

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE TITLE: Establishment of Market Areas; Market Area Codes
RULE NO.: 12D-8.0082

PURPOSE AND EFFECT: The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to review considerations appropriate for inclusion in market area guidelines, including best practices from other states and industry standards such as the International Association of Assessing Officers's (IAAO's) standards. Begin to develop uniform market area guidelines that establish criteria for the identification of market areas by county property appraisers for preparation of the real property assessment roll under s. 193.114, F.S. These guidelines are being developed for adoption under the procedures set forth in section 120.54, F.S., and will be adopted as rules.

SUBJECT AREA TO BE ADDRESSED: Market area guidelines.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.114, 193.1142, 213.05 FS.

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

TIME AND DATE: 1:30 p.m., Tuesday, April 3, 2001

PLACE: R. A. Gray Building, Auditorium, 500 S. Bronough St., Tallahassee, Florida

Copies of the agenda for the workshop may be obtained from: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108.

Persons needing an accommodation to participate in any proceeding before the Technical Assistance and Dispute Resolution Office should call (850)488-8026 (Voice) or 1(800)367-8331 (TDD), at least five working days before such proceeding.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Tax Law Specialist, Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)414-6108

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 00-01R	
RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Quality Assurance	62-160
RULE TITLES:	RULE NOS.:
Purpose, Scope and Applicability	62-160.110
Definitions	62-160.120
Approved Field Procedures	62-160.200
Approval of New and Alternative Field Procedures	62-160.210
Record Keeping and Reporting Requirements for Field Procedures	62-160.220
Laboratory Certification	62-160.300
Approved Laboratory Methods	62-160.320
Approval of New and Alternative Laboratory Methods	62-160.330
Record Keeping and Reporting Requirements for Laboratory Procedures	62-160.340
Sample Preservation and Holding Times	62-160.400
Research Field and Laboratory Procedures	62-160.600
Field and Laboratory Audits	62-160.650
Data Validation by the Department	62-160.670
Tables	62-160.700
Documents Incorporated by Reference	62-160.800
Forms	62-160.900

PURPOSE AND EFFECT: The proposed rules are intended to implement Section 403.0623, Florida Statutes, establishing the quality assurance requirements for environmental data that is submitted directly or indirectly to the Department. These rules will also outline the criteria by which environmental data may be rejected by the Department.

SUBJECT AREA TO BE ADDRESSED: The Department proposes to eliminate the requirement of a Comprehensive Quality Assurance Plan and to replace it with certification by the Florida Department of Health Environmental Laboratory Certification program for laboratories, and to adopt revised Standard Operating Procedures for field operations.

SPECIFIC AUTHORITY: 403.0623 FS.

LAW IMPLEMENTED: 403.0623, 403.0625, 403.862, 403.863, 403.8635 FS.

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

TIME AND DATES: 9:00 a.m. – 5:00 p.m., Thursday and Friday, April 5-6, 2001

PLACE: Orlando Public Library Meeting Room, 101 East Central Boulevard, Orlando, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings is asked to advise the agency at least 48 hours before the meeting by contacting the Personnel

Services Specialist in the Bureau of Personnel at (850)488-2996. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ms. Silky Labie, Department of Environmental Protection, 2600 Blair Stone Road, Environmental Assessment Section, MS 6511, Tallahassee, Florida 32399-2500, telephone (850)488-2796. The proposed rule revisions, workshop agenda and supporting documentation can be downloaded from the internet after March 15, 2001 by going to <http://www.myflorida.com>, then drilling down: Environment; Learn; Scientific Services; DEP Laboratories; Quality Assurance Program.

A copy of the agenda may also be obtained by contacting Amanda Cantrell, Department of Environmental Protection, Environmental Assessment Section, 2600 Blair Stone Road, MS 6511, Tallahassee, Florida 32399-2400, (850)488-2796

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.:00-47R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Noticed General Environmental 62-341
Resource Permits

RULE TITLES: RULE NOS.:

Policy and Purpose 62-341.201

Noticed General Permit for Private Single-
Family Residences in Jupiter Farms,
Palm Beach County 62-341.476

PURPOSE, EFFECT AND SUBJECT AREA TO BE ADDRESSED: A new Noticed General Permit (NGP) is proposed to provide an expedited Environmental Resource Permit (ERP) for the construction, alteration, maintenance, operation, abandonment, and removal of single-family residences and associated on-site residential structures within specified sections of Jupiter Farms, Palm Beach County. The NGP will specify the maximum acreage of wetland impacts that will be authorized, and will specify other general and specific limiting conditions. The NGP will not authorize any commercial activities.

Jupiter Farms is an older, platted subdivision covering approximately 8,960 acres in northern Palm Beach County. It is approximately 85% built out. Approximately 890 acres of wetlands, as defined under Chapter 62-340, of the Florida Administrative Code, remain within Jupiter Farms. Most of these wetlands are isolated (not surfcially connected to other surface waters). Development of single-family homes within the isolated wetlands of Jupiter Farms did not require a dredge and fill permit from the Department prior to October 3, 1995 (the date of implementation of the ERP permit program), and there has been a long-standing development practice of filling

such wetlands within Jupiter Farms for activities ranging from single-family homes to pastures and barns. Since October 3, 1995, ERP permits have been required for dredging, filling, and construction in all wetlands and other surface waters (including isolated wetlands). However, a large number of residences have been constructed in the isolated wetlands within Jupiter Farms without the required ERP permits; these cases are pending appropriate enforcement resolution. The intent of this general permit is to streamline the permitting of future residential construction in Jupiter Farms, including authorizing the types and amount (acreage) of on-site residential improvements that traditionally have been constructed, while offsetting wetland losses through regionally significant mitigation.

All applicants for this NPG must offset wetland impacts from the proposed activities by donating money to Palm Beach County for restoration and enhancement of specific wetland sites approved by this rule to offset such wetland impacts. The County initially will use the money to implement restoration, enhancement, and management of wetlands within the South Loxahatchee Slough Restoration Project (SLSRP). However, because the SLSRP cannot provide enough mitigation to offset all of the wetland impacts that could result from single-family residential construction within Jupiter Farms, the NGP will need to be modified in the future to authorize donation of funds to other wetland restoration and enhancement sites.

This Notice supersedes a previous Notice of Proposed Rule Development published in Vol. 26, No. 41 of the October 13, 2000, Florida Administrative Weekly, which advertised development of a proposed statewide noticed general permit for private single-family residences. The Department currently has suspended efforts at developing a statewide noticed general permit for single-family residences. However, there may be future rulemaking to adopt additional general permits for new single-family residences at specific geographic locations.

In addition to the above, this proposed rulemaking will amend section 62-341.201 to reflect that this and other general permits under chapter 62-341 may authorize mitigation to offset wetland impacts.

SPECIFIC AUTHORITY: 373.026(7), 373.043, 373.118(1), 373.406(5), 373.414(9), 373.418, 403.805(1) FS.

LAW IMPLEMENTED: 373.118, 373.406(5), 373.413, 373.414(9), 373.416, 373.418, 373.426 FS.

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

TIME AND DATE: 7:00 p.m. (evening), April 5, 2001 (Thursday)

PLACE: Department of Environmental Protection Office, 400 N. Congress Avenue, Public Meeting Room, 2nd Floor, West Palm Beach, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jeanese McCree at the Department of Environmental Protection, 2600 Blair Stone

Road, MS 2500, Tallahassee, Florida 32399-2400, telephone (850)921-9901, or e-mail: Jeanese.McCree@dep.state.fl.us. Draft rule language may be accessed on the Internet at the following address: <http://www.dep.state.fl.us/water/slerp/pds/draft.htm>.

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

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

DOCKET NO.:00-49R

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules And Procedures For Application for Coastal Construction Permits 62B-41

RULE TITLES: RULE NOS.:

Definitions 62B-41.002

General Prohibitions 62B-41.003

Exemptions from Permit Requirements 62B-41.004

Policy and Eligibility Criteria for Coastal Construction Permits 62B-41.005

Protection of Marine Turtles 62B-41.0055

Design, Siting and Other Requirements 62B-41.007

Experimental Coastal Construction 62B-41.0075

Permit Application Requirements and Procedures 62B-41.008

Permit Processing and Administration Fees 62B-41.0085

Revisions or Modifications of Approved Permits 62B-41.013

Coastal Construction Permit Conditions 62B-41.015

PURPOSE AND EFFECT: To update the rule accounting for the Departmental reorganization, amend definitions and, clarify policy regarding sand specifications.

SUBJECT AREA TO BE ADDRESSED: Rules and procedures for application for coastal construction permits.

SPECIFIC AUTHORITY: 161.041, 161.051, 161.0535, 161.061, 161.121, 370.12, 370.021 FS.

LAW IMPLEMENTED: Section 27, Chapter 89-175, Laws of Florida, 161.011, 161.021, 161.031, 161.041, 161.042, 161.051, 161.0535, 161.054, 161.061, 161.071, 161.081, 161.088, 161.091, 161.101, 161.111, 161.141, 161.142, 161.161, 161.163, 161.181, 161.191, 161.201, 161.211, 161.212, 370.02(5)(b)2., 370.021(1), 370.12, 327.40 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOW BELOW (IF NOT REQUESTED, THIS WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., April 4, 2001

PLACE: Conference Room A, 3800 Commonwealth Boulevard, Tallahassee, Florida 32399-3000

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rosaline Beckham, Florida Department of Environmental Protection, Office of Beaches and Coastal Systems, Mail Station #300, Tallahassee, Florida 32399-3000, (850)487-1262, Extension 186

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: RULE NO.:

Courses Required for Initial Licensure, Renewal, or Reactivation 64B5-12.019

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Courses required for initial licensure, renewal, or reactivation.

SPECIFIC AUTHORITY: 456.031, 456.033 FS.

LAW IMPLEMENTED: 456.031, 456.033 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:

64B5-12.019 Courses Required for Initial Licensure, Renewal, or Reactivation.

(1) through (2) No change.

(3) Every such course for the purpose of obtaining initial licensure shall have a minimum of two (2) hours dedicated to the subject areas set forth. Every such course for the purpose of renewal or reactivation of licensure shall have ~~no more and~~ no less than one (1) hour dedicated to the subject areas set forth. Furthermore, every such course shall include information on current Florida law and its impact on testing, confidentiality of

test results, and treatment of patients. However, any such course completed outside of Florida, which complies with the criteria set forth in paragraph (2) above shall be approved by the Board if the applicant or licensee submits to the Board a statement that he or she has reviewed and studied current Florida law and its impact on testing, confidentiality of test results, and treatment of patients. To fulfill the requirements of this paragraph every HIV/AIDS course shall include or each applicant or licensee shall review and study Chapters 381 and 384, Florida Statutes.

(4) through (8) No change.

Specific Authority 455.604 FS. Law Implemented 455.597, 455.604 FS. History—New 1-18-89, Amended 10-28-91, 2-1-93, Formerly 21G-12.019, Amended 6-14-94, Formerly 61F5-12.019, Amended 11-15-95, 2-10-97, Formerly 59Q-12.019, Amended 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 Board proposes to amend this rule to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Courses required of dentists for renewal and reactivation.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.013(8), 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 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:

64B5-12.020 Courses Required of Dentists for Renewal and Reactivation.

Licensed dentists are required to complete the following continuing education during each license renewal biennium.

(1) No change.

(2) Instruction in laws, rules and ethics ~~and rules~~ governing the practice of dentistry and dental hygiene consisting of at least 2 hours of instruction in relevant topics including: Chapter 456 and 466, Florida Statutes, Rule Chapter 64B5, Florida Administrative Code, professional responsibility and competence; legal standards, confidentiality; professional

relationships; recordkeeping; common malpractice complaints; commonly reported violations reported to the Department; and relevant case studies.

(a) through (b) No change.

Specific Authority 466.004 FS. Law Implemented 466.0135 FS. History—New 4-11-94, Amended 7-18-94, Formerly 61F5-12.020, 59Q-12.020, Amended 1-23-01, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE CHAPTER TITLE: Temporary Cash Assistance
 RULE CHAPTER NO.: 65A-4

RULE TITLE: Learnfare Requirements
 RULE NO.: 65A-4.2131

PURPOSE AND EFFECT: The 2000 Legislature amended s. 414.125, F.S., to require a reduction in temporary cash assistance (TCA) for a participant’s dependent child or for an eligible teenage participant who is identified by the local school district as a habitual truant pursuant to s. 228.041(28), F.S. Also, a TCA participant with a school-age child is required to have a conference with an appropriate school official during each school semester to assure that the participant is involved in the child’s educational progress and is aware of any existing attendance or academic problems. Upon notification by the local school board that a TCA participant or participant’s child failed to meet the Learnfare requirements without good cause, a sanction is to be imposed by the department.

SUBJECT AREA TO BE ADDRESSED: The proposed rule provides for a reduction of TCA for a participant’s eligible dependent school age child (age 6-16) or an eligible teenage participant who is not exempt from education participation requirements and is identified as a habitual truant as defined in s. 228.041, F.S. It also provides for a TCA participant with a dependent child, age 6 to 16, to meet school conference requirements each semester. Additionally, it provides for the local school board to notify the department when a TCA participant’s child or an eligible teenage participant is identified as a habitual truant or the participant failed to meet school conference requirements.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.125 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 3, 2001

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program

Support Unit, 1317 Winewood Boulevard, Building 3, Room 421, Tallahassee, Florida 32399-0700, Telephone (850)488-3090

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

**Section II
Proposed Rules**

DEPARTMENT OF INSURANCE

RULE TITLE: Effect of Law Enforcement Records on Applications for Licensure

RULE NO.: 4-211.0031

PURPOSE AND EFFECT: To repeal the rule as per the review of section 120, F.S.

SUMMARY: To Repeal rule.

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 112.011, 626.161, 626.171, 626.201, 626.211, 626.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 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: 9:00 a.m., April 10, 2001

PLACE: Room 143, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shirley Kerns, Chief, Bureau of Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0320

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 Yvonne White, (850)922-3110, Ext. 4214.

THE FULL TEXT OF THE PROPOSED RULE IS:

4-211.0031 Effect of Law Enforcement Records on Applications for Licensure.

Specific Authority 624.308 FS. Law Implemented 112.011, 626.161, 626.171, 626.201, 626.211, 26.291, 626.601, 626.611(7),(14), 626.621(8), 626.631, 626.641 FS. History—New 5-2-93, Amended 2-2-95, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Higgins, Chief, Bureau of Licensing, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John Hale, Division Director, Agent and Agency Services, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 27, 2001

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE TITLE: Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/Aids) for Continuing Education

RULE NO.: 61G3-16.0091

PURPOSE AND EFFECT: The purpose and effect are related to requirements for instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education

SUMMARY: This rule is being proposed to provide requirements for continuing education.

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: 455.2228, 476.064(4) FS.

LAW IMPLEMENTED: 455.2228 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.0091 Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) for Continuing Education.

(1) Each person licensed under Chapter 476, Florida Statutes, shall complete a board approved HIV/AIDS education course as a condition of the renewal of his or her license and shall confirm that he or she has completed such an HIV/AIDS education course on his or her application for renewal. Such course must be taken during the licensure period and prior to expiration of the license.

(2) The course shall consist of education on the modes of transmission, infection control procedures, clinical management and prevention of HIV and AIDS, with emphasis on appropriate behavior and attitude changes and with specific relevance to the practice of barbering and cosmetology including sanitary requirements. The course shall be a minimum of (2) hours of instruction.

(3) Courses may be presented as live presentation courses or home study courses. All home study courses shall include a written post course examination which must be graded by the