

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**DEPARTMENT OF INSURANCE**

RULE TITLE: Medical Malpractice Insurance Rate Filings
PURPOSE AND EFFECT: To implement the provisions of CS/SB 2-D relating to medical malpractice insurance, as passed by the Legislature on August 13, 2003.

RULE NO.: 4-170.016

SUBJECT AREA TO BE ADDRESSED: Required items to be submitted in medical malpractice rate filings, and procedures for reviewing such filings.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.062 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: 2:00 p.m., October 16, 2003

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0330, (850)413-5306, E-mail milnesm@dfs.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. A LIST OF SPECIFIC TOPICAL AREAS TO BE DISCUSSED WILL BE AVAILABLE AFTER OCTOBER 1 FROM THE CONTACT PERSON ABOVE.

DEPARTMENT OF INSURANCE

RULE TITLE: Reports by Insurers of Professional
Liability Claims and Actions Required

RULE NO.: 4-171.003

PURPOSE AND EFFECT: To implement the provisions of CS/SB 2-D relating to medical malpractice insurance, as passed by the Legislature on August 13, 2003.

SUBJECT AREA TO BE ADDRESSED: To develop rules adopting criteria and parameters for filing premium and loss information and revised reporting requirements in the closed claim database.

SPECIFIC AUTHORITY: 624.308(1), 627.912(7) FS.

LAW IMPLEMENTED: 624.307(1), 627.912 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: 2:00 p.m., October 16, 2003

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lee Roddenberry, Bureau Chief, Bureau of Property and Casualty Solvency, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0329, (850)413-5200, E-mail roddeberryl@dfs.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE. A LIST OF SPECIFIC TOPICS TO BE DISCUSSED WILL BE AVAILABLE AFTER OCTOBER 1 FROM THE CONTACT PERSON ABOVE.

DEPARTMENT OF EDUCATION**State Board of Education**

RULE TITLE: Florida Teacher Certification Examination
RULE NO.: 6A-4.0021

PURPOSE AND EFFECT: The purpose of this rule development is to establish standard passing scores for the General Knowledge Test, the Kindergarten – Grade 6 subject area examinations, and the Exceptional Student Education subject area examination; and to adopt and publish a revised set of the competencies and skills required for teacher certification in Florida.

The effect is that standard passing scores will be established for the General Knowledge Test, the Kindergarten – Grade 6 subject area examination, and the Exceptional Student Education subject area examination and new and revised competencies and skills will be used on the Florida Teacher Certification Examinations.

SUBJECT AREA TO BE ADDRESSED: Florida Teacher Certification Examination.

SPECIFIC AUTHORITY: 1012.56(8) FS.

LAW IMPLEMENTED: 1012.56 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: 2:00 p.m. – 4:00 p.m., October 6, 2003
 PLACE: Department of Education, Room 1721/25, 325 West Gaines Street, Tallahassee, FL 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Kathy Fearon, Accountability, Research, and Measurement, 325 W. Gaines Street, Suite 414, Tallahassee, FL 32399, (850)245-0513
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Highway Beautification and Landscape Management	14-40
RULE TITLES:	RULE NOS.:
Grant Application Process	14-40.020
Florida Highway Beautification Council Grant Award Process	14-40.022

PURPOSE AND EFFECT: This amendment to Part II of Rule Chapter 14-40, F.A.C., proposes several minor changes. The Florida Highway Beautification Council Grant Application also is being revised to include these changes. The due dates for applications are amended.

SUBJECT AREA TO BE ADDRESSED: This is an amendment to Part II of Rule Chapter 14-40, F.A.C.

SPECIFIC AUTHORITY: 339.2405 FS.

LAW IMPLEMENTED: 339.2405 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 IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

PART II FLORIDA HIGHWAY BEAUTIFICATION COUNCIL GRANTS

14-40.020 Grant Application Process.

(1) Definitions.

(a) "Agreement" means the contract between the Applicant and the Department setting forth the terms of the grant.

(b) "Applicant" means a local governmental entity, as defined in Section 11.45(1)(d), Florida Statutes, or a local highway beautification council.

(c) "Department" means the Florida Department of Transportation.

(d) "FHBC" means the Florida Highway Beautification Council.

(e) "Grant" means funds provided by the Department to Applicants, pursuant to this Rule Chapter.

(f) "Grant Application" means the Florida Highway Beautification Council Grant Application, Form 850-060-01, Rev. 01/04 04/03, incorporated herein by reference. Copies of the grant application form and instructions for completing the grant application may be obtained from Department District Maintenance Offices, District Public Information Offices, Area Maintenance Offices, Central Public Information Office, by writing to the Environmental Management Office, 605 Suwannee Street, Mail Station 37, Tallahassee, Florida 32399-0450, or through the Department website at <http://www.dot.state.fl.us/em> ~~http://www11.myflorida.com/em/~~.

(g) "Grant Coordinator" means the Department District employee responsible for the FHBC grant program.

(2) Grant Application.

(a) Grant applications for highway beautification grants from the FHBC must be filed and processed in accordance with this Rule Chapter. When preparing a grant application ~~for the next fiscal year~~, applicants should meet and work with the Grant Coordinator on or about ~~July~~ ~~October~~ 1, to give adequate time for review and revisions before the ~~October~~ ~~February~~ 1, application deadline.

(b) Previous recipients of grants are eligible to submit a grant application if their previous FHBC grant projects are maintained according to the terms of previous agreements.

(c) Applicants must submit grant requests on a completed grant application to the Grant Coordinator having jurisdiction over the state highway on which the beautification project is proposed. Grant applications must be accompanied by the following supporting documents: location map, photographs of existing conditions, one page written project narrative, written or graphic conceptual plan (in accordance with Part I of this Rule Chapter), one paragraph descriptions of each evaluation attribute, photographs or sketches of examples of proposed improvements, list of proposed plant species (scientific and botanical names) and anticipated quantities, anticipated maintenance schedule, proposed means of providing supplemental water, project schedule, and resolutions required in section (g) below.

(d) In order for the FHBC to consider a grant application for any Department fiscal year, ten paper copies or electronic file copies of the completed grant application and supporting documents must be received by the Grant Coordinator by ~~October~~ ~~February~~ 1 of the Department fiscal year. When requested by the Grant Coordinator, additional copies will be provided. Incomplete grant applications, or grant applications that do not comply with state or federal regulations, will be

returned to the applicant. An applicant may amend and resubmit any returned grant application by the October February 1 deadline.

(e) In accordance with Section 215.01, Florida Statutes, the Department's fiscal year begins on July 1 and ends on June 30.

(f) Applicants may submit an unlimited number of grant applications, for any number of project sites.

(g) The applicant's governing body must have passed a resolution approving the grant application and authorizing the individual who signs the grant application for the applicant to execute agreements and documents associated with the grant. A copy of such resolution must be included with the application.

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History—New 1-19-99, Amended 11-22-01, 3-20-03, 8-10-03,_____.

14-40.022 Florida Highway Beautification Council Grant Award Process.

(1) The FHBC will consider all grant applications submitted by each Grant Coordinator.

(a) The FHBC will evaluate the applications based on the following attributes:

1. Aesthetic value and imaginative conceptual design.
2. Level of local support and community involvement.
3. Cost effectiveness.
4. Feasibility of installation and maintenance.
5. Contribution to improvement of environmental conditions, including litter prevention, erosion control, visual screening, and noise abatement.
6. Use of Florida native wildflowers, and diversity of other desirable native, hybrid native, or noninvasive plant species.
7. Emphasis on low maintenance and water conservation.
8. Use of recycled materials such as mulch, reuse water, or solid yard waste compost.
9. Contribution to an area wide or regional beautification plan.
10. Value to the community.

(b) The FHBC will assign a numerical score to each application by:

1. Reviewing each grant application and assigning a numerical score using the established range of 0 to 10 points for each attribute for a total possible score of 100 points.
2. Totaling all the attribute scores for a total application numerical score.

(c) Grant applications will be ranked in priority by numerical score, the highest numerical score being ranked the highest priority.

(2) The FHBC will provide the Department with a list of prioritized grant applications, with recommended funding levels, and conditions for grant awards, ~~by the first day of the fiscal year in which the funds are available.~~

Specific Authority 339.2405 FS. Law Implemented 339.2405 FS. History—New 3-9-99, Amended 11-22-01, 3-20-03, 8-10-03,_____.

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

St. Johns River Water Management District

RULE TITLE:

RULE NO.:

Minimum Surface Water Levels and

Flows and Groundwater Levels

40C-8.031

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to establish minimum water levels for the following lakes in the following counties: Tusawilla, Alachua County; Bowers, Nicotown and Smith, Marion County; and Indian, Volusia County. The proposed rule amendment would also establish minimum water levels for a wetland system known as "Hopkins Prairie" in Marion County.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would establish minimum water levels for the above listed lakes and wetland pursuant to the mandate of Section 373.042, Florida Statutes. Each of these levels would have an associated hydroperiod category. The terms herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 Noon, October 16, 2003

PLACE: St. Johns River Water Management District, Resource Management Building Room 136 A & B, 4049, Reid Street, Palatka, FL 32177-2529

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459, email: nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(2) The following minimum surface water levels are established:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) No change.

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(a) through (j) No change.							
(k) BOWERS	Marion	Temporarily Flooded		57.1			
		Typically Saturated			54.0		
		Semipermanently Flooded				52.7	
(k) through (tt) renumbered (l) through (uu) No change.							
(vv) HOPKINS PRAIRIE	Marion	Seasonally Flooded		25.8			
		Typically Saturated			23.4		
		Semipermanently Flooded				22.0	
(uu) through (vv) renumbered (ww) through (xx) No change.							
(yy) INDIAN	Volusia	Seasonally Flooded		37.0			
		Typically Saturated			36.1		
		Semipermanently Flooded				34.4	
(ww) through (nnn) renumbered (zz) through (qqq) No change.							
(rrr) NICOTOON	Marion	Seasonally Flooded		54.7			
		Typically Saturated			53.3		
		Semipermanently Flooded				51.9	
(ooo) through (ffff) renumbered (sss) through (jjjj) No change.							
(kkkk) SMITH	Marion	Temporarily Flooded		54.6			
		Typically Saturated			51.4		
		Semipermanently Flooded				50.0	
(gggg) through (qqqq) renumbered (llll) through (vvvv) No change.							
(www) TUSCAWILLA	Alachua	Seasonally Flooded		77.6			
		Typically Saturated			74.6		
		Semipermanently Flooded				73.2	
(rrrr) through (wwww) renumbered (xxxx) through (cccc) No change.							

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 272.0421 373.103, 373.415 FS. History—New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, _____.

DEPARTMENT OF ELDER AFFAIRS

Aging and Assisted Living Programs

RULE CHAPTER TITLE: Administration of Federal Aging

RULE CHAPTER NO.: 58A-1

Programs

58A-1

RULE TITLES:

RULE NOS.:

Definitions

58A-1.001

Responsibilities of the Department of Elder

Affairs as the State Agency on Aging

58A-1.004

Designation of Area Agencies on Aging

58A-1.006

Area Agency on Aging Functions

and Responsibilities

58A-1.007

PURPOSE AND EFFECT: The purpose of the amendments to Rules 58A-1.001, .004, .006, and .007, F.A.C., will be to delete all references to the Department of Elder Affairs Programs and Service Manual and incorporation thereof, from Chapter 58A-1, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Department of Elder Affairs Programs and Service Manual.

SPECIFIC AUTHORITY: 430.08 FS.

LAW IMPLEMENTED: 430.03 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: 10:00 a.m. – 11:00 a.m., October 6, 2003

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conf. Rm. 225F, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, 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 NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid****RULE TITLE:****RULE NO.:**

Inpatient Mental Health and Tuberculosis

Hospital Services

59G-4.165

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, October 2003. The revised handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA). The effect will be to incorporate by reference in the rule the revised, most current Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: State Mental Health Hospital Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908, 409.913 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., Tuesday, September 30, 2003

PLACE: 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Kris Russell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7353

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.165 Inpatient Mental Health and Tuberculosis Hospital Services.

(1) through (4)(b) No change.

(c) All inpatient mental health providers enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Provider Handbook for State Mental Health Hospital Services Coverage and Limitations Handbook, October 2003, as updated August 1, 1989 incorporated by reference and the Florida Medicaid Provider Reimbursement Handbook, Institutional 021, which is incorporated in Rule 59G-4.200, F.A.C. which is available from the fiscal agent contractor. Both handbooks are available from the Medicaid fiscal agent.

(5) through (13) No change.

Specific Authority 409.919 FS. Law Implemented 409.905(5), 409.906(18), 409.908, 409.913(5)(e), ~~409.913(8)(h)~~ FS. History—New 1-1-77, Revised 10-1-77, Amended 3-10-83, Formerly 10C-7.46, Amended 5-26-93, Formerly 10C-7.046, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Architecture and Interior Design****RULE CHAPTER TITLE:****RULE CHAPTER NO.:**

Grounds for Disciplinary Proceedings

61G1-12

PURPOSE AND EFFECT: The Board proposes to review the rules in this chapter to determine if amendments are appropriate.

SUBJECT AREA TO BE ADDRESSED: Grounds for Disciplinary Proceedings.

SPECIFIC AUTHORITY: 455.304, 481.2055, 455.225, 455.2273, 455.224, 481.306, 455.2235, 455.227, 120.695 FS.

LAW IMPLEMENTED: 455.303, 455.304, 481.219, 481.225, 481.2251, 455.227, 455.2273, 455.224, 455.2235 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Architecture and Interior Design****RULE CHAPTER TITLE:****RULE CHAPTER NO.:**

Responsible Supervising Control

Over Architectural Practices

in the Architect's Office

61G1-18

PURPOSE AND EFFECT: The Board proposes to review the rules in this chapter to determine if amendments are appropriate.

SUBJECT AREA TO BE ADDRESSED: Responsible supervising control over architectural practices in the Architect's office.

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.221(4) 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: Juanita

Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: RULE NOS.:

Written Examination Designated;

General Requirements 61G15-21.001

Passing Grade 61G15-21.004

PURPOSE AND EFFECT: Rule 61G15-21.001, F.A.C., is being amended to clarify that Part One of the Exam is the engineer intern examination portion. Rule 61G15-21.004, F.A.C., is being amended to state that the requirements for passing grades on each portion of the exam is a grade of 70 or better. Surplus language regarding needless detailing of methods used by the creator of the national exam in scoring is being removed.

SUBJECT AREA TO BE ADDRESSED: Written Examination Designated and Passing grade.

SPECIFIC AUTHORITY: 455.217(1)(c), 471.013 FS.

LAW IMPLEMENTED: 455.217(1)(c), 471.013, 471.015 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: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-21.001 Written Examination Designated; General Requirements.

(1) The Florida Board of Engineers hereby determines that a written examination shall be given and passed prior to any applicant receiving a license to practice as a professional engineer, or as an engineer intern in the State of Florida except as provided in Section 471.015, Florida Statutes. The examination shall be provided by the National Council of Examiners for Engineers and Surveyors (NCEES). The examination consists of two parts, each of eight hours. The engineer intern examination is defined to be Part One of the written examination provided by the NCEES. Candidates are permitted to bring certain reference materials and calculators. A list of approved reference materials and calculators will be provided to all candidates prior to each examination. Reference

materials are limited to fifteen (15) bound volumes. National examination security requirements as set forth by the NCEES shall be followed throughout the administration of the examination.

(2) No change.

Specific Authority 455.217(1) FS. Law Implemented 455.217(1), 471.015 FS. History—New 1-8-80, Formerly 21H-21.01, Amended 10-5-92, Formerly 21H-21.001, Amended 11-15-94, 10-14-02, _____.

61G15-21.004 Passing Grade.

(1) The passing grade for the Engineering Fundamentals Examination is 70 or better. ~~The criteria for determining the minimum score necessary for passing the Engineering Fundamentals Examination shall be developed through the collective judgment of qualified experts appointed by NCEES to set the raw score that represents the minimum amount of knowledge necessary to pass the examination. The judges shall use a Modified Angoff Method in determining the minimally acceptable raw score necessary to pass the Fundamentals of Engineering Examination. Using the above mentioned Modified Angoff Method, the judges will indicate the probability that a minimally knowledgeable Fundamentals of Engineering examinee would answer any specific questions correctly. The probability of a correct response is then assigned to each question. Each judge will then make an estimate of the percentage of minimally knowledgeable examinees who would know the answer to each question. The totals of each of the judges is added together and divided by the number of judges to determine the overall estimate of the minimum standards necessary. The minimum number of correct answers required to achieve a passing score will take into account the relative difficulty of each examination through scaling and equating each examination to the base examination. The raw score necessary to show competence shall be deemed to be a 70 on a scale of 100.~~

(2) The passing grade for the Principles and Practice Examination is 70 or better. ~~A passing grade on Part Two of the examination is defined as a grade of 70 or better. The grades are determined by a group of knowledgeable professional engineers, who are familiar with engineering practice and with what is required for an applicable engineering practice and with what is required for an applicable engineering task. These professional engineers will establish a minimum passing score on each individual test item (i.e., examination problem). An Item Specific Scoring Plan (ISSP) will be prepared for each examination item based upon the NCEES standard scoring plan outline form. An ISSP will be developed by persons who are familiar with each discipline including the item author, the item scorer, and other NCEES experts. On a scale of 0-10, six (6) will be a minimum passing standard and scores between six (6) and ten (10) will be considered to be passing scores for each examination item. A score of five (5) or lower will be considered an unsatisfactory score for that item and the examinee will be considered to have~~

~~failed that item. To pass, an examinee must average six (6) or greater on his/her choice of eight (8) exam items, that is, the raw score must be forty-eight (48) or greater based on a scale of eighty (80). This raw score is then converted to a base 100 on which, as is noted above, a passing grade will be seventy (70).~~

Specific Authority 455.217(1)(c), 471.013 FS. Law Implemented 455.217(1)(c), 471.03 FS. History—New 1-8-80, Amended 3-23-81, 8-25-81, 2-21-84, 1-20-85, Formerly 21H-21.04, 21H-21.004, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: RULE NOS.:

Seals Acceptable to the Board 61G15-23.001

Seal, Signature and Date Shall Be Affixed 61G15-23.002

PURPOSE AND EFFECT: As the Legislature has deleted the requirement that seals be metal-impression type and left the selection of the fabrication material used to create a seal to the Board, the Board proposes to amend these two rules to remove obsolete restrictions on the use of seals to allow other materials in the process and to correct a reference to only apply to engineering specifications.

SUBJECT AREA TO BE ADDRESSED: Seals Acceptable to the Board and Seal, Signature and Date Shall be Affixed.

SPECIFIC AUTHORITY: 471.025 FS.

LAW IMPLEMENTED: 471.025 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: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: RULE NO.:

Schedule of Fees 61G15-24.001

PURPOSE AND EFFECT: The Board proposed to amend this rule to remove obsolete language and clarify the fee schedule.

SUBJECT AREA TO BE ADDRESSED: Schedule of Fees adopted by Board.

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3), 471.011, 471.019 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: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-24.001 Schedule of Fees.

(1) No change.

(2) Engineering fees (individuals and firms):

(a) No change.

(b) Examination and re-examination fee ~~Initial examination fee~~ – \$100.00 ~~(both parts)~~, except the fee for Structural II examination is \$450.00.

(c) Application fee for licensure by endorsement – \$125.00.

(d) Initial ~~registration and~~ licensure – \$100.00.

(e) Renewal – \$125.00 per biennium.

(f) Delinquency Fee – \$100.00.

(g) Temporary registration (individual) – \$25.00.

(h) Temporary Certificate of Authorization (firm) – \$50.00.

(i) Registration for a Certificate of Authorization (firm) – \$125.00.

(j) Biennial Renewal of Certificate of Authorization (firm) – \$125.00.

(k) Additional Discipline Examination Fee ~~Re-examination~~ – \$100.00 per part.

(l) Inactive Status fee – \$75.00.

(m) Reactivation fee – \$150.00.

(n) Duplicate Certificate – \$25.00.

(o) Verification of Licensure – \$25.00.

(p) Special Inspector Certification – \$100.00.

(3)(a) through (c) No change.

Specific Authority 455.213, 455.217(3), 455.219, 455.271, 471.011, 471.019 FS. Law Implemented 119.07(1)(a), 455.217(3), (7), 471.011, 471.019 FS. History—New 1-8-80, Amended 8-26-81, 12-19-82, 6-2-83, 2-28-84, Formerly 21H-24.01, Amended 3-10-86, 12-11-86, 3-10-87, 4-12-88, 12-21-88, 1-10-90, 8-15-90, 1-6-93, Formerly 21H-24.001, Amended 11-15-94, 8-10-98, 6-16-99, 5-8-00, 11-15-01, 2-21-02, 9-16-02, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Professional Engineers**

RULE TITLE: Retention of Engineering Documents

RULE NO.: 61G15-30.009

PURPOSE AND EFFECT: The Board proposes to adopt a new rule to set forth criteria for the retention of engineering documents.

SUBJECT AREA TO BE ADDRESSED: Retention of Engineering Documents.

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033(1)(g) 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: Natalie Lowe, Executive Director, Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-30.009 Retention of Engineering Documents.

At least one copy of all documents displaying the licensee's signature, seal, date and all related calculations shall be retained by the licensee or the licensee's employer for a minimum of three years from the date the documents were sealed.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033(1)(g) FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Board of Veterinary Medicine**

RULE TITLES: Renewal of Active Status License

RULE NOS.:

Fee for Veterinarians 61G18-12.005

Delinquency Fee 61G18-12.006

Renewal Fee for Inactive Status License 61G18-12.009

PURPOSE AND EFFECT: The Board proposes to review the rules to determine if amendments are appropriate.

SUBJECT AREA TO BE ADDRESSED: Renewal and Delinquency fees to be raised from \$160.00 to \$260.00.

SPECIFIC AUTHORITY: 474.206, 474.211, 474.271 FS.

LAW IMPLEMENTED: 455.271, 455.271(3), 474.2065, 474.211 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: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-12.005 Renewal of Active Status License Fee for Veterinarians.

The fee for biennial renewal of an active status license shall be \$ 260.00 ~~160.00~~.

Specific Authority 474.206, 474.211 FS. Law Implemented 474.211, 474.2065 FS. History—New 11-14-79, Amended 3-1-84, Formerly 21X-12.05, Amended 12-14-87, 7-26-89, Formerly 21X-12.005, Amended 2-6-95, 5-27-99, _____.

61G18-12.006 Delinquency Fee.

A delinquent status licensee shall pay a delinquency fee of two ~~one~~ hundred sixty (\$260 ~~160~~) dollars when the licensee applies for active or inactive status.

Specific Authority 455.271 FS. Law Implemented 455.271 FS. History—New 2-6-95, Amended 5-8-00, _____.

61G18-12.009 Renewal Fee for Inactive Status License.

The fee for renewal of an inactive license shall be two ~~one~~ hundred sixty dollars (\$260.00 ~~160.00~~).

Specific Authority 474.206 FS. Law Implemented 455.271(3), 474.2065 FS. History—New 3-1-84, Formerly 21X-12.09, 21X-12.009, Amended 1-5-95, 4-25-00, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection 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."

DEPARTMENT OF HEALTH**Board of Dentistry**

RULE TITLES: Remediable Tasks Delegable to

RULE NOS.:

Dental Assistants 64B5-16.005

Remediable Tasks Delegable to a Dental Hygienist 64B5-16.006

PURPOSE AND EFFECT: The Board proposes the rule amendment to correct the text of a recent amendment to Rule 64B5-16.005, and to update Rule 64B5-16.006, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments would allow dental assistants under direct supervision and who have received formal training to make impressions for study casts for the purpose of fabricating orthodontic retainers.

SPECIFIC AUTHORITY: 466.004(4), 466.023, 466.024(3) FS.

LAW IMPLEMENTED: 466.023, 466.024 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

(1) The following remediable tasks may be performed by a dental assistant who has received formal training and who performs the tasks under direct supervision:

(a) through (s) No change.

(t) Making impressions for study casts which are being made for the purpose of fabricating ~~passive~~ orthodontic retainers.

(2) through (5) No change.

Specific Authority 466.004(4), 466.024(3) FS. Law Implemented 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.005, Amended 3-30-94, Formerly 61F5-16.005, Amended 1-9-95, 9-27-95, 6-12-97, Formerly 59Q-16.005, Amended 1-8-01, _____.

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

(1) The following remediable tasks may be performed by a dental hygienist who has received formal training and who performs the task under direct supervision:

(a) through (o) No change.

(p) Making impressions for study casts which are being made for the purpose of fabricating orthodontic retainers.

(2) through (5) No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98, 3-25-99, 4-24-00, 9-27-01, _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES: **RULE NOS.:**

Application and Examination Fee for 64B19-12.002

Licensure by Examination Review Fee 64B19-12.003

Reexamination Fee 64B19-12.003

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Application, Examination and Reexamination fees language.

SPECIFIC AUTHORITY: 456.013(2), 456.017(2), 490.004(4), 490.005(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 456.017(2), 490.005(1)(a) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. or as soon thereafter as can be heard, November 14, 2003

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLES: **RULE NOS.:**

Disciplinary Guidelines 64B19-17.002

Citations 64B19-17.004

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine if changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines and Citations.

SPECIFIC AUTHORITY: 456.079, 456.077, 490.004(4) FS.

LAW IMPLEMENTED: 456.072, 456.072(4), 456.077, 456.079, 490.009 FS.

THE BOARD WILL HOLD A RULES WORKSHOP ON THE ABOVE REFERENCED RULES AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. or as soon thereafter as can be heard, November 14, 2003

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, FL 33316

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Florida Clean Indoor Air Act

RULE CHAPTER NO.: 64E-25

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Administrative Rule 64E-25, F.A.C., and to implement statutory provisions relating to Chapter 386, Florida Statutes, the Florida Clean Indoor Air Act.

SUBJECT AREA TO BE ADDRESSED: Chapter 386, Florida Statutes, Florida Clean Indoor Air Act.

SPECIFIC AUTHORITY: 386.207 FS.

LAW IMPLEMENTED: 381.0012, 386.206, 386.207 FS.

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

TIME AND DATE: 9:00 a.m. – 12:00 p.m., Monday, September 22, 2003

PLACE: Betty Easley Conference Center, Capital Circle Office Complex, 4075 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Donna Arnold, Program Specialist, Department of Health, 4052 Bald Cypress Way, Bin #C-23, Tallahassee, Florida 32399-1743 (Draft materials will be available, upon request, one week prior to the workshop.)

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES: General Regulations; Definitions

RULE NOS.: 64F-12.001

Records of Drugs, Devices and Cosmetics

64F-12.012

PURPOSE AND EFFECT: The primary purpose of these rule revisions is to address three concepts necessary to implement the Prescription Drug Protection Act passed in Senate Bill 2312, Chapter 2003-155, Laws of Florida. A rule development workshop was held on September 9, 2003 and these areas addressed below require additional input from the public to develop the rules.

SUBJECT AREA TO BE ADDRESSED: Rule revisions will include: providing rules related to authorized distributors of record and pedigree paper recordkeeping requirements, including procedures for authenticating paper papers; and wholesaler inspection requirements related to due diligence.

SPECIFIC AUTHORITY: 499.0121, 499.05 FS.

LAW IMPLEMENTED: 499.003, 499.005, 499.0121, 499.05, 499.051 FS.

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

TIME AND DATE: 10:00 a.m. – 1:00 p.m., Wednesday, October 8, 2003

PLACE: Department of Health, 4052 Bald Cypress Way, Room 301 (Capital Circle Office Complex), Tallahassee, Florida.

If special accommodations are needed to attend this meeting because of a disability, please contact: Maxine Wenzinger, (850)487-1257, Ext. 205.

A copy of the preliminary text is available on the bureau's website at www.doh.state.fl.us/pharmacy/drugs then click on the 'What's Hot' link.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308, (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE BY MAIL AT NO CHARGE FROM MAXINE WENZINGER, (850)487-1257, EXT. 205.

Section II Proposed Rules

DEPARTMENT OF BANKING AND FINANCE

Division of Banking

RULE TITLES: Application Forms, Procedures

RULE NOS.:

and Requirements 3C-560.102

Requirements 3C-560.201

PURPOSE, EFFECT AND SUMMARY: These rules provide for a fingerprint card processing fee of \$39 which includes processing through the Florida Department of Law Enforcement and the Federal Bureau of Investigations. The purpose of the proposed amendments to Rules 3C-560.102 and 3C-560.201, F.A.C., is to change the fee for processing fingerprint cards through the Florida Department of Law Enforcement in accordance with the statutory provisions of Chapter 943.053(3)(b), Florida Statutes which increases the processing fee from \$15 to \$23 per name submitted. As a result the amended rule will provide for a fingerprint card processing fee of \$47.

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