

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Historical Resources

RULE CHAPTER TITLE: Historic Preservation
 RULE CHAPTER NO.: 1A-35

Grants-In Aid

PURPOSE AND EFFECT: The purpose and effect of the proposed changes is to revise and update the rule to be in conformance with Chapter 267, F.S., and changes in administrative procedures.

SUBJECT AREA TO BE ADDRESSED: The Bureau of Historic Preservation proposes to amend the rule to streamline administrative procedures and to conform with changes to Chapter 267, F.S.

SPECIFIC AUTHORITY: 267.031(1) FS.

LAW IMPLEMENTED: 267.017(2) 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., November 30, 2004

PLACE: Third Floor Conference Room, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Robert C. Taylor, Historic Preservationist Supervisor, Division of Historical Resources, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6333

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

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: Definitions
 RULE NO.: 59C-1.002

PURPOSE AND EFFECT: The agency is proposing to amend the rule that defines terms used in Chapter 59C-1, F.A.C. due to recent statutory changes. A preliminary draft of the rule amendments is included in this Notice.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that defines terms used in Chapter 59C-1, F.A.C.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033(1)(a), 408.036(1)-(3), 408.037(1), 408.039(1),(2), 651.118 FS

IF REQUESTED IN WRITING AND DEEMED NECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: November 17, 2004, 2:00 p.m. Eastern Standard Time

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.002 Definitions.

(1) "Acute care bed" means a patient accommodation or space licensed by the agency pursuant to Chapter 395, Part I, F.S., and regulated under Rule 59C-1.038, F.A.C. Acute care beds exclude neonatal intensive care beds, comprehensive medical rehabilitation beds, beds used to provide mental health services as defined under subsection (30) of this section, ~~hospital inpatient psychiatric beds, hospital inpatient substance abuse beds,~~ beds in distinct part skilled nursing units, and beds in long term care hospitals licensed pursuant to Chapter 395, Part I, F.S.

(2) "Applicant" means any individual, partnership, corporation, or governmental entity which has filed an application for a Certificate of Need or Certificate of Need Exemption with the agency.

(3) "Application" means the forms supplied by the agency to an applicant which are to be completed in order to be eligible to be considered for a Certificate of Need in the case of comparative and expedited Certificate of Need reviews pursuant to Section 408.036(1) or (2), F.S. or a written communication requesting exemption to Certificate of Need review pursuant to Section 408.036(3), F.S. and Rule 59C-1.005, F.A.C.

(4) No change.

(5) "Batching Cycle" means the grouping for comparative review of Certificate of Need applications submitted for beds, services or programs having a like Certificate of Need, need methodology or licensing category in the same planning horizon and the same applicable service planning area, district, service area, or subdistrict.

(6) through (11) No change.

(12) "Comprehensive Medical Rehabilitation Inpatient Beds" means beds designated for the exclusive use for comprehensive medical rehabilitation inpatient services regulated under Rule 59C-1.005 and Rule 59C-1.039, F.A.C.

(13) "Conversion from one type of health care facility to another" means the reclassification of one licensed facility type to another licensed facility type, including reclassification from a ~~general acute care hospital to a long term care hospital or specialty hospital, or from a long term care hospital or specialty hospital to a general acute care hospital, or from a~~ general acute care hospital to a long term care hospital or specialty hospital provided the specialty hospital is not subject to Section 395.003(9), F.S.

(14) "Conversion of beds" means the reclassification of licensed beds from one category to another, for facilities licensed under Chapter 395, F.S., including conversion to or from acute care beds, neonatal intensive care beds, beds that provide hospital mental health services ~~inpatient psychiatric beds,~~ comprehensive medical rehabilitation beds, ~~hospital inpatient substance abuse beds,~~ distinct part skilled nursing facility beds, or beds in a long term care hospital; and, for facilities licensed under Chapter 400, Part I, F.S., conversion to or from sheltered beds and community beds.

(15) No change.

(16) "Established program" means a program for the provision of a ~~C~~ertificate of ~~N~~eed regulated institutional health service which has a valid ~~C~~ertificate of ~~N~~eed or Certificate of Need Exemption for the program or existed prior to the requirement for a ~~C~~ertificate of ~~N~~eed or Certificate of Need Exemption and has been continuously in operation, and has performed at least one institutional health service.

(17) "Exemption" means the Certificate of Need review process by which a proposal that would otherwise require a batched or expedited certificate of need review may proceed without such a review certificate of need.

(18) through (21) No change.

(22) "Hospital inpatient psychiatric beds" means beds designated for the exclusive use of hospital inpatient psychiatric services regulated under Rule 59C-1.005, F.A.C. and Rule 59C-1.040, F.A.C.

(23) "Hospital inpatient substance abuse beds" means beds designated for the exclusive use of hospital inpatient substance abuse services regulated under Rule 59C-1.005, F.A.C. and Rule 59C-1.041, F.A.C.

(24) through (27) No change.

(28) "Long term care hospital" means a hospital licensed under Chapter 395, ~~Part I, F.S.,~~ which meets the requirements of 42 Code of Federal Regulations (C.F.R.) s. Part 412, subpart B, paragraph 412.23(e), Code of Federal Regulations (1994), and seeks exclusion from the ~~acute care~~ Medicare prospective payment system for inpatient hospital services.

(29) through (31) No change.

(32) "Nursing home" means a health care facility licensed under Chapter 400, Part II, F.S.

(33) through (35) No change.

(36) "Sheltered nursing home beds" mean nursing home beds configured into a nursing home facility licensed pursuant to Chapter 400, Part II, F.S., which are located within a continuing care retirement community certified under Chapter 651, F.S., for which a certificate of need has been issued as sheltered beds, and which are regulated under Rule 59C-1.037, F.A.C.

(37) "State Agency Action Report" means the single written document prepared by the agency after reviewing a Certificate of Need comparative or expedited application, or applications where more than 1 Certificate of Need application is accepted by the agency in the same batching cycle, which sets forth the evaluation of the agency with respect to the application or applications.

(38) No change.

(39) "Substantial change in health services" means:

(a) The offering by a health care facility, through conversion of beds or other means, of a new institutional health service or a health service which has not been offered on a continuing basis by or on behalf of the health care facility within the 12-month period prior to the time such service would be offered, excluding obstetrical services; or

~~(b) The designation of acute care beds in a health care facility as beds regulated under Rule 59C-1.036, F.A.C., or the redesignation of such beds back to acute care beds; or~~

~~(b)(e)~~ The conversion of a general acute care or specialty hospital licensed under Chapter 395, ~~Part I, F.S.,~~ to a long term care hospital.

(40) "Termination of an inpatient health service" means the cessation of a health service which currently requires a ~~C~~ertificate of ~~N~~eed or Certificate of Need Exemption. It does not include the temporary cessation of a service lasting 6 months or less.

(41) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost effectiveness of such service. Examples of such service include, but are not limited to, pediatric cardiac catheterization, pediatric open heart surgery, organ transplantation, ~~specialty burn units,~~ neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The types of tertiary services to be regulated under the Certificate of Need Program in addition to those listed in Florida Statutes include:

- (a) Heart transplantation;
- (b) Kidney transplantation;
- (c) Liver transplantation;
- (d) Bone marrow transplantation;
- (e) Lung transplantation;
- (f) Pancreas and islet cells transplantation; and
- (g) Heart/lung transplantation;
- ~~(h) Adult open heart surgery;~~
- ~~(i) Neonatal and pediatric cardiac and vascular surgery;~~
- ~~and~~
- ~~(j) Pediatric oncology and hematology.~~

~~In order to determine whether services should be added or deleted, the listing shall be reviewed annually by the agency.~~

(42) through (43) No change.

Specific Authority 408.034(6)(5), 408.15(8) FS. Law Implemented 408.033(1)(a), 408.036(1),(2),(3), 408.037(1), 408.039(1),(2), 651.118 FS. History—New 1-1-77, Amended 11-1-77,9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 7-29-82, 12-23-82, Formerly 10-5.02, Amended 11-17-87, 12-5-90, 1-31-91, 1-1-92, Formerly 10-5.002, Amended 12-14-92, 2-27-94, 6-23-94,10-18-95, 10-8-97, 12-12-00,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: RULE NO.:

Health Care Facilities Fee Assessments and Fee Collection Procedures 59C-1.022

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines the health care facilities fee assessment and collection procedures. The rule incorporates statutory changes to add health care clinics to the list of facilities, updates statutory citations and dishonored check charges. A preliminary draft of the rule amendments is included in this Notice.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that outlines health care facilities fee assessments and fee collection procedures.

SPECIFIC AUTHORITY: 408.033(2), 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033(2) FS.

IF REQUESTED IN WRITING AND 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. (Eastern Standard Time), November 17, 2004

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Rommel Bain, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.022 Health Care Facilities Fee Assessments and Fee Collection Procedures.

(1) Health Care Facilities Subject to Assessment. In accordance with subsection 408.033(2)(3), F.S., the following health care facilities and health care service providers, licensed or certified by the Agency for Health Care Administration, shall be assessed an annual fee to be collected by the agency within the time frames specified in subsection (4):

- (a) Abortion clinics licensed under Chapter 390, F.S.
- (b) ~~Adult congregate~~ Assisted living facilities licensed under Part III H, Chapter 400, F.S.
- (c) through (d) No change.
- (e) Clinical laboratories licensed under Part I, Chapter 483, F.S., except community nonprofit blood banks and clinical laboratories operated by practitioners for exclusive use regulated under Section 483.035, F.S.

(f) Health maintenance organizations and prepaid health clinics licensed certified under Part III H, Chapter 641, F.S.

(g) Home health agencies licensed under Part IV H, Chapter 400, F.S.

(h) Hospices licensed under Part VI I, Chapter 400, F.S.

(i) No change.

(j) Intermediate care facilities for developmentally disabled persons ~~the mentally retarded~~ licensed under Part XI, Chapter ~~400 393~~, F.S.

(k) Nursing homes licensed under Part II I, Chapter 400, F.S.

(l) No change.

(m) Health Care Clinics licensed under Part XIII, Chapter 400, F.S.

(2) Health Care Facilities Exempted from Fee Assessments. Facilities operated by the ~~Agency for Health Care Administration~~ Department of Children and Families, the Department of Health or the Department of Corrections, and any hospital which meets the definition of a rural hospital pursuant to subsection 395.402(2)602, F.S., are exempted from the health care facility assessment.

(3) No change.

(a) Hospitals, nursing homes, and ~~adult congregate~~ assisted living facilities shall be assessed a fee according to the following per bed charges:

1. through 2. No change.

3. ~~Adult congregate~~ Assisted living facilities shall be assessed \$1 per bed not to exceed \$150 per facility based on a bed inventory established by the agency as of July 1 of each year.

(b) Other health care facilities subject to a health care facility assessment, as specified in paragraph (1)(a), (c), (d), (e), (f), (g), (h), (j), ~~and (l) and (m)~~, shall be assessed an annual fee of \$150.

(4) Billing and Collection Process. The agency shall bill each regulated facility not later than August 10 of each year. The agency shall collect annually, by September 1 of each year, an assessment from all facilities listed in paragraph (1)(a) through ~~(m)(4)~~ in accordance with the fee schedule specified in paragraphs (3)(a) and (3)(b).

(5) through (6) No change.

(7) Penalties. In accordance with paragraph 408.033~~(2)(3)~~(e), F.S., the agency shall impose a fine of \$100 per day, not to exceed the total annual assessment amount of \$150 and \$500, after the assessment becomes delinquent as specified in subsection (5). Refusal by a health care facility to pay the annual assessment or fine shall result in forfeiture procedures. Refusal of payment is defined as non-payment by the provider of the assessment or fine within 60 days of receipt of the delinquency notice.

(8) Dishonored Checks. The agency shall assess a service charge ~~of \$10~~ for each returned check of five percent of the face value of the check or \$15, whichever is greater.

Specific Authority 408.15(8), 408.033~~(2)(3)~~(e), 408.034~~(6)(5)~~ FS. Law Implemented 408.033~~(2)(3)~~ FS. History—New 12-7-88, Amended 11-29-89, 12-5-90, 8-19-91, Formerly 10-5.022, Amended _____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE CHAPTER TITLE: State Group Health Self-Insurance Plan
 RULE CHAPTER NO.: 60P-2

RULE TITLE: Effective Date of Coverage
 RULE NO.: 60P-2.004

PURPOSE AND EFFECT: To clarify the coverage procedures when premiums for any State Group Health Program are paid partially or entirely by direct payment.

SUBJECT AREA TO BE ADDRESSED: Acceptance of payment by the agency or its agent will not provide coverage, if, for any reason, the subscriber or any eligible dependents are later found to be ineligible to participate.

SPECIFIC AUTHORITY: 110.123(5) FS.

LAW IMPLEMENTED: 110.123 FS.

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

TIME AND DATE: 10:30 a.m., November 30, 2004

PLACE: Room 101, 4040 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jeff Dykes, Division of State Group Insurance, 4040 Esplanade Way, Tallahassee, Florida 32399

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of State Employees' Insurance

RULE CHAPTER TITLE: State Group Life Insurance Plan
 RULE CHAPTER NO.: 60P-3

RULE TITLE: Enrollment
 RULE NO.: 60P-3.005

PURPOSE AND EFFECT: To clarify the coverage procedures when premiums for the State Group Life Insurance Plan are paid partially or entirely by direct payment.

SUBJECT AREA TO BE ADDRESSED: Acceptance of payment by agency or its agent does not provide coverage, if, for any reason, the subscriber is later found to be ineligible to participate.

SPECIFIC AUTHORITY: 110.123(5) FS.

LAW IMPLEMENTED: 110.123 FS.

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

TIME AND DATE: 10:00 a.m., November 30, 2004

PLACE: Room 101, 4040 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jeff Dykes, Division of State Group Insurance, 4040 Esplanade Way, Tallahassee, Florida 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: Fees
 RULE NO.: 61G4-12.009

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address its current fees.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 455.213(2), 455.217(2), 455.219(1), 455.271(8), 489.108, 489.118 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.213(2), 455.217(2), 455.219(1), 455.271(7), (8), 489.109 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 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

Construction Industry Licensing Board

RULE TITLE: Required Records Maintained by Course Providers
RULE NO.: 61G4-18.007

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the criteria of records to be maintained by course providers.

SUBJECT AREA TO BE ADDRESSED: Records maintenance by course providers.

SPECIFIC AUTHORITY: 455.2123, 455.213(6), 455.2177, 455.2178, 489.108, 489.115(4)(b) FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2718, 489.115(4)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy Vaccaro, Executive Director, Construction Industry Licensing Board, 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

Construction Industry Licensing Board

RULE TITLES: Construction Industries Recovery Fund Definitions Filing Claims Claims Review Payment of Claims Collection Efforts
RULE NOS.: 61G4-21.001 61G4-21.002 61G4-21.003 61G4-21.004 61G4-21.005 61G4-21.006

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the recovery fund.

SUBJECT AREA TO BE ADDRESSED: The construction industry recovery fund.

SPECIFIC AUTHORITY: 489.018 FS.

LAW IMPLEMENTED: 489.140, 489.141, 489.143 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Timothy

Vaccaro, Executive Director, Construction Industry Licensing Board, 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 TITLE: Written Examination Designated; General Requirements
RULE NO.: 61G15-21.001

PURPOSE AND EFFECT: Purpose and effect are to conform to the examination rules of the National Council of Examiners for Engineers and Surveyors (NCEES), which is the organization that administers the examination.

SUBJECT AREA TO BE ADDRESSED: Written Examination Designated; General Requirements.

SPECIFIC AUTHORITY: 455.217(1) FS.

LAW IMPLEMENTED: 455.217(1), 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

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, F.S. 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, 3-9-04, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLE: Re-examination
 RULE NO.: 61G15-21.007

PURPOSE AND EFFECT: Purpose and effect are to conform the rule to amendments to the enabling statute.

SUBJECT AREA TO BE ADDRESSED: Re-examination.

SPECIFIC AUTHORITY: 455.217(2) FS.

LAW IMPLEMENTED: 455.217(2), 471.011, 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-21.007 Re-examination.

If an applicant fails ~~three~~ five times to pass the examination, the applicant must take additional courses in order to reapply for examination. The applicant must submit to the Board of Professional Engineers transcripts for the enrollment and completion of twelve (12) college credit hours of college level courses in the applicant's area of deficiency. For applicants to take Part I of the engineer examination, such additional courses shall be undergraduate college courses in higher mathematics, basic sciences or engineering as described in paragraphs 61G15-20.007(2)(a), (b), and (d), F.A.C. For applicants to take Part II of the engineer examination, such additional courses shall be upper level or higher courses in engineering, as defined in paragraph 61G15-20.007(2)(d), F.A.C.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 471.011, 471.013, 471.015 FS. History—New 1-8-80, Amended 8-25-81, Formerly 21H-21.07, 21H-21.007, Amended 2-14-95, 5-22-01, 12-10-02, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE TITLES: Schedule of Fees
 RULE NOS.: 61G15-24.001
 Unlicensed Activity Fee 61G15-24.002

PURPOSE AND EFFECT: Purpose and effect for Rule 61G15-24.001, F.A.C., amendment are to eliminate unnecessary and duplicative language, add fees for Special Inspector Certification application and initial certification for Certificate of Authority, and to increase the inactive status fee. Purpose and effect for Rule 61G15-24.002, F.A.C., amendment are to collect the unlicensed activity fee in addition to other fees, instead of as part of the licensure and renewal fees.

SUBJECT AREA TO BE ADDRESSED: Schedule of Fees; Unlicensed Activity Fee.

SPECIFIC AUTHORITY: 455.213, 455.217(3), 455.219, 455.2281, 455.271, 471.011, 471.019 FS.

LAW IMPLEMENTED: 119.07(1)(a), 455.217(3),(7), 455.2281, 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-24.001 Schedule of Fees.

(1) Pursuant to Sections 471.011, 471.019, Florida Statutes, the Board hereby establishes the following fees for applications, ~~examination, reexamination,~~ licensing and renewal, temporary registration, late renewal, licensure registration by endorsement, reactivation fee, and replacement of certificate.

(2) Engineering licensure fees (individuals and firms):

(a) ~~Initial Application fee for licensure by examination or endorsement - Graduate of Board approved engineering program as defined in paragraph 61G15-20.001(2)(a), F.A.C., or an engineering program approved by the Board pursuant to Rule 61G15-20.006, F.A.C., or qualified under Section 471.013(1), F.S. \$125.00 non-refundable.~~

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

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

~~(b)(d) Initial license fee licensure - \$100.00.~~

~~(c)(e) Biennial rRenewal fee - \$125.00 per biennium.~~

~~(d)(f) Delinquency Fee - \$100.00.~~

~~(e)(g) Temporary licensure registration (individual) - \$25.00.~~

~~(f)(h) Temporary Certificate of Authorization (firm) - \$50.00.~~

~~(g)(+)~~ Application fee Registration for a Certificate of Authorization (firm) – \$125.00 non-refundable.

~~(h)~~ Initial fee for Certificate of Authorization – \$125.00.

~~(i)(+)~~ Biennial Renewal fee for ~~of~~ Certificate of Authorization (firm) – \$125.00

~~(j)(+)~~ Inactive Status Fee – \$1275.00.

~~(k)(+)~~ Reactivation fee – \$150.00.

~~(l)(+)~~ Duplicate Certificate – \$25.00.

~~(m)(+)~~ Verification of Licensure – \$25.00.

~~(n)(+)~~ Special Inspector Certification Fee – \$100.00.

~~(o)~~ Application fee for Special Inspector Certification – \$125.00.

(3) Engineer Intern application fFees: \$30.00.

~~(a)~~ Application Fee – \$30.00.

~~(b)~~ Examination – \$50.00.

~~(c)~~ Re-examination – \$100.00.

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, 5-9-04, _____.

61G15-24.002 Unlicensed Activity Fee.

In addition to ~~From~~ each fee for initial licensure or licensure renewal, \$5.00 shall be earmarked for the purpose of combating unlicensed activity.

Specific Authority 455.2281 FS. Law Implemented 455.2281 FS. History–New 8-29-93, Amended _____.

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 FINANCIAL SERVICES

Division of Accounting and Auditing

RULE TITLE: Access to Holder Report Information

RULE NO.: 69I-20.0011

PURPOSE AND EFFECT: The purpose of the rule development is to implement Section 717.117(3), F.S., to see if the time frame can be shortened to less than 90 days and other matters relating to the expedient transfer of information to the public.

SUBJECT AREA TO BE ADDRESSED: The recent amendments to Section 717.117(3), F.S., and the expedient transfer of holder information to the public.

SPECIFIC AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 17.04, 717.117 FS.

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

TIMES AND DATES: 10:00 a.m., Monday, November 22, 2004; 10:00 a.m., Wednesday, December 1, 2004

PLACE: Suite 547, The Fletcher Building, 101 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, Division of Legal Services, Fletcher Building, Suite 464, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)410-9461

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

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE TITLE: Division of Cultural Affairs

RULE NO.: IT-1.001

PURPOSE AND EFFECT: The purpose of this amendment will be to establish a procedure by which the review committee for the Quarterly Assistance Program and the Underserved Arts Communities Assistance Program is appointed.

SUMMARY: The proposed rule describes the procedure for appointing the review committee for the Quarterly Assistance Program and the Underserved Arts Communities Assistance Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: There are no regulatory costs associated with this proposed rule.

Any person who wishes to provide information regarding the statement of 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: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1),(4),(6), 265.2861(2)(b),(d), 265.2865(6), 265.51, 265.605(1), 265.608, 265.609, 265.701(4), 265.702(8) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.51-56, 265.601-603, 265.605-606, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Monday, November 29, 2004
PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida