

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Aquaculture**

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code  
 RULE CHAPTER NO.: 5L-1

RULE TITLE: Shellfish Harvesting Area Standards  
 RULE NO.: 5L-1.003

PURPOSE AND EFFECT: This amendment proposes to change the seasons for the summer and winter shellfish harvesting areas of Apalachicola Bay, Franklin County, and amend the Indian Lagoon shellfish harvesting area, Gulf County. This amendment further proposes to reclassify shellfish harvesting area #1632 of Apalachicola Bay also known as Big Bayou.

SUBJECT AREA TO BE ADDRESSED: The proposed change of Apalachicola Bay and Indian Lagoon shellfish harvesting areas and area #1632 is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

TIME AND DATE: 5:00 p.m. – 7:00 p.m., Monday, April 25, 2005

PLACE: Department of Environmental Protection, Robert Howell Building, Estuarine Research Reserve, 261 7th Street, Apalachicola, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

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.”

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Correctional Probation Officers Carrying Firearms  
 RULE NO.: 33-302.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify requirements for carrying firearms and reloading devices, update training and qualification requirements, and delete unnecessary and obsolete language.

SUBJECT AREA TO BE ADDRESSED: Correctional Probation Officers carrying firearms on duty.

SPECIFIC AUTHORITY: 20.315, 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 790.06, 944.09 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:

33-302.104 Correctional Probation Officers Carrying Firearms.

- (1) No change.
- (2) Definitions.

(a) “Field supervision and investigation” refers to means that professional activity performed by correctional probation officers, supervisors and administrators which involves a personal presence in the community during which personal contact is made or is attempted with offenders and citizens regarding official agency matters in accordance with their responsibilities pursuant to Section 943.10(3), F.S.

(b) “Correctional probation officer” refers to means a person who is employed full time by the Department of Corrections whose primary responsibility is the supervised custody, surveillance, and control of assigned offenders and includes supervisory personnel whose duties include the supervision, training and guidance of correctional probation officers. This term does not include personnel above the level of regional director of community corrections ~~probation and parole~~.

(c) “Weapon Firearm card” refers to means the document issued by the department pursuant to this rule to a correctional probation officer who has been authorized by the department to carry a firearm while on duty.

(d) Reviewing authority, for the purpose of this rule, refers to staff who are authorized to review and approve requests to carry firearms, issue weapon firearm cards, maintain lists of

staff under their supervision who have been authorized to carry a firearm, and permanently remove or temporarily suspend authorization for staff to carry a firearm.

~~1. Circuit Administrators are the reviewing authority for Correctional Probation Officers up to the level of Deputy Circuit Administrator.~~

~~2. Regional Directors of probation and parole are the reviewing authority for Circuit Administrators and Deputy Regional Directors of probation and parole.~~

~~3. The Director of Community Operations or the Assistant Secretary for probation and parole is the reviewing authority for the Regional Directors of probation and parole.~~

(3) Authorization Procedures.

(a) In addition to the requirements of this rule, correctional probation officers who elect to carry firearms shall also be required to comply with Chapter Rule 33-209-103, F.A.C.

(b) Any correctional probation officer who elects to carry a firearm while on duty shall obtain authorization through the circuit administrator. Any circuit administrator or deputy regional director of community corrections probation and parole who elects to carry a firearm while on duty shall obtain authorization from the regional director of community corrections probation and parole. A regional director of community corrections probation and parole who elects to carry a firearm while on duty shall obtain authorization from the Assistant Secretary of Community Corrections director of community operations. A Deputy Assistant Secretary of Community Corrections who elects to carry a firearm while on duty shall obtain authorization from the Assistant Secretary of Community Corrections. The written request shall contain documentation that the individual has complied with the required training and qualification requirements provided in Chapter 33-209, F.A.C set forth in paragraph (e) below.

(c) Correctional probation officers who elect to carry firearms while on duty shall complete training and qualification requirements pursuant to Rule 33-209.103, F.A.C. Correctional probation officers shall not be allowed to carry a firearm on duty until firearms qualification is successfully completed and a weapon the firearm card has been issued. Initial qualification, annual re-qualification and training shall be completed using the specific weapon that the officer will be using on duty and any type of ammunition approved by the local training center. Documentation of the model, make, and serial number of the weapon used, proof of ownership, and firearm inspection by a certified gunsmith or law enforcement armorer shall be submitted along with the documentation of training and qualification in the request for authority to carry the firearm. Correctional probation officers shall not be authorized to carry more than one firearm at a time. This approved single weapon shall be the only weapon authorized to be carried by the correctional probation officer until the annual qualification or transition training has been completed with a different weapon.

(d) If an officer temporarily or permanently replaces the firearm used for qualification, before carrying the weapon on duty the officer shall notify the department of the replacement and provide the model, make and serial number of the replacement firearm and proof of ownership and inspection to the reviewing authority. If the officer chooses to replace a revolver with a 9 millimeter semi-automatic firearm, the officer shall complete the department-approved semi-automatic firearm 9mm transition course. The officer shall ~~re-qualify~~ with the replacement weapon and provide proof of ownership and inspection to the reviewing authority. ~~Correctional probation officers shall not be authorized to carry more than one firearm at a time.~~

(e) Prior to approving a request to carry a firearm, the reviewing authority shall review the request, the documentation of training and qualification pursuant to Chapter Rule 33-209-103, F.A.C., and shall complete a Florida Crime Information Center/National Crime Information Center (FCIC/NCIC) check on the firearm by serial number, and an FCIC/NCIC check on the applicant. Upon approval, the reviewing authority shall issue a weapon firearm card which establishes that the officer has been authorized to carry a specific firearm while on duty.

(f) The weapon firearm card shall expire twelve months after the date of the initial qualification the following year, on the last day of the month the firearms card was issued unless written documentation of annual re-qualification is submitted to the authorizing entity prior to the expiration of the weapon firearms card. The officer shall be required to successfully re-qualify within twelve months after the date of the initial qualification and every twelve months each year thereafter pursuant to Chapter Rule 33-209-103, F.A.C., and this rule in order to remain qualified to carry a firearm.

(g) Annual Re-qualification must occur prior to the employee's weapon firearm card expiration month date. The new weapon firearm card will be issued effective the date of the annual re-qualification. If the employee is unable to attend annual qualification training due to circumstances beyond the employee's control, the employee may, if approved by the reviewing authority, qualify with the weapon without being required to re-attend initial qualification training. The firearm card will expire the following year, on the last day of the month the firearms card was issued.

(h) The reviewing authority shall immediately suspend authorization to carry a firearm, except for firearm training purposes, and shall secure the weapon firearm card from any officer who has failed to re-qualify as of the card expiration month date. Suspension of the weapon card removes the officer's authority to carry a firearm while on duty. A correctional probation officer who attempts to re-qualify and fails shall be provided the opportunity to participate in remedial firearm training as specified in Chapter 33-209, F.A.C., at a time approved by the reviewing authority.

(i) No change.

(4) Carrying a Firearm While on Duty.

(a) Officers who elect to carry a firearm and who receive Department authorization to carry a firearm, are authorized to carry [The firearm, in accordance with Department standards, shall be carried by the officer only while on duty conducting field supervision and investigation. The firearm shall be carried in a holster about the waist or under the shoulder. All holsters that secure the firearm about the waist or under the shoulder shall be of a type which secures the firearm with a thumb break retainer. Only the authorized firearm may be carried.

(b) No change.

(c) Each probation office shall have a designated secure space containing a secure locker for storage of firearms, ~~ammunition, and reloading devices~~. Officers shall place their ~~holstered~~ firearms in the secure locker immediately upon entering the office. The firearm shall be removed from the locker at the conclusion of the duty day. No firearm shall be left in the probation office overnight.

(d) Any officer authorized to carry a firearm while on duty shall carry a Department of Corrections identification card and ~~weapon firearm authorization~~ card while carrying the firearm on duty. If the officer is carrying a firearm on duty, he or she shall display the Department of Corrections issued badge in plain view.

(5) No change.

(6) Firearm Type and Ammunition.

(a) ~~Correctional probation officers are authorized to carry a firearm shall only department approved firearms, ammunition and reloading devices be authorized to carry a five or six shot revolver of .38 or .357 caliber with a barrel length not to exceed four inches, or a 9 millimeter semi-automatic pistol, with the exception of weapons specified in Federal Firearms Regulations, 921(a)(30), as semi-automatic assault weapons.~~

(b) Each c[orrectional probation officers who completes initial or annual qualification shall be issued one box of duty ammunition to be used in his or her weapon of choice while on duty. This ammunition will be utilized by the officer in the following year's qualification. A correctional probation officer who elects to no longer carry a weapon, changes the type of weapon, or is no longer employed by the department shall immediately return department issued ammunition shall only be authorized to carry ammunition approved by the department for each respective weapon. All ammunition used for training, qualification, or re-qualification, must be approved by the range facility for use.

(c) Correctional probation officers are authorized to carry no more than two department approved reloading devices while carrying a firearm. ~~These reloading devices and all accompanying ammunition shall be stored in the same secure~~

~~locker as the officer's firearm immediately upon entering the office. Only that ammunition stored in a firearm or reloading device may be brought into an office.~~

(7) through (8) No change.

(9) Removal of Authorization to Carry a Firearm.

(a) The reviewing authority shall ~~permanently remove or temporarily~~ suspend the authorization to carry a firearm for a correctional probation officer if:

1. The correctional probation officer has exhibited behavior that indicates that the carrying of a firearm by this officer could present a threat to the security of other staff, offenders, or the general public, or the correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm safely;

2. The correctional probation officer has demonstrated an inability to properly care, maintain, handle or secure the firearm;

3. The correctional probation officer is found to have been negligent by failure to comply with those standards and procedures provided in the training required by Chapter 33-209, F.A.C., or and the standards set forth in this rule in the case of loss or theft of the firearm while on duty shall have the authorization to carry the firearm removed and shall be subject to disciplinary action in accordance with Chapter 33-208, F.A.C.

4. The correctional probation officer fails to complete annual re-qualification, ~~or~~

~~5. The correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm or other weapon safely.~~

(10) Care and Maintenance of Firearm.

(a) through (b) No change.

(c) If an officer finds that his or her firearm needs repair, it shall not be carried on duty or used for any reason. The officer shall advise his or her immediate supervisor of its condition and shall make arrangements to have it repaired.

(d) through (e) No change.

(11) No change.

Specific Authority 20.315, 790.06, 944.09 FS. Law Implemented 20.315, 790.06, 944.09 FS. History—New 5-28-86, Amended 7-7-92, 12-20-92, 3-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, 12-5-01, 8-13-03, 6-24-04, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Ambulatory Surgical Center Services  
 RULE NO.: 59G-4.020  
 PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference update January 2005 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook. The handbook update

contains the 2005 procedure codes and payment groups. The effect will be to incorporate in the rule update January 2005 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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., Monday, April 25, 2005

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Melissa Vergeson, Medical Health Care Program Analyst, Bureau of Medicaid Services, 2728 Fort Knox Boulevard, Building 3, Tallahassee, Florida 32308, (850)922-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

(2) All ambulatory surgical center providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook, January 2004, updated January 2005, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, 1-10-05, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Hospice Services

RULE NO.: 59G-4.140

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference update January 2005 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The handbook update includes a reference to the nursing facility bed hold policy and the January 2005 fee schedule for direct care services provided by physicians. The effect will be to incorporate by reference update January 2005 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Hospice Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

TIME AND DATE: 2:00 p.m., Monday, April 25, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Conference Room D, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Claudia Treadwell, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)410-1677

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.140 Hospice Services.

(1) No change.

(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, updated January 2005, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB 92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 1-1-87, Amended 10-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99, 8-4-04, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Physician Services

RULE NO.: 59G-4.230

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference update January 2005-2, to the Florida Medicaid Physician Services Coverage and Limitation Handbook. The handbook update contains the requirement that a physician must submit a Validation of the Physician Specialty Training form with the Medicaid fiscal agent in order to obtain a physician specialty code designation on the physician provider file. The update also contains revised critical care policies. The effect will be to incorporate by reference update January 2005-2, to the Florida Medicaid Physician Services Coverage and Limitation Handbook.

SUBJECT AREA TO BE ADDRESSED: Physician Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

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

TIME AND DATE: 9:00 a.m., Monday, April 25, 2005  
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Mail Stop 20, Conference Room D, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eleanor Cofer, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7331

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.230 Physician Services.

(1) No change.

(2) All physician services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Physician Services Coverage and Limitations Handbook, January 2004, updated January 2005-1, and January 2005-2, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) To obtain a physician specialty code designation on the physician provider file with the Medicaid fiscal agent, the physician must submit a Validation of Physician Specialty Training form, which is included in the Medicaid Provider Enrollment Application, AHCA Form 2200-0003 (December 2004), which is incorporated by reference in Rule 59G-5.010, F.A.C. The Medicaid Provider Enrollment Application is available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History--New 1-1-77, Revised 2-1-78, 4-1-78, 1-2-79, 1-1-80, Amended 2-8-82, 3-11-84, Formerly 10C-7.38, Amended 1-10-91, 11-5-92, 1-7-93, Formerly 10C-7.038, Amended 6-29-93, 9-6-93, Formerly 10P-4.230, Amended 6-13-94, 2-9-95, 3-10-96, 5-28-96, 3-18-98, 9-22-98, 8-25-99, 4-23-00, 8-5-01, 2-20-03, 8-5-03, 6-27-04, 8-3-04, \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE TITLES:	RULE NOS.:
Certification of Swimming Pool Structural Specialty Contractors	61G4-15.032
Certification of Swimming Pool Trim, Deck and Piping Specialty Contractors	61G4-15.033
Certification of Swimming Pool Finishes Specialty Contractors	61G4-15.034

PURPOSE AND EFFECT: The Board proposes the development of rules to address swimming pool specialty contractors.

SUBJECT AREA TO BE ADDRESSED: The Board propose new rules to address certification for swimming pool specialty contractors.

SPECIFIC AUTHORITY: 455.217, 489.108, 489.115(4), 489.113(6) FS.

LAW IMPLEMENTED: 455.217, 489.108, 489.115(4), 489.113(6) 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: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G4-15.032 Certification of Swimming Pool Structural Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of swimming pool structural specialty contractors for any residential and commercial swimming pool, spa or hot tub.

(2) Definition.

(a) A "Swimming Pool Structural Specialty Contractor" is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the layout, excavation, construction, installation and backfill of pool, spa or hot tub shells.

(b) The scope of work shall include and be limited to the layout, clearing of land of surface debris and vegetation; general leveling and grading of the site; the excavation and removal of excavated materials; the shaping and contouring of the excavation; construction and erection of concrete forms; the fabrication, placing and tying of steel reinforcing bars of any profile, perimeter, or cross-section which is used, intended or designed to be used to reinforce concrete, gunite, shotcrete or similar material in a pool or spa; shaping and shooting of gunite, shotcrete, concrete or similar product mix over the structural steel cage of the pool or spa; installation of prefabricated pool, spa or hot tub shells; operating of construction pumps for dewatering purposes. Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

(3) Certificate Procedures.

(a) Qualifications.

1. Any person who desires to become a swimming pool structural specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing and on a form provided by the Department.

2. A person shall be certified as a swimming pool structural specialty contractor if said person:

a. Is eighteen (18) years of age;

b. Is of good moral character;

c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c), F.S.; and

d. Takes and successfully completes the examination for certification as a swimming pool structural specialty contractor.

(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified swimming pool structural specialty contractors shall be the same as those provided for the certification of other contractors as set forth in Sections 489.109, 489.111(3), 489.113, F.S., and Rules 61G4-12.009 and 61G4-15.005, F.A.C. Applicants must also submit evidence of having met the requirements of paragraphs 61G4-15.003(2)(i) and 61G4-15.005(3)(a), F.A.C., for this specialty.

Specific Authority 455.217, 489.108, 489.115(4), 489.113(6) FS. Law Implemented 455.217, 489.108, 489.115(4), 489.113(6) FS. History—New

61G4-15.033 Certification of Swimming Pool Trim, Deck and Piping Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of swimming pool trim, deck and piping specialty contractors for any residential and commercial swimming pool, spa or hot tub.

(2) Definition.

(a) A “Swimming Pool Trim, Deck and Piping Specialty Contractor” is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the piping, placing of the deck and trim work for a pool, spa or hot tub.

(b) The scope of work shall include the design, layout and installation of ceramic tile and similar materials, and coping and other headpiece treatments used on pools, spas and hot tubs. This work includes decking, patios, aprons, walks, and ramps abutting or near pools, spas and hot tubs, including walls, fences and retaining walls. This work also includes the layout and installation of all perimeter, circulation and filter piping, and associated equipment, filters, chemical feeders, heaters and cleaners including controllers and valving. The scope of work does not include direct connections to a sanitary sewer system, potable water lines, electrical supply. Nothing in

this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

(3) Certificate Procedures.

(a) Qualifications.

1. Any person who desires to become a swimming pool trim, deck and piping specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing and on a form provided by the Department.

2. A person shall be certified as a swimming pool trim, deck and piping specialty contractor if said person:

a. Is eighteen (18) years of age;

b. Is of good moral character;

c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c), F.S.; and

d. Takes and successfully completes the examination for certification as a swimming pool trim, deck and piping specialty contractor.

(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified swimming pool trim, deck and piping specialty contractors shall be the same as those provided for the certification of other contractors as set forth in Sections 489.109, 489.111(3), 489.113, F.S., and Rules 61G4-12.009 and 61G4-15.005, F.A.C. Applicants must also submit evidence of having met the requirements of paragraphs 61G4-15.003(2)(i) and 61G4-15.005(3)(a), F.A.C., for this specialty.

Specific Authority 455.217, 489.108, 489.115(4), 489.113(6) FS. Law Implemented 455.217, 489.108, 489.115(4), 489.113(6) FS. History—New

61G4-15.034 Certification of Swimming Pool Finishes Specialty Contractors.

(1) Scope of Rule. The purpose of this rule is to provide for the voluntary certification of swimming pool finishes specialty contractors for any residential and commercial swimming pool, spa or hot tub.

(2) Definition.

(a) A “Swimming Pool Finishes Specialty Contractor” is a contractor whose services are limited to the execution of contracts requiring the experience, knowledge and skill necessary for the coating or plastering of a pool, spa or hot tub interior surfaces.

(b) The scope of work shall include and be limited to the coating or plastering of the interior surfaces of a pool, spa or hot tub with materials such as marcite, water type plaster, fiberglass or other similar use products designed to create a permanent surface coating. Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

(3) Certificate Procedures.

(a) Qualifications.

1. Any person who desires to become a swimming pool finishes specialty contractor shall apply to the Construction Industry Licensing Board of the Department of Business and Professional Regulation in writing and on a form provided by the Department.

2. A person shall be certified as a swimming pool finishes specialty contractor if said person:

a. Is eighteen (18) years of age;

b. Is of good moral character;

c. Meets eligibility requirements according to one of the criteria established in Section 489.111(2)(c), F.S.; and

d. Takes and successfully completes the examination for certification as a swimming pool finishes specialty contractor.

(b) Other Certification Procedures and Fees. Other certification procedures and fees for certified swimming pool finishes specialty contractors shall be the same as those provided for the certification of other contractors as set forth in Sections 489.109, 489.111(3), 489.113, F.S., and Rules 61G4-12.009 and 61G4-15.005, F.A.C. Applicants must also submit evidence of having met the requirements of paragraphs 61G4-15.003(2)(i) and 61G4-15.005(3)(a), F.A.C., for this specialty.

Specific Authority 455.217, 489.108, 489.115(4), 489.113(6) F.S. Law Implemented 455.217, 489.108, 489.115(4), 489.113(6) F.S. History—New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Annual Assessment on Gross Florida Payroll

RULE NO.: 61G7-5.002

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

SUBJECT AREA TO BE ADDRESSED: Annual Assessment on Gross Florida Payroll.

SPECIFIC AUTHORITY: 468.522 FS.

LAW IMPLEMENTED: 468.526 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: John Knap, Executive Director, Employee Leasing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G7-5.002 Annual Assessment on Gross Florida Payroll.

(1) No change.

~~(2) In order to ensure compliance with the requirements of subsection (1), each employee leasing company or employee leasing company group shall annually submit a statement of total gross Florida payroll along with copies of all Florida Unemployment Compensation Tax returns (UCT-6) for the preceding calendar year and payment of the assessment levied under subsection (1). Every employee leasing company shall submit the statement of total gross Florida payroll and copies of all Florida Unemployment Compensation Tax returns (UCT-6) on or before April 1 of every year. Total gross Florida payroll shall be subject to independent verification by the Board with the Agency for Workforce Innovation, Division of Unemployment and shall also be subject to audit by the Board.~~

(3) through (4) renumbered (2) through (3) No change.

Specific Authority 468.522 FS. Law Implemented 468.526 FS. History—New 7-15-92, Formerly 21EE-5.002, Amended 4-25-94, 6-10-96, 6-22-98, 7-11-00, 9-5-04, 3-27-05.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE TITLE: Disciplinary Guidelines

RULE NO.: 61G7-7.001

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

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 468.522 FS.

LAW IMPLEMENTED: 468.531, 468.532, 455.227 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 Knap, Executive Director, Employee Leasing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLES: Continuing Professional Education

RULE NOS.: 61H1-33.003

CPA Ethics Courses – Standards for

Approval of Courses

61H1-33.00342

PURPOSE AND EFFECT: The Board is amending or promulgating the above rules pursuant to Section 473.312(1), F.S., to set out requirements and standards of approval for the ethics courses to be offered by the continuing education providers.

SUBJECT AREA TO BE ADDRESSED: Obligations of CPA Ethics Course Continuing Education Providers; and CPA Ethics Course – Standards for Approval of Courses.

SPECIFIC AUTHORITY: 120.55(1)(a)4., 455.2177, 455.2178, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.2177, 455.2178, 455.2179, 473.312(1)(a),(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 IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61H1-33.003 Continuing Professional Education.

(1)(a) In any given reestablishment period, each certified public accountant must have completed at any time or times during the two-year period, at least 80 hours of educational instruction or training in public accounting subjects or courses of study, as defined hereinafter, of which at least 20 hours must have been in accounting-related and/or auditing-related subjects and of which no more than 20 hours may be in behavioral subjects and at least four hours shall be in ethics beginning with the reestablishment period ending June 30, 2006.

(b) No change.

(2) through (3)(b)4. No change.

(c) The ethics courses shall consist of:

1. A review of Chapters 455 and 473, F.S., and the related administrative rules.

2. The ethics course may include other subjects including but not limited to: ethical conduct, core values and competencies, professional responsibility, responsibility to clients and the public, case studies that require the application of ethics principles, national professional standards and interpretations, and appropriate national issues related to the practice of accounting;

(d)(e) No change.

(4) through (7) No change.

Specific Authority 120.55(1)(a)4., ~~455.2177, 455.7178, 455.2179, 473.304, 473.312~~ FS. Law Implemented ~~455.2177, 455.2178, 455.2179, 473.312(1)(a),(c)~~ FS. History–New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01,

61H1-33.00342 CPA Ethics Courses – Standards for Approval of Courses.

(1) In order to meet the requirements of paragraph 61H1-33.0032(3)(b), F.A.C., each approved CPA Ethics Course Provider shall submit a syllabus of each ethics course for which it seeks Board approval. The syllabus shall include a description of the manner by which the course (including its various components) meets the requirements of this Rule.

(2) The syllabus of the course shall include the following:

(a) A description of each subject to be covered during the presentation of the course with the estimated time to be spent addressing each subject, the individual(s) who will be responsible for presenting each subject, a listing of the sources (through a bibliography or notes) from which the course material addressing each subject is drawn, and any tests, quizzes or exercises provided during the offering of the course;

(b) The manner in which the course complies with the requirements of Section 473.312(1)(c), F.S. In order to meet this requirement the course shall be limited to addressing the ethical and professional responsibilities of CPA's with emphasis on ethical conduct, core values and competencies, professional responsibility, responsibility to clients and the public, case studies that require the application of ethics principles, national professional standard and interpretations, and appropriate national issues related to the practice of accounting. Practice-oriented programs are preferred insofar as such programs involve the CPA in the process of the practice of public accountancy. Courses should be structured to confront the question, "How will you handle this situation when it occurs in your practice?"

(c) The course shall include a review of Chapters 455 and 473, F.S., and the related administrative rules;

(3) A provider may meet the requirements set forth herein through various generally accepted methodologies. Thus, lectures, case studies, discussion groups, interactive studies and other recognized methods may be utilized. Additionally, providers may target specific areas of CPA practice in each course submitted for approval. A provider may offer a course module which, for example, addresses CPA ethics and professionalism in Tax Practice or Managerial Accounting as well as other areas of practice.

(4) Upon receipt of the syllabus required in subsection 61H1-33.0342(2), F.A.C., the Board will review the course to determine whether it complies with this Rule, the provisions of Section 473.312(1), F.S., and the CPA Ethics Provider Rules set forth in Chapter 61H1-33, F.A.C. If the Board rejects a course in whole or in part, a provider will be offered the option of modifying the course or withdrawing the course and resubmitting the course for approval. However, all courses submitted for approval must be submitted at least sixty days (60) prior to either the ending of the provider’s approval as a CPA Ethics Course Provider as set forth in Rule 61H1-33.00341, F.A.C., or when the course will be taught-whichever occurs earlier.

Specific Authority 120.55(1)(a)4, 455.2177, 455.7178, 455.2179, 473.304, 473.312 FS. Law Implemented 455.2177, 455.2178, 455.2179, 473.312(1)(a),(c) FS. History—New \_\_\_\_\_.

**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 Acupuncture**

RULE TITLE: Probable Cause Determination  
 RULE NO.: 64B1-9.004

PURPOSE AND EFFECT: The purpose and effect is to remove some unnecessary provisions ,specify the membership of the panel and to specify who is empowered to convene a probable cause panel meeting.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Determination.

SPECIFIC AUTHORITY: 456.073(4) FS.

LAW IMPLEMENTED: 456.073(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: Pamela King, Jr., Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: List of Approved Forms; Incorporation  
 RULE NO.: 64B8-1.007

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the revised Physician Assistant Licensure Application into the rule.

SUBJECT AREA TO BE ADDRESSED: Revised form for incorporation by reference.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(4),(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.312, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (27) No change.

(28) DH-MQA 2000, entitled “Application for Licensure as a Physician Assistant,” (3/05) ~~(3/02)~~.

(29) through (31) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(4),(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.312, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History—New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, \_\_\_\_\_.





**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses  
 RULE NO.: 64B32-6.004

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

SUBJECT AREA TO BE ADDRESSED: Procedures for Approval of Attendance at Continuing Education Courses.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Provider Approval and Renewal Procedures  
 RULE NO.: 64B32-6.005

PURPOSE AND EFFECT: The Board proposes to address the existing substantive language in subsections (8) and (9).

SUBJECT AREA TO BE ADDRESSED: Provider Approval and Renewal Procedures.

SPECIFIC AUTHORITY: 456.025(4), 468.361(3) FS.

LAW IMPLEMENTED: 456.025(7), 468.361(3) FS.

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

TIME AND DATE: 9:00 a.m. or as soon thereafter as it can be heard, April 22, 2005

PLACE: The Renaissance Hotel, 1617 South East 17th Street, Ft. Lauderdale, FL 33316

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3259

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

**DEPARTMENT OF FINANCIAL SERVICES**

**OIR Insurance Regulation**

RULE TITLE: Premium Schedule Applicable to "Truth in Lending" and Other Endorsements  
 RULE NO.: 69O-186.005

PURPOSE AND EFFECT: The purpose is to clarify the rule. This will make the rule easier to understand and more effective for the industry.

SUBJECT AREA TO BE ADDRESSED: Title Insurance.

SPECIFIC AUTHORITY: 624.308, 627.777, 627.782 FS.

LAW IMPLEMENTED: 624.307(1), 627.777, 627.782, 697.04(1) FS.

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

TIME AND DATE: 9:30 a.m., April 29, 2005

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anne Ivory, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: Anne.Ivory@fldfs.com

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