Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

addresses safety.

RULE NO.: RULE TITLE: Specifications for New School Buses 6-3.029 PURPOSE AND EFFECT: The purpose of this rule development is to review specifications for new school buses to ensure that the latest safety and reliability-related technological improvements available from all manufacturers are incorporated. The effect is to have a rule which best

SUBJECT AREA TO BE ADDRESSED: Specifications for new school buses.

SPECIFIC AUTHORITY: 229.053(1), 234.051 FS.

LAW IMPLEMENTED: 234.02, 234.051 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: 9:00 a.m. - 12:00 Noon, March 16, 2000 PLACE: Florida Department of Education, 325 West Gaines Street, Room 1706, Tallahassee, Florida

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charlie Hood, Director, School Transportation Management Section, Division of Support Services, Department of Education, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399, (805)488-4405

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE: Florida Teacher Certification Examinations 6A-4.0021 PURPOSE AND EFFECT: The purpose of this rule development is to revise the passing score for the Spanish 6-12 teacher certification examination. The proposed Spanish 6-12 examination passing score is a composite score based on weighting a multiple choice section, a speaking performance section and a newly-instituted writing performance section. The effect of the revised passing score is that successful Spanish 6-12 teacher certification examination candidates will demonstrate proficiency in multiple choice test items, speaking performance and writing performance. In addition, applications forms will be reviewed and updated.

SUBJECT AREA TO BE ADDRESSED: Passing score for the Spanish 6-12 teacher certification examination and updated application forms for the Florida Teacher Certification Examination.

SPECIFIC AUTHORITY: 231.17(4),(8),(11) FS.

LAW IMPLEMENTED: 231.17 FS.

IF REOUESTED 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: 9:30 a.m. – 12:00 noon, March 24, 2000 PLACE: 325 West Gaines Street, Room 403, Tallahassee,

Requests for the rule development workshop should be addressed to Wayne V. Pierson, Agency Clerk, Department of Education, Room 1702, The Capitol, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Tom Fisher, Bureau of Curriculum, Instruction and Assessment, 325 West Gaines Street, Room 414, Tallahassee, Florida 32399-0400, (850)488-8198

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-4.0021 Florida Teacher Certification Examination.

- (1) through (8) No change.
- (a) through (c) No change.
- (9) Scoring of the subject area specialty subtests.
- (a) through (c) No change.
- (d) For subject area specialty tests listed below, a score earned prior to May 1, 1991, shall be considered a passing score and shall be valid for certification in that subject area for a period of two (2) years from the test administration date. After May 1, 1991, a passing score for these subject area tests will be a scaled score of at least two hundred (200). The scaled score shall be equivalent to the following scores on the October 1989 test administration:

-, -, -, -, -, -, -, -, -, -, -, -, -, -	
SUBJECT	SCORE
Chemistry 6-12	57 correct items
Drama 6-12	96 correct items
Economics 6-12	70 correct items
Educational/Media Specialist PK-12	102 correct items
Health K-12	71 correct items
Latin K-12	70 correct items
Middle Grades General Science 5-9	70 correct items
Middle Grades Mathematics 5-9	59 correct items
Middle Grades Social Science 5-9	87 correct items
Physics 6-12	51 correct items
French K-12	87 on a scale that weights the multiple choice section fifty
	(50) percent, the speaking
	section forty (40) percent, and
	the writing section ten (10)
	percent.

German K-12

Middle Grades English 5-9

Spanish K-12

Speech 6-12

A score of Intermediate High or more on the oral interview and a score of 82 on a scale that weights the multiple choice section eighty (80) percent and the writing section twenty (20) percent. 57 on a scale that weights the multiple choice section eighty (80) percent and the essay section twenty (20) percent. 87 on a scale that weights the multiple choice section seventy-five (75) percent and the speaking section twenty-five (25) percent. Prior to October 1, 1996, 119 on a scale that weights the multiple choice section fifty (50) percent and the speech section fifty (50) percent. Beginning October 1, 1996, a score of fifty-six (56) on the multiple choice section and a score of four (4) or more on the speech section based on the summed ratings of two (2) trained judges using a scale of

(e) through (i) No change.

(j) For the subject area specialty test listed below, passing for a score earned prior to August 1, 2000, shall be a scaled score of at least two hundred (200). This scaled passing score shall be equivalent to the following score on the October 1989 test administration:

Spanish K-12

87 on a scale that weights the multiple choice section seventy-five (75) percent and the speaking section twenty-five (25) percent.

one (1) low to four (4) high.

Effective August 1, 2000, a passing score for this test will be a scaled score of at least two hundred (200). This scaled passing score will be equivalent to the following score on the October 1998 and January 1999 test administrations:

Spanish K-12

88 on a scale that weights the multiple choice section sixty (60) percent, the speaking section twenty-five (25) percent, and the writing section fifteen (15) percent.

(k)(i) No change. (1)(k) No change.

Specific Authority 231.15(1), 231.17(4),(5),(8),(11), 231.30 FS. Law Implemented 231.145, 231.15, 231.17, 231.30 FS. History–New 8-27-80, Amended 1-11-82, 1-6-83, 5-3-83, 10-5-83, 10-15-84, Formerly 6A-4.021, Amended 12-25-86, 4-26-89, 4-16-90, 7-10-90, 4-22-91, 10-3-91, 8-10-92, 11-28-93, 4-12-95, 7-1-96, 9-30-96, 10-1-99,

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board **RULE TITLE:** RULE NO.:

Application

19B-4.001

PURPOSE AND EFFECT: To provide that applications for advanced payment contracts may be submitted by a purchaser pursuant to a court order at any time.

SUBJECT AREA TO BE DISCUSSED: applications for advanced payment contracts to be submitted by purchasers pursuant to a court order at any time.

SPECIFIC AUTHORITY: 240.551(7)(a) FS.

LAW IMPLEMENTED: 240.551 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: 2:00 p.m., March 13, 2000

PLACE: Suite 210, Hermitage Building, Tallahassee, Florida THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

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

19B-4.001 Application.

These rules apply to purchasers of advance payment contracts for the prepayment of postsecondary registration and/or dormitory residency fees. The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, the Florida Prepaid College Foundation, Inc., or for purchasers participating in employer participation programs or by purchasers pursuant to a court order may be submitted to the Board at any time. After acceptance by the Board of the purchaser's application, a participation and payment schedule and master covenant shall be mailed to the purchaser. The advance payment contract shall be comprised of the application, master covenant, and participation and payment schedule. The Florida Prepaid College Program Application, Form No. FPCP 99-1 is hereby incorporated by reference and may be obtained by calling 1-800-552-GRAD (4723) (prompt 1). The effective date of the form is October 18, 1999. The Florida Prepaid College Program Master Covenant, Form No. FPCP 99-2, is hereby incorporated by reference with an effective date of October 18, 1999.

Specific Authority 240.551(7)(a) FS. Law Implemented 240.551 FS. History-New 3-29-89, Amended 2-6-90, 3-19-92, 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-9-2000, Formerly 4G-4.001. Amended

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE TITLE: RULE NO.: Publications Incorporated by Reference 40C-4.091 PURPOSE AND EFFECT: The purpose of the proposed rule is to adopt an agency statement that allegedly constitutes an unadopted rule, as a defense against a pending section 120.56(4), F.S., challenge filed against the District in the case of The Sierra Club v. St. Johns River Water Management District DOAH Case No. 99-5003RU. The St. Johns River Water Management District proposes to revise Section 12.2.8 of the Applicant's Handbook: Management and Storage of Surface Waters, by adding a new section, Section 12.2.8.3, relating to cumulative impacts of regulated activities. Proposed Section 12.2.8.3 deals with the cumulative impact analysis where an applicant proposes mitigation within the same drainage basin as the adverse effects to be mitigated and the mitigation fully offsets those adverse impacts.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment addresses cumulative impacts and "in-basin" mitigation.

SPECIFIC AUTHORITY: 373.044, 373.046(4), 373.113, 373.171, 373.413, 373.4136, 373.414, 373.415, 373.418, 373.421(2) FS.

LAW IMPLEMENTED: 373.016(2), 373.046, 373.413, 373.4135, 373.4136, 373.414(8), 373.416, 373.415, 373.418, 373.421(2)-(6), 373.426 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE DETERMINED. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer. Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, P. O. Box 1429, Palatka, Florida 32178-1429, (904)329-4459

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-4.091 Publications Incorporated by Reference.

- (1) The Governing Board hereby adopts by reference:
- (a) Part I "Policy and Procedures." Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin", "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Drainage Basin," and Appendix M

"Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective 1-11-99

- (b) through (c) No change.
- (2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.171, 373.413, 373.4136, 373.415, 373.416, 373.418, 373.421(2) FS. Law Implemented 373.046, 373.413, 373.4135, 373.4136, 373.415, 373.416, 373.421(2)-(6), 373.426 FS. History-New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 8-11-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99,

APPLICANT'S HANDBOOK SECTION:

- 12.2.8 Cumulative Impacts
- 12.2.8.1 No change.
- 12.2.8.2 No change.

12.2.8.3 If an applicant proposes mitigation within the same drainage basin as the adverse effects to be mitigated, and if the mitigation offsets these adverse effects, then the District shall consider the regulated activity to meet the cumulative impact requirement of subsection 12.2.8.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE:	RULE CHAPTER NO.:	
Miscellaneous Provisions	40E-7	
RULE TITLES:	RULE NOS.:	
Policy and Purpose	40E-7.511	
Scope and Applicability	40E-7.520	
Definitions	40E-7.521	
Access to Management Areas; Closur	res 40E-7.523	
Use of Vehicles, Airboats, and Aircraft;		
Navigational Restrictions	40E-7.525	
Equestrian Activities; Use of Saddle A	Animals 40E-7.526	
Hunting; Possession and Use of Firea	rms 40E-7.527	
Overnight Camping	40E-7.529	
Operating Hours	40E-7.532	
Special Use Licenses	40E-7.534	
General Prohibitions	40E-7.537	
Penalties	40E-7.539	
PURPOSE AND EFFECT: This rule development is intended		

to get public comment on possible revisions to the document entitled, "Public Use Guide for Designated Land Management Areas" (PUG) and the rules that implement the PUG. This document is incorporated by reference in Rule 40E-7.520, FAC. Any revisions will provide for recreational use and enjoyment by the public of lands acquired by the District under the Save Our Rivers and Preservation 2000 programs, while protecting natural resources and ecosystems.

SUBJECT AREA TO BE ADDRESSED: Public recreational use of specified District lands.

SPECIFIC AUTHORITY: 279.101, 373.019, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 259.101, 316.192, 316.1925, 316.316, 316.655, 373.016, 373.056, 373.069, 373.0693, 373.073, 373.079, 373.083, 373.103, 373.119, 373.129, 373.139, 373.1395, 373.1401, 373.59, 373.609, 373.613 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE TIMES, DATES AND PLACE SHOWN BELOW:

TIME AND DATE: 7:00 p.m., March 16, 2000

PLACE: Kissimmee Civic Center, 201 E. Dakin Avenue, Kissimmee, FL 34741-5725, (407)935-1412

TIME AND DATE: 7:00 p.m., March 21, 2000

PLACE: South Florida Water Management District Headquarters, Cafeteria, 3301 Gun Club Road, West Palm Beach, Florida, (561)686-8800

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Janetta Worth, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6640 or (561)682-6640 (internet: jworth@sfwmd.gov)

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact Tony Burns, District Clerk, (561)682-6206, at least two business days in advance to make appropriate arrangements.

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

DEPARTMENT OF HEALTH

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

RULE TITLE: RULE NO.: Examination for Licensure 64B4-3.003

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if the national exam should be changed for Mental Health Counselors.

SUBJECT AREA TO BE ADDRESSED: Examination for licensure.

SPECIFIC AUTHORITY: 455.574, 491.004(5) FS.

LAW IMPLEMENTED: 455.574, 491.005 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: 9:00 a.m., April 27, 2000

PLACE: The Radisson Airport, 5555 Hazeltine National Drive, Orlando, Florida 32812

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

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

RULE CHAPTER TITLE: **RULE CHAPTER NO.:** 64B4-5 Discipline

PURPOSE AND EFFECT: The Board proposes to review this chapter to determine if amendments are necessary to update the

SUBJECT AREA TO BE ADDRESSED: Discipline.

SPECIFIC AUTHORITY: 120.695, 455.617, 455.621, 455.627, 491.004(5) FS.

LAW IMPLEMENTED: 120.695, 455.617, 455.621, 455.627, 491.009, 491.0149 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: 9:00 a.m., April 27, 2000

PLACE: The Radisson Airport, 5555 Hazeltine National Drive, Orlando, Florida 32812

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

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

RULE TITLE:

Definition of a "Licensed Mental Health

Counselor or the Equivalent Who is a

Qualified Supervisor." 64B4-31.007

RULE NO.:

PURPOSE AND EFFECT: The Board proposes to review this rule to determine if amendments are necessary to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Definition of a "Licensed Mental Health Counselor or the Equivalent Who Is a Qualified Supervisor."

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS. LAW IMPLEMENTED: 491.005(4)(c) 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: 9:00 a.m., April 27, 2000

PLACE: The Radisson Airport, 5555 Hazeltine National Drive, Orlando, Florida 32812

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3255

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

Section II **Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLES:	RULE NOS.:
Purpose	4-136.001
Foreign and Alien Insurers Filing for a	
Certificate of Authority	4-136.002
Foreign and Alien Insurers Filing for a Certificat	e
of Authority for Property and Casualty	4-136.003
Surplus Lines	4-136.004
Foreign and Alien Life and Accident and	
Health Insurers	4-136.005
Domestic Insurers Filing for an Application	
for Permit	4-136.006
Applications for Permit Submitted for Domestic	
Assessable Mutual Insurers	4-136.007
Permit for Domestic Property and	
Casualty Insurers	4-136.008
Application for Permit, Domestic Captive Insure	r 4-136.009
Permit for Domestic Life, Accident and	
Health Insurers	4-136.010
Domestic Insurers Filing for a Certificate	
of Authority	4-136.011
Forms Adopted	4-136.012
Procedure to Amend an Existing Certificate of	
Authority to Add a New Line of Business	4-136.015
Purpose	4-136.030
Registration as a Purchasing Group	4-136.031
Restriction on Insurance Purchased by	
Purchasing Groups	4-136.033

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish procedures and revise forms for the submission of applications by companies seeking to do business in the state of Florida. The purpose of the rule chapter will also establish procedures for companies who wish to amend their certificates of authority to add new lines of business.

SUMMARY: The proposed amendments include eliminating rules that were targeted for repeal during the recent rule review project. Additionally, several of the amendments are aimed at consolidating domestic and alien forms and permits used by the Department into fewer rule sections. Lastly, the amendments include repealing forms that are no longer necessary.

SUMMARY OF STATEMENT OF **ESTIMATED** REGULATORY COSTS: None.

Any person who wishes to provide information regarding the statement of estimated regulatory 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: 624.308, 627.954 FS.

LAW IMPLEMENTED: 624.307(3), 624.318, 624.321, 624.34, 624.401, 624.404, 624.408, 624.413, 624.414, 624.416(4),624.422, 624.462, 624.466, 624.501, 624.913, 626.611(14), 627.943, 627.944, 627.945 (1), 627.947, 627.948, 628.051, 628.061, 628.6011 FS.

IF REQUESTED IN WRITING 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., March 22, 2000

PLACE: Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joan Hendrix, Senior Management Analyst I, Division of Insurer Services, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0326, (850)413-2570

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Joan Hendrix, (850)413-2570.

THE FULL TEXT OF THE PROPOSED RULES IS:

4-136.001 Purpose.

The purpose of this rule chapter is to establish procedures for the submission of applications by companies seeking to do business in this state pursuant to the provisions of Chapters 624, 626, 628, and 629, Florida Statutes. This rule chapter contains specific filing instructions for the following entities:

(1) Application for Certificate of Authority for Foreign and Alien Property and Casualty Insurers, pursuant to Section 624.404, Florida Statutes.