

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Licensing

<p>RULE TITLES:</p> <p>Licensed Firearms Instructors; Schools or Training Facilities; License Application School Staff; Licensing Requirements; Standards School Curriculum; Examinations; Retention of Records</p>	<p>RULE NOS.:</p> <p>1C-3.134 1C-3.138 1C-3.140</p>
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PURPOSE AND EFFECT: To amend rules relating to schools or training facilities that offer classes required for recovery (repossession) agents to be licensed, so that classes may also be offered by correspondence or distance education. The effect is to allow recovery agents to acquire necessary training by correspondence or distance education.

SUBJECT AREA TO BE ADDRESSED: Training required for a person to be licensed as a recovery agent.

SPECIFIC AUTHORITY: 493.6103, 493.6406(3) FS.

LAW IMPLEMENTED: 493.6406(3) 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: 10:00 a.m., December 29, 2000

PLACE: Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michele Guy, Assistant General Counsel, Department of State, Division of Licensing, The Capitol, MS#4, Tallahassee, FL 32399, Telephone (850)488-3492, Fax (850)488-2789

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

<p>RULE TITLE:</p> <p>Utility Collection of Underground Fees</p>	<p>RULE NO.:</p> <p>25-6.116</p>
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PURPOSE AND EFFECT: The purpose of the rule is to provide a mechanism for utilities to act as the billing and collection agent for local governments to recover the cost of placing electric utility facilities underground from customers within the local government's jurisdiction. The effect of the rule is that local governments will have an option available to them for financing undergrounding when they believe it is in their public interest.

SUBJECT AREA TO BE ADDRESSED: This rule addresses the subject area of local government-required undergrounding of electric utility facilities and the use of utilities to bill for and collect the costs of undergrounding from those residing in the area affected.

SPECIFIC AUTHORITY: 366.03, 366.04, 366.05 FS.

LAW IMPLEMENTED: 366.03, 366.04, 366.05 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: 9:30 a.m., January 8, 2001

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO: Richard C. Bellak, Division of Appeals, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bob Trapp, Division of Policy Analysis and Intergovernmental Liaison, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.116 Utility Collection of Underground Fees.

(1) Each investor-owned electric utility shall file a tariff which provides that:

(a) Pursuant to Rules 25-6.078, 25-6.061, 25-6.064, and 25-6.115, a municipal or county government which requires underground electric service within its jurisdiction shall be responsible for paying any applicable contribution in aid of construction to the serving utility for undergrounding the electric utility facilities prior to commencement of construction; and

(b) At the request of such municipal or county government, the serving utility shall impose a surcharge on the electric bills of its customers within the jurisdiction of the municipal or county government to recover the contribution in aid of construction paid by the municipal or county government to the serving utility; and

(c) The utility shall remit funds received from such surcharge to the municipal or county government requesting the surcharge according to a schedule agreed upon by the utility and the municipal or county government.

(2) This rule shall not be construed as granting any municipal or county government the authority to require underground electric service. This subsection only specifies the method of collection of a customer surcharge, if a municipal or county government, having authority to do so, requires underground electric service within its jurisdiction.

Specific Authority 366.03, 366.04, 366.05 FS. Law Implemented 366.03, 366.04, 366.05 FS. History--New

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER TITLE: Minimum Flows and Levels
 RULE CHAPTER NO.: 40E-8

PURPOSE AND EFFECT: The purpose and effect of the rule development is to establish minimum flows and levels by January, 2001 for Lake Okeechobee, the Everglades (which includes the freshwater regions of Everglades National Park, Water Conservation Areas, and the Holeyland and Rotenberger Wildlife Management Areas), the Biscayne Aquifer in Southeastern Florida, the Lower West Coast Aquifers, and the Caloosahatchee River, in accordance with Chapter 373, Florida Statutes.

SUBJECT AREAS TO BE ADDRESSED: Minimum flows and levels.

SPECIFIC AUTHORITY: 373.042, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

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

TIME AND DATE: 10:00 a.m. – 4:00 p.m., January 9, 2001

PLACE: Okeehelie Nature Center, 7715 Forest Hill Boulevard, West Palm Beach, FL 33413

TIME AND DATE: 10:00 a.m. – 4:00 p.m., January 26, 2001

PLACE: South Florida Water Management District, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, FL 33406

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: For technical issues contact, Scott Burns (internet: sburns@sfwmd.gov), or Cecile Ross (internet: cross@sfwmd.gov) at South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045. For procedural issues contact: Julie Jennison, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, Extension 6294 or (561)682-6294 (internet: jjenniso@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 BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Continuing Education Renewal Requirements
 RULE NO.: 61-20.508

PURPOSE AND EFFECT: The Board proposes to update the rule text to coincide with the Department’s new continuing education provisions.

SUBJECT AREA TO BE ADDRESSED: Continuing education renewal requirements.

SPECIFIC AUTHORITY: 468.4315(2), 468.4336, 468.4337 FS.

LAW IMPLEMENTED: 468.4336, 468.4337 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: List of Approved Forms; Incorporation
 RULE NO.: 64B5-1.021

PURPOSE AND EFFECT: The purpose of the rule amendments is to change the address of the Board and to incorporate a new form.

SUBJECT AREA TO BE ADDRESSED: List of approved forms; incorporation.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 120.52(15), 455.561 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges	64B5-2.0144
Licensure Requirements for Applicants from Non-Accredited Schools or Colleges	64B5-2.0146

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B5-2.0144 is to update the rule text. The purpose of the amendment to Rule 64B5-2.0146 is to change the word "program" to "school".

SUBJECT AREA TO BE ADDRESSED: Licensure requirements for dental hygiene applicants from unaccredited dental schools or colleges; applicants from non-accredited schools or colleges.

SPECIFIC AUTHORITY: 466.004, 466.007 FS.
LAW IMPLEMENTED: 456.033(6), 466.006, 466.007, 466.0075 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.0144 Licensure Requirements for Dental Hygiene Applicants from Unaccredited Dental Schools or Colleges. Applicants for licensure as dental hygienists who have graduated from an unaccredited dental school or college shall submit the following:

- (1) through (4) No change.

(5) proof which establishes successful completion of 5 academic years of postsecondary education, which shall include 4 academic years of dental education. ~~The pre-dental education requirement cannot be satisfied by completing courses subsequent to dental education.~~ Proof of the 5 years of required education shall include a report from an American Association of Dental Schools (AADS) approved evaluating service which evaluation includes a year by year evaluation of the applicant's credentials. Said report shall not be conclusive, but shall only be advisory to the Board;

- (6) through (10) No change.

Specific Authority 466.004, 466.007 FS. Law Implemented 466.007 FS. History—New 1-18-95, Formerly 59Q-2.0144, Amended 8-19-97, 8-20-97,

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

- (1) No change.
- (2) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(b)2., F.S., will be required to:
 - (a) Complete a full-time, matriculated, resident program offered by an accredited dental ~~school program~~ which provides remediation to the level of an accredited D.D.S. or D.M.D. program and which has a duration equivalent to at least 2 academic years at the sponsoring institution.

- (b) through (c) No change.
- (3) through (4) No change.

Specific Authority 466.004 FS. Law Implemented ~~456.033(6), 455.604(6),~~ 466.006, 466.0075 FS. History—New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97,

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE:	RULE NO.:
Advertising and Soliciting by Dentists	64B5-4.002

PURPOSE AND EFFECT: The purpose of the rule amendment is to provide new rule text with regard to solicitation.

SUBJECT AREA TO BE ADDRESSED: Advertising and soliciting by dentists.

SPECIFIC AUTHORITY: 466.004(4), 466.019 FS.
LAW IMPLEMENTED: 466.019, 466.028(1)(d) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-4.002 Advertising and Soliciting by Dentists.

(1) through (3) No change.

(4) In person and telephone solicitation of dental services by a dentist or his agent poses an inherent danger to the public because such advertising cannot be supervised, may exert pressure, and often demands an immediate response without affording the recipient an opportunity for comparison or reflection. Unlike an advertisement appearing in print or on television or radio, in person and telephone solicitation does not simply provide information and leave the recipient free to act or not, but is ripe with the potential for overbearing persuasion. Accordingly, in person and telephone solicitation of dental services by a dentist or his agent is prohibited. The term "solicitation" as used in this rule does not include in person or telephone communication by a dentist or his or her agent with a patient or former patient for purposes of scheduling an appointment or offering follow-up care.

(5) through (6) No change.

Specific Authority 466.004(4), 466.019 FS. Law Implemented 466.019, 466.028(1)(d) FS. History--New 7-7-87, Amended 1-11-89, 10-29-90, 4-24-91, 7-14-92, Formerly 21G-4.002, Amended 3-30-94, Formerly 61F5-4.002, 59Q-4.002, Amended _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Limited License as Allowed in

RULE NO.:

Section 456.015, F.S. 64B5-7.007

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule to address how an applicant can obtain a limited license by the Board of Dentistry.

SUBJECT AREA TO BE ADDRESSED: Approval of a limited license.

SPECIFIC AUTHORITY: 456.015, 466.004 FS.

LAW IMPLEMENTED: 456.015, 466.006, 466.007, 466.011 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-7.007 Limited License as Allowed in Section 456.015, F.S.

(1) A limited license may be issued by the Board of Dentistry to an applicant who has retired or intends to retire from the practice of dentistry or dental hygiene and intends to practice only pursuant to the restrictions of the limited license granted pursuant to 456.015, F.S., if the applicant:

(a) Has not failed the Florida licensure examination.

(b) Has been licensed for practice in any jurisdiction in the United States for at least ten (10) years in the profession for which the applicant seeks a limited license.

(c) Has not committed or is not under investigation for prosecution for any act which would constitute the basis for discipline pursuant to the provisions of Chapter 466, F.S.

(d) Practices only in the employ of public agents of non-profit agencies or institutions which meet the requirements of 501(c)(3) of the Internal Revenue Code, are permitted under 64B5-7.006 and which provide professional liability coverage for acts or omissions of the limited licensee.

(e) Complies with all continuing education requirements of active licensees.

(f) Pays a fee of \$300. If the applicant for a limited license submits a notarized statement from the employer stating the applicant will not receive monetary compensation for any service involving the practice of dentistry or dental hygiene, the application and all licensure fees shall be waived.

(2) A limited licensee may provide services only to the indigent, underserved or critical need populations within the state. The standard for determining indigency shall be recognized by the Federal Poverty Income Guidelines produced by the United States Department of Health and Human Services.

Specific Authority 456.015, 466.004 FS. Law Implemented 456.015, 466.006, 466.007, 466.011 FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Radiography Training for Dental Assistants

RULE NO.:

64B5-9.011

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Radiography training for dental assistants.

SPECIFIC AUTHORITY: 466.004, 466.0175(5) FS.

LAW IMPLEMENTED: 466.0175(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-9.011 Radiography Training for Dental Assistants.

(1) through (3) No change.

(4) Dental assistants may be certified as dental radiographers if they comply with the following requirements:

(a) Apply for certification on forms provided by the Board and submit the nonrefundable fee prescribed by Rule 64B5-15.015, F.A.C.;

(b) through (c) No change.

(5) through (6) No change.

Specific Authority 466.004, 466.017(5) FS. Law Implemented 466.017(5) FS. History--New 9-20-80, Amended 1-28-81, Formerly 21G-9.11, Amended 12-31-86, 1-18-89, 4-24-91, Formerly 21G-9.011, 61F5-9.011, 59Q-9.011, Amended 6-12-00,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: RULE NOS.:

Inactive Status and Renewal 64B5-10.005
of Inactive Status

Requirements for Reactivation of 64B5-10.007
an Inactive License

PURPOSE AND EFFECT: The purpose of the rule amendments to Rule 64B5-10.005 is to update the rule text. The purpose of the rule amendments to Rule 64B5-10.007 is to update the rule text with regard to the requirements for reactivation of an inactive license.

SUBJECT AREA TO BE ADDRESSED: Inactive status and renewal of inactive status; requirements for reactivation of an inactive license.

SPECIFIC AUTHORITY: 466.004(4), 466.015 FS.

LAW IMPLEMENTED: 456.036, 466.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-10.005 Inactive Status and Renewal of Inactive Status.

(1) ~~A~~ ~~Any~~ licensee may elect at any ~~the~~ time of ~~biennial license renewal~~ to place the license into inactive status by filing with the Department a completed application for inactive status as set forth in section 455.711, F.S., and the appropriate ~~fees~~ fee required by Rule Chapter 64B5-15, F.A.C. Active status licensees choosing inactive status at the time of license renewal must pay the fee for renewal of inactive license required by Rule 64B5-15.008, any applicable delinquency fee as required by Rule 64B5-15.011, and the Change of Status Processing fee required by Rule 64B5-15.012. Active status licensees choosing inactive status at any time other than at the time of license renewal shall pay the change of status processing fee required by Rule 64B5-15.012 ~~64B5-15.010, F.A.C.~~

(2) No change.

(3) An inactive license can be reactivated at any time provided the licensee meets the requirements of Rule 64B5-10.007, F.A.C. Inactive status licensees choosing active status at the time of license renewal must pay the renewal fee required by Rule 64B5-15.006, the reactivation fee as required by Rule 64B5-15.009, any applicable delinquency fee as required by Rule 64B5-15.011, and the change of status processing fee required by Rule 64B5-15.012. Inactive status licensees choosing active status at any time other than at the time of license renewal shall pay the reactivation fee as required by Rule 64B5-15.009 and the change of status processing fee required by Rule 64B5-15.012.

~~(4) An inactive licensee who elects to change to active status shall not be permitted to return to inactive status until the next biennial renewal period.~~

Specific Authority 466.004(4), 466.015 FS. Law Implemented 456.036 ~~455.711~~ FS. History--New 7-12-95, Formerly 59Q-10.005, Amended _____.

64B5-10.007 Requirements for Reactivation of an Inactive License.

An inactive license shall be reactivated upon demonstration that the licensee has paid the applicable fees ~~reactivation fee~~ set forth in Rule Chapter 64B5-15, F.A.C., 64B5-15.009, F.A.C., and has complied with the following requirements:

(1) through (3) No change.

Specific Authority 466.004(4), 466.015 FS. Law Implemented 456.036 ~~455.711~~, 466.015 FS. History--New 7-12-95, Formerly 59Q-10.007, Amended _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Continuing Education Requirements	64B5-12.013
Subject Area Requirements	64B5-12.016
Application for Provide Status	64B5-12.017

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B5-12.013 to delete rule text that is no longer desired. Rule 64B5-12.016 is being amended to include a new category for subject matter. The Board proposes to amend Rule 64B5-12.017 to update the rule text by changing the word "providership" where ever it appears to "provider status".

SUBJECT AREA TO BE ADDRESSED: Continuing education requirements; subject area requirements; application for provider status.

SPECIFIC AUTHORITY: 456.013(8), 456.025(2), 456.031, 466.004(4), 466.0135, 466.014, 466.017(3),(4) FS.

LAW IMPLEMENTED: 456.013(8), 456.025(2), 456.031, 466.0135, 466.014, 466.017(3),(4),(5), 466.028(1)(i),(bb) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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 IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-12.013 Continuing Education Requirements.

(1) through (2) No change.

(3) Continuing education credit shall be awarded only for educational experiences that are specifically appropriate for, and contain useful information directly pertinent to, dentistry and only if received through the following methods:

(a) through (b) No change.

(c) By participating in Board-Approved individual study; and

(d) By participating in examination standardization exercises. Dentists and dental hygienists may receive a maximum of 6 continuing education credits per biennium for participating in the dental hygiene exercise; dentists may receive a maximum of 8 continuing education credits for the dental clinical exercise; and dentists may receive a maximum of 11 continuing education credits per biennium for participating in both exercises; ~~and~~

~~(e) By completing a course on domestic violence that meets the requirements set forth in Ch. 95-187, Laws of Florida, and has been approved by any state or federal government agency or professional association or Board-approved continuing education provider.~~

~~(e)(f)~~ By participating in programs approved by the Board pursuant to Rule 64B5-12.0185, F.A.C., that provide substantial pro bono dental and dental hygiene services to the indigent, to dentally underserved populations or to persons who reside in areas of critical need within Florida. Dentists and dental hygienists may obtain a maximum of 5 hours of required continuing education credit for participating in such programs. Continuing education credit shall be calculated at a ratio of 1 continuing education credit for each 3 hours of patient services provided to approved programs.

(4) through (6) No change.

Specific Authority ~~456.013(8), 456.031, 455.564(8), 455.597,~~ 466.004(4), 466.0135, 466.014, 466.017(3), (4) FS. Law Implemented ~~456.013, 456.031, 455.564(8), 455.597,~~ 466.0135, 466.014, 466.028(1)(i),(bb), 466.017(3),(5) FS. History--New 4-2-86, Amended 12-31-86, 4-26-87, 7-20-87, 9-16-87, 11-18-89, 7-9-90, Formerly 21G-12.013, Amended 5-19-94, 7-18-94, Formerly 61F5-12.013, Amended 11-15-95, 4-8-96, Formerly 59Q-12.013, Amended 2-17-98, 2-15-99, 3-11-99, 11-9-00,_____.

64B5-12.016 Subject Area Requirements.

(1) Regardless of the manner by which a licensee obtains continuing education, no credit will be awarded unless the subject matter falls within the following subject matter categories:

(a) through (e) No change.

(f) Formal group discussions concerning case presentations sponsored by approved providers.

(2) through (3) No change.

Specific Authority 466.004(4), 466.0135, 466.014 FS. Law Implemented 456.031, 466.0135, 466.014 FS. History--New 4-2-86, Amended 1-18-89, 7-9-90, 2-1-93, Formerly 21G-12.016, 61F5-12.016, Amended 9-27-95, Formerly 59Q-12.016, Amended 10-29-00,_____.

64B5-12.017 Application for Provide Status ~~Providership~~.

(1) No change.

(2) Provider approval may be granted for a period not to exceed the time from the date of approval to the end of the next successive licensure biennium after approval was obtained. Application for renewal of provider status ~~providership~~ shall be made at least 90 days prior to the end of the biennium in which approval expires and must be accompanied by the biennial renewal fee set forth in Rule 64B5-15.022(2). Renewal applications shall contain all information required for initial provider approval as well as course outlines and information evidencing compliance with Rule 64B5-12.0175 for each course offered during the provider status ~~providership~~.

(3) No change.

Specific Authority ~~456.025(2), 455.587(2),~~ 466.004(4), 466.014 FS. Law Implemented ~~456.025(2), 455.587(2),~~ 466.0135, 466.014 FS. History--New 4-2-86, Amended 10-26-87, 1-18-89, 7-9-90, 5-2-91, Formerly 21G-12.017, 61F5-12.017, 59Q-12.017, Amended 8-19-97, 10-29-00,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Courses Required of Dentists for Renewal and Reactivation
 RULE NO.: 64B5-12.020

PURPOSE AND EFFECT: The purpose of the rule amendments is to change the rule title and to update the rule text in subsection (2)(b)1., 2., and 3.

SUBJECT AREA TO BE ADDRESSED: Change in rule title and to change the word “dentist” to “licensee”.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.0135 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: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Training, Education, Certification, and Requirements for Issuance of Permits
 Pediatric Conscious Sedation
 RULE NOS.: 64B5-14.003
 64B5-14.010

PURPOSE AND EFFECT: The Board proposes to amend Rule 64B5-14.003 to update the rule text. The purpose of the amendment to Rule 64B5-14.010 is to delete rule text that is no longer desired.

SUBJECT AREA TO BE ADDRESSED: Training, education, certification and requirements for issuance of permits. Pediatric conscious sedation.

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 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 IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

- (1) through (2) No change.
- (3) Pediatric Conscious Sedation Permit.
 - (a) No change.
 - 1. through 3. No change.

(b) A dentist utilizing pediatric conscious sedation and his assistant/dental hygienist personnel shall be certified in an American Heart Association or American Red Cross or equivalent agency sponsored cardiopulmonary resuscitation course at the basic life support level to include one man CPR, two man CPR, infant resuscitation, and obstructed airway with a periodic update not to exceed two years. Starting with the licensure biennium commencing on March of 2000, a dentist and all assistant/dental hygienist personnel shall also be trained in the use of either an Automated External Defibrillator or a defibrillator and electrocardiograph as part of their cardiopulmonary resuscitation course at the basic life support level. In addition to CPR certification, a dentist utilizing pediatric conscious sedation must be currently trained in ACLS (Advanced Cardiac Life Support), ~~ATLS (Advanced Trauma Life Support)~~, or PALS (Pediatric Advanced Life Support), or a course providing similar instruction which has been approved by the Board.

- (c) through (d) No change.
- (4) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00,_____.

64B5-14.010 Pediatric Conscious Sedation.

Pediatric Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

- (1) through (2) No change.
- (3) The following equipment must be readily available to the operatory and recovery room and maintained in good working order:
 - (a) through (e) No change.
 - ~~(f) As of July 1, 2001, the facility must have defibrillator equipment appropriate for the patient population being treated.~~
- (4) through (8) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 8-8-96, Formerly 59Q-14.010, Amended 8-2-00,_____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:
Fee for Reactivation of Inactive License
Change of Status Processing Fee

PURPOSE AND EFFECT: The purpose of the rule amendments to Rules 64B5-15.009 and 64B5-15.012 is to decrease the fees.

SUBJECT AREA TO BE ADDRESSED: Fee for reactivation of inactive license and change of status processing fee.

SPECIFIC AUTHORITY: 456.036, 466.004, 466.015 FS.

LAW IMPLEMENTED: 456.036, 466.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-15.009 Fee for Reactivation of Inactive License.

The fee for reactivation of an inactive dental license shall be \$100 \$200. The fee for reactivation of an inactive dental hygiene license shall be \$45 \$90.

Specific Authority 466.004, 466.015 FS. Law Implemented 466.015 FS. History--New 4-2-84, Formerly 21G-15.09, Amended 1-18-87, 11-16-89, 8-13-92, Formerly 21G-15.009, 61F5-15.009, Amended 5-6-96, Formerly 59Q-15.009, Amended.

64B5-15.012 Change of Status Processing Fee.

The fee for processing a licensee's request to change status shall be \$100 at any time other than at the beginning of a licensure cycle shall be \$200 for a dental license and \$45 \$90 for a dental hygiene license.

Specific Authority 456.036, 466.004(4), 455.741 FS. Law Implemented 456.036 455.741 FS. History--New 7-12-95, Amended 5-6-96, Formerly 59Q-15.012, Amended.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE:
Definitions

PURPOSE AND EFFECT: The Board proposes to amend the rule chapter title to properly identify the chapter's content of the rules set forth therein. In addition, the Board proposes to amend the rule text in Rule 64B5-25.002 to further clarify the definitions.

SUBJECT AREA TO BE ADDRESSED: Change in rule chapter title and definition of "disinfection".

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 466.028(1)(u), (x), 466.041 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 IS: William Buckhalt, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

CHAPTER 64B5-25
INFECTON CONTROL, STERILIZATION AND DISINFECTION PROCEDURES

64B5-25.002 Definitions.

(1) No change.

(2) "Disinfection" is defined to mean the destruction or inhibition of most pathogenic bacteria while they are in their active growth phase and the inactivation of some viruses. Disinfection allows the potential for viable pathogens infection to remain (e.g., Tubercule bacilli and some viruses, including A, B and C hepatitis virus, and nonA-nonB (NANB) viruses which may survive depending upon the chemicals used).

(3) No change.

Specific Authority 466.004(4) FS. Law Implemented 466.028(1)(u), (x), 466.041 FS. History--New 2-24-87, Amended 1-7-92, 2-1-93, Formerly 21G-25.002, 61F5-25.002, 59Q-25.002, Amended.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Cobia

RULE TITLES:
Definitions
Cobia, Size Limit

Disignation as Restricted Species; Bag and Possession Limits

PURPOSE AND EFFECT: The purpose of this rule development effort is to address complaints received from the public concerning increasing sales of recreationally-harvested cobia and the effect such harvest and sales have on the abundance of the species. Cobia is one of the few commercially-valuable marine fish not designated as a restricted species, allowing recreational harvesters to sell the fish with only the purchase of a \$50 saltwater products license. Appropriately, the rule development includes designation of cobia as a restricted species, reduction of the recreational daily bag limit to one fish, and establishment of a uniform possession limit aboard a vessel of 4 cobia. Standard language

is also included to aid in the enforcement of size and bag limits. The effect of this rule development effort should be to safeguard the abundance of cobia and alleviate the need to adopt more stringent regulations in the future.

SUBJECT AREA TO BE ADDRESSED: Cobia.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE LATER ANNOUNCED IN THIS PUBLICATION.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting, if held, is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely, (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-19.001 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

(1) "Cobia", also referred to in some areas as ling, means any fish of the species *Rachycentron canadum*.

(2) "Fishing pier" means a platform extending from shore over water, used primarily to provide a means for persons to harvest or attempt to harvest fish therefrom. The term shall not be construed to include any residential dock, marina, or facility at which vessels are launched or moored, but shall include any abandoned bridge serving the function of a fishing pier.

(3)(2) "Fork length" means the length of a fish as measured from the tip of the snout to the rear center edge of the tail.

(4)(3) "Harvest" means the catching or taking of a fish by any means whatsoever, followed by a reduction of such fish to possession. Fish that are caught but immediately returned to the water free, alive and unharmed are not harvested. In addition, temporary possession of a fish for the purpose of measuring it to determine compliance with the minimum size requirements of this chapter shall not constitute harvesting such fish, provided that it is measured immediately after taking, and immediately returned to the water free, alive and unharmed if undersize.

(5) "Land", when used in connection with the harvest of a fish, means the physical act of bringing the harvested fish ashore.

(6)(4) "Person" means any natural person, firm, entity or corporation.

(7) "Trip" means a fishing trip of whatever duration which begins with departure of the fishing vessel from a dock, berth, beach, seawall, or ramp and which terminates with return to a dock, berth, beach, seawall, or ramp.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 1-1-90, Formerly 46-19.001, Amended _____.

68B-19.002 Cobia, Size Limit.

(1) No person shall harvest in or from the waters of the state or sell or offer for sale any cobia with a fork length less than 33 inches.

(2) All cobia shall be landed in a whole condition. The possession, while in or on state waters, on any public or private fishing pier, on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of a cobia that has have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of cobia, or mere removal of gills, before landing is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 6-13-85, Amended 1-1-90, 8-31-98, Formerly 46-19.002, Amended _____.

68B-19.004 Designation as Restricted Species; Bag and Possession Limits Limit.

(1) Cobia are hereby designated as a restricted species pursuant to s. 370.01(21), Florida Statutes.

(2) Bag Limits:

(a) Recreational Daily Bag Limit – Except as provided in paragraph (b), no person shall harvest more than 1 2 cobia per day from waters of the state. No such person shall possess more than 1 2 cobia while fishing in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(b) Commercial Daily Bag Limit – No person who fishes pursuant to a valid saltwater products license with a restricted species endorsement shall harvest more than 2 cobia per day from waters of the state. No such person shall possess more than 2 cobia while fishing in, on, or above the waters of the state or on any dock, pier, bridge, beach, or other fishing site adjacent to such waters.

(c) Vessel Possession Limit – Whether fishing pursuant to paragraph (a) or (b), the possession of more than the applicable daily bag limit of cobia multiplied by the number of persons fishing aboard any vessel, or 4 cobia, whichever is less, is prohibited. On any single trip aboard a vessel, harvest of cobia shall either be recreational pursuant to paragraph (a) or

commercial pursuant to paragraph (b), and the possession of recreational and commercial bag limits simultaneously aboard a vessel is prohibited.

(3) The possession limits of this rule ~~limit~~ shall not apply to any licensed seafood dealer or customer thereof possessing a receipt evidencing purchase of cobia.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 1-1-90, Formerly 46-19.004, Amended.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE TITLE: Procedures for Landowners and Leaseholders to Submit the Notice of Intent to Comply with Nitrogen Best Management Practices (BMPs) RULE NO.: 5E-1.023

PURPOSE AND EFFECT: To implement section 576.045(6) and 403.067(7)(d), F.S. The effect is to adopt a specific interim measure.

SUMMARY: This rule adopts a specific interim measure for forage crops (Bahagrass and Bermuda grass) grown within the Suwannee River Water Management District boundaries.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SERC has been 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: 576.045(6) FS.

LAW IMPLEMENTED: 576.045(6) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 7:00 p.m., January 16, 2001

PLACE: Mayo Community Center, SR 27, Mayo, FL

TIME AND DATE: 7:00 p.m., January 18, 2001

PLACE: Suwannee River District Headquarters, CR 49, Live Oak, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kenneth A. Kuhl, Environmental Administrator, Division of Agricultural Environmental Services, 3125 Conner Blvd., Doyle Conner Building, Tallahassee, Florida 32399-1650, Telephone (850)921-5745, Fax (850)488-8497

THE FULL TEXT OF THE PROPOSED RULE IS:

5E-1.023 Procedures for Landowners and Leaseholders to Submit the Notice of Intent to Comply with Nitrogen Best Management Practices (BMPs).

(1) through (6)(a) No change.

(b) Bahiagrass and Bermuda grass. The approved "Nitrogen Interim Measure For Bahiagrass and Bermuda grass" dated 10-31-2000, and the associated recordkeeping requirements dated 10-31-2000 are hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Department.

Specific Authority 576.045 FS. Law Implemented 576.045 FS. History--New 10-16-96, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenneth A. Kuhl, Environmental Administrator, Division of Agricultural Environmental Services, 3125 Conner Blvd., Doyle Conner Building, Tallahassee, Florida 32399-1650, Telephone (850)921-5745, Fax (850)488-8497

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Steven J. Rutz, Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Doyle Conner Building, Room 130, Mail Stop C-16, Tallahassee, FL 32399-1650, Telephone (850)488-3731, Fax (850)488-2164

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 13, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2000

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE: Decisions RULE NO.: 5J-11.006

PURPOSE AND EFFECT: The purpose and effect of this rule change is to revise the time limit for filing a Request for State Arbitration, to conform to statutory changes made in 1997.

SUMMARY: This rule defines the information that will be provided to consumers regarding decisions made by the Lemon Law Arbitration Board.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Rule implementation costs are zero.

SPECIFIC AUTHORITY: 681.108 FS.

LAW IMPLEMENTED: 681.108 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:

TIME AND DATE: 10:00 a.m., January 5, 2001

PLACE: Department of Agriculture and Consumer Services, Conference Room, City Centre Building, 227 N. Bronough Street, Suite 7200, Tallahassee, Florida 32301