

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Table with 2 columns: Rule Chapter Title and Rule Chapter No.
Individual Environmental 40D-4
Resource Permits 40D-4
RULE TITLES: RULE NOS.:
Definitions 40D-4.021
Exemptions 40D-4.051
Conditions for Exemptions 40D-4.053
Publications and Agreements Incorporated 40D-4.091
by Reference 40D-4.091
Additional Conditions for Issuance of Permits 40D-4.302
General Conditions 40D-4.381

PURPOSE AND EFFECT: The purpose and effect of the
proposed amendments is to conform District rule language to
certain statutory revisions; to clarify and update exemption
language regarding phosphate mining, mining related
activities, reclamation and restoration, and the conditions for
the exemption; and to address concerns expressed by the staff
of the Joint Administrative Procedures Committee (JAPC)
regarding environmental resource permitting rules.

SUBJECT AREA TO BE ADDRESSED: Revisions to Chapter
40D-4, F.A.C. which together with Chapters 40D-40 and
40D-400, F.A.C. implements environmental resource
permitting authorized pursuant to Part IV of Chapter 373, F.S.

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113,
373.118, 373.149, 373.171, 373.414(9) FS.

LAW IMPLEMENTED: 373.016, 373.042, 373.403, 373.406,
373.409, 373.413, 373.414, 373.414(9), 373.416, 373.416(2),
373.419, 373.426, 403.805 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: Karen E. West, Deputy

General Counsel, Office of General Counsel, 2379 Broad
Street, Brooksville, FL 34604-6899, (352)796-7211, Extension
4651

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Table with 2 columns: Rule Chapter Title and Rule Chapter No.
General Environmental 40D-40
Resource Permits 40D-40
RULE TITLES: RULE NOS.:
Content of Application for General Permits 40D-40.112
Conditions for Issuance of General Permits 40D-40.302
General Conditions 40D-40.381

PURPOSE AND EFFECT: The purpose and effect of the
proposed amendments is to address concerns expressed by
staff of the Joint Administrative Procedures Committee
(JAPC) regarding environmental resource permitting rules.

SUBJECT AREA TO BE ADDRESSED: Revisions to Chapter
40D-4, F.A.C. which together with Chapters 40D-4 and
40D-400, F.A.C. implements environmental resource
permitting authorized pursuant to Part IV of Chapter 373, F.S.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.117, 373.413, 373.414, 373.416,
373.419 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: Karen E. West, Deputy
General Counsel, Office of General Counsel, 2379 Broad
Street, Brooksville, FL 34604-6899, (352)796-7211, Extension
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THE PRELIMINARY TEXT OF THE PROPOSED RULE
DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM
THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Table with 2 columns: Rule Chapter Title and Rule Chapter No.
Environmental Resource Permits 40D-400
RULE TITLES: RULE NOS.:
Definitions 40D-400.021
General Permit for the Installation of Fences 40D-400.437

General Permit for the Construction or Maintenance of Culverted Driveway or Roadway Crossings and Bridges of Artificial Waterways 40D-400.439

General Permit to the Florida Department of Transportation, Counties, and Municipalities For Minor Bridge Alteration, Replacement, Maintenance and Operation 40D-400.443

General Permit for Minor Activities 40D-400.475

PURPOSE AND EFFECT: The purpose and effect of the proposed amendments is to address concerns expressed by staff of the Joint Administrative Procedures Committee (JAPC) regarding environmental resource permitting rules.

SUBJECT AREA TO BE ADDRESSED: Revisions to Chapter 40D-4, F.A.C. which together with Chapters 40D-4 and 40D-40, F.A.C. implements environmental resource permitting authorized pursuant to Part IV of Chapter 373, F.S.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.414, 373.416, 373.419 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

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

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE CHAPTER TITLE: Community Care for the Elderly RULE CHAPTER NO.: 58C-1

RULE TITLE: Program Forms RULE NO.: 58C-1.008

PURPOSE AND EFFECT: Proposed amendment to subsection 58C-2.008(3), F.A.C., will revise DOEA Forms 203A, Care Plan, and 203B, instructions dated July 2001, to clarify the request for information related to frequency and duration of Non-DOEA and DOEA services.

SUBJECT AREA TO BE ADDRESSED: DOEA Forms 203A and 203B.

SPECIFIC AUTHORITY: 430.08, 430.203-.205 FS.

LAW IMPLEMENTED: 430.201-.207 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 SHOW BELOW:

TIME AND DATE: 1:00 p.m. – 2:00 p.m., December 11, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 309, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58C-1.008 Program Forms.

The following forms shall be used for programs regulated by this chapter, are hereby incorporated by reference, and are available in the Office of the Secretary and at each Area Agency on Aging:

(1) through (2) No change.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated October 2003 ~~July, 2001~~.

Specific Authority 430.08, 430.203-.205 FS. Law Implemented 430.201-.207 FS. History–New 8-20-00, Amended 8-6-01,_____.

DEPARTMENT OF ELDER AFFAIRS

Alzheimer’s Disease Initiative

RULE CHAPTER TITLE: Administration of the Alzheimer’s Disease Initiative RULE CHAPTER NO.: 58D-1

RULE TITLE: Program Forms RULE NO.: 58D-1.007

PURPOSE AND EFFECT: Proposed amendment to subsection 58D-1.007(3), F.A.C., will revise DOEA Forms 203A, Care Plan, and 203B, instructions dated July 2001, to clarify the request for information related to frequency and duration of Non-DOEA and DOEA services.

SUBJECT AREA TO BE ADDRESSED: DOEA Forms 203A and 203B.

SPECIFIC AUTHORITY: 430.08, 430.501-.503 FS.

LAW IMPLEMENTED: 430.501-.504 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 SHOW BELOW.

TIME AND DATE: 1:00 p.m. – 2:00 p.m., December 11, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 309, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58D-1.007 Program Forms.

The following forms shall be used for programs regulated by this chapter, are hereby incorporated by reference, and are available in the Office of the Secretary and at each Area Agency on Aging:

(1) through (2) No change.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated October 2003 ~~July, 2001~~.

Specific Authority 430.08, 430.501-.503 FS. Law Implemented 430.501-.504 FS. History—New 8-20-00, Amended 8-6-01,_____.

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE CHAPTER TITLE: Home Care for the Elderly
 RULE CHAPTER NO.: 58H-1

RULE TITLE: Program Forms
 RULE NO.: 58H-1.009

PURPOSE AND EFFECT: Proposed amendment to subsection 58H-1.009(3), F.A.C., will revise DOEA Forms 203A, Care Plan, and 203B, instructions dated July 2001, to clarify the request for information related to frequency and duration of Non-DOEA and DOEA services.

SUBJECT AREA TO BE ADDRESSED: DOEA Forms 203A and 203B.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.608 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: 1:00 p.m. – 2:00 p.m., December 11, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 309, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Linda Macdonald, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58H-1.009 Program Forms.

The following forms shall be used for programs regulated by this chapter, are hereby incorporated by reference, and are available in the Office of the Secretary and at each Area Agency on Aging:

(1) through (2) No change.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated October 2003 ~~July, 2001~~.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.608 FS. History—New 8-20-00, Amended 8-6-01,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLE: Annual Filing
 RULE NO.: 60BB-2.0255

PURPOSE AND EFFECT: The purpose of the proposed new Rule 61BB-2.0255, F.A.C. (Annual Filings), is to establish simplified procedures that may be used to report and remit unemployment compensation tax on an annual basis by employers that only employ persons who perform domestic services.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by this proposed new rule is unemployment compensation tax reporting and payment requirements.

SPECIFIC AUTHORITY: 443.131(1) FS.

LAW IMPLEMENTED: 443.131(1) FS.

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

TIME AND DATE: 9:30 a.m., December 11, 2003

PLACE: Room 435, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting: Larry Green, (850)488-0712. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michael Metz, Senior Attorney, Office of the General Counsel, Department of Revenue, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)922-4830, e-mail: metzm@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-2.0255 Annual Filing.

(1) Application.

(a) Employers who employ only employees performing domestic services and who elect the option of reporting wages and paying taxes annually pursuant to Section 443.131, Florida Statutes, shall complete application form UCT-7A (revised, June 2003) and file it with the Department no later than December 1 of the year preceding the calendar year the optional election begins. The Department shall issue written notification to employers of the approval or rejection of the application within 30 consecutive calendar days of the Department's receipt of a completed application. Eligible employers whose application has been approved by the Department do not need to resubmit an application for any subsequent years.

(b)1. Employers who are approved by the Department shall report wages and pay taxes annually by filing form UCT-7 (new, March 2004) in accordance with the instructions contained on the form.

2. However, employers required to file by electronic means shall file form UCT-7 by electronic means and pay taxes by electronic means in accordance with Rules 60BB-2.025 and 60BB-2.027, F.A.C.

(2) Disqualification or Termination. If, at any time, an employer ceases to qualify for the annual reporting wages and paying taxes program or determines that it desires to discontinue participation in the annual reporting wages and paying taxes program or, due to the failure to timely furnish wage information, loses the privilege of participating in the annual reporting wages and paying taxes program, the employer shall file with the Department, no later than the last day of the month following the calendar quarter in which the disqualification or termination occurred, all quarterly wage and tax reports due for all completed calendar quarters in the current calendar year and pay all the amounts due thereon. All requests to change the employer's status as a program participant with the Department must be submitted in writing by the employer.

(3) Reapplication.

(a) All employers of domestic employees who have been disqualified from participating in the annual reporting wages and paying taxes program may, after one complete calendar year, during which the employer timely furnished any requested wage information during the period that annual reporting was denied, reapply by completing form UCT-7A and filing it with the Department as required by paragraph (1)(a) to be considered for the annual reporting of wages and paying taxes program commencing January 1 of the following calendar year.

(b) All employers of domestic employees who have ceased, pursuant to their written request, to participate in the program may, after one complete calendar year, reapply by completing form UCT-7A and filing it with the Department no later than December 1 to be considered for the annual reporting of wages and paying taxes program commencing January 1 of the following calendar year.

(4) Forms. The Forms referred to in this rule are incorporated by reference and are available from the Agency through its designee, the Department of Revenue by the following methods:

(a) Writing to the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304;

(b) Faxing a request to the Distribution Center at (850)922-2208;

(c) Visiting any local Department of Revenue Service Center to personally obtain a copy;

(d) Calling the Forms Request Line during regular office hours at 1(800)482-8293 (nationwide) or (850)488-6800;

(e) Downloading selected forms from the Department of Revenue's Internet site (www.myflorida.com/dor);

(f) Dialing the TDD number for the Department of Revenue at 1(800)367-8331 for persons with hearing or speech impairments.

Specific Authority 443.131(1) FS. Law Implemented 443.131(1) FS. History--New _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Facilities Management and Building

Construction

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Leases for Real Property	60H-1
RULE TITLES:	RULE NOS.:
Standard Lease Agreement Form	60H-1.003
Escalation Clauses Prohibited	60H-1.006
Right-to-Terminate Clause Required	60H-1.007
Leases of 5,000 Square Feet or More	60H-1.015
Turnkey (Lease) Construction Program	60H-1.017
Prior Approval of Space Need	60H-1.022
Calculation of Lowest Bid Proposals	60H-1.029
Rental Rate Guidelines for Privately Owned Space	60H-1.030

PURPOSE AND EFFECT: To amend and clarify the procedures for the procurement and negotiation of leases of 5,000 square feet or more of privately owned building space to State agencies.

SUBJECT AREA TO BE ADDRESSED: Leasing of privately owned building space to State agencies.

SPECIFIC AUTHORITY: 255.249(4)(b),(e), 255.25(2)(c) FS.

LAW IMPLEMENTED: 255.25(2),(3) FS.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Supervisor	64B3-5.002
Technologist	64B3-5.003
Technician	64B3-5.004
Director; Limitations and Qualifications	64B3-5.007
Public Health Laboratory Personnel	64B3-5.008

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

SUBJECT AREA TO BE ADDRESSED: Supervisor; Technologist; Technician; Director; Limitations and Qualifications; and Public Health Laboratory Personnel.

SPECIFIC AUTHORITY: 483.051, 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.041(5), 483.051(1), 483.800, 483.809, 483.811(2), 483.815, 483.823, 483.824 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist and complete a Board approved examination or complete 25 hours of Board approved continuing education in the area of administration and supervision, which includes examination(s) accumulated over no longer than five years prior to application for licensure, shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety, and one of the following:

(a) through (c) No change.

~~(d) In the categories of cytogenetics, cytology, radioassay, and molecular genetics, the experience required in paragraphs (a), (b) and (c) must be in the specific category for which licensure is sought.~~

~~(d)(e)~~ For the category of blood gas analysis only, an associate degree in cardiopulmonary function technology or respiratory care, five years of pertinent clinical laboratory experience and be licensed or meet the requirements for licensure as a technologist in the category of Blood Gases, or as a respiratory care practitioner certified in critical care services or a respiratory therapist pursuant to Chapter 468, Part V, F.S.

~~(e)(f)~~ For the category of Cytology only, a baccalaureate degree which shall include 16 semester hours of academic science, have completed an accredited or Board approved training program in cytology, be licensed or qualified as a clinical laboratory technologist and have five years of pertinent clinical laboratory experience in cytology. If ASCP (American Society of Clinical Pathologists) certified prior to 1985, have an associate degree or equivalent, national certification by the American Society of Clinical Pathologists, and 10 years of pertinent clinical laboratory experience within the past 15 years.

~~(g) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b) and (c), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the American Society of Clinical Pathologists, National Certification Agency of Medical Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.~~

~~(f)(h)~~ In the category of histology, one of the following:

1. Board certification gained by examination in histology through the Board of Registry of the American Society of Clinical Pathologists (ASCP) certification at the Histotechnologist (HTL) level and five years of pertinent experience.

2. Board certification gained by examination in histology through the Board of Registry of the ASCP American Society of Clinical Pathologists certification at the Histotechnician (HT) level, five 10 years of pertinent clinical laboratory experience post-certification, and an additional 23 48 hours continuing education in administration and supervision within five years prior to application for licensure.

3. Florida licensure or meeting the requirements for licensure as a histology technologist, five 10 years of pertinent clinical laboratory experience, and an additional 23 48 hours continuing education in administration and supervision within five years prior to application for licensure.

(g) In the category of andrology or embryology, applicants who are currently working in either of these fields and meeting all other requirements shall not be required to have a previous license as a technologist as long as they are licensed by the end of January 2006. Applicants shall be Board certified by examination in andrology or embryology at the supervisor level by one of the agencies listed in subsection (2).

~~(i) Be licensed in a specialty as a technologist, meet the education and experience requirements under paragraph 64B3-5.002(1)(a), (b) or (c), F.A.C., and completes 25 hours of Board approved continuing education in the area of administration and supervision, which includes examination(s), accumulated over no longer than five years prior to application for licensure. Course content must include the guidelines set forth in subsection 64B3-3.003(7), F.A.C. This continuing education may not be used to satisfy biennial renewal requirements.~~

(2) In lieu of one year of experience required by paragraphs 64B3-5.002(1)(b) and (c), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the ASCP, National Credentialing Agency of Laboratory Personnel, National Registry of Clinical Chemistry, American Academy of Microbiology, American Medical Technologists, American Board of Bioanalysis, American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

~~(3)(2) Adding Categories to an Active Supervisor's License. Licensed supervisors may add a category or categories by passing a technologist level examination and by providing proof of one year's experience for each category to be added.~~

(4) The Board approved Supervision and Administration examinations, in lieu of the required 25 hours of supervision and administration required in subsection (1) are:

1. The Diplomate in Laboratory Management examination on general supervision administered by the American Society for Clinical Pathology (ASCP).

2. The Specialist in Blood Banking administered by ASCP for Blood Banking and Immunohematology.

3. The Specialist in Cytotechnology administered by ASCP for licensure by endorsement as a supervisor in Cytology.

4. The Specialist in Chemistry administered by ASCP for licensure by endorsement for supervisors in Clinical Chemistry.

5. The Specialist in Hematology administered by ASCP for licensure by endorsement for supervisors in Hematology.

6. The Clinical Laboratory Supervisor administered by the National Credentialing Agency for Laboratory Personnel (NCA).

7. The Certified Histocompatibility Specialist Examination (CHS) administered by the American Board of Histocompatibility and Immunogenetics (ABHI).

Specific Authority 483.805(4), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 590-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03,_____.

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. All associate degrees used to qualify shall include, at a minimum, 60 semester hours of academic credit including a total of 16 semester hours of academic biological and/or chemical science. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, radioassay, histocompatibility, blood banking and blood gas analysis, cytology, cytogenetics, molecular genetics and histology shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety and at a minimum have one of the following:

(a) through (c) No change.

~~(d) A baccalaureate degree in a chemical or biological science, Florida licensure as a technician, and proof of completion of an accredited and/or Board approved clinical laboratory training program at the technician level.~~

(d) through (j) renumbered (e) through (k) No change.

~~(k) Individuals with a baccalaureate degree in a chemical or biological science, Florida licensure as a technician, and proof of completion of an accredited and/or Board approved clinical laboratory training program at the technician level, may qualify for a technologist license.~~

~~(l)(2) Qualifications for Cytology Technologist. For the specialty of cytology, applicants for technologist shall possess a baccalaureate degree in cytology and be nationally certified in cytology by the American Society for Clinical Pathology. Applicants shall have one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department.~~

~~(m)(3) Qualifications for Histology Technologist. For the category of histology, applicants for technologist licensure shall have a high school diploma or its equivalent one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department, and have one of the following:~~

~~1.(a)~~ Board certification gained by examination in histology through the Board of Registry of the American Society for Clinical Pathology (ASCP) certification at the Histotechnologist (HTL) level.

~~2.(b)~~ Board certification gained by examination in histology through the Board of Registry of the ASCP American Society for Clinical Pathology certification at the Histotechnician (HT) level, 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and five years of pertinent clinical laboratory experience.

~~3.(e)~~ Graduation from a NAACLS approved associate degree histotechnology program and Board certification gained by examination in histology through the Board of Registry of the ASCP American Society for Clinical Pathology certification at the Histotechnician (HT) level.

~~4.(d)~~ Board certification gained by examination in histology through the Board of Registry of the ASCP American Society for Clinical Pathology certification at the Histotechnician (HT) level and Qualification in Immunohistochemistry (QIHC).

~~5.(e)~~ Florida licensure as a histology technician, 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and ~~five~~ 10 years of pertinent clinical laboratory experience.

~~(n)(4)~~ Qualifications for Cytogenetics Technologists. In the category of cytogenetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree in clinical laboratory, chemical or biological science, successfully passed the Cytogenetics examination given by the National Credentialing Agency for Laboratory Personnel (NCA) one hour of Board approved HIV/AIDS continuing education and have one of the following:

~~1.(a)~~ No change.

~~2.(b)~~ One year of pertinent clinical laboratory experience in cytogenetics.

~~(e)~~ Successfully passed the cytogenetics examination given by NCA (National Certification Agency for Medical Laboratory Personnel).

~~(o)(5)~~ Qualifications for Blood Banking Technologists. In the category of blood banking, applicants for technologist licensure shall have ~~one hour of Board approved HIV/AIDS continuing education~~, a minimum of a baccalaureate degree in a clinical laboratory, chemical or biological science, certification by the ASCP Board of Registry in blood banking and have one of the following:

~~1.(a)~~ No change.

~~2.(b)~~ Documentation of graduation from an accredited Specialist in Blood Banking Program ~~and national certification by the American Society of Clinical Pathologists Board of Registry as a specialist in blood banking.~~

~~(p)(6)~~ Qualifications for Molecular Genetics Technologist. For the specialty of molecular genetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree, which shall include 16 semester hours of academic science, successfully passed the molecular biology examination given by NCA and successfully one hour of Board approved HIV/AIDS continuing education as stated in Rule 64B3-11.005, F.A.C., or in subsequent rule of the Department, and one of the following:

~~(a)~~ Successfully completed a technologist level accredited or Board approved program in molecular genetics.

~~(b)~~ One year of pertinent clinical laboratory experience in molecular genetics; or

~~(c)~~ Successfully passed the molecular biology examination given by NCA (National Certification Agency for Medical Laboratory Personnel).

~~(g)~~ Qualifications for Histocompatibility. Individuals working toward the eligibility requirement for application to take the Board approved certification exam in histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunoematology. They must meet the requirements for eligibility to take the Board approved examinations in histocompatibility by receiving at least one year's notarized, documented relevant full-time work experience in an American Board of Histocompatibility and Immunogenetics (ABHI) approved laboratory performing histocompatibility testing. They are eligible to apply for licensure in histocompatibility by endorsement.

~~(2)~~ Approved examinations for licensure as a technologist:

~~(a)~~ An examination in one or more of the following specialties: microbiology, serology/immunology, clinical chemistry, hematology, immunoematology, blood banking/immunoematology, histology prepared by the ASCP, the American Medical Technologists (AMT), the NCA, or the American Association of Bioanalysts (AAB); or

~~(b)~~ In the specialty of cytology, the Cytotechnologist Examination prepared by the Board of Registry of the ASCP; or

~~(c)~~ In the specialty of cytogenetics, the Clinical Laboratory Specialist in Cytogenetics Examination prepared by the NCA; or

~~(d)~~ In the specialty of histocompatibility, the Certification Examination for Histocompatibility Technologists, prepared by ABHI; or

~~(e)~~ In the specialty of radioassay, the Certification Examination in Radioassay, prepared by the Clinical Ligand Assay Society Certification Board; or

~~(f)~~ In the specialty of blood gas analysis, either the Cardiovascular Science Examination, prepared by Cardiovascular Credentialing International, or the Advanced Pulmonary Function Technologist Examination, prepared by the National Board of Respiratory Care; or

(g) In the specialty of blood banking/immunohematology, the Technologist Certification Examination in Blood Banking, or the Specialist in Blood Banking Certification Examination, prepared by the Board of Registry of ASCP are also acceptable in addition to the options stated in paragraph (2)(a) above.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 590-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, 10-29-02,

64B3-5.004 Technician.

Text not available.

64B3-5.007 Director; Limitations and Qualifications.

Text not available.

64B3-5.008 Public Health Laboratory Personnel.

Text not available.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Manner of Application	64B3-6.001
Documentation for Licensure	64B3-6.002
Personnel Licensure – Temporary Permit	64B3-6.003

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

SUBJECT AREA TO BE ADDRESSED: Manner of Application; Documentation for Licensure; Personnel Licensure – Temporary Permit.

SPECIFIC AUTHORITY: 456.013, 483.805(4) FS.

LAW IMPLEMENTED: 456.013, 483.813, 483.815, 483.823 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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Inactive Status and Reactivation of Inactive Clinical Laboratory License	64B3-8.002
Renewal of Clinical Laboratory Training Program License	64B3-8.003
Renewal of Clinical Laboratory Personnel Continuing Education Provider License	64B3-8.004
Delinquent License	64B3-8.005

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

SUBJECT AREA TO BE ADDRESSED: Inactive Status and Reactivation of Inactive Clinical Laboratory License; Renewal of Clinical Laboratory Training Program License and Clinical Laboratory Personnel Continuing Education Provider License.

SPECIFIC AUTHORITY: 456.013, 456.036, 483.805(4), 483.807(1), 483.811(2), 483.819, 483.821 FS.

LAW IMPLEMENTED: 456.013, 456.036, 483.807, 483.811, 483.813, 483.815, 483.817, 483.821, 483.823 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.

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Reactivation Fee	64B3-9.005
Duplicate License Fee	64B3-9.009
Change of Status	64B3-9.010
Delinquency Fee	64B3-9.011
Unlicensed Activity Fee	64B3-9.012

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

SUBJECT AREA TO BE ADDRESSED: Reactivation Fee; Duplicate License Fee; Change of Status; Delinquency Fee; Unlicensed Activity Fee.

SPECIFIC AUTHORITY: 456.025, 456.036, 483.805, 483.807 FS.

LAW IMPLEMENTED: 456.025, 456.036, 456.065, 483.807 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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLE: RULE NO.:

Scope of Practice Relative to 64B3-10.005
Specialty of Licensure

PURPOSE AND EFFECT: The Board proposes to update and add to the existing rule text.

SUBJECT AREA TO BE ADDRESSED: Scope of Practice Relative to Specialty of Licensure.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.813, 483.823, 483.825 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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-10.005 Scope of Practice Relative to Specialty of Licensure.

The following rules are not intended to prevent collection and storage of specimens or the performance of manual pretesting procedures by persons who are exempt by statute or statutorily authorized within their scope of practice. Clinical laboratory personnel qualified as a physician director, a licensed director, supervisor, technologist or technician in the specialty or specialties indicated can perform testing identified as being within the specialty. Tests which are not yet classified shall be assigned by the Board upon review.

(1) through (14) No change.

(15) The purpose of the specialty of histocompatibility is to insure the best possible results of the determination of tissue compatibility, prevent transmitted infections, and to investigate and evaluate post-transplant problems. The specialty encompasses blood typing, HLA typing, HLA antibody screening, disease markers, Cluster Designation specific to tissue compatibility, flow cytometry, crossmatching, HLA antibody identification, lymphocyte immunophenotyping, immunosuppressive drug assays, allogenic, isogenic and autologous bone marrow processing and storage, mixed lymphocyte culture, stem cell culture, cell mediated assays, and assays for the presence of cytokines. ~~Individuals working toward the eligibility requirement for application to take the Board approved certification exam in histocompatibility must be currently licensed as technologists or technicians in either serology/immunology or immunohematology. They must meet the requirements for eligibility to take the Board approved examinations in histocompatibility by receiving at least one year's notarized, documented relevant full-time work experience in an ABHI approved laboratory performing histocompatibility testing. They are eligible to apply for licensure in histocompatibility by endorsement.~~

(16) through (18) No change.

(19) The purpose of the specialties of andrology and embryology is to quantitatively and qualitatively evaluate gametes and embryos as well as their associated fluids and tissues, their production, maturation and release, their morphology, numbers and motility, chemistry and function, cellular development, and diagnostic testing for optimum management of primary and secondary infertility, fertility assessment, and fertility preservation. This would encompass all testing and procedures involved in the production and storage of gametes and embryos, including micro-techniques and cryopreservation of gametes, embryos, associated fluids and tissues. Simple sperm count and motility could be excluded from the category of andrology.

Specific Authority 483.805(4) FS. Law Implemented 483.813, 483.823, 483.825 FS. History--New 2-7-95, Amended 3-28-95, 7-12-95, 12-4-95, Formerly 590-10.005, Amended 3-19-98, 1-28-99, 11-24-99, 2-15-01, 2-20-02, 10-30-02, _____.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES: RULE NOS.:

Continuing Education 64B3-11.001

Requirements for Continuing

Education Programs 64B3-11.003

Procedures for Approval of Provider Programs 64B3-11.004

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

SUBJECT AREA TO BE ADDRESSED: Continuing Education; Requirements for Continuing Education Programs; Procedures for Approval of Provider Programs.

SPECIFIC AUTHORITY: 456.013, 483.805, 483.807, 483.821 FS.

LAW IMPLEMENTED: 456.013, 483.807, 483.821 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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE TITLES:	RULE NOS.:
Citations	64B3-12.002
Terms of Probation	64B3-12.003
Mediation Offenses	64B3-12.004
Notice of Noncompliance	64B3-12.005

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

SUBJECT AREA TO BE ADDRESSED: Citations; Terms of Probation; Mediation Offenses; Notice of Noncompliance.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 456.077(1),(2), 456.078, 456.079, 483.805(4), 483.827 FS.

LAW IMPLEMENTED: 120.695, 456.073(3), 456.077(1),(2), 456.078, 456.079, 483.827 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: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE TITLE:	RULE NO.:
Continuing Education: Pro-Bono Services	64B7-28.0095

PURPOSE AND EFFECT: The Board proposes to review s. 456.013(9), Florida Statutes and promulgate a continuing education rule to include pro bono services.

SUBJECT AREA TO BE ADDRESSED: Continuing Education: Pro-Bono Services.

SPECIFIC AUTHORITY: 456.013, 480.0415 FS.

LAW IMPLEMENTED: 456.013, 480.0415 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: Pamela King, Executive Director, Board of Massage Therapy, 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 Nursing

RULE TITLE:	RULE NO.:
Standards for Continuing Education	64B9-5.003

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: The Board proposes to review the language for evaluation of continuing education providers.

SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 464.013(3) 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: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-5.003 Standards for Continuing Education.

(1) through (4) No change.

(5) Evaluation. Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. Self-directed learning experiences, including but not limited to home study, computer programs, internet or web-based courses, are required to evaluate learner knowledge at the completion of the learning experience. The evaluation must include a minimum of 10 questions for offerings less than three hours or a maximum of

25 questions for offerings of 3 or more contact hours. The learner must achieve a minimum score of 70% on the evaluation to receive the contact hours.

(6) through (8) No change.

Specific Authority 464.006 FS. Law Implemented 464.013(3) FS. History--New 9-12-79, Amended 10-6-82, Formerly 21O-13.09, Amended 8-18-88, 3-28-89, Formerly 21O-13.009, 61F7-5.003, Amended 5-2-95, Formerly 59S-5.003, Amended 7-30-00,_____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: RULE NO.:
Citations 64B9-8.003

Disciplinary Guidelines; Range of Penalties;
Aggravating and Mitigating Circumstances 64B9-8.006

PURPOSE AND EFFECT: The Board proposes to review the rules to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments establish the requirement to correct a citation violation where remediable, and also to update the penalty for unprofessional conduct when no actual injury occurred.

SPECIFIC AUTHORITY: 456.072, 456.077, 456.079, 464.006 FS.

LAW IMPLEMENTED: 456.072, 456.077, 456.079, 464.018 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: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-8.003 Citations.

(1) No change.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Agency may issue a citation to the subject within six months after the filing of the complaint which is basis for the citation. All citations will include a requirement that the respondent correct the violation, if remediable, within a specified period of time and impose whatever obligations will remedy the offense.

(3) through (4) No change.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History--New 1-1-92, Amended 7-6-92, Formerly 21O-10.015, Amended 12-5-93, 5-24-94, Formerly 61F7-8.003, 59S-8.003, Amended 2-18-98, 3-23-00,_____.

64B9-8.006 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) through (2) No change.

(3) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the noted statutes and rules:

(a) through (o) No change.

(p) Unprofessional conduct in which case actual injury need not be established. (Section 464.018(1)(h), F.S.)

	MINIMUM	MAXIMUM
FIRST OFFENSE	<u>\$250 fine citation</u>	<u>\$500 fine and probation citation</u>
SECOND OFFENSE	\$500 fine	\$750 fine and suspension to be followed by probation
THIRD OFFENSE	\$750 fine and probation	\$1000 fine and suspension to be followed by probation

(q) through (zz) No change.

(4) through (6) No change.

Specific Authority 456.072, 456.079 FS. Law Implemented 456.072, 456.079, 464.018 FS. History--New 2-5-87, Amended 8-12-87, 12-8-87, 11-23-89, 7-28-92, Formerly 21O-10.011, Amended 12-5-93, Formerly 61F7-8.006, Amended 5-1-95, Formerly 59S-8.006, Amended 8-18-98, 7-1-99, 3-23-00, 5-8-00, 5-2-02, 1-12-03,_____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE TITLE: RULE NO.:
Citations 64B9-15.0086

PURPOSE AND EFFECT: The Board proposes a new rule to establish citation violations for certified nursing assistants.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule designates the violations that may be disposed of by citation.

SPECIFIC AUTHORITY: 456.077, 464.006 FS.

LAW IMPLEMENTED: 456.077 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 FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-15.0086 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department may issue a citation to the subject within six months after the filing of the complaint which is the basis for the citation. All citations will include a requirement that the respondent correct the violation, if remediable, within a specified period of time and impose whatever obligations will remedy the offense.

(3) The Board designates the following as citation violations, which shall result in a penalty of (\$25.00):

(a) False, deceptive or misleading advertising provided no criminal prosecution resulted and no practice issue was involved.

(b) Issuance of a worthless bank check to the Department or to the Board provided the licensee does not continue to practice on an inactive license or the check was not in payment of a Board ordered administrative fine.

(c) Failure to report address change in violation of s. 464.203(6), F.S., provided the licensee was not ordered to do so in a Board disciplinary order.

(d) Improper use of a certified nursing assistant title under s. 464.201(3), F.S., provided no practice issue was involved or no criminal prosecution resulted.

(e) Failure to pay a Board ordered administrative fine by the time ordered, provided payment had been made by the time the citation issues.

(f) Failure to complete a Board ordered inservice education course by the time ordered, provided the course had been completed by the time the citation issues.

(g) Failure when requested to document full compliance with the inservice education requirements, provided that all inservice education courses had been timely completed.

(4) The Board designates the following a citation violation, which shall result in a penalty of \$50.00: First-time failure to complete inservice education hours within the biennium. In addition to the fine, the licensee will be required to complete the number of hours necessary to meet the biennial requirements not completed within 6 months of the issuance of the citation.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: RULE NO.:

Initial Active Status License Fee 64B20-3.004

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards for approval of continuing education activities and providers.

SPECIFIC AUTHORITY: 468.1145(1) FS.

LAW IMPLEMENTED: 456.036, 468.1145 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: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE TITLE: RULE NO.:

Continuing Education as a Condition for Renewal or Reactivation 64B20-6.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards for approval of continuing education activities and providers.

SPECIFIC AUTHORITY: 456.013(7), 468.1135(4)(a), 468.1195(1),(3), 468.1205(1) FS.

LAW IMPLEMENTED: 456.013(7), 468.1195(1),(3), 468.1205(1) 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: Pamela E. King, Executive Director, Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include the application, selection and issuance of Quota Hunt Permits and Special-opportunity Permits.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Permits for Hunting or Other Recreational Use on Wildlife Management Areas	68A-9.004
Falconry	68A-9.005
Wildlife Rehabilitation Permit	68A-9.006
Special-use Permits; Short-term Use	
Permits; Fees; Special-Opportunity Hunting and Fishing	68A-9.007
Permits for Physically Disabled	68A-9.008

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise provisions associated with recreational use permits and related fees on Wildlife Management Areas; falconry; wildlife rehabilitation permits; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; and permits for the physically disabled.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include recreational use permits; falconry; permits for wildlife rehabilitation; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; and permits for the physically disabled.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:	RULE NO.:
Vehicular Access: Eleven Mile Road, Big Cypress Wildlife Management Area	68A-11.007

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise provisions for boats and vehicles.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include vehicular access in the Big Cypress Wildlife Management Area.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Open Season for Taking Game; Bag and Possession Limits	68A-13.001
Migratory Birds; Adoption of Federal Statutes and Regulations	68A-13.002
Hunting Regulations for Ducks, Geese, and Coots	68A-13.003
Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits to Private Landowners	68A-13.004
Hunting on National Wildlife Refuges	68A-13.006
Hunting Regulations on Public Small-Game Hunting Areas	68A-13.007
Hunting Regulations for Migratory Birds Other than Ducks and Coots	68A-13.008

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to (1) establish open seasons, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:	RULE NO.:
Establishment Orders	68A-14.001

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish or revise procedures for Commission Establishment Orders that (1) establish land as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas, (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is establishment orders for wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Regulations Relating to Wildlife Management Areas	68A-15.004
Quota Permits; Antlerless Deer Permits	68A-15.005
Regulations Relating to Miscellaneous Areas	68A-15.006
Specific Regulations for Wildlife Management Areas – Southwest Region	68A-15.061
Specific Regulations for Wildlife Management Areas – North Central Region	68A-15.062
Specific Regulations for Wildlife Management Areas – Northwest Region	68A-15.063
Specific Regulations for Wildlife Management Areas – South Region	68A-15.064
Specific Regulations for Wildlife Management Areas – Northeast Region	68A-15.065

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to (1) establish or revise general regulations relating to Wildlife Management Areas (WMA); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs; and (4) adjust hunting season dates on WMAs to conform with proposed 2004-2005 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Regulations Relating to Wildlife and Environmental Areas	68A-17.004
Specific Regulations on Wildlife and Environmental Areas	68A-17.005

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to (1) establish general regulations relating to Wildlife and Environmental Areas (WEA); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2004-2005 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE:	RULE NO.:
Specific Fish Management Area Regulations	68A-20.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish regulations on specific fish management areas for taking and possessing freshwater fish or other activities such as swimming, use of firearms, or use of boats or other vehicles, that will ensure conservation of freshwater fish populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES: RULE NOS.:
 Establishment 68A-21.002
 General Regulations Relating to Wild Hog Areas 68A-21.004

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development is to establish or revise rule provisions associated with establishment of and general regulation of wild hog areas.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulation of wild hog areas.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:
 General Methods of Taking Freshwater Fish 68A-23.002

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to provide a forum for the public to provide input on proposed changes relating to general methods of taking freshwater fish.

SUBJECT AREA TO BE ADDRESSED: General methods of taking freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:
 Bag Limits, Length Limits, Open Seasons: Freshwater Fish 68A-23.005

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to establish bag limits, length limits, and season dates in order to protect and ensure conservation of freshwater fish populations.

SUBJECT AREA TO BE ADDRESSED: Bag limits, length limits, and season dates for freshwater fish.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT CAN BE OBTAINED AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLE: RULE NO.:
 Introduction of Non-Native Aquatic Species in the Waters of the State; Provisions for Sale and Inspection of Fish for Bait or Propagation Purpose; Diseased Fish 68A-23.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to provide a forum for the public to provide input on proposed changes relating to importation,

selling, possession or transporting of live aquatic species or hybrids, including those species that may be classified as prohibited or restricted.

SUBJECT AREA TO BE ADDRESSED: Importation, selling, possession or transporting of live aquatic species or hybrids.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Mr. Darrell L. Scovell, Division of Freshwater Fisheries, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-0331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT CAN BE OBTAINED AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
General Provisions for Taking, Possession and Sale of Reptiles	68A-25.002
Taking and Disposal of Nuisance Alligators Statewide	68A-25.003
Regulations Governing the Operation of Alligator Farms	68A-25.004
Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs on Private Lands	68A-25.031
Regulations Governing the Establishment of Alligator Management Programs on Private Lands	68A-25.032
Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale	68A-25.042
Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts	68A-25.052

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish regulations for taking and possessing alligators, eggs, hatchlings, and products that will ensure conservation of alligator populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Requirements for taking and possessing alligators and other reptiles.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Mr. Timothy A. Breault, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE TITLES:	RULE NOS.:
Killing Endangered Species	68A-27.0011
Procedures for Listing, Delisting and Reclassifying Endangered Threatened and Species of Special Concern	68A-27.0012
Provision for Harassment of Endangered, Threatened and Species of Special Concern on Airport Property	68A-27.002
Designation of Candidate Species; Prohibitions, Permits	68A-27.0021
Designation of Endangered Species; Prohibitions; Permits	68A-27.003
Designation of Threatened Species; Prohibitions, Permits	68A-27.004
Designation of Species of Special Concern; Prohibitions; Permits	68A-27.005
Reward Program	68A-27.006

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to establish or revise procedures to, add species to, reclassify species, and/or remove species from the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists. This effort may also establish or revise regulations pertaining to the species on such lists.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include listing, delisting, and reclassifying species to the Candidate Species, Endangered Species, Threatened Species and Species of Special Concern lists.

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

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: Tim Breault, Division of Wildlife, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: JAMES V. ANTISTA, GENERAL COUNSEL, FISH AND WILDLIFE CONSERVATION COMMISSION, 620 SOUTH MERIDIAN STREET, TALLAHASSEE, FLORIDA 32399-1600, (850)487-1764

**Section II
Proposed Rules**

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Corporate Income Tax	12C-1
RULE TITLES:	RULE NOS.:
Credits for Contributions to Nonprofit Scholarship Funding Organizations	12C-1.0187
Returns; Time and Place for Filing Forms	12C-1.0222 12C-1.051

PURPOSE AND EFFECT: The purpose of the proposed creation of Rule 12C-1.0187, F.A.C. (Credits for Contributions to Nonprofit Scholarship Funding Organizations), is to provide guidelines for applying for credits for contributions to nonprofit scholarship funding organizations, as provided in Section 220.187(3), F.S.

The purpose of the proposed amendments to Rule 12C-1.0222, F.A.C. (Returns; Time and Place for Filing), is to provide a definition of “just cause” and “reasonable cause” for purposes of granting of extensions of time to file Florida corporate income tax returns.

The purpose of the proposed amendments to Rule 12C-1.051, F.A.C. (Forms), is to: (1) adopt, by reference, changes to the form used by the Department in the administration of the scholarship funding tax credit authorized under section 220.187, F.S.; and (2) remove an obsolete form that is no longer used by the Department.

SUMMARY: The proposed creation of Rule 12C-1.0187, F.A.C. (Credits for Contributions to Nonprofit Scholarship Funding Organizations): (1) provides guidelines on how to apply electronically with the Department for credits for contributions to nonprofit scholarship funding organizations; (2) provides guidelines on how the Department will confirm receipt of an electronic application and notify the applicant of

the amount of the approved credit; (3) provides guidelines for approved contributions and when an approved credit must be used, including any unused credit carried forward; (4) provides when the credit may be conveyed, assigned, or transferred to another entity; and (5) provides that the Department of Education is required to submit an annual list of eligible nonprofit scholarship funding organizations to the Department of Revenue.

The proposed amendments to Rule 12C-1.0222, F.A.C. (Returns; Time and Place for Filing), provide a definition of “just cause” and “reasonable cause” for purposes of granting of extensions of time to file Florida corporate income tax returns. The proposed amendments to Rule 12C-1.051, F.A.C. (Forms): (1) adopt, by reference, changes to Form F-1160 (Application for Corporate Income Tax Credit for Contributions to Nonprofit Scholarship Funding Organizations); and (2) remove obsolete form F-1120P (Payment Coupon).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs has been prepared.

Any person who wishes to provide information regarding 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: 213.06(1), 220.187, 220.51 FS.

LAW IMPLEMENTED: 213.05, 213.35, 213.755, 220.03(1), 220.11, 220.12, 220.13(1),(2), 220.131, 220.14, 220.15, 220.16, 220.181, 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.187, 220.1895, 220.19, 220.191, 220.21, 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, 220.31, 220.32, 220.33, 220.34, 220.41, 220.42, 220.43, 220.44, 220.51, 220.721, 220.723, 220.725, 220.737, 220.801, 220.803, 220.805, 220.807, 220.809, 221.04 FS.

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

TIME AND DATE: 10:30 a.m., December 18, 2003

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any rulemaking proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4715