

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.”

DEPARTMENT OF THE LOTTERY

RULE TITLE: Confidential Information RULE NO.: 53-1.005

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify that trade secrets of the Lottery and the Lottery’s vendors and contractors are confidential.

SUBJECT AREA TO BE ADDRESSED: Confidential Information.

SPECIFIC AUTHORITY: 24.105(2), 24.105(9)(j), 24.105(12)(a) FS.

LAW IMPLEMENTED: 24.105(12)(a) 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: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, 250 Marriott Drive, Tallahassee, FL 32301, (850)487-7724

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions RULE NO.: 61G10-11.0035

PURPOSE AND EFFECT: The Board proposes to exempt spouses of members of the Armed Forces from licensure renewal provisions.

SUBJECT AREA TO BE ADDRESSED: The exemption of spouses of the members of the Armed Forces from all licensure renewal provisions of the Department during the spouse’s military absence.

SPECIFIC AUTHORITY: 455.02(2) FS.

LAW IMPLEMENTED: 455.02(2) 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G10-11.0035 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States and was caused to be absent from the State of Florida because of the spouse’s duties with the armed forces shall be exempt from all licensure renewal provisions of the Department during such absence so long as the spouse in the armed forces was in good standing with the military during the absence. The licensee must show proof to the Department of the absence, its cause and the spouse’s military status.

Specific Authority 455.02(2) FS. Law Implemented 455.02(2) FS. History–New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES: Training, Education, Certification, and Requirements for Issuance of Permits 64B5-14.003 Additional Requirements 64B5-14.004 Application for Permit 64B5-14.005

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the permit requirements for the administration of anesthesia.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments set forth the permit requirements for the administration of sedative or narcotic anesthesia used in combination with nitrous oxide, and also establish educational and continuing education requirements.

SPECIFIC AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON JANUARY 23-24, 2004 IN FT. LAUDERDALE, FLORIDA. 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:

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

- (1) through (3) No change.
- (4) Nitrous-Oxide Inhalation Analgesia.
- (a) through (c) No change.

(d) Nitrous oxide may ~~not~~ be used in combination with a single dose enteral sedative or a single dose narcotic analgesic dose oral sedative drugs to achieve a minimally depressed level of consciousness so long as the manufacturer's maximum recommended dosage of the enteral agent is not exceeded. Nitrous oxide may not be used in combination with more than one (1) enteral agent, or by dosing a single enteral agent in excess of the manufacturer's maximum recommended dosage unless the administering dentist holds a conscious sedation permit issued in accordance with subsection 64B5-14.003(2), F.A.C., or a pediatric conscious sedation permit issued in accordance with Rule 64B5-14.010, F.A.C.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, 11-4-03, _____.

64B5-14.004 Additional Requirements.
(1) through (5) No change.

(6) Each anesthesia permit holder must complete at least four (4) hours of continuing education relating to anesthesia each biennium the permit is held. These hours would be included in the 30 hours of continuing education required by Section 466.0135(1), Florida Statutes.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New 1-31-80, Amended 2-13-86, Formerly 21G-14.04, Amended 12-31-86, 12-28-92, Formerly 21G-14.004, Amended 12-20-93, Formerly 61F5-14.004, Amended 8-8-96, Formerly 59Q-14.004, Amended 11-4-03, _____.

64B5-14.005 Application for Permit.

- (1) No change.
- (2) An applicant for any type of anesthesia permit must demonstrate training and administration of the particular type of anesthesia within the two (2) years prior to application. This shall include documentation of actual clinical administration of anesthetics to 20 patients.

(2) through (5) renumbered (3) through (6) No change.
~~(7)(6)~~ The Board shall renew the permit biennially upon application by the permit holder, proof of continuing education required by subsection 64B5-14.004(6), F.A.C., and payment of the renewal fee specified by Rule 64B5-15.019, F.A.C., unless the holder is informed in writing that a re-evaluation of his credentials and facility is to be required. In determining whether such re-evaluation is necessary, the Board shall consider such factors as it deems pertinent including, but not limited to, patient complaints, reports of adverse occurrences and the results of inspections conducted pursuant to Rule 64B5-14.007, F.A.C. Such re-evaluation shall be carried out in the manner described in subsection (2) set forth above. A renewal fee of \$25.00 must accompany the biennial application.

~~(8)(7)~~ No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended 12-12-00, 11-4-03, _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE TITLE: Examination
RULE NO.: 64B19-11.001

PURPOSE AND EFFECT: The Board proposes to amend the existing rule section to address the period during which an applicant's application file remains open with the Board.

SUBJECT AREA TO BE ADDRESSED: Application file.
SPECIFIC AUTHORITY: 456.017(1)(b),(c), 490.004(4) FS.
LAW IMPLEMENTED: 456.017(1)(b),(c),(d), 490.005 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: 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 TITLE: Supervised Experience Requirements
 RULE NO.: 64B19-11.005
 PURPOSE AND EFFECT: The Board proposes to review the existing rule to determine if changes are necessary.
 SUBJECT AREA TO BE ADDRESSED: Supervised Experience Requirements.
 SPECIFIC AUTHORITY: 490.004(4) FS.
 LAW IMPLEMENTED: 490.005(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: 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.

**Section II
 Proposed Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Ownership and Use of "Florida Citrus Growers" Certification Mark
 RULE CHAPTER NO.: 20-109
 RULE TITLE: Standards for Citrus Fruit and Citrus Products Bearing the Mark
 RULE NO.: 20-109.005
 PURPOSE AND EFFECT: Modifying standards for use of the "Florida Citrus Growers" symbol to allow products exceeding maximum ratio Grade A limitations to qualify.
 SUMMARY: Modifying standards for use of the "Florida Citrus Growers" certification mark.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 601.10(1), 601.11, 601.15(10)(a) FS.

LAW IMPLEMENTED: 601.101, 601.9918, 601.15(2) FS.

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

TIME AND DATE: 10:30 a.m., February 18, 2004

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-109.005 Standards for Citrus Fruit and Citrus Products Bearing the Mark.

(1) through (4) No change.

(5) For the period January 1, 2004 ~~January 1, 2003~~, through December 31, 2004 ~~December 31, 2003~~, maximum Grade A standards for brix/acid ratio shall not apply, however the ratio allowed shall not exceed USDA maximum Grade B standards for orange juice.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101, 601.9918, 601.15(2) FS. History--New 2-16-98, Amended 12-24-98, 2-19-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 17, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 2, 2004

DEPARTMENT OF CORRECTIONS

RULE TITLE: Community Release Programs
 RULE NO.: 33-601.602

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for transportation of inmates in community release programs.

SUMMARY: The proposed rule limits transportation for inmates engaged in community release programs to the following means: employer furnished transportation; public transportation; transportation provided by a family member; bicycling; or walking.