per license out of existing licensing fees, as set forth in Section 473.3065, Florida Statutes, and not to exceed \$10 per license shall be made in an amount needed to collect \$105,000.00 during the first fiscal year of the fund and to collect \$100,000.00 per fiscal year thereafter in order to fund the authorized scholarships.

Specific Authority 473.3065(3) FS. Law Implemented 473.3065 FS. History--New

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE TITLE: License Fees and Examination Fees  
 RULE NO.: 61J2-1.011

PURPOSE AND EFFECT: The purpose and effect is for the Florida Real Estate Commission to consider amending the time period for renewing an educational course. Also, the Commission will review license and examination fees to determine if they need to be amended.

SUBJECT AREA TO BE ADDRESSED: The Florida Real Estate Commission will review the time period for the renewal of education course offerings and license and examination fees.  
 SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 455.217, 455.2281, 475.04, 475.125, 475.182, 475.24, 475.451, 68.065(2) FS.

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

TIME AND DATE: 8:30 a.m., August 18, 1999

PLACE: Office of Florida Real Estate Commission, 400 West Robinson Street, Suite 301, North Tower, Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Herbert S. Fecker, Jr., Director, Division of Real Estate, Suite 308, North Tower, 400 West Robinson Street, Orlando, Florida 32801

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Examination Grading System and Examination Requirements for Dental Examination  
 RULE NO.: 64B5-2.013

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address changes in the clinical (or practical) examination.

SUBJECT AREA TO BE ADDRESSED: Changes to the clinical portion of the examination.

SPECIFIC AUTHORITY: 466.004(4), 466.006(4), 455.574(1)(b) FS.

LAW IMPLEMENTED: 466.006(4), 466.009, 455.574(1)(b), (2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.013 Examination Grading System and Examination Requirements for Dental Examination.

(1) through (2) No change.

(3) The clinical (or practical) examination for dental licensure shall consist of and be graded as to each part as follows:

- (a) Class II amalgam on a patient 25%
  - 1. Preparation 2/3
  - 2. Restoration 1/3
- (b) Periodontal exercise on a patient 15% ~~20%~~
  - 1. Definitive debridement (root planing, curettage, deep scale, stain removal)
- (c) An objective ~~discrimination~~ type examination with respect to dental prosthetics in which candidates will view and evaluate photographs of exhibits of complete, fixed, partial, and removable partial prosthetics. ~~Such~~ exhibits shall include but not be limited to one or more of the following: impressions, denture set-ups, study models, master casts, wax rims, partial denture frameworks, bite registrations, crowns, bridges, crown and bridge dies and preparations, and radiographs 10% ~~articulated models, photographs, and prescriptions for complete dental prosthetics, fixed partial prosthetics, and removable partial prosthetics.~~ 15%
- (d) Class II composite restoration on a specified model ~~Pin amalgam on a mannequin~~ 10%
  - 1. Preparation 2/3
  - 2. Restoration 1/3
- (e) Endodontic Procedure on an extracted tooth 10%
- (f) Preparation for a 3-unit fixed partial denture on a specified model. 20% ~~examination for a cast restoration.~~ 10%

- (g) Class IV composite restoration on a specified model 5% ~~10%~~
- (h) Class II amalgam restoration on a specified model 5%

(4) The grading of the clinical portion of the dental examination shall be based on the following criteria:

(a) Class II amalgam on a patient:

- 1. Preparation:
  - a. through e. No change.
  - f. management of soft tissue

It is the intent of the Board that each of the criteria are to be accorded equal importance in grading. Equal importance does not mean that each criteria has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the procedure. The criteria do not have assigned numerical or point value but are to be utilized in making a holistic evaluation of the procedure. However, a grade of zero (0) is mandatory if caries remain; if gross overcutting occurs; if mechanical exposure occurs; if the preparation is prepared or attempted to be prepared on the wrong tooth or wrong surface; or if the candidate fails to attempt or complete the procedure.

2. Restoration:

- a. functional anatomy – appropriate occlusal and interproximal anatomy
- b. proximal contour and contact – contact is considered present if there is definite, but not excessive when resistance to the passage of dental floss through the contact area is met with specified floss given at the time of the exam
- c. margins
- d. gingival overhang – overhang is considered to be excess amalgam in either a proximal or gingival direction at the gingival cavosurface margin
- e. proper handling of material including but not limited to condensation and finishing
- f.e. management of soft tissue

It is the intent of the Board that each of the criteria are to be accorded equal importance in grading. Equal importance does not mean that each criteria has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed procedure potentially useless or harmful to the patient in the judgment of the examiner could result in a failing grade on the procedure. The criteria do not have any assigned numerical or point value but are to be utilized in making a holistic evaluation of the procedure. However, a grade of zero (0) is mandatory if there is a ~~total~~ lack of contact; gross overhang; tissues grossly mutilated (may require suturing or surgical intervention); if the

preparation for the restoration is prepared or attempted to be prepared on the wrong tooth or wrong surface; or a failure to attempt or complete the procedure.

(b) No change.

1. Definitive debridement (root planing, curettage, deep scale, stain removal):

a. diagnosis

~~b.~~ presence of stain on assigned teeth

~~c.~~ presence of supra-gingival calculus on assigned teeth

~~d.~~ presence of sub-gingival calculus on assigned teeth

~~e.~~ root roughness on assigned teeth

f. tissue management of soft tissue

It is the intent of the Board that each of the criteria are to be accorded equal importance in grading. Equal importance does not mean that each criteria has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the procedure. The criteria do not have any assigned numerical or point value but are to be utilized in making a holistic evaluation of the procedure. However, a grade of zero (0) is mandatory if there is gross mutilation of gingival tissue or if the candidate fails to attempt or complete the procedure is not attempted or completed or if there is gross mutilation of gingival tissue.

(c) Endodontic Procedure on an extracted tooth:

1. Access preparation:

a. outline form

b. straight line access to all canals

c. presence of remaining adequate dentin

2. Canal identification

3. Instrumentation and shaping of canals

4. Proper filling of the canal spaces with gutta percha

It is the intent of the Board that each of the criteria be accorded equal importance in grading. Equal importance does not mean that each criterion has a numerical or point value, but means that any one of the criteria, if missed to a severe enough degree so as to render the completed procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the procedure. The criteria do not have any assigned numerical or point value but are to be utilized in making a holistic evaluation of the procedure. However, a grade of zero (0) is mandatory if:

~~a.~~ a perforation occurs; ~~b.~~ the candidate fails to retrieve, or fails to successfully instrument around a broken instrument; ~~e.~~ the preparation is prepared or attempted to be prepared on the wrong tooth; or ~~d.~~ the candidate fails to attempt or complete the procedure.

(d) Dental prosthetics written practical: The examination shall be objective, with identifiable correct answers. A scaled score shall be derived by multiplying the percent of questions answered correctly by five (5).

(e) Preparation for a 3-unit fixed partial denture on a specified model of a posterior tooth assigned by the Board at the beginning of the examination for a cast restoration.

1. Preparation:

a. outline form – all prepared surfaces smooth, absence and absent of all undercuts and exhibiting appropriate parallelism

b. depth – occlusal reduction and axial reduction

c. retention – all axial walls draw from gingival margin with resistance to displacement

d. appropriate margins for gingival level, if indicated by the assigned preparation

e. mutilation of opposing or adjacent teeth

f. management of soft tissue

It is the intent of the Board that each of the criteria are to be accorded equal importance in grading. Equal importance does not mean that each criteria has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the procedure. The criteria do not have any assigned numerical or point value but are to be utilized in making a holistic evaluation of the procedure. However, a grade of zero (0) is mandatory if the preparation is prepared or is attempted to be prepared on the wrong tooth or wrong surface; if the wrong type of preparation is performed or attempted to be performed or if the candidate fails to attempt or complete the procedure.

(f) Restoration of a Class II Amalgam with a cusp replacement on a specified model.

1. Restoration

a. functional anatomy – appropriate occlusal and interproximal anatomy

b. proximal contour and contact – contact is considered present if there is definite, but not excessive, resistance to the passage of dental floss through the contact area

c. margins

d. gingival overhang – overhang is considered to be excess amalgam in either a proximal or gingival direction at the gingival cavosurface margin

e. proper handling of material including but not limited to condensing and finishing

f. management of soft tissues

(f) Pin Amalgam on a mannequin:

1. Preparation:

a. ~~outline form~~

~~b. depth~~

~~e. retention~~

~~d. pin placement~~

e. mutilation of opposing or adjacent teeth



It is the intent of the Board that each of the criteria are to be accorded equal importance in grading. Equal importance does not mean that each criteria has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the procedure. The criteria do not have any assigned numerical or point value but are to be utilized in making a holistic evaluation of the procedure. However, a grade of zero (0) is mandatory if there is lack of contact; gross overhang; if the restoration is completed or attempted to be completed on the wrong tooth or wrong surface; gross overcutting occurs; if a pinhole extends outside the surface of the tooth or the tooth is irreparably fractured by the placement of a pinhole; if the preparation is prepared or attempted to be prepared on the wrong tooth or wrong surface; or if the candidate fails to attempt or complete the procedure.

(g)2. Restoration of a Class IV composite resin on a specified model (Pre-prepared Class IV Preparation):

1.a. functional anatomy – appropriate occlusal, incisal and interproximal anatomy

2.b. proximal contour and contact – contact is considered present if there is definite, but not excessive, resistance with dental floss through the contact area when resistance is met with specified floss given at the time of the exam

3.e. margins

4.d. gingival overhang – overhang is considered to be excess composite resin amalgam in either a proximal or gingival direction at the gingival cavosurface margin

5. proper handling of material including but not limited to condensing, curing, and finishing

6. re-establishment of correct tooth morphology

7.e. management of soft tissues

8. mutilation of adjacent tooth structure or restoration during finishing procedures

It is the intent of the Board that each of the criteria are to be accorded equal importance in grading. Equal importance does not mean that each criteria has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed procedure potentially useless or harmful to the patient in the judgment of the examiner, could result in a failing grade on the procedure. The criteria do not have any assigned numerical or point value but are to be utilized in making a holistic evaluation of the procedure. However, a grade of zero (0) is mandatory if the preparation for the Class IV lesion is prepared or attempted to be prepared or the restoration is completed or attempted to be completed on the wrong tooth or wrong surface; if the interproximal contact has not been re-established; there is no

contact; gross overhang; if simulated tissue of surrounding dentoforn is grossly mutilated; if the preparation or restoration is prepared or is attempted to be prepared on the wrong tooth or wrong surface; or if the candidate fails to attempt or complete the procedure.

(h) Restoration of a Class II composite resin with cusp replacement on a specified model

(g) Class IV composite restoration on a specified model (Pre-prepared Class IV Preparation):

1. functional anatomy – appropriate occlusal, incisal and interproximal anatomy

2. proximal contour and contact – contact is considered present if there is definite, but not excessive, resistance to the passage of dental floss through the contact area

3. margins

4. gingival overhang – overhang is considered to be excess composite resin restoration in either a proximal or gingival direction at the gingival cavosurface margin

5. proper handling of material including but not limited to condensing, curing, and finishing

6.5. re-establishment of correct tooth morphology appearance; color tint and hue

7.6. management of soft tissue

8.7. mutilation of adjacent tooth structure or restoration during finishing procedures

It is the intent of the Board that each of the criteria are to be accorded equal importance in grading. Equal importance does not mean that each criteria has a numerical or point value but means that any one of the criteria, if missed to a severe enough degree so as to render the completed procedure potentially useless or harmful to the patient in the judgment of the examiner, will result in a failing grade on the procedure. The criteria do not have any assigned numerical or point value but are to be utilized in making a holistic evaluation of the procedure. However, a grade of zero (0) is mandatory if the preparation for the Class IV Lesion or the restoration is completed or is prepared or attempted to be completed prepared on the wrong tooth or wrong surface; if there is lack of contact; interproximal contact has not been re-established; gross overhang; or if the candidate fails to attempt to complete the procedure.

(5) through (7) No change.

Specific Authority 466.004(4), 466.006(4), 455.574(1)(b) FS. Law Implemented 466.006(4), 466.009, 455.574(1)(b),(2) FS. History—New 10-8-79, Amended 6-22-80, 12-3-81, 12-6-82, 5-24-83, 12-12-83, 5-2-84, 5-27-84, Formerly 21G-2.13, Amended 12-8-85, 12-31-86, 5-10-87, 10-19-87, 12-10-89, 12-24-91, 2-1-93, Formerly 21G-2.013, 61F5-2.013, Amended 1-9-95, 2-7-96, 7-16-97, Formerly 59Q-2.013, Amended 8-25-98, 3-25-99,

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Standards for Approved Providers  
RULE NO.: 64B5-12.0175

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to include the participant's name and license number on the certificate of completion of continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Additions to the certificate of completion for continuing education courses.

SPECIFIC AUTHORITY: 466.004(4), 466.014 FS.

LAW IMPLEMENTED: 466.0135, 466.014 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64B5-12.0175 Standards for Approved Providers.

Approved continuing professional education providers and providers authorized pursuant to Rule 64B5-12.013(3)(b), shall comply with the following requirements:

(1) through (5) No change.

(6) Providers shall provide written certification to each participant who completes a continuing education course or portion of that course which consists of at least 25 minutes of instruction. Certification shall include the participant's name and license number, the provider's name and number, the course title, instructor, location, date offered and hours of continuing education credit awarded and validation through the signature of the provider, official representative or instructor.

(7) through (10) No change.

Specific Authority 466.004(4), 466.014 FS. Law Implemented 466.0135, 466.014 FS. History--New 1-18-89, Amended 7-9-90, Formerly 21G-12.0175, 61F5-12.0175, 59Q-12.0175, Amended.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Written Dental Records; Minimum Content; Retention  
RULE NO.: 64B5-17.002

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address radiographs as part of the patient record.

SUBJECT AREA TO BE ADDRESSED: Radiographs as part of the patient record.

SPECIFIC AUTHORITY: 466.004(3) FS.

LAW IMPLEMENTED: 455.677, 466.028(1)(m), (o) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 2020 Capital Circle, S. E., Bin #C06, Tallahassee, Florida 32399-3256

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

64B5-17.002 Written Dental Records; Minimum Content; Retention.

(1) For the purpose of implementing the provisions of subsection 466.028(1)(m), Florida Statutes, a dentist shall maintain written records on each patient which written records shall contain, at a minimum, the following information about the patient:

(a) appropriate medical history;

(b) results of clinical examination and tests conducted, including the identification, or lack thereof, of any oral pathology or diseases;

(c) any radiographs used for the diagnosis or treatment of the patient;

~~(d)(e)~~ No change.

~~(e)(d)~~ No change.

~~(f)(e)~~ No change.

(2) through (5) No change.

Specific Authority 466.004(3) FS. Law Implemented 455.677, 466.028(1)(m),(o) FS. History--New 10-8-85, Formerly 21G-17.02, Amended 10-28-91, Formerly 21G-17.002, Amended 11-22-93, Formerly 61F5-17.002, 59Q-17.002, Amended.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE TITLE: Family-Related Medicaid General Eligibility Criteria  
RULE NO.: 65A-1.705

PURPOSE AND EFFECT: This rule amendment will change the application process for KidCare applicants at a departmental site. This change will make the process less burdensome for applicants.

SUBJECT AREA TO BE ADDRESSED: Currently, when applicants at a departmental site are found to be ineligible for a Medicaid program, they are instructed to forward their Healthy

Kids/KidCare application to Florida Healthy Kids. Under the amended rule, the department will forward these applications to Florida Healthy Kids. Forms used in this application process also will be amended.

SPECIFIC AUTHORITY: 409.818 FS.

LAW IMPLEMENTED: 409.818 FS.

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

TIME AND DATE: 2:00 p.m., June 28, 1999

PLACE: Building 3, Room 414, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Building 3, Room 412-D, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700

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

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

#### Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims  
RULE NO.: 2A-2.002

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate revised forms into the rule.

SUMMARY: The proposed rule amendment incorporates revised forms into the rule.

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

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

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b) FS.

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, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., July 7, 1999

PLACE: Room G43, Collins Building, 107 W. Gaines Street, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jacquelyn Dupree, Chief, Bureau of Victim Compensation, Division of Victim Services and Criminal Justice Programs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001 (March 1999), effective \_\_\_\_\_, ~~(10/96), effective 10-1-96,~~ which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

(1) BVC 100, entitled "Victim Compensation Claim Form," (6/97) (rev. 2/99), effective 9-24-97.

~~(2) BVC 101, entitled "Confidentiality Request," (4/96), effective 6-25-96.~~

~~(2)(3) BVC 102, entitled "Filing Time Explanation" (1/99), effective \_\_\_\_\_ "Good Cause Statement, Late Filing," (10/96), effective 10-1-96.~~

~~(3)(4) BVC 103, entitled "Reporting Time Explanation" (2/99), effective \_\_\_\_\_ "Good Cause Statement, Late Report," (10/96), effective 10-1-96.~~

~~(4)(5) BVC 104, entitled "Non-Cooperation Explanation" (1/99), effective \_\_\_\_\_ "Good Cause Statement, Noncooperation," (10/96), effective 10-1-96.~~

~~(5)(6) BVC 211, entitled "Notice of Rights - Hearing Request," (3/99), effective \_\_\_\_\_ (2/96), effective 6-25-96.~~

~~(6)(7) BVC 405, entitled "Employment Report," (1/99), effective \_\_\_\_\_ (1/96), effective 6-25-96.~~

~~(7)(8) BVC 409, entitled "Treatment Statement," (2/99), effective \_\_\_\_\_ (1/96), effective 6-25-96.~~

~~(8) BVC 410, entitled "Disability Statement," (1/99), effective \_\_\_\_\_.~~

(9) BVC 600, entitled "Property Loss Claim Form," (7/97), (rev. 2/99) effective 9-24-97.

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.13(1)(b) FS. History—New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jacquelyn Dupree, Chief, Bureau of Victim Compensation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rodney Doss, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 27, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999