

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 2:00 p.m., February 18, 2004
 PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sylvia Byrd, Executive Community Health Nursing Director, Department of Health, Division of Family Health, Bureau of Family and Community Health, School Health Services, 4052 Bald Cypress Way, Bin A13, Tallahassee, FL 32399-1723, (850)245-4445, E-mail: HSF_SH_Feedback@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-6.003 Screening.

(1) Vision ~~and hearing~~ screening shall be provided, at a minimum, to students in grades kindergarten, 1, 3, and 6 7, and students entering Florida schools for the first time in grades kindergarten through 5.

(2) Hearing screening shall be provided, at a minimum, to students in grades kindergarten, 1, and 6; to and students entering Florida schools for the first time in grades kindergarten through 5; and optionally to students in grade 3.

(3)(2) Growth and development screening shall be provided, at a minimum, to students in grades 1, kindergarten, through 3, 6 and optionally 9. Growth and development screenings shall be documented on Department of Health, School Health Services designated growth charts as made available by the Department of Health, Forms Distribution Warehouse or the Centers for Disease Control and Prevention, or equivalent form.

(4)(3) Scoliosis screening shall be provided, at a minimum, to students in grade 6 7, and in additional grades for students exhibiting indications of scoliosis, or in accordance with the approved school health services plan.

(5)(4) In those schools with Supplemental School Health Services, also referred to as Comprehensive School Health Services, expanded screening services shall be provided in accordance with the approved school health services plan to add additional grades or types of screenings over and above those screenings and grade levels specified in subsections (1), (2), 3, and (4)(3) above.

Specific Authority 381.0056(8) FS. Law Implemented 381.0056(3)(a)-(5)(f)-(i) FS. History—New 3-10-85, Formerly 10D-84.16, Amended 4-6-94, Formerly 10D-84.016, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sylvia Byrd, Executive Community Health Nursing Director, Department of Health, Division of Family Health, Bureau of Family and Community Health, School Health Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bonita J. Sorensen, M.D., M.B.A., Deputy State Health Officer, Department of Health
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 12, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 1, 2003

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

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| RULE NOS.: | RULE TITLES: |
| 5B-2.001 | Definitions |
| 5B-2.002 | Registering with the Division |

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. 50, December 12, 2003, issue of the Florida Administrative Weekly.

Text of proposed rule change is:

5B-2.001 Definitions.

For the purpose of this chapter, the definitions in Section 581.011, F.S., and the following definitions shall apply:

(1) through (5) No change.

(6) Outlet. A nursery, stock dealer, ~~stock dealer garden center~~, plant broker or agent offering nursery stock for sale or distribution under the control of a parent organization, corporation, partnership, personal business, cooperative, or other legal business entity.

(7) through (8) No change.

~~(9) Stock Dealer Garden Center. A stock dealer who maintains nursery stock as part of a home improvement store or other store selling garden supplies.~~

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.031 FS. History—Repromulgated 12-31-74, Amended 6-15-81, 10-28-85, Formerly 5B-2.01, Amended 6-7-95, 8-26-03, _____.

5B-2.002 Registering with the Division.

Every nurseryman, stock dealer, plant broker, and agent shall register with the division before moving, distributing or offering nursery stock for sale. All aquatic plants offered for sale or distribution at the retail level, seeds, cut flowers, cut fern, cut foliage (greens) not for propagation, and lawn and pasture grasses not produced as certified turfgrass are specifically exempted from nursery stock classification for registration purposes, when apparently free from injurious plant pests.

(1)(a) through (h) No change.

(2) STOCK DEALERS, ~~STOCK DEALER GARDEN CENTERS~~, PLANT BROKERS, AND AGENTS. Stock dealers, ~~stock dealer garden centers~~, plant brokers, and agents shall comply with the following stipulations to meet certification requirements:

(a) Those persons who desire to apply for certification and registration as a stock dealer, ~~stock dealer garden center~~, plant broker, or agent may make application by completing division form DACS-08004, revised 6/03. This application form should be filed with the division thirty (30) days prior to the date the stock dealer, ~~stock dealer garden center~~, plant broker, or agent desires to begin operation. The completed application shall be accompanied by payment of the fee as designated in paragraph 5B-2.002(2)(d)(~~e~~), F.A.C.;

(b) through (c) No change.

(d) The certificate of registration fee for a stock dealer with an inventory of less than 5,000 plants, plant broker, and agent establishments shall be \$25.00 per outlet. The certificate of registration fee for a stock dealer with an inventory of 5,000 or more plants ~~garden center~~ shall be \$69.00 per outlet. The inventory for such a stock dealer shall be determined by an authorized representative during the first inspection after July 1.

(e) A stock dealer, ~~stock dealer garden center~~, plant broker, or agent shall comply with all the provisions of Chapter 581, Florida Statutes, and the rules of the department and shall obtain nursery stock only from certified nurseries;

(f) Stock dealer, ~~stock dealer garden center~~, plant broker, and agent certificate of registration shall expire twelve (12) months from the original registration or annual renewal date.

Specific Authority 570.07(23), 581.031(1) FS. Law Implemented 581.131, 581.141 FS. History—Amended 12-31-74, 6-24-75, 3-25-79, 6-15-81, 10-28-85, Formerly 5B-2.02, Amended 5-17-92, 6-7-95, 11-29-95, 6-12-00, 8-26-03, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-15
 RULE NO.: 14-15.0081
 RULE CHAPTER TITLE: Incorporation by Reference
 RULE TITLE: Toll Facilities Description and Toll Rate Schedule

NOTICE OF CHANGE

SUMMARY OF CHANGE: As a result of public hearing input, the proposed toll rate at MP 81 – Atlantic Avenue along the Southern Coin segment of Florida’s Turnpike Mainline will remain at 50 cents for both SunPass and cash customers. As originally proposed, the toll for this interchange was to be 50 cents for SunPass customers and 75 cents for cash customers. Notice was published in Florida Administrative Weekly, Vol. 29, No. 49, December 5, 2003, Pages 4779-4780.

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 BUSINESS AND PROFESSIONAL REGULATION

Asbestos Consultants/Asbestos Consultant Examination

RULE NO.: 61E1-2.006
 RULE TITLE: Asbestos Training Courses and Providers
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. 41, October 10, 2003, issue of the Florida Administrative Weekly.

61E1-2.006 Asbestos Training Courses and Providers.

(1) Each training course provider must be approved by registered with the Department as a course provider and each training course must be approved by registered with the Department. Provider and course approvals registration and courses are valid until May 31st of odd numbered years and must be renewed prior to expiration. Applications for course provider and training course approval must be submitted using the form Asbestos Licensing Unit Training Provider and Continuing Education Course Approval Application, Number DBPR ALU-4054, Effective Date: April 18, 2003, incorporated herein by reference. The form may be obtained by contacting the Department at the following address: Asbestos Licensing Unit, 1940 N. Monroe Street, Tallahassee, Florida 32399-1006 or at <http://www.state.fl.us/dbpr/pro/forms/asbest/>. Any substantial change in the course content will require the provider to reapply to the Department for approval.

~~(2)(1)~~ No change.

~~(3)(2)~~ A training course provider must meet the standard set forth in ~~Chapter 469 s. 469.001-469.015, Florida Statutes, and those set forth in 40 CFR Part 763, subpart E of Appendix C, 59 FR5251, Feb. 3, 1994, as amended at 60 FR 31922, June 19, 1995,~~ which is ~~are~~ incorporated herein by reference. Copies can be obtained by writing the department at Department of Business and Professional Regulation, Asbestos Licensing Unit, 1940 North Monroe Street, Tallahassee, Florida 32399 or at <http://www.access.gpo.gov/nara/cfr/>. The following providers and courses shall be approved.

~~(a) Training providers and courses registered approved by a state with an Environmental Protection Agency approved accreditation program must register with the department and meet the requirements of Chapter 469, Florida Statutes and Rule 61-6.015, F.A.C.~~

~~(a)(b)~~ Training providers and courses registered approved by a state that has a written reciprocating agreement with the department ~~must register with the department and meet the requirements in subsection 61-6.015(5), F.A.C.~~

~~(b)(e)~~ Training courses completed prior to July 1, 1995, that are recognized by the Environmental Protection Agency and listed in the National Directory of Asbestos Hazard Emergency Response Act Accredited Courses as set forth in 40 CFR Part 763, as it existed on September 1, 1997, which is ~~are~~ incorporated herein by reference.

~~(4)(3)~~ No change.

(5) No change.

~~(6)(4)~~ Training course audits.

(a) The department shall, ~~at its discretion least once every three years following the date that approval was granted by the department or other approval agencies,~~ conduct on site random audits of training courses, ~~to ensure compliance with Rule 61E1-2.006(2) which shall include, but not be limited to an evaluation of the following:~~

1. Training course content;
2. Technical accuracy;
3. Instructor effectiveness; and
4. Course administration.

(b) No change.

~~(c)~~ The department shall pursue administrative action to suspend or revoke approval of the course if the on-site reviewer finds the course not in compliance with the requirements of this rule as set forth in paragraph 61E-2.006(2)(a), F.A.C.

~~(c)(d)~~ No change.

(5) through (8) renumbered (7) through (10) No change.

(a) through (c) No change.

(d) The provider must comply with the requirements stated in subsection 61-6.015(5), F.A.C., as a condition of approval as a course provider and provide the attendee list to the Department in the prescribed electronic format of all licensees who attended refresher courses to obtain continuing education credits. The provider is required to resolve reporting conflicts with the licensee by the expiration date of the training or refresher course.

(e) through (g) No change.

Specific Authority 455.203(5), 469.011 FS. Law Implemented 469.014, 455.213(6), 455.2179(1) FS. History—New 5-12-93, Formerly 21-23.006, Amended 8-17-94, 11-24-97, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.010
 RULE TITLE: License Reactivation Education for Brokers and Sales Associates

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., F.S., originally published in Vol. 29, No. 11, March 14, 2003 issue of the Florida Administrative Weekly and Notice of Change published in Vol. 29, No. 39, September 26, 2003. The changes are pursuant to comments the Department received from Joint Administrative Procedures Committee the JAPC and for the purpose of publishing the specific text changes to the rule as amended and proposed by the Florida Real Estate Commission.

61J2-3.010 License Reactivation Education for Brokers and Sales Associates.

(1) through (2) No change.

(3) A licensee may reactivate a license, which has been involuntarily inactive for 12 months ~~but or less than 24 months,~~ by satisfactorily completing a 14-hour Commission-prescribed the continuing education course for each 2-year license period. ~~requirement of Rule 61J2 3.009, F.A.C. A licensee may reactivate a license, which has been involuntarily inactive for more than 12 but less than 24 months, by satisfactorily completing 28 hours of a Commission prescribed education course for licensure as a sales associate (Course I). The Course I hours must be based on an approved course as set forth in Rule 61J2 3.008, F.A.C. Emphasis shall be placed on the real estate and license law portions of this course.~~

~~(4) A licensee may demonstrate satisfactory completion for reactivation by achieving a grade of 70% or higher on the Commission-prescribed 25 item end-of-course examination. The School shall test only students who have completed at least 90% of the required hours of instruction.~~

~~(4)(5)~~ No change.

~~(6) Students failing the Commission prescribed course examination must wait at least 30 days from the date of the original examination to take again the end of course examination. Within one year of the original end of course examination, a student may re take the prescribed end of course examination a maximum of one time. Otherwise, students failing the Commission prescribed end of course course examination must repeat the Commission prescribed course prior to being eligible to re take the end of course examination.~~

(7) through (8) renumbered (5) through (6) No change.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, 1-18-00, _____.

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 Medicine

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| RULE NO.: | RULE TITLE: |
| 64B8-52.004 | Requirements for Approval of Continuing Education Courses for Laser and Light-based Hair Removal or Reduction |

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule amendments, as noticed in Vol. 29, No. 16, April 18, 2003, Florida Administrative Weekly, have been withdrawn.

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

DEPARTMENT OF HEALTH

Board of Psychology

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| RULE NO.: | RULE TITLE: |
| 64B19-18.0025 | Qualifications to Practice Juvenile Sexual Offender Therapy |

NOTICE OF CORRECTION

The above-proposed rule was published in the August 16, 2002 issue of the Florida Administrative Weekly, Vol. 28, No. 33 and a notice of withdrawal was published in the Vol. 30, No. 2, January 9, 2004, Florida Administrative Weekly. The heading on the Notice of Withdrawal said Department of Business and Professional Regulation but should have read Department of Health. The foregoing change does not affect the substance of the withdrawal.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: Kaye Howerton, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-0797

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

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| RULE CHAPTER NO.: | RULE CHAPTER TITLE: |
| 69A-21 | Fire Extinguishers and Preengineered Systems |
| RULE NO.: | RULE TITLE: |
| 69A-21.115 | “Appropriate Training” for Servicing Fire Extinguishers and Preengineered Systems Defined; Limitations |

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 37, September 12, 2003, of the Florida Administrative Weekly, with the first Notice of Change having been published in Vol. 29, No. 49, December 5, 2003, of the Florida Administrative Weekly. Due to comments received at the hearing the rule has been changed to read as follows:

69A-21.115 “Appropriate Training” for Servicing Fire Extinguishers and Preengineered Systems Defined; Limitations.

“Appropriate training” as used in subsection (1) of Section 633.061, Florida Statutes, for the purpose of servicing fire extinguishers and preengineered systems means:

(1) Any training specific to the servicing of the fire extinguisher or preengineered system provided by the manufacturer of the fire extinguisher or preengineered system; or

(2) Any training which provides proficiency in the servicing of a fire extinguisher and a preengineered system in accordance with the manufacturer’s maintenance procedures and specifications and with the applicable National Fire Protection Association standards, as required by Section 633.065(2), Florida Statutes; provided that the training of any person for servicing of fire extinguishers and preengineered systems, and any servicing of such equipment and systems, must comply fully with paragraphs (b), (c), and (d) of subsection (1) of Section 633.065, Florida Statutes, and the applicable requirements of Rule Chapter 69A-21, Florida Administrative Code.

Specific Authority 633.01 FS. Law Implemented 633.061, 633.065 FS. History—New _____.

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

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| RULE NO.: | RULE TITLE: |
| 69O-176.013 | Notification of Insured’s Rights and Standard Disclosure Form; Personal Injury Protection Benefits |

NOTICE OF CHANGE

Notice is hereby given that the forms adopted in Rule 69O-176.013, F.A.C., published in Vol. 29, No. 36, September 5, 2003, of the Florida Administrative Weekly, have been revised to make technical changes and to clarify the substance of the forms.

The remainder of the rule reads as previously published.