

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., March 22, 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: Frank Dino, Bureau of Life and Health Forms and Rates, Office of Insurance Regulation, e-mail frank.dino@fldfs.com

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

TIME AND DATE: 9:00 a.m., Monday, March 14, 2005  
 PLACE: Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meeting. Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by March 7, 2005, if you need an accommodation. Accommodations can be arranged through Dana DeMartino, ADA Coordinator for the Division of Cultural Affairs, (850)245-6477, Fax (850)245-6492, e-mail: ddemartino@dos.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Morgan Barr, Division of Cultural Affairs, 1001 DeSoto Park Drive, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

## 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 for the Division's programs that foster the development of individual artists.

SUMMARY: The proposed rule describes the eligibility requirements and panel review procedures for the Individual Artist Fellowship Program and Artist Enhancement Grant 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 THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

IT-1.001 Division of Cultural Affairs.  
 (1) through (17) No change.

(18) Programs for Individual Artists. The purpose of this program area is to foster the development of individual artists. There are two funding categories as outlined below:

(a) Individual Artist Fellowship Program. This program is designed to recognize the creation of new artworks by individuals of exceptional talent and demonstrated ability. Fellowship awards support the general artistic and career advancement of the individual artist.

1. To be eligible for a fellowship, an applicant must: be a legal resident of Florida, as defined by Section 196.015, Florida Statutes, or Section 22.17, Florida Statutes, and agree to maintain Florida residency for the duration of the fellowship period; be at least 18 years of age; not be enrolled in any undergraduate or graduate degree-seeking program during the fellowship period; have not received a fellowship award during the five-year period preceding the new award period; and not serve as a grant review panelist if he/she has an application before the same discipline panel.

2. Eligible applicants must submit a completed Fellowship application form (CA2E012, eff. 8/02, incorporated by reference and available from the Division, 1001 DeSoto Park Drive, Tallahassee, Florida 32301); with all required samples of work in the discipline appropriate formats described in the program guidelines, on or before the announced postmark deadline. Samples of work must be original and authentic representations of the applicant's work.

3. The panel reviews for the disciplines of dance, interdisciplinary, media arts, and folk arts are based on a combined rating of the following criteria: the quality and consistency in the body of work, as evidenced by each

applicant’s submission samples, professional achievements, reputation, and peer support and respect as evidenced through the application form and support materials. Folk art applicants are also evaluated on the “traditionality” of the art form.

4. Samples of work submitted by applicants in the visual arts and crafts, music, literature, and theatre categories are initially evaluated through a blind review process, which means that examples of the applicant’s work are presented to the panelists without revealing the applicant’s identity.

5. During the first phase of all panel reviews the applications are rated on a scale of one (1) to ten (10). Only applications ranked eight (8) or higher are eligible for fellowship awards during the second phase of review.

6. Fellowship awards are made based on the panel’s recommendations. Funds are available through a grant agreement on a non-matching basis.

(b) Artist Enhancement Grants. This program is designed to assist practicing, professional and emerging artists residing in Florida. This program provides support for artists to take advantage of specific, professional development, skill-building opportunities, or equipment purchases of significance to adnce their work and careers.

1. To be eligible for an Artist Enhancement Grant, an applicant must: be a legal resident of Florida as defined by Section 196.015, Florida Statutes or Section 22.17, Florida Statutes, and agree to maintain Florida residency for the duration of the grant period; be at least 18 years of age; not be a non-professional student enrolled in any undergraduate or graduate degree-seeking program during the grant period; and not serve as a grant review panelist if he/she has an application before the same panel.

2. Eligible applicants must submit a completed Artist Enhancement Application (CA2E105, eff. 4/05, which is hereby incorporated by reference and available from the Division, 1001 DeSoto Park Drive, Tallahassee, Florida 32301); with all required support material as described in the program guidelines, on or before the announced postmark deadline.

3. The panel review is based on a combined rating of the following criteria: professional growth/career advancement, as evidenced by experience that made a significant contribution to the applicant’s professional growth and/or career advancement; professional commitment to the art form, as evidenced through documentation, including but not limited to the applicant’s resume, newspaper articles and exhibition catalogs; and planning/confirmation as evidenced by advanced planning for the proposed activity, and invitation or registration for the activity, and/or appropriate budget and timeline for the activity.

4. During the first phase of the panel review the applications are rated on a scale of (one) 1 to 10 (ten). Only applications ranked (eight) 8 or higher are eligible for artist enhancement grants during the second phase of review.

5. Artist Enhancement grants are awarded based on the panel’s recommendations. Each application recommended will be funded at full request. Funds are available through a grant agreement on a non-matching basis.

(18) through (20) renumbered (19) through (21) No change.

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. History–New 11-23-82, Formerly 11-1.01, Amended 10-1-96, 2-2-97, 6-2-97, 7-17-97, 9-10-97, 1-4-98, 7-26-98, 8-2-98, 10-5-98, 10-25-98, 8-17-99, 8-1-02, 12-29-02, 10-14-03(17), 10-14-03(20), 11-16-03, 2-5-05.

NAME OF PERSON ORIGINATING PROPOSED RULE: Morgan Barr, Division of Cultural Affairs

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Downey, Director, Division of Cultural Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 30, 2004

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER TITLE: Florida Building Commission –

RULE CHAPTER NO.:

Operational Procedures

9B-3

RULE TITLES:

RULE NOS.:

State Minimum Plumbing Code Adopted

9B-3.048

State Minimum Electrical Code Adopted

9B-3.049

Statewide Amendments to the

Florida Building Code

9B-3.050

PURPOSE, EFFECT AND SUMMARY: Repeal obsolete provisions adopting the State Minimum Plumbing Code and State Minimum Electrical Code, and amend the process for proposal of statewide amendments to the Florida Building Code to require identification of rationale for the proposed change to provide the basis for or content of a code commentary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 553.06(1), 553.19, 553.73, 553.73(3),(6), 553.76, 553.77(1)(a),(6) FS.

LAW IMPLEMENTED: 553.06(1), 553.19, 553.73(3),(6), 553.77(6) FS.

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

TIME AND DATE: 9:05 a.m., March 16, 2005

PLACE: Radisson Mart Plaza Hotel & Convention Center, 711 N. W. 72 Avenue, Miami, Florida 33126

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-3.048 State Minimum Plumbing Code Adopted.

Specific Authority 553.06(1) FS. Law Implemented 553.06(1) FS. History--New 1-26-95, Repealed.

9B-3.049 State Minimum Electrical Code Adopted.

Specific Authority 553.19 FS. Law Implemented 553.19 FS. History--New 9-19-99, Repealed.

9B-3.050 Statewide Amendments to the Florida Building Code.

(1) through (3) No change.

(4) For the purpose of amending the Florida Building Code, each proposed amendment to the Florida Building Code shall be submitted on the Code Amendment Proposal, Form No. 9B-3.047-2004 available from form adopted by, and include the information required by, subsection 9B-3.047(6), F.A.C., through the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org), or by contacting the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

(5) through (9) No change.

Specific Authority 553.73(3),(6) FS. Law Implemented 553.73(3),(6) FS. History--New 11-20-01, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2005

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

RULE CHAPTER TITLE: Florida Building Commission – Building Code Training Program

RULE CHAPTER NO.: 9B-70

RULE TITLES: Building Code Core Education

RULE NOS.: 9B-70.001

Commission Approval and Accreditation of

Advanced Building Code Training Courses

9B-70.002

PURPOSE, EFFECT AND SUMMARY: To provide for accreditation of advanced building code related continuing education courses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 553.841(2) FS.

LAW IMPLEMENTED: 553.841 FS.

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

TIME AND DATE: 9:00 a.m., March 16, 2005

PLACE: Radisson Mart Plaza Hotel & Convention Center, 711 N. W. 72 Avenue, Miami, Florida 33126

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-70.001 Building Code Core Education Training Program.

(1) through (2) No change.

~~(3) Voluntary Accreditation of Advanced Building Code Training Courses.~~

~~(a) The Commission shall approve individual persons to serve as accreditors of advanced building code training courses. Individuals desiring to be accreditors shall apply using Form FBCED-2003-001 adopted herein by reference and~~

available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org). Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated sufficient expertise in the field for which approval is sought.

(b) ~~Accreditors shall review courses submitted by course developers, and providers approved by the Department of Business and Professional Regulation to determine if the course contains the following:~~

- ~~1. Goals and measurable objectives;~~
- ~~2. Topical outline of the course components in order of presentation;~~
- ~~3. Teaching methods can include one or more, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations; and~~
- ~~4. Teaching resources and course references cited in the course materials.~~

Specific Authority 553.84(2) FS. Law Implemented 553.841 FS. History—New 4-20-00, Amended 10-14-01, 6-13-04, \_\_\_\_\_.

#### 9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) Approval of Course Accreditors. The Commission shall approve persons or entities to serve as accreditors of advanced training courses. Persons or entities desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org). Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated sufficient expertise in the field for which approval is sought.

(2) Accreditor Review of Courses. Accreditors shall review courses submitted by course developers and providers approved by the Department of Business and Professional Regulation to determine if the course contains the following:

- (a) Goals and measurable objectives;
- (b) Topical outline of the course components in order of presentation;
- (c) Teaching methods can include one or more, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations; and
- (d) Teaching resources and course references cited in the course materials.
- (e) Course materials accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission.

(3) Course Accreditation by the Florida Building Commission. Accredited Courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with insufficient

number of courses available through existing resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

(a) Training providers approved by the Department of Business and Professional Regulation who desire Commission approval and accreditation for advanced Building Code courses shall register with the Building Code Information System Form FBCED 2003-002, Provider Registration, adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org), and pay a registration fee \$25.00.

(b) Registered training providers shall submit materials and information pertaining to courses for which Commission accreditation and approval is sought utilizing Form FBCED 2003-003, Course Accreditation Application, adopted herein by reference and available from the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org).

(c) The provider shall select an approved accreditor and shall provide payment for services directly to the accreditor. The accreditor selected shall meet the criteria for independence identified in paragraph (d).

(d) Upon submittal by a training provider, the selected accreditor shall receive an e-mail notification and shall review the materials provided by the provider in accordance with the criteria identified herein. The accreditor shall complete the application by providing comments containing the results of the accreditor's review and updating the Accreditation Approval Status on the Building Code Information System. The accreditor shall also provide a certification of independence that attests the person or entity does not have, nor does it intend to acquire or will acquire, a financial interest the training provider seeking accreditation.

(e) The Building Code Information System shall assign an accreditation number to the application and the application shall be scheduled for review by the Florida Building Commission. The application shall be reviewed and action taken on the accreditation and approval of the materials at the regularly scheduled meeting of the Florida Building Commission which occurs more than 30 days from the date the accreditation number is assigned.

(f) Accreditation of revisions to accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (d) hereof, except that only the revision submitted shall be subject to review.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

**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: Inmate Drivers  
RULE NO.: 33-601.605  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate language that prevents the placement of some inmates in the work release program by deleting the requirement that an inmate must have been in an outside minimum custody assignment for 90 days prior to being selected for a work release job that involves driving an employer’s vehicle.  
SUMMARY: The proposed rule removes the requirement that an inmate must have been in an outside minimum custody assignment for 90 days prior to being selected for a work release job that involves driving an employer’s vehicle.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.  
Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.  
SPECIFIC AUTHORITY: 944.09, 945.091 FS.  
LAW IMPLEMENTED: 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS.  
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.605 Inmate Drivers.
- (1) through (2) No change.
- (3) Selection Criteria for Paid Employment Inmate Drivers.
- (a) through (b) No change.
- (c) The inmate must be in community custody ~~and have proven his or her trustworthiness by performing in an outside minimum custody assignment ninety days prior to his or her selection.~~
- (d) through (9) No change.

Specific Authority 944.09, 945.091 FS. Law Implemented 20.315, 322.03, 322.04, 322.15, 944.09, 945.091 FS. History–New 8-29-00, Amended 1-1-01, 12-30-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Sapp  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: James V. Crosby, Jr.  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 19, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE CHAPTER TITLE: Environmental Resource and Works  
RULE CHAPTER NO.: 40B-4  
of the District Permits  
RULE TITLE: Unlawful Use of Works of the District  
RULE NO.: 40B-4.3040  
PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-4, Florida Administrative Code, based on the regulatory experience of the District and input from local law enforcement and county officials. The effect of the proposed rule amendments will allow for more effective enforcement of the rule.  
SUMMARY: These proposed amendments will address the enforcement of unlawful use of Works of the District.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.  
Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.  
SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.  
LAW IMPLEMENTED: 120.60, 373.084, 373.085, 373.086 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.

Anyone requiring special accommodation to participate in this meeting is requested to advise the District at least five (5) work days before the meeting by contacting: Linda Smith, (386)362-1001.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or 1(800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

Part I Administrative and General Provisions

40B-4.3040 Unlawful Use of Works of the District.

(1) through (2) No change.

(3) It is prohibited for any person to operate any motorized vehicle within the channel of a stream as defined by the normally recognized bank that is within a work of the district. Law enforcement officers, during the normal course of their duties, are exempt from this rule. It shall be unlawful for any person to cause damage to occur to or within a work of the district by the operation of motorized vehicles. This is not intended to prohibit the lawful use of motorized watercraft.

(4) Damage to works of the district resulting from violations specified in subsections 40B-4.3040(1) through (3), F.A.C., above shall be repaired by the violator to the satisfaction of the district. In lieu of making repairs, the violator may deposit with the district a sufficient sum to insure such repair.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 9-13-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2004

**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."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Outpatient Hospital Services

RULE NO.: 59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective October 1, 2004, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the revised methodology used to calculate per diems including appropriations from the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206 (2004-268 Laws of Florida).

Hospital Outpatient Upper Payment Limit Program and Outpatient Special Medicaid Payments

The Agency may provide for supplemental payments to hospitals under the Medicaid hospital outpatient upper payment limit program. For each class of hospitals (non-State government-owned or operated facilities and privately owned and operated facilities), the outpatient upper payment limit is calculated as the difference between hospital outpatient Medicaid costs and hospital outpatient Medicaid payments.

Effective October 1, 2004, Special Medicaid Payments in the interim amount of \$8,383,500 will be made to Rural Hospitals participating in the Rural Disproportionate Share Hospital (DSH) program, in the same proportion as the rural DSH payments.

Effective October 1, 2004, Special Medicaid Payments in the interim amount of \$7,829,815 will be made on a quarterly basis to hospitals providing enhanced services to low-income individuals through agreements with local county or other governmental entities. The amount of the Special Medicaid Payment to each hospital is proportional to the amount of the intergovernmental transfer received from the local county or governmental entity.

SUMMARY: The proposed amendment to Rule 59G-6.030, F.A.C., incorporates revisions to the Medicaid Outpatient Hospital Reimbursement Plan. The amendment seeks to provide for an outpatient hospital upper payment limit program and supplemental payments for specific outpatient hospitals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED 409.908 FS.

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

TIME AND DATE: 9:00 a.m., March 16, 2005  
PLACE: 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version XIII~~XXII~~, Effective date: \_\_\_\_\_ ~~October 12, 2004~~, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Robert Butler

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Robert Butler

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 3, 2004

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE TITLE: Payment Methodology for Outpatient Hospital Services  
RULE NO.: 59G-6.030

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement plan (the Plan) payment methodology, effective November 1, 2004, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the revised methodology used to calculate per diems including appropriations from the 2004-05 General Appropriations Act, House Bill 1835, Specific Appropriation 206 (2004-268 Laws of Florida).

Beginning November 1, 2004, revenue code 510, Clinic/General (see Appendix A) is reimbursable by Medicaid, in accordance with the Medicaid Outpatient Hospital Coverage and Limitations Handbook, for health care services, in outpatient clinic facilities where a public hospital assumed the fiscal and operating responsibilities of one or more primary care centers previously operated by the Florida Department of Health or the local county government.

SUMMARY: The proposed amendment to Rule 59G-6.030, F.A.C., incorporates revisions to the Medicaid Outpatient Hospital Reimbursement Plan. The amendment seeks to provide reimbursement for outpatient hospital primary care clinics.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not been prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED 409.908 FS.

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

TIME AND DATE: 10:00 a.m., March 16, 2005  
PLACE: 2727 Mahan Drive, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THIS PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version XIV~~XXIII~~, Effective date: \_\_\_\_\_, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History--New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Robert Butler  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Mr. Robert Butler  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 7, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: January 14, 2005

Any person who wishes to provide information regarding the statement of estimated 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: 455.2273, 492.104(1), 492.113(2) FS.

LAW IMPLEMENTED: 455.227, 455.2273, 492.104(1), 492.113(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW. (IF NOT REQUESTED IN WRITING, A HEARING WILL NOT BE HELD):

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Knap, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

RULE TITLE: Disciplinary Guidelines RULE NO.: 61G16-9.001

PURPOSE AND EFFECT: This rule is promulgated to set forth disciplinary offenses and range of possible penalties for the violations.

SUMMARY: This rule sets forth pursuant to statute, the disciplinary offenses, penalty range for first offenses and penalty range for additional offenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-9.001 Disciplinary Guidelines.

(1) Whenever the Board finds a licensee guilty of violating a provision of Chapter 492, F.S., the following Penalty Guidelines shall be followed:

<u>Statutory Violation</u>	<u>Description of Violation (This description is a general summary. It is not designed to be used in charging documents. Reference should be made to the statute identified for a complete statement of the substance of the violation)</u>	<u>Penalty Range for First Violation</u>	<u>Penalty Range for Subsequent Violation</u>
<u>(a) Violation of: 492.109</u>	<u>Failure to file changes of address with the Department.</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation or Suspension – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Probation or Suspension, Revocation or Deny License – all with Usual Conditions</u>
<u>(b) Violation of: 492.111(1)</u>	<u>Failure of business enterprise to have name and license number of current geologist of record on file with the Department.</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation or Suspension all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension, Revocation or Denial of License all with Usual Conditions</u>
<u>(c) Violation of: 492.111(2)</u>	<u>Operating a Business without a Certificate of Authorization from the Department.</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation or Suspension all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension, Revocation or Denial of License all with Usual Conditions</u>
<u>(d) Violation of: 492.111(3)</u>	<u>Failure to have final papers or documents dated, signed and sealed by the professional geologist who prepared or approved the papers, prior to delivery to anyone for public record.</u>	<u>Fine up to \$xxx + Costs; Plus Reprimand, Probation or Suspension all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension, Revocation or Denial of License all with Usual Conditions</u>
<u>(e) Violation of: 492.112(1)(a)</u>	<u>Knowing Unlicensed practice.</u>	<u>Fine up to \$500 + Costs; Probation or Suspension – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Suspension or Revocation – all with Usual Conditions</u>



(f) Violation of: 492.112(1)(b)	<u>Knowingly use "PG" or other title, designation or letters to indicate licensure under Chapter 492, F.S.</u>	<u>Fine up to \$500 + Costs; Reprimand or Probation – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Suspension or Revocation – all with Usual Conditions. Plus referral to the state attorney for prosecution of the first degree misdemeanor</u>
(g) Violation of: 492.112(1)(c)	<u>Knowingly present as ones own the license of another.</u>	<u>Fine up to \$1000 + Costs; Plus Probation or Suspension – all with Usual Conditions; Plus referral to the state attorney for prosecution of the first degree misdemeanor</u>	<u>Fine up to \$1000 + Costs; Plus Suspension or Revocation – all with Usual Conditions; Plus referral to the state attorney for prosecution of the first degree misdemeanor</u>
(h) Violation of: 492.112(1)(d)	<u>Knowing give false or forged evidence to DBPR.</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension or Revocation – all with Usual Conditions. Plus referral to the state attorney for prosecution of the first degree misdemeanor</u>	<u>Fine up to \$1000 + Costs; Plus Suspension or Revocation – all with Usual Conditions. Plus referral to the state attorney for prosecution of the first degree misdemeanor</u>
(i) Violation of: 492.112(1)(e)	<u>Knowing use or attempt to use a suspended, revoked, inactive or delinquent license.</u>	<u>Fine up to \$500 + Costs; Plus Reprimand, Probation or Suspension – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Suspension or Revocation – all with Usual Conditions. Plus referral to the state attorney for prosecution of the first degree misdemeanor</u>
(j) Violation of: 492.112(1)(f)	<u>Knowingly employ unlicensed person to practice geology.</u>  <u>Aid or abet practice contrary to Chapter 492 or 455, F.S., or Rules of the Department or Board.</u>  <u>Delegate performance to one unqualified to do the act or provide the service to be performed.</u>	<u>Fine up to \$500 + Costs; Plus Probation, Suspension or Revocation – all with Usual Conditions. Plus referral to the state attorney for prosecution of the first degree misdemeanor</u>	<u>Fine up to \$1000 + Costs; Plus Suspension or Revocation – all with Usual Conditions; Plus referral to the state attorney for prosecution of the first degree misdemeanor</u>
(k) Violation of: 492.112(1)(g)	<u>Knowingly conceal information about violation of Chapter 492, F.S., the chapter regulating the violator or rules of the Department or Board.</u>	<u>Fine up to \$500 + Costs; Plus Probation with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension or Revocation – all with Usual Conditions; Plus referral to the state attorney for prosecution of the first degree misdemeanor</u>
(l) Violation of: 492.113(1)(a)	<u>Violation of any provision of Chapter 492, F.S. (Use only if no statutory specific provision in this rule.)</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation or Suspension all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>
(m) Violation of: 492.113(1)(b)	<u>Attempting to procure a license by bribery or fraudulent misrepresentations or through an error of the Board.</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>

(n) Violation of: <u>492.113(1)(c)</u>	<u>Having a geology license revoked, suspended, denied or acted against in another state, territory or country.</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>
(o) Violation of: <u>492.113(1)(d)</u>	<u>Being convicted, found guilty, pleading nolo to a crime, in any jurisdiction, that directly relates to the practice or ability to practice.</u>	<u>Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Revocation or Deny License – all with Usual Conditions</u>
(p) Violation of: <u>492.113(1)(e)</u>	<u>Making or filing a known false report, willfully failing to file a required record or report, willfully impeding or obstructing such filing. Includes only those records signed in capacity as a professional geologist.</u>	<u>Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Revocation or Deny License – all with Usual Conditions</u>
(q) Violation of: <u>492.113(1)(f)</u>	<u>False, fraudulent, deceptive or misleading advertising.</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation or Suspension – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation, or Deny License – all with Usual Conditions</u>
(r) Violation of: <u>492.113(1)(g)</u>	<u>Committing fraud, deceit, negligence, incompetence, or misconduct in the practice.</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation, or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation, or Deny License—all with Usual Conditions</u>
(s) Violation of: <u>492.113(1)(h)</u>	<u>Violation of Chapter 455, F.S., (Use only when no reference to the 455 provisions is found in subsection (2).)</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation or Suspension – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>
(t) Violation of: <u>492.113(1)(i)</u>	<u>Practicing on a revoked, suspended, inactive or delinquent license.</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension, Revocation or Deny License—all with Usual Conditions</u>
(u) Violation of: <u>492.113(1)(j)</u>	<u>Affixing or permitting same of his name to geological papers, reports or documents neither prepared by licensee or under his responsible supervision, direction or control.</u>	<u>Fine up to \$1000 + Costs; Plus Probation or Suspension, all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions</u>
(v) Violation of: <u>492.113(1)(k)</u>	<u>Violating a rule or violating any order previously entered in a disciplinary hearing.</u>	<u>Fine up to \$1000 + Costs; Plus Probation or Suspension – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions</u>

(2) Whenever the Board finds a licensee guilty of violating a provision of Chapter 455, F.S., the following Penalty Guidelines shall be followed:

(a) Violation of: <u>455.227(1)(a)</u>	<u>False, fraudulent, deceptive or misleading representations in or related to the practice of professional geology.</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation or Suspension – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation, or Deny License – all with Usual Conditions</u>
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<u>(b) Violation of: 455.227(1)(b)</u>	<u>Intentional violation of any Board Rule.</u>	<u>Fine up to \$1000 + Costs; Plus Probation or Suspension – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions</u>
<u>(c) Violation of: 455.227(1)(c)</u>	<u>Being convicted, found guilty, pleading nolo to a crime, in any jurisdiction, that relates to the practice or ability to practice professional geology.</u>	<u>Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Revocation or Deny License – all with Usual Conditions</u>
<u>(d) Violation of: 455.227(1)(f)</u>	<u>Having a geology license revoked, suspended, denied or acted against in another state, territory or country.</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>
<u>(e) Violation of: 455.227(1)(g)</u>	<u>Having been found civilly liable for knowingly filing false report or complaint with DBPR against another licensee.</u>	<u>Fine up to \$1000 + Costs; Plus Probation or Suspension – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions</u>
<u>(f) Violation of: 455.227(1)(h)</u>	<u>Attempting or succeeding to procure or renew a license by bribery or fraudulent misrepresentation or through an error of the Board or Department.</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>
<u>(g) Violation of: 455.227(1)(i)</u>	<u>Knowingly conceal information about violation of Chapter 492, F.S., or the rules of the Department or Board.</u>	<u>Fine up to \$500 + Costs; Plus Probation with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension or Revocation – all with Usual Conditions</u>
<u>(h) Violation of: 455.227(1)(j)</u>	<u>Aid, assist, procure, employ or advise unlicensed person or entity to practice profession contrary to Chapters 492 or 455, F.S., or Rules of the Board.</u>	<u>Fine up to \$500 + Costs; Plus Probation, Suspension or Revocation – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Suspension or Revocation – all with Usual Conditions</u>
<u>(i) Violation of: 455.227(1)(k)</u>	<u>Failing to perform any statutory or legal obligation of licensee.</u>	<u>Fine up to \$1000 + Costs; Plus Probation, Suspension or Revocation – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Suspension or Revocation – all with Usual Conditions</u>
<u>(j) Violation of: 455.227(1)(l)</u>	<u>Making or filing a known false report, willfully failing to file a required record or report, willfully impeding or obstructing such filing. Includes only those records or reports signed in capacity as a professional geologist.</u>	<u>Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Revocation or Deny License.</u>
<u>(k) Violation of: 455.227(1)(m)</u>	<u>Making deceptive, untrue or fraudulent representations in or related to practice of professional geology.</u>	<u>Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Revocation or Deny License.</u>
<u>(l) Violation of: 455.227(1)(n)</u>	<u>Exercise influence on client for improper financial gain of licensee or third party.</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>	<u>Fine up to \$1000 + Costs; Plus Reprimand, Probation, Suspension, Revocation or Deny License – all with Usual Conditions</u>

(m) Violation of: 455.227(1)(o)	Practicing beyond the scope of license.	Fine up to \$1000 + Costs; Plus Probation or Suspension – all with Usual Conditions	Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions
(n) Violation of: 455.227(1)(p)	Accepting and performing or delegating responsibilities licensee knows or should know he or the delegee is not competent to perform.	Fine up to \$1000 + Costs; Plus Probation or Suspension – all with Usual Conditions	Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions
(o) Violation of: 455.227(1)(q)	Violating any provision of Chapters 492 or 455, F.S., rules of the Department or Board, or any lawful Order of the Board.	Fine up to \$500 + Costs; Plus Reprimand, Probation or Suspension – all with Usual Conditions	Fine up to \$2500 + Costs; Plus Probation or Suspension – all with Usual Conditions.
(p) Violation of: 455.227(1)(r)	Interfering with investigation, inspection or disciplinary proceeding.	Fine up to \$1000 + Costs; Plus Reprimand, Probation or Suspension – all with Usual Conditions	Fine up to \$1000 + Costs; Plus Suspension, Revocation or Deny License – all with Usual Conditions

(3) The Usual Conditions.

(a) Provisions which are included in all Orders.

1. This Order shall be effective upon filing by the Clerk of the Department of Business and Professional Regulation.

2. Failure to comply with the provisions of this Order shall result in further disciplinary action by the Board.

(b) Conditions imposed whenever fine and costs are imposed:

1. Fine and costs shall be paid by cashiers check or money order payable to the Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399, and received by the Department within 30 days of the effective date of the Order, or within a set period of time after probation or suspension as reflected in the Order.

(c) Conditions, all or any of which may be imposed with Probation are:

1. Licensee is placed on probation for a period of time as determined by the board.

2. Failure to comply with any provision of this Order shall result in the filing of a new complaint and if you are found to be in violation, your license will be suspended until you are compliant.

3. Licensee shall appear before the Board, in person, at a defined frequency or set number of Board meetings during the course of the probation. The number of appearances will depend on the severity of the underlying violation.

4. At each appearance the licensee shall provide the following documents to the Board: Some or all of the following provisions may be included: (Those items designated in each case shall relate to the violation charged)

i. Copies of all contracts in which documents have been signed and sealed since the last appearance before the Board, and/or.

ii. A list of the type of those documents, including the following information to whom the document was presented, including the address, and the date the document was mailed or otherwise presented, and/or

iii. A list of all contracts worked upon since the last appearance with the name and address of the person or entity for whom the contract is to be performed.

5. At the final appearance the licensee shall demonstrate compliance with all the conditions of the Probationary Order, prior to the lifting of probation.

6. Licensee shall retake the following section(s) \_\_\_\_\_ of the licensing examination prior to lifting the probation. (The section designated will be that most likely to cover the underlying violation(s))

7. Licensee must attend \_\_\_\_\_ Board meetings, the number shall be based on the severity of the underlying violation, to observe the Board’s Disciplinary Proceedings.

8. Licensee’s practice during this period of probation is limited as follows: (Limitations will depend on the severity and nature of the underlying violation)

(d) Conditions all or any of which may be imposed when suspension is imposed.

1. Licensee shall surrender license to Board office within five (5) days of the effective date of the Order.

2. Licensee shall provide the Board, within 30 days of the effective date of the Order of Suspension, a list of all clients with whom he/she/it is contracted to perform professional geological services in the state of Florida, that is not or will not be completed on the 30th day following the effective date of the Order of Suspension. The list shall include the name of a contact person, a mailing address and phone number of the client.

3. Licensee shall inform all current clients that he/she/it must cease work on the project for the term of his/her/its suspension, provide the Board office with a copy of each cease work letter or other document sent, or a list of the person called, his/her address, phone number and the date of contact.

4. Licensee shall Sign and Seal all documents completed as of the date of suspension and deliver to clients within 30 days of the effective date of the Order.

5. Licensee shall provide clients with a list of licensed professional geologists who work in the area, so the client can try to find a substitute who can complete the project as originally contemplated.

6. Failure to comply with any provision of this Order will result in the filing of a new complaint and if you are found to be in violation, you may not serve as Geologist of Record and must notify DBPR of your Replacement within 10 days of the effective date of the Order, in addition your license will be:

- a. Suspended indefinitely with no possibility of reactivation until compliant with all outstanding Orders, or
- b. Revoked.

(4) Purpose of guidelines – The range of penalties set forth above is the range from which disciplinary penalties will be imposed upon licensees guilty of violation the laws and rules. The purpose of these guidelines is to give notice of the range of penalties which will normally be imposed for specific violations. The guidelines are based upon a single count violation of the provision listed. Multiple counts of violations of the same provision, or unrelated provisions of the law or rules will be grounds for enhancement of penalties or imposition of additional penalties.

(5) Aggravating/Mitigating Circumstances – The existence of aggravating or mitigating circumstances, as set forth below, will permit deviation from the guidelines upon clear and convincing evidence presented to the board by the prosecutor, prior to the imposition of a final penalty. When considering a Recommended Order, the fact that a Hearing Officer may or may not have been aware of aggravating or mitigating circumstances prior to recommending a penalty, shall not obviate the duty of the board to consider them when brought to its attention prior to the issuance of a Final Order.

(a) Aggravating circumstances; circumstances which may justify deviating from the disciplinary guidelines and penalty enhancement include, but are not limited to:

- 1. History of previous violation of the practice act and the rules promulgated thereunder.
- 2. In the case of negligence, the magnitude and scope of the project and the damage inflicted upon the public.
- 3. Evidence of violation of professional practice acts in other jurisdictions which resulted in discipline by the regulatory authority.
- 4. Prior reports of violations of the same provision of the practice act which resulted in a letter of guidance having been issued to the licensee.

(b) Mitigating circumstances; circumstances which may justify deviating from the disciplinary guidelines and result in a lessening of the penalty shall include, but not be limited to:

- 1. In cases of negligence, the minor nature of the project in question and the lack of danger to the public health, safety or welfare which resulted.
- 2. Lack of previous disciplinary history in this or any other jurisdiction wherein the licensee practices or has practiced.
- 3. Restitution of any damages suffered by the licensee’s client.
- 4. The licensee’s professional standing among his peers.
- 5. Remedial steps taken by the licensee or his firm to avoid similar violations in the future.

(6) Notice of Noncompliance – An alternative to investigation and prosecution when a complaint is received, the Department of Business and Professional Regulation may issue a Notice of Noncompliance for a first offense of the following violations:

- (a) Failure to date document when affixing signature and seal.
- (b) Practice by an individual with an inactive or delinquent license for less than one month.
- (c) Practice by a firm without a current certificate of authorization for less than one month.

Specific Authority 455.2273, 492.104(1), 492.113(2) FS. Law Implemented 455.227, 455.2273, 492.104(1), 492.113(2) FS. History–New

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Geologists  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Geologists  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 20, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 24, 2004

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance Boards**

RULE CHAPTER TITLE: Citation Penalties for Certified Nursing Assistants  
RULE CHAPTER NO.: 64B-10  
RULE TITLE: Citation Penalties for Certified Nursing Assistants  
RULE NO.: 64B-10.001

PURPOSE AND EFFECT The Department proposes to create a new rule relating to citations for violations committed by certified nursing assistants.

SUMMARY: The Department authorizes the issuance of a citation for certain violations including the amount of monetary penalty to be assessed in what was erroneously developed as Chapter 64B-9, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 456.077, 464.006 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Department of Health, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-10.001 Citation Penalties for Certified Nursing Assistants.

(1) “Citation” means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee for the purpose of assessing a penalty in an amount established by this rule.

(2) In lieu of the disciplinary procedures contained in Section 456.073, F.S., the Department may issue a citation to the subject within six months after the filing of the complaint which is the basis for the citation. All citations will include a requirement that the respondent correct the violation, if remediable, within a specified period of time and impose whatever obligations will remedy the offense.

(3) The Department designates the following as citation violations, which shall result in the Board imposing a penalty of (\$25.00):

(a) False, deceptive or misleading advertising provided no criminal prosecution resulted and no practice issue was involved.

(b) Issuance of a worthless bank check to the Department or to the Board provided the licensee does not continue to practice on an inactive license or the check was not in payment of a Board ordered administrative fine.

(c) Failure to report address change in violation of Section 464.203(6), F.S., provided the licensee was not ordered to do so in a Board disciplinary order.

(d) Improper use of a certified nursing assistant title under Section 464.201(3), F.S., provided no practice issue was involved or no criminal prosecution resulted.

(e) Failure to pay a Board ordered administrative fine by the time ordered, provided payment had been made by the time the citation issues.

(f) Failure to complete a Board ordered inservice education course by the time ordered, provide the course had been completed by the time the citation issues.

(g) Failure when requested to document full compliance with the inservice education requirements, provided that all inservice education courses had been timely completed.

(4) The Department designates the following a citation violation, which shall result in the Board imposing a penalty of \$50.00: First-time failure to complete inservice education hours within the biennium. In addition to the fine, the licensee will be required to complete the number of hours necessary to meet the biennial requirements not completed within 6 months of the issuance of the citation.

Specific Authority 456.077, 464.006 FS. Law Implemented 456.077 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Coble, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy Jones, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 11, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2005, but due to clerical error, developed as Chapter 64B-9, F.A.C.

**DEPARTMENT OF HEALTH  
Board of Chiropractic Medicine**

RULE TITLES: Guidelines for the Disposition of Disciplinary Cases  
RULE NOS.: 64B2-16.003  
64B2-16.0075

PURPOSE AND EFFECT: The Board proposes to add new guidelines on fines that apply to failure to update information in writing after the occurrence of an event or attainment of a status required to be reported.

SUMMARY: The proposed rule amendment adds new guidelines on fines that apply to failure to update information in writing after the occurrence of an event or attainment of a status required to be reported.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.039(3), 456.072, 456.077, 456.079, 460.405, 460.413 FS.

LAW IMPLEMENTED: 456.035, 456.039(3), 456.072, 456.073, 456.079, 460.413(4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

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

(1) through (yy) No change.

(zz) Section 456.039(3), F.S.: failing to update information pursuant to Section 456.039(1), F.S., in writing within 45 days after the occurrence of an event or attainment of a status required to be reported – from a minimum \$2,500 fine to a maximum of suspension to be followed by probation and \$5,000 for a first offense. After the first offense, from a minimum of probation and \$5,000 fine, to maximum of revocation and \$10,000.

(2) No change.

Specific Authority 456.039(3), 456.072, 456.079, 460.405, 460.413 FS. Law Implemented 456.039(3), 456.072, 456.079, 460.413(4) FS. History–New 1-10-80, Formerly 21D-16.03, Amended 1-28-87, 1-28-90, 6-24-93, Formerly 21D-16.003, Amended 10-26-93, Formerly 61F2-16.003, Amended 7-18-95, Formerly 59N-16.003, Amended 11-4-98, 6-6-02, 5-23-04,\_\_\_\_\_.

64B2-16.0075 Citations.

(1) through (5) No change.

(6) Failure to update information pursuant to Section 456.039(1), F.S., in writing within 45 days after the occurrence of an event or attainment of a status required to be reported; Section 456.039(3), F.S., shall result in a fine of \$50 per day not in compliance, not to exceed \$5,000.

(6) through (8) renumbered (7) through (9) No change.

Specific Authority 456.039(3), 456.077, 460.405 FS. Law Implemented 456.035, 456.039(3), 456.072(3), 456.073 FS. History–New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02, 11-30-03, 11-1-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 10, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2004

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE TITLE: Licensure Requirements for Applicants from Non-Accredited Schools or Colleges  
RULE NO.: 64B5-2.0146

PURPOSE AND EFFECT: The Board proposes the rule amendments to clarify the academic curriculum necessary for completion by licensure applicants as dental or general dental programs.

SUMMARY: The proposed rule amendments add the words “general” and “dental” to describe educational requirements for licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 456.033(6), 466.006, 466.0075 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0146 Licensure Requirements for Applicants from Non-Accredited Schools or Colleges.

(1) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(c)1., F.S., will be required to:

(a) Complete, at an accredited American dental school, a matriculated general dental program which consists of either 4 years of dental subjects or 2 years of predental education followed by 3 years of dental subjects.

(b) through (c) No change.

(2) An applicant who otherwise meets the requirements of Section 466.006(3), F.S., and chooses to apply pursuant to Section 466.006(3)(b), F.S., will be required to:

(a) through (b) No change.

(c) Present to the Board the following documents:

1. through 2. No change.

3. A letter addressed to the Board from the dean of the sponsoring institution’s dental school stating that the applicant successfully completed the sponsored supplemental general dental education program and attained the educational equivalency of a graduating senior at the sponsoring institution’s dental school and completed the requirements of two academic years in a general dental program providing educational remediation to the level of a D.D.S. or D.M.D. recipient.

(3) through (4) No change.

Specific Authority 466.004 FS. Law Implemented 456.033(6), 466.006, 466.0075 FS. History–New 10-15-92, Formerly 21G-2.0146, 61F5-2.0146, Amended 9-24-96, Formerly 59Q-2.0146, Amended 8-19-97, 5-20-01,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 9, 2004

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Standard of Care for Office Surgery  
PURPOSE AND EFFECT: The proposed rule amendment is intended to delete the requirement for an anesthesiologist in Level III office surgery pursuant to the ruling in the *Ortiz* case.  
SUMMARY: The proposed rule amendment deletes the requirement for an anesthesiologist in Level III office surgery pursuant to the ruling in the *Ortiz* case.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.  
LAW IMPLEMENTED: 458.331(1)(g),(t),(v),(w), 458.351 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) through (5) No change.
- (6) Level III Office Surgery.
- (a) No change.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

- 1. Training Required.
  - a. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Board of Medical Specialties or any other board approved by the Board of Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia. ~~If the anesthesia provider is not an anesthesiologist, there must be a licensed M.D., or D.O., anesthesiologist, other than the surgeon, to provide direct supervision of the administration and maintenance of the anesthesia.~~
  - b. No change.
- 2. through 4. No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g),(t),(v),(w), 458.351 FS. History–New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02,

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 5, 2005  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 21, 2005

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE TITLE: Rule Governing Time Limits and Conditions for the Maintenance of an Active Application File  
RULE NO.: 64B19-11.007

PURPOSE AND EFFECT: The Board has voted to repeal this rule.

SUMMARY: This is a repeal of a rule.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 490.004 FS.

LAW IMPLEMENTED: 490.005 FS.



IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.007 Rule Governing Time Limits and Conditions for the Maintenance of an Active Application File.

Specific Authority 490.004 FS. Law Implemented 490.005 FS. History—New 1-16-92, Formerly 21U-11.009, Amended 6-14-94, Formerly 61F13-11.009, Amended 1-7-96, Formerly 59AA-11.007, Amended 8-5-01, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2005

Section III  
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: 5B-54.014  
RULE TITLE: Issuance of Compliance Agreements and Certificates

NOTICE OF CORRECTION TO RULE DEVELOPMENT

Notice is hereby given that the changes to subsection (2)(a) were incorrectly printed in the Notice of Proposed Rule Development for the above rule, which was published in Vol. 31, No. 6, February 11, 2005, issue of the Florida Administrative Weekly.

5B-54.014 Issuance of Compliance Agreements and Certificates.

(2) Certificates of Inspection.

(a) A certificate is required on each sale or movement of honeybees and other regulated articles within the state unless such regulated articles are identified as specified in Rule 5B-54.013, F.A.C. Forms DACS-08061, revised 8/99 Certificate of Inspection for Out of State Shipments and Re-entry Into Florida, and incorporated herein by reference, or a Queen Certificate, DACS-08057, revised 10/99, and incorporated herein by reference, may be used for this purpose. ~~A copy of forms DACS-08061 and DACS-08057 or a Varroa~~

~~Mite Certification, DACS-08165, revised 10/99, and incorporated herein by reference, may be used for this purpose. A copy of Forms DACS-08061, DACS-08057 and DACS-080165 may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, Post Office Box 147100, Gainesville, Florida 32614-7100.~~

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 ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-5.001  
RULE TITLE: Examinations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule amendments, as noticed in Vol. 29, No. 26, of the Florida Administrative Weekly on June 27, 2003, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-13.005  
RULE TITLE: Continuing Education for Biennial Renewal

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 48, of the November 24, 2005, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on February 4, 2005, in Miami voted to change subsection (10) of the proposed rule. When changed, subsection (10) shall read as follows: