

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE TITLE: Approved BMPS
RULE NO.: 5M-2.003

PURPOSE AND EFFECT: The Department proposes an amendment to incorporate revisions to the manual.

SUBJECT AREA TO BE ADDRESSED: The addition of a Best Management Practice covering the decommissioning of wells.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 403.067(7) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE A RULE DEVELOPMENT WORKSHOP WILL NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Mark Jennings, Environmental Specialist III, Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, Florida 32399-1650, (850)488-6249, Fax (850)921-2153

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

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Highway Beautification and Landscape Management
RULE CHAPTER NO.: 14-40

RULE TITLE: Highway Landscape Projects
RULE NO.: 14-40.003

PURPOSE AND EFFECT: This amendment corrects an error (“payment” to “pavement”) in paragraph 14-40.003(3)(e), F.A.C., and adds new paragraphs (f) and (g).

SUBJECT AREA TO BE ADDRESSED: Paragraph 14-40.003(3)(e), F.A.C., is amended to make an editorial correction and new paragraphs (f) and (g) are added. Paragraph 14-40.003(3)(g), F.A.C., consists of the last two sentences of paragraph (e), which are deleted in (e) and added in the new (g).

SPECIFIC AUTHORITY: 334.044(2), 337.2505 FS.

LAW IMPLEMENTED: 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 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 I GENERAL PROVISIONS

14-40.003 Highway Landscape Projects.

(1) through (2)(g) No change.

(3) Approval Criteria.

(a) through (d) No change.

(e) An abutting private property owner is not required to comply with paragraph (3)(d) of this Rule and may apply for a permit to alter or install landscape materials on the Department’s non limited access right of way directly abutting the owner’s property between the right of way line and the nearest edge of pavement payment through submission of a Permit for Landscaping on State Road Right of Way, Form 850-060-03, Rev. 02/02, which is incorporated herein by reference and is available at any Department District Maintenance Office. Abutting private property owners must submit for approval a landscape plan, maintenance plan, and work zone traffic control plan. Approval will only be granted when it is determined that all plans meet the requirements of this Rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.

(f) Non-governmental entities or abutting private property owners seeking approval to install landscaping on the Turnpike right of way shall submit a completed Form 850-060-03 to the District Landscape Manager, Florida’s Turnpike Operations Center, P. O. Box 9828, Fort Lauderdale, Florida 33310, telephone (954)975-4855. The application must be accompanied by a landscape plan, maintenance plan, and work zone traffic control plan.

(g) Approval will only be granted when it is determined that all plans meet the requirements of this Rule. No permit will be issued to an abutting private property owner to provide visibility of such property through the cutting, trimming, or removal of trees, shrubs, or herbaceous plants.

(4) through (6) No change.

Specific Authority 334.044(2), 337.2505 FS. Law Implemented 334.044(25), 335.167, 337.2505, 337.405, 339.24, 339.2405, 479.106 FS. History–New 9-22-92, Amended 1-19-99, 4-2-02, \_\_\_\_\_.

**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 CORRECTIONS**

RULE TITLE: RULE NO.:

News Media Access to Inmates 33-104.203  
 under Sentence of Death

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the process for making requests for interviews, and the process for handling interview requests when an execution is stayed and then rescheduled.

SUBJECT AREA TO BE ADDRESSED: News media interviews with death row inmates.

SPECIFIC AUTHORITY: 922.11, 944.09 FS.

LAW IMPLEMENTED: 922.11, 944.23 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-104.203 News Media Access to Inmates Under Sentence of Death.

(1) Regularly scheduled news media interviews with inmates under sentence of death will be permitted each week on Tuesday, Wednesday, and Thursday, between the hours of 1:00 p.m. and 3:00 p.m., and will be contingent upon the consent of the inmate. If a state holiday falls on Tuesday, Wednesday, or Thursday, the warden may set interviews on another day during the week at his discretion. The warden may authorize additional visits if staff are available and the need exists. News media representatives who have made prior arrangements with the Office of Public Affairs ~~warden~~ may be allowed admittance to regularly scheduled news media interviews to the extent that accommodations are available and security risks are not created.

(2) through (4) No change.

(5) In the event of a stay of execution after interviews have taken place, additional group media and one-on-one interviews will not be permitted if the execution is rescheduled within two

weeks of the original execution date. An additional group media and one-on-one interview will be permitted if a new execution date is later than two weeks from the stayed date.

Specific Authority 922.11, 944.09, FS. Law Implemented 944.23, 922.11 FS. History—New 3-10-80, Formerly 33-15.03, 33-15.003, Amended \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: RULE NO.:

Inmate Discipline – Review and Final Action 33-601.309

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the warden's responsibility concerning review and remand of disciplinary reports for re-hearings, and to revise the history note to include references to additional sections that are implemented by the rule.

SUBJECT AREA TO BE ADDRESSED: Inmate Discipline.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.275, 944.28, 944.719, 945.04 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.309 Inmate Discipline – Review and Final Action.

(1) through (3) No change.

(4) The warden or regional director of institutions shall approve, modify downward or disapprove the recommended disciplinary action. The above mentioned or the deputy director of institutions (classification) is authorized to direct a rehearing of the disciplinary report as provided for in Rule 33-601.310, F.A.C. The review shall be limited to the matters contained in the disciplinary report. If new evidence or procedural error is discovered, the warden or regional director shall remand the disciplinary report to the hearing officer or disciplinary team for a rehearing as provided for in Rule 33-601.310, F.A.C. Review of each disciplinary report is the responsibility of the warden or regional director and cannot be delegated to other staff members.

(5) through (6) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.275, 944.28, 944.719, 945.04 FS. History—New 3-12-84, Formerly 33-22.09, Amended 12-30-86, 10-01-95, Formerly 33-22.009, Amended 5-21-00, 2-11-01, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Visiting – Forms  
 RULE NO.: 33-601.737

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to revise an incorporated form for consistency with rule provisions, and to reflect a change in office assignment.

SUBJECT AREA TO BE ADDRESSED: Inmate Visiting.

SPECIFIC AUTHORITY: 944.09, 944.115, 944.23 FS.

LAW IMPLEMENTED: 944.09, 944.115, 944.23, 944.8031 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.737 Visiting – Forms.

The following forms are hereby incorporated by reference. A copy of any of these forms is available from the Forms Control Administrator, Office of Research, Planning and Support Services ~~the General Counsel~~, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) through (3) No change.
- (4) DC6-111B, Visitor Information Summary, effective ~~11-18-01~~.
- (5) through (6) No change.

Specific Authority 944.09, 944.115, 944.23 FS. Law Implemented 944.09, 944.115, 944.23, 944.8031 FS. History–New 11-18-01, Amended 4-29-02, 9-29-03, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Consumptive Use of Water  
 RULE CHAPTER NO.: 40D-2

PURPOSE AND EFFECT: To develop rules to implement the regulatory portion of the Southern Water Use Caution Area minimum flows and levels which are being developed simultaneously with these rules.

SUBJECT AREA TO BE ADDRESSED: Implementation of the regulatory rules portion of the Southern Water Use Caution Area’s minimum flows and levels which are being developed simultaneously with these rules.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

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

TIME AND DATE: 1:30 p.m., January 19, 2005

PLACE: Southwest Florida Water Management District’s Bartow Service Office, 170 Century Blvd., Bartow, Florida

WHAT: Workshop to discuss water use permitting rules to implement the recovery strategy for minimum flows and levels for the Southern Water Use Caution Area.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, 1(800)231-6103 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE UPON REQUEST.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Consumptive Use of Water  
 RULE CHAPTER NO.: 40D-2

PURPOSE AND EFFECT: To establish a service area population estimation methodology for use by water supply utilities in the Southern Water Use Caution Area.

SUBJECT AREA TO BE ADDRESSED: The process and information sources to be used to estimate the permanent, seasonal, commuter, and tourist populations, as applicable, to develop the per capita water use for water supply utilities in the Southern Water Use Caution Area.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 Noon, January 12, 2005

PLACE: Southwest Florida Water Management District’s Sarasota Service Office, 6750 Fruitville Road, Sarasota, Florida 34240-9711

WHAT: Workshop regarding the service area population estimation methodology for the Southern Water Use Caution Area.

TIME AND DATE: 9:00 a.m. – 12:00 Noon, January 18, 2005

PLACE: Southwest Florida Water Management District’s Bartow Service Office, 170 Century Blvd., Bartow, Florida 33830-7700

WHAT: Workshop regarding the service area population estimation methodology for the Southern Water Use Caution Area.

ADDITIONAL INFORMATION: If you plan to attend, you are encouraged to contact the District to let staff know. If a large number of people attend, table work space for each participant, though not necessary but convenient, may not be available. You may contact the District in advance to check on the number of other participants and whether an additional workshop has been scheduled.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT IS: Jay W. Yingling, Senior Economist, Planning Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4406

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS AVAILABLE UPON REQUEST.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE CHAPTER TITLE: Recovery and Prevention Strategies for Minimum Flows and Levels  
 RULE CHAPTER NO.: 40D-80

PURPOSE AND EFFECT: To develop rules describing the recovery strategy for minimum flows and levels within the Southern Water Use Caution Area which minimum flows and levels are being developed simultaneously with these rules.

SUBJECT AREA TO BE ADDRESSED: The recovery strategy for minimum flows and levels for the Southern Water Use Caution Area.

SPECIFIC AUTHORITY: 373.044, 373.0361, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.0395, 373.042, 373.0421, 373.171 FS.

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

TIME AND DATE: 1:30 p.m., January 19, 2005  
 PLACE: Southwest Florida Water Management District, Bartow Service Office, 170 Century Blvd., West Wing Conference Room, Bartow, Florida

WHAT: Workshop to discuss recovery strategy for minimum flows and levels for the Southern Water Use Caution Area.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE UPON REQUEST.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER TITLE: Works of the District Basins  
 RULE CHAPTER NO.: 40E-61

PURPOSE AND EFFECT: To amend and update specific components of rule Chapter 40E-61, Florida Administrative Code, the Lake Okeechobee Works of the District to clarify the District’s statutory responsibilities in the administration of this program under the Lake Okeechobee Protection Act. Amendments to this rule will eliminate any duplication between the cooperating agencies and their responsibilities under the Lake Okeechobee Protection Act.

SUBJECT AREA TO BE ADDRESSED: To amend Part I, Chapter 40E-61, F.A.C., Lake Okeechobee Drainage Basin.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.016, 373.085, 373.086, 373.109, 373.451, 373.453, 373.4595 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Thursday, January 13, 2005

PLACE: South Florida Water Management District, Okeechobee Service Center, 205 North Parrott Avenue, Suite 201, Okeechobee, FL 34974, (561)686-8800, 1(800)432-2045

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Wednesday, January 19, 2005

PLACE: Highlands County Extension Office, 4509 George Blvd., Conference Rm. 2, Sebring, FL 33875, (561)686-8800, 1(800)432-2045

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Wednesday, February 9, 2005

PLACE: Hart Memorial Central Library (Kissimmee Library), Osceola Library System, 211 East Dakin Ave., Kissimmee, FL 34741

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Thursday, February 24, 2005

PLACE: South Florida Water Management District, Orlando Service Center, 1707 Orlando Central Parkway, Suite 200, Orlando, FL 32809, (561)686-8800, 1(800)432-2045

TIME AND DATE: 6:00 p.m. – 8:00 p.m., Thursday, March 3, 2005

PLACE: Beardsley Room (Behind John Boy Auditorium), 1200 South WC Owens Ave., Clewiston, FL 33440, (561)686-8800, 1(800)432-2045

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Wednesday, March 9, 2005

PLACE: Lakeport Community Center, 10245 Red Barn Road, N.W., Lakeport, FL 33471, (561)686-8800, 1(800)432-2045

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based.

Persons with disabilities or handicaps who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: For technical issues: Gary Ritter, 1(800)250-4200, Extension 3017, e-mail: gritter@sfwmd.gov; For procedural issues: Joyce Rader, Paralegal Specialist, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, Extension 6259, (561)682-6259, e-mail: jrader@sfwmd.gov

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

**DEPARTMENT OF MANAGEMENT SERVICES**

**State Technology Office**

RULE TITLE: Rural County Grants

RULE NO.: 60DD-1.002

PURPOSE AND EFFECT: The Board proposes development of this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Rural County Grants.

SPECIFIC AUTHORITY: 365.172(6)(a)12., 365.173(2)(c) FS.

LAW IMPLEMENTED: 365.173(2)(c) 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: John C.

Ford, Interim Executive Director, Wireless 911 Board, 4050 Esplanade Way, Building 4030, Ste. 430V, Tallahassee, Florida 32399-0950

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE TITLES: Definitions Foreign Degrees

RULE NOS.: 61G15-20.001 61G15-20.007

PURPOSE AND EFFECT: The purpose of the amendment to 20.001(2)(a) is to delete approval of certain engineering programs based on review of programs covered by the Washington Accord, which do not meet the standards of the Board’s rules. The purpose of the amendment to 20.007(2)(d) is to delete a requirement that is unnecessary for evaluation of foreign degree programs because all engineering programs utilize computer-based engineering. The purpose of the amendment to subsection 61G15-20.007(5), F.A.C., is to delete an exception to the requirement for credit hours in humanities and social sciences based on achieving a post-graduate degree because post-graduate degrees do not include credit hours in humanities and social sciences.

SUBJECT AREA TO BE ADDRESSED: Definitions and Foreign Degrees.

SPECIFIC AUTHORITY: 471.008, 471.013(1)(a) FS.

LAW IMPLEMENTED: 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:

61G15-20.001 Definitions.

As used hereinafter in this chapter the following words or phrases shall be defined as follows:

- (1) No change.
- (2) “Board approved engineering programs” shall mean:
  - (a) Engineering programs accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET), programs approved by ABET as substantially equivalent to EAC/ABET accredited programs in the United States, ~~including those~~

~~programs accredited by foreign boards that are signatories to the Washington Accord, approved by the Board of Professional Engineers as substantially equivalent to an EAC/ABET accredited engineering program pursuant to Rule 61G15-20.007, F.A.C., or~~

(b) through (c) No change.

Specific Authority 471.013(1)(a) FS. Law Implemented 471.013(1)(a) FS. History—New 1-8-80, Amended 4-15-80, 7-7-83, 9-13-83, Formerly 21H-20.01, Amended 4-20-86, 8-3-86, 5-20-92, 2-2-93, Formerly 21H-20.001, Amended 11-19-03,\_\_\_\_\_.

61G15-20.007 Foreign Degrees.

(1) No change.

(2) In order to document “substantial equivalency” to an ABET accredited engineering program, the applicant must demonstrate:

(a) through (c) No change.

(d) In addition, evidence of attainment of appropriate laboratory experience, ~~computer based skills with engineering applications~~, competency in English, and understanding of the ethical, social, economic and safety considerations of engineering practice must be presented. As for competency in English, transcripts of course work completed, course content syllabi, testimonials from employers, college level advanced placement tests, Test of English as a Foreign Language (TOEFL) scores of at least 550 in the paper-based version, or 213 in the computer-based version, will be accepted as satisfactory evidence.

(3) through (4) No change.

~~(5) Applicants who have completed a post baccalaureate engineering program from a school or college in the United States which has an ABET accredited engineering curriculum in that discipline at the baccalaureate level shall be deemed to have met the required hours in humanities and social sciences.~~

~~(5)(6)~~ Any applicant whose only educational deficiency under subsection (2) involves humanities and social sciences shall be entitled to receive conditional approval to take the Fundamentals examination. Such an applicant shall not become eligible for the Principles and Practice examination until satisfactory completion and documentation of the necessary hours in humanities and social sciences as provided in subsection (2), ~~or completion and documentation of a post baccalaureate degree in engineering as provided in subsection (6).~~

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04,\_\_\_\_\_.

**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 Chiropractic Medicine**

RULE TITLES: RULE NOS.:

Guidelines for the Disposition 64B2-16.003  
of Disciplinary Cases 64B2-16.0075

Citations 64B2-16.0075

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUBJECT AREA TO BE ADDRESSED: Guidelines for the Disposition of Disciplinary Cases and Citations.

SPECIFIC AUTHORITY: 456.072, 456.077, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.035, 456.072, 456.073, 456.079, 460.413(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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

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

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialists**

RULE TITLE: RULE NO.:

Citations 64B6-7.007

PURPOSE AND EFFECT: The Board proposes to revise some of the requirements which serve as the purpose of assessing a penalty for violations in an amount established by this rule.

SUBJECT AREA TO BE ADDRESSED: Assessing penalties for violations designated in this rule.

SPECIFIC AUTHORITY: 456.077, 484.044 FS.

LAW IMPLEMENTED: 456.077 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: Sue Foster, Executive Director, Board of Hearing Aid Specialists, MQA/ 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Mediation  
 RULE NO.: 64B8-8.015

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address those violations which are appropriate for mediation.

SUBJECT AREA TO BE ADDRESSED: Violations appropriate for mediation.

SPECIFIC AUTHORITY: 456.078 FS.

LAW IMPLEMENTED: 456.078 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: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-8.015 Mediation.

(1) For purposes of Section 456.078, F.S., the Board designates as being appropriate for mediation, ~~first-time~~ violations of the following provisions: ~~of Subsection 458.331(1)(o), F.S., that prohibits promoting or advertising on any prescription form of a community pharmacy unless the form shall also state "This prescription may be filled at any pharmacy of your choice."~~ However, such violations are appropriate for mediation only if there is no allegation of physical harm to a patient related to such violation.

(a) Failing to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint;

(b) Negligently failing to file a report or record required by state or federal law;

(c) Failing to comply with the requirements for profiling and credentialing.

(2) The above-outlined provisions shall qualify for mediation only when the violation can be remedied by the licensee, there is no allegation of intentional misconduct, no patient injury, and the allegations do not involve any "adverse incidents" as defined by Section 456.078(2), F.S.

(3) The Department shall, at the end of each calendar quarter, submit a report to the Board outlining the number of successful mediations, the violations, resolutions and the number of subjects who chose to follow the procedures of Section 456.078, F.S.

Specific Authority 456.078 455-078 FS. Law Implemented 456.078 455-078 FS. History--New 10-18-94, Formerly 59R-8.015, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE TITLE: Record Maintenance Systems  
 RULE NO.: 64B16-29.0041

for Animal Shelter Permits

PURPOSE AND EFFECT: The purpose of this rule is to set forth the record maintenance system criteria for animal shelter permits.

SUBJECT AREA TO BE ADDRESSED: Record Maintenance Systems for Animal Shelter Permits.

SPECIFIC AUTHORITY: 465.005, 465.022, 465.0155, 828.055 FS.

LAW IMPLEMENTED: 465.019, 465.022, 465.026 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL 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: Danna Droz, Executive Director, Florida Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-29.0041 Record Maintenance Systems for Animal Shelter Permits.

(1) General requirements for records maintained in an electronic system.

(a) If a permitted animal shelter's data processing system is not in compliance with the Board's data processing requirements, the facility must maintain a manual recordkeeping system meeting the requirements of paragraph (2)(b) of this section.

(b) Requirements for back-up systems. The facility shall maintain a back-up copy of information stored in the data processing system using disk, tape, or other electronic back-up and up-date this back-up copy on a regular basis, at least monthly, to assure that data is not lost due to system failure.

(c) Change or discontinuance of a data processing system.

1. Records of dispensed and returned medicinal drugs: a permitted animal shelter that changes or discontinues use of a data processing system must:

a. Transfer the records to the new data processing system;

or

b. Purge the records to a printout which contains the same information as required on the audit trail printout as specified in Rule 64B16-29.004, F.A.C.

2. Other records. A pharmacy that changes or discontinues use of a data processing system must:

a. Transfer the records to the new data processing system; or

b. Purge the records to a printout which contains all of the information required on the original document.

3. Maintenance of purged records. Information purged from a data processing system must be maintained by the pharmacy for two years from the date of initial entry into the data processing system.

(d) Loss of Data. The shelter manager for permitted animal shelters shall report to the Board in writing any significant loss of information from the data processing system within 10 days of discovery of the loss.

(2) The permitted animal shelter shall maintain a system(s) which can produce the information required in Rule 64B16-29.004, F.A.C., for the preceding two years. The information required in this paragraph shall be supplied by the permitted animal shelter within 7 working days if requested.

(3) Failure to maintain records. Failure to provide records set out in this subsection, either on site or within 7 working days for whatever reason, constitutes failure to keep and maintain records.

(4) Data processing system downtime. In the event that a permitted animal shelter which uses a data processing system experiences system downtime, the permitted animal shelter must have an auxiliary procedure which will ensure that all data is retained.

Specific Authority 465.005, 465.022, 465.0155, 828.055 FS. Law Implemented 465.022, 465.019, 465.026, 893.07, 828.055 FS. History—New

**FISH AND WILDLIFE CONSERVATION COMMISSION**

RULE CHAPTER TITLE: General Provisions

RULE TITLE: State Preemption of Power to Regulate

RULE NO.: 68-1.005

PURPOSE AND EFFECT: The purpose of this rule development effort is to include in a new rule the substance of Section 370.102, Florida Statutes, relating to the state’s preemption of the authority to regulate the taking of saltwater fish. This matter is within the constitutional authority of the Fish and Wildlife Conservation Commission. The effect of adopting this new rule will be to allow the repeal of the affected statute.

SUBJECT AREA TO BE ADDRESSED: State and local regulation of saltwater fishing.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68-1.005 State Preemption of Power to Regulate.

The power to regulate the taking or possession of marine life, as assigned to the Fish and Wildlife Conservation Commission by Article IV, Section 9 of the Florida Constitution, is expressly reserved to the Commission. This reservation does not prohibit a local government from prohibiting, for reasons of protecting the public health, safety, or welfare, saltwater fishing from real property owned by that local government.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Rules Relating to Freshwater Fish 68A-23

RULE TITLE: RULE NO.:

Sale and Transportation of Freshwater Fish 68A-23.009

PURPOSE AND EFFECT: The purpose of this rule development effort is to make technical changes to Fish and Wildlife Conservation Commission (Commission) rules relating to culture, transportation, and sale of freshwater game fish produced by registered aquaculturists. The effect will be to consolidate and simplify Commission rules and reduce duplication of regulatory roles between the Commission and the Department of Agriculture and Consumer Services.

SUBJECT AREA TO BE ADDRESSED: Sale and Transportation of Freshwater Fish.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting





(b) No person shall harvest in or from state waters, or possess while in or on state waters, any African pompano with a fork length less than 24 inches.

(c) All pompano, African pompano, and permit shall be landed in whole condition. The possession, while in or on state waters, on any public or private fishing pier, or on a bridge or catwalk attached to a bridge from which fishing is allowed, or on any jetty, of any such fish that have been deheaded, sliced, divided, filleted, ground, skinned, scaled, or deboned is prohibited. Mere evisceration or "gutting" of such fish, or mere removal of gills, before landing is not prohibited.

(2) Bag Limits –

(a) Except for persons harvesting pompano commercially pursuant to the limits established by Rule 68B-35.005, F.A.C., or permit pursuant to a valid saltwater products license with a restricted species endorsement, ~~persons harvesting pompano from federal EEZ waters pursuant to Rule 68B-35.005, F.A.C., or persons harvesting pompano as bycatch in a federal gill net fishery for other species pursuant to paragraph 68B-35.004(3)(b), F.A.C.,~~ no person shall harvest in or from state waters more than a total of 6 pompano or permit per day, in any combination of species, nor possess while in or on state waters more than 6 such fish. No more than one (1) of such pompano or permit may exceed 20 inches fork length. No more than two (2) permit or pompano in any combination exceeding 20 inches fork length shall be possessed onboard any vessel at any time.

(b) Each harvester of African pompano is subject to a bag limit of 2 African pompano per day; however, no more than 2 African pompano shall be possessed aboard any vessel while in or on state waters at any time.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-1-89, Amended 1-1-96, Formerly 46-35.003, Amended 11-1-01, 1-1-04, \_\_\_\_\_.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Law Enforcement**

RULE CHAPTER TITLE: Uniform Waterway Markers in Florida Waters  
RULE CHAPTER NO.: 68D-23

PURPOSE AND EFFECT: This rule chapter establishes uniform standards for waterway markers within Florida waters. The purposes of the proposed changes to rules within this chapter are to: (1) correct and update statutory cross-references that have been changed since the current rule was promulgated in 2001; (2) improve clarity and consistency of language and definitions; (3) remove or revise obsolete provisions and cross-references; and (4) respond to requests for revisions received from stakeholders and from other governmental entities. The anticipated effects include the relaxation of certain reporting requirements and other reductions to the regulatory burden on permittees where possible. Other

anticipated effects include the provision to applicants of greater flexibility in the size of and messages displayed on waterway regulatory and information markers.

SUBJECT AREA TO BE ADDRESSED: Permitting procedures and requirements for uniform waterway markers established and maintained in Florida waters.

SPECIFIC AUTHORITY: 327.40, 327.41 FS.

LAW IMPLEMENTED: 327.40, 327.41 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: Captain Alan S. Richard, Assistant General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, FL 32399-1600

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

**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 in rule the description of the Division's fellowship grant program and its specific eligibility and evaluation criteria. Effected persons would be individual artists applying to the fellowship program.

SUMMARY: The rule reflects a change in the fellowship grant program description. It removes honorable mention as a non-cash award option and changes language in the amount of the fellowship award from \$5,000 to not to exceed \$5,000.

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 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.