

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

RULE NOS.: 18-21.003
18-21.004

RULE TITLES: Definitions
Management Policies, Standards, and Criteria

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.006 Inactive and Delinquent Status Fees.
The fees for individuals holding a license pursuant to Section 468.221, F.S., shall be as follows:
(1) ~~The fee for an inactive status license shall be \$55.00.~~
(2) through (4) renumbered (1) through (3) No change.

Specific Authority 468.221 FS. Law Implemented 466.036, 468.221 FS. History—New 4-17-95, Formerly 59R-64.040, Amended 2-7-02, 2-10-03,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2003
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 14, 2003

NOTICE OF CHANGE
Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 13, (March 28, 2003), issue of the Florida Administrative Weekly and on the Department’s official notice Internet site at www.dep.state.fl.us.

These proposed changes, along with the rule as published March 28, 2003, will be considered by the Board of Trustees at the Rule Adoption Hearing to be held June 26, 2003, beginning at 9:00 am, in Room LL03 (Cabinet Meeting Room), The Capitol, Tallahassee, Florida.

The full text of this notice also is 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.”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Bascom, Florida Department of Environmental Protection, Division of State Lands, 3900 Commonwealth Blvd, MS 140, Tallahassee, FL 32399-3000, (850)245-2784, facsimile (850)245-2786 or e-mail: Michael.Bascom@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

18-21.003 Definitions.

When used in these rules, the following definitions shall apply unless the context clearly indicates otherwise:

(1) through (52) No change.

(53) “Spring” – means a point where ground water emerges onto the earth’s surface, including under any surface water of the state, excluding seeps. The term “spring” shall include karst windows, a depression opening that reveals portions of a subterranean flow or the unroofed portion of a cave ~~where ground water is visible from the surface~~.

(54) “Spring run” – means a body of flowing water that originates from a spring or whose primary source of water is from a spring or springs under average rainfall conditions.

(53) through (57) renumbered (55) through (59) No change.

18-21.004 Management Policies, Standards and Criteria.

The following management policies, standards, and criteria shall be used in determining whether to approve, approve with conditions or modifications, or deny all requests for activities on sovereignty submerged lands.

- (1) No change.
- (2) Resource Management.
- (a) through (m) No change.

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-211.320
RULE TITLE: Curriculum Standards for Special Designations
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 16, April 18, 2003, of the Florida Administrative Weekly.

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

In Subsection (2), the words, “or Professional Claims Adjuster (PCA)” are deleted.

The remainder of the rule reads as previously published.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

DOCKET NO.: (02-48R)
RULE CHAPTER NO.: 18-21
RULE CHAPTER TITLE: Sovereignty Submerged Lands Management

(n) The installation or modification of facilities on sovereignty or state-owned submerged land for withdrawal of water from a spring or spring run is prohibited.

(3) through (5) No change.

(6) Standards and Criteria for Activities at Sovereignty and State-Owned Springs and Spring Runs.

Entities requesting authorization or qualifying for consent by rule under ~~this chapter section 18-21.005~~ to conduct activities in sovereignty or state-owned springs; ~~and spring runs shall conform to the following guidelines, design standards, and criteria, to the maximum extent practicable. The provisions of this paragraph shall be applicable to those portions of a spring runs adjacent to bordered by public ownership uplands; or to the limit of public ownership and those portions of a spring runs adjacent to bordered by private property uplands for a distance not to exceed 2,000 feet downstream from a spring shall conform to the following guidelines, design standards, and criteria.~~

(a) The deposition of new sand or other fill in or within 100 feet of the spring or spring run to create or maintain an artificial beach area is prohibited.

(b) Planting or maintaining any plant species listed in the Florida Exotic Pest Plant Council's "2001 Invasive Plant List," Category I and II, which may be found on the Internet at www.fleppc.org or by writing to the Bureau of Beaches and Wetland Resources, Department of Environmental Protection, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399-2400, ~~in or adjacent to a spring or spring run~~ shall be prohibited in a spring or spring run or on slopes draining into or within 300 feet of the spring or spring run, whichever is farther.

(c) through (d) No change.

(e) The entity authorized to conduct activities shall manage operations to avoid or minimize damage to native submerged aquatic plants and other natural or cultural resources in the spring or spring run from activities such as swimming area maintenance, wading, swimming, prop dredging, and anchoring and shall encourage users of the facility, such as those who access the area by boat, to do likewise.

(f) No change.

(g) The installation or modification of wastewater treatment drainfields, sprayfields, or similar installations is prohibited on slopes draining into or within 300 feet ~~100 yards~~ of the spring or spring run, whichever is farther, except that single family residential on-site sewage wastewater treatment and disposal systems shall be installed and operated so as to avoid or minimize impacts to the spring or spring run.

(h) No change.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NOS.:	RULE TITLES:
64B-1.002	Notification of Applicants
64B-1.007	Selection Criteria for Examiners and Examination Consultants
64B-1.008	Chiropractic Examination Grading
64B-1.009	Requesting a Pre-hearing Review
64B-1.013	Post-Examination Review
64B-1.016	Fees: Examination and Post-Examination Review
64B-1.017	Use of Pilot Test Items

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 52, December 27, 2002, and a Notice of Change published in Vol. 29, No. 3, January 8, 2003, issues of the Florida Administrative Weekly.

The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (3) of Rule 64B-1.002, F.A.C., shall now read as follows:

(3) The department or contract provider will notify candidates of the place, date and time of the examination and provide the candidate with verification of scheduling. For department developed practical or clinical examinations, a candidate will also receive an official admission slip which will be required for admission to sit for the examination. The department or contract provider shall inform the candidate of the length of the examination, patient criteria when a patient is needed for a practical examination, and any special equipment or materials the candidate needs to bring to the examination. Except with regard to national examinations, the department or contract provider shall also inform a candidate of the major content areas tested on the examination.

The first sentence of Rule 64B-1.007, F.A.C., shall now read as follows:

For professions where there is no board, in order to be eligible to serve as an examiner or an examination consultant for department-developed examinations, the prospective examiner or examination consultant:

Subsections (1)(b),(c),(2) and (3) of Rule 64B-1.008, F.A.C., shall now read as follows:

(1)(b) Department-developed electronically administered objective, multiple choice examinations shall be graded by the department or its contract provider. The department or its contract provider shall review any statistically questionable items for psychometric soundness via the item analysis. Based upon this review and the examination consultant's recommendations, the department or its contract provider shall adjust the scoring key by totally disregarding psychometrically unsound questions for grading purposes, or by giving credit for more than one correct answer per question. The department or

its contract provider shall calculate each candidate's grade utilizing the scoring key, or adjusted scoring key if applicable, and shall provide each candidate a grade report.

(c) Department-developed practical examinations shall be graded by the department or its contract provider. Examiners are to be selected based upon criteria adopted by board rule, and where there is no board, examiners are to be selected based upon criteria adopted by the department.

(2) If there are additional adjustments to the scoring key due to mechanical or clerical miscalculations after the grades have been provided for a particular examination, amended grade reports shall be provided to all candidates whose status changes ~~from fail to pass~~ due to the adjustment unless the candidate has taken and passed a subsequent administration of the examination.

(3) Examinations developed for the department or by a professional testing entity other than a national examination provider shall be graded by that testing entity or by its contract provider. Grading procedures shall be in compliance with the provisions of the board rules, and where there is no board, the department rules.

Subsection (3) of rule 64B-1.009 shall now read as follows:

(3) The candidate will be required to pay a pre-hearing review fee in order to receive a pre-hearing review.

Subsections (2), (2)(h) and (3) of Rule 64B-1.013, F.A.C., shall now read as follows:

(2) A candidate who has taken and failed a department-developed practical or clinical examination or a department-developed electronically administered examination shall have the right to one (1) post-examination review of those examination questions answered incorrectly, the answers to those examination questions answered incorrectly, and to materials, grades and grading keys related thereto.

(2)(h) Prior to a post-examination review, candidates shall be provided written instructions and shall acknowledge in writing at that time, receipt of such instructions and affirm that they will abide by the following instructions:-

1. Only the candidate will be allowed to enter the review area;

2. No extraneous materials of any type may be brought into the review room;

3. The candidate will be provided with a duplicate of the answer sheets, a copy of the questions missed, and if applicable, other examination materials;

4. No additional time beyond the scheduled time will be provided for examination review;

5. No talking is allowed between the candidates when in the review room;

6. All examination materials are to be given to the Review Coordinator prior to departing the review room; and

7. Any observation or evidence of a candidate attempting to copy, remove or modify any testing materials shall result in the termination of the review session and shall be reported to the board, or the department where there is no board.

(3) A candidate who has taken and failed a department-developed practical or clinical examination or a department-developed electronically administered examination, completed a post-examination review and wishes to challenge the examination shall file a request/petition for administrative hearing with the department within 21 days after the date on which he/she completes his/her post-examination review.

Subsection (1)(a) of Rule 64B-1.016, F.A.C., shall now read as follows:

(1)(a) The following fees shall be assessed by the department to cover administrative costs, actual per-applicant costs, and costs incurred to develop, purchase, validate, administer, and defend the following department developed, administered, or managed examinations:

	Exam Fees	Exam Fee	
Profession	Exam		
Acupuncture	National Written	\$900.00 1,091.00	
Chiropractic Medicine	Physical Diagnosis	\$610.00	
	Technique	\$250.00	
	X-Ray	\$180.00	
	Laws & Rules	\$60.00	
	Acupuncture	\$220.00	
	CBT Laws & Rules	\$35.00	
	CBT Acupuncture	\$135.00	
	Dental	Clinical	\$1,450.00 950.00
	Laws & Rules	\$95.00	
	CBT Laws & Rules	\$95.00 30.00	
	Dental Hygiene	Clinical	\$425.00 325.00
	Laws & Rules	\$60.00	
	CBT Laws & Rules	\$60.00 20.00	
	Electrolysis	National Written Exam	\$300.00 505.00
Hearing Aid Specialist	National Written	\$300.00	
Massage	Colonies	\$595.00	
	CBT Colonics	\$385.00	
Nursing Home Administrator	Laws & Rules	\$240.00	
	CBT Laws & Rules	\$60.00 155.00	
	Opticianry	Practical	\$395.00 385.00
	Neutralization	\$190.00	
	Laws & Rules	\$115.00	
	Optometry	Clinical	\$590.00
	Pharmacology	\$370.00	
	CBT Laws & Rules	\$30.00	

Osteopathic Medicine	National Written	\$2,500.00
Physical Therapy	CBT Laws & Rules	\$25.00
Physical Therapist Assistant	CBT Laws & Rules	\$25.00
Psychology	National Exam	\$504.00 458.00
	Laws & Rules	\$120.00
	CBT Laws & Rules	\$80.00

The first sentence of Rule 64B-1.017, F.A.C., shall now read as follows:

Electronically administered examinations developed by or for the department might include pilot test or experimental questions for the purpose of evaluating the statistical and psychometric qualities of new or revised questions prior to their use in an examination.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christie Brown, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C90, Tallahassee, Florida 32399-3290

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on May 13, 2003, South Florida Water Management District (District) received a petition for waiver from Broward County Board of County Commissioners, Application No. 03-0113-5M, for utilization of Works or Lands of the District known as the North New River Canal, Broward County, for a pedestrian bridge along the North New River Canal. The petition seeks relief from subsection 40E-6.221(9), Fla. Admin. Code, which governs the placement of permanent and semi-permanent above-ground structures within the District's designated equipment staging areas.

A copy of the petition may be obtained from: Jan Sluth, (561)682-6299 or e-mail: jsluth@sfwmd.gov.

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Jan Sluth, Office of Counsel.

DEPARTMENT OF HEALTH

The Board of Psychology hereby gives notice that it has received a Petition for Declaratory Statement filed by Bruce Borkosky, Psy.D., P.A. The Petitioner seeks the Board's interpretation of subsections 64B19-18.004(4) and (5), F.A.C.

The Board will consider this petition at its meeting scheduled for June 20-21, 2003 at the Radisson Hotel, 415 North Monroe Street, Tallahassee, Florida, (850)224-6000.

Copies of the Petition may be obtained from: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

The Board of Psychology hereby gives notice that it has received a petition, filed on April 28, 2003, by Dr. Kayan Aratow-Kulaksiz seeking a variance of paragraph 64B19-11.005(1)(c), Florida Administrative Code, which requires that supervision be provided in the state where the "supervisor" is licensed.

Comments on this petition should be filed with Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition, contact: Kaye Howerton, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373, Ext. 3481.

The Board of Psychology hereby gives notice that it has received a petition, filed on May 15, 2003 by Diane M. Vendryes, Ph.D., seeking a variance of paragraph 64B19-11.001(4)(c), Florida Administrative Code, with respect to time frames imposed for closure of the application file.

Comments on this petition should be filed with Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

For a copy of the petition contact: Kaye Howerton, Executive Director, Board of Psychology, at the above address or telephone (850)245-4373, Ext. 3481.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans' Affairs
- Department of Highway Safety and Motor Vehicles