

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE TITLE: Registration RULE NO.: 5J-12.002

PURPOSE AND EFFECT: The purpose and effect of this rule change is to delete outdated language no longer applicable to the registration process.

SUBJECT AREA TO BE ADDRESSED: This rule deletes the language which established the biennial registration period.

SPECIFIC AUTHORITY: 559.2201, 570.07(23) FS.

LAW IMPLEMENTED: 559.904, 559.916 FS.

IF REQUESTED 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., April 11, 2005

PLACE: Department of Agriculture and Consumer Services, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)410-3679

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-12.002 Registration.

(1)(a) No change.

(b) If the motor vehicle repair shop is located in a municipality or county that has an ordinance containing standards that the Department has determined are at least equal to the requirements of the Florida Motor Vehicle Repair Act, the motor vehicle repair shop must register with the Department and provide a one of the following to evidence compliance with the local ordinance;

1. The registration number provided to the motor vehicle repair shop by the municipality or county in the appropriate space on from DACS 10900; or

2. A copy of the receipt of payment of the required fee for the municipality or county issued registration; or

3. A copy of the current license actual registration issued by the municipality or county.

(c) through (d) No change.

(2)(a) Form DACS 10900 will not be deemed incomplete for failure to furnish a valid occupational license number, provided the motor vehicle repair shop is unable to obtain such number until it exhibits an active registration certificate issued by the Department pursuant to Section 559.904(7), F.S.

(b) If the Department approves the application submitted by the motor vehicle repair shop and issues a registration certificate to conduct business as a motor vehicle repair shop, the motor vehicle repair shop shall, within 30 days after issuance, provide the occupational license number to the Department.

(c) If the motor vehicle repair shop fails to provide the valid occupational license number within the prescribed 30 day period, such failure shall be grounds for suspension or revocation of registration.

(3) The Department will register motor vehicle repair shops whose current registration expires on or after September 1, 2003, and who have fully complied with Section 559.901-559.9221, Florida Statutes, and the Rules adopted thereunder in the following manner:

(a) All motor vehicle repair shops renewing their registration with the Department and whose name begins with a number or the letter A through J will be registered for a period of one year. All motor vehicle repair shops registering under this section will be required to pay a one year registration fee;

(b) All motor vehicle repair shops renewing their registration with the Department whose name begins with the letter K through Z will be registered for a period of two years. All motor vehicle repair shops registering under this section will be required to pay a two year registration fee;

(c) All motor vehicle repair shops registering with the Department for the first time will be required to be registered for a two year period and pay a two year registration fee;

(d) Subsection (3) will expire on July 1, 2004.

Specific Authority 559.2201, 570.07(23) FS. Law Implemented 559.904, 559.916 FS. History--New 1-18-95, Amended 5-24-95, 2-11-98, 1-20-03, 11-4-03, _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Approval of Preservice Teacher Preparation Programs RULE NO.: 6A-5.066

PURPOSE AND EFFECT: The purpose of the rule development is to review the requirements relating to preservice teacher preparation programs to determine what amendments, if any, should be proposed.

SUBJECT AREA TO BE ADDRESSED: Preservice Teacher Preparation Programs.

SPECIFIC AUTHORITY: 1004.04 FS.

LAW IMPLEMENTED: 1004.04 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AS PART OF THE STATE BOARD OF EDUCATION MEETING AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., April 19, 2005
 PLACE: 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Stewart, Deputy Chancellor for Educator Quality, Florida Department of Education, 325 West Gaines Street, Room 501, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF REVENUE

RULE TITLES:	RULE NOS.:
Grounds for Reasonable Cause for Compromise of Penalties	12-13.007
Guidelines for Determining Amount of Compromise	12-13.0075

PURPOSE AND EFFECT: The purpose of the rule development is to amend Rule 12-13.007, F.A.C. (Grounds for Reasonable Cause for Compromise of Penalties), and Rule 12-13.0075, F.A.C. (Guidelines for Determining Amount of Compromise), to incorporate the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise. This system is currently under development by the Department for purposes of providing guidelines to be used in determining the amount of compromise of penalty. The effect of the proposed amendments, when adopted, will be that the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise will be incorporated into the guidelines for determining the amount of compromise of penalty established in these administrative rules.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the development of the proposed amendments to Rules 12-13.007 and 12-13.0075, F.A.C., for purposes of including the provisions of the Expert System for Determining Reasonable Cause for Penalty Compromise currently under development by the Department. The Expert System for Determining Reasonable Cause for Penalty Compromise will be presented at the workshop and an opportunity for the public to ask questions and express concerns regarding the system will be provided.

SPECIFIC AUTHORITY: 213.06(1), 213.21(5) FS.
 LAW IMPLEMENTED: 213.05, 213.21 FS.

A RULE DEVELOPMENT WORKSHOP IS DEEMED NECESSARY 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., April 12, 2005
 PLACE: Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Technical Assistance and Dispute Resolution Office is asked to advise the Department at least 48 hours before such proceeding by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robert Babin, Attorney, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443, (850)922-4842, e-mail: babinr@dor.state.fl.us

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."

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE:	RULE NO.:
Application	19B-4.001

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.
 LAW IMPLEMENTED: 1009.98 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., April 11, 2005
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2005-1 ~~2004-1~~, is hereby incorporated by reference and may be obtained by calling 1(800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2004-02, is hereby incorporated by reference.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application for Participation in the Program

RULE NO.: 19B-16.002

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan and Florida College Investment Plan New Account Application.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981 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., April 11, 2005

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2005-1 ~~2004-1~~, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, _____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Participation Agreement

RULE NO.: 19B-16.003

PURPOSE AND EFFECT: To update the Florida College Investment Plan Participation Agreement Form.

SUBJECT AREA TO BE ADDRESSED: The Florida College Investment Plan Participation Agreement Form.

SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.

LAW IMPLEMENTED: 1009.981(2) FS.

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

TIME AND DATE: 2:00 p.m., April 11, 2005

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor’s completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB 2005-4 ~~2004-4~~, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.981(2) FS. History—New 11-27-02, Amended 12-28-04, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Prescribed Pediatric Extended
 RULE CHAPTER NO.: 59A-13

Care Centers 59A-13

PURPOSE AND EFFECT: The Agency proposes to amend Chapter 59A-13, F.A.C., consistent with provisions of Section 400.914, F.S. The legislation provides the rule be amended regarding areas that include: license procedures; administration and management; admission, transfer, and discharge policies; child care policies; medical director; nursing services; in-service training for staff and parents and guardians; medical record; quality assurance committee; infection control; and emergency procedures.

SUBJECT AREA TO BE ADDRESSED: The proposed changes to Chapter 59A-13, F.A.C., involves the following areas: license procedure; administration and management; admission, transfer, and discharge policies; child care policies; medical director; nursing services, including the number of personnel; in-service training for staff and parents and guardians; medical record; quality assurance committee; infection control; and emergency procedures.

SPECIFIC AUTHORITY: 400.914 FS.

LAW IMPLEMENTED: 400.914 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., April 19, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room C, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY, IF AVAILABLE, IS: Kimberly Smoak, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE CHAPTER TITLE: Intermediate Care Facilities
 RULE CHAPTER NO.: 59A-26

for the Developmentally Disabled (ICF/DD) 59A-26

PURPOSE AND EFFECT: The Agency proposes to establish a rule consistent with provisions of Section 400.967(2), Florida Statutes, which became effective May 7, 1999. The legislation provides for the development of rules regarding specific criteria including minimum standards of program development and quality of care for Intermediate Care Facilities for the Developmentally Disabled.

SUBJECT AREA TO BE ADDRESSED: Specific criteria pertaining to licensure requirements including procedures for licensing, fees and exemptions, classification of deficiencies, responsibility of operation, fiscal standards, fiscal prohibitions, kickbacks, and referrals, admission policies, personnel standards, training, habilitation, active treatment professional and specific program services, dietary, dental, and psychological standards, drugs, and pharmaceutical services, administration of medications by unlicensed medication assistants, including training and validation of the unlicensed medication assistants, plant maintenance and housekeeping, fire protection, life safety, systems failure, and external communications, plans submission and fee requirements, physical plant codes, construction and physical environment standards, and disaster preparedness for Intermediate Care Facilities for the Developmentally Disabled.

SPECIFIC AUTHORITY: 400.967(2) FS.

LAW IMPLEMENTED: 400.967 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: 1:00 p.m., April 19, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, FL 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kimberly Smoak, Long-Term Care Unit, 2727 Mahan Drive, Tallahassee, Florida, (850)488-5861

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE TITLE: Bone Marrow Transplantation
 RULE NO.: 59B-12.001

PURPOSE AND EFFECT: The Agency proposes an amendment to bone marrow transplantation procedures. The proposed revisions would reflect recommendations of the Bone Marrow Transplantation Panel based on review of current research findings, as required by Section 627.4236(3)(e), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Bone marrow transplantation procedures that are accepted within the appropriate oncological specialty and are not experimental for the purposes of Section 627.4236, Florida Statutes.

SPECIFIC AUTHORITY: 627.4236 FS.

LAW IMPLEMENTED: 627.4236 FS.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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., April 11, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dennis Halfhill, Agency for Health Care Administration, Bureau of the Chief Medical Officer, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)921-5505

THE FULL TEXT OF THE PROPOSED RULE IS:

59B-12.001 Bone Marrow Transplantation.

(1) Upon the recommendation of the Bone Marrow Transplant Panel, each of the following procedures is considered accepted within the appropriate oncological specialty and not experimental for the purposes of Section 627.4236, F.S. Bone marrow transplant refers collectively to hematopoietic stem cell transplantation using stem cells that are collected from peripheral blood and cord blood as well as bone marrow. As used in this rule, the term "appropriate oncological specialty" means that where a particular kind of tumor or disease is usually treated by a subspecialty group within the general discipline of oncology, those who practice within that subspecialty have had specific input into the decision making process:

- (a) Autologous bone marrow transplant for acute myelogenous leukemia (stem cells collected in remission);
- (b) Allogeneic bone marrow transplant for acute myelogenous leukemia (~~family related donor with 5/6 or 6/6 match~~);
- (c) Autologous bone marrow transplant for acute lymphoblastic leukemia (stem cells collected in remission);
- (d) Allogeneic bone marrow transplant for acute lymphoblastic (~~family related donor with 5/6 or 6/6 match~~);
- (e) Allogeneic bone marrow transplant for chronic-myelogenous leukemia (~~family related donor with 5/6 or 6/6 match~~);
- (f) Autologous bone marrow transplant for Hodgkin's disease;
- (g) Autologous bone marrow transplant for Non-Hodgkin's lymphoma, ~~except low grade (small lymphocytic, follicular small cleaved cell, follicular mixed cell types~~);
- (h) Allogeneic bone marrow transplant for Non-Hodgkin's lymphoma, ~~except low grade (small lymphocytic, follicular small cleaved cell, follicular mixed cell types (family related donor with 5/6 or 6/6 match)~~);

(i) Autologous bone marrow transplant for Ewing's sarcoma, chemotherapy sensitive after first relapse;

(j) Autologous bone marrow transplant for Neuroblastoma;

~~(k) Autologous bone marrow transplant for breast carcinoma, stage II (8 or more nodes positive);~~

~~(l) Autologous bone marrow transplant for breast carcinoma, stage IIIa and IIIb;~~

~~(k)(m)~~ Autologous bone marrow transplant for germ cell tumor, after failure of first therapy but not progressing on salvage therapy;

~~(l)(n)~~ Autologous bone marrow transplant for multiple myeloma, (including double bone marrow transplant) and primary amyloidosis;

~~(m)(o)~~ Allogeneic bone marrow transplant for myelodysplastic syndrome (~~family related donor with 5/6 or 6/6 match~~);

~~(n)(p)~~ Autologous bone marrow transplant for PNET (including medulloblastoma and pinealoblastoma), chemotherapy sensitive after first relapse;

~~(o)(q)~~ Autologous bone marrow for medulloblastoma and other PNET tumors, metastatic, at diagnosis;

(p) Allogeneic bone marrow transplant for chronic lymphoblastic leukemia.

(2) Each of the following procedures is considered accepted within the appropriate oncological specialty and not experimental for the purposes of Section 627.4236, F.S., provided that the bone marrow transplantation procedure is performed in the context of a well-designed and conducted Phase II or Phase III clinical treatment trial as described in paragraph (3).

~~(a) Autologous bone marrow transplant for Non-Hodgkin's lymphoma, low grade (small lymphocytic follicular small cleaved cell, follicular mixed cell types);~~

~~(b) Allogeneic bone marrow transplant for Non-Hodgkin's lymphoma, low grade (small lymphocytic, follicular small cleaved cell, follicular mixed cell types) (family related donor with 5/6 or 6/6 match);~~

~~(a)(e)~~ Autologous bone marrow transplant for chronic, myelogenous leukemia;

~~(b)(d)~~ Autologous bone marrow transplant for chronic lymphoblastic leukemia;

~~(c) Allogeneic bone marrow transplant for chronic lymphoblastic leukemia (family related donor with 5/6 or 6/6 match);~~

~~(f) Allogeneic bone marrow transplant for Hodgkin's disease (family related donor with 5/6 or 6/6 match);~~

~~(c)(g)~~ Autologous bone marrow transplant for plasma cell dyscrasias other than multiple myeloma (e.g. Waldenstrom's; amyloid);

~~(d)(h)~~ Allogeneic bone marrow transplant for multiple myeloma and other plasma cell dyscrasias (e.g. Waldenström's, amyloid) (family related donor with 5/6 or 6/6 match);

~~(e)(i)~~ Autologous bone marrow transplant for breast carcinoma, stage II, with four to seven nodes positive;

~~(j)~~ Autologous bone marrow transplant for breast carcinoma, stage IV, except progressive (25 percent or greater increase in the size of measurable disease) despite therapy;

~~(k)~~ Autologous bone marrow transplant for high grade astrocytoma, glioblastoma multiforme, pediatric;

~~(f)(4)~~ Autologous bone marrow transplant for Ewing's sarcoma, localized, greater than eight cm or metastatic at presentation;

~~(m)~~ Autologous bone marrow transplant for small cell lung cancer, limited extent, in complete response;

~~(n)~~ Autologous bone marrow transplant for ovarian carcinoma (epithelial), stage III and IV, chemosensitive relapse and consolidation of first response;

~~(g)(6)~~ Autologous bone marrow transplant for soft tissue sarcoma (other than rhabdomyosarcoma), pediatric, after failure of first therapy;

~~(h)(p)~~ Autologous bone marrow transplant for Wilms' tumor, at relapse;

~~(i)(q)~~ Autologous bone marrow transplant for germ cell tumor, high risk, at diagnosis;

~~(r)~~ Alternate donor Allogeneic bone marrow transplant for any of the indications in subsections (1) and (2) (unrelated donor, cord blood donor, or family related donor other than 5/6 or 6/6 match) .39;

(j) Allogeneic bone marrow transplant for renal cell carcinoma;

(k) Multiple autologous bone marrow transplants for pediatric solid tumors;

(l) Allogeneic bone marrow transplant for Hodgkin's disease;

(m) Autologous bone marrow transplant for metastatic malignant melanoma.

(3) A well-designed and conducted clinical treatment trial is one which includes an IRB-approved written protocol. At a minimum, such protocol shall have specific criteria for evaluating the effect of treatment with defined endpoints that are precise, meaningful, and reliable and which allow valid conclusions to be drawn about therapeutic efficacy and safety. Protocols should include an adequate statistical section describing the method of randomization and stratification, if any, expected outcome parameters relating to response rates, time to progression, survival times and other relevant information. Such clinical treatment trials shall be consistent with protocols reviewed and approved by the National Cancer Institute for scientific merit.

(4) It should be noted that there are non-malignant (not oncological) diseases that are genetic disorders, or that result in bone marrow failure or lead to immunodeficiency syndromes for which bone marrow transplantation may be appropriate. While these non-malignant diseases are not described in the preceding lists, there are generally accepted and appropriate indications for bone marrow transplantation in these cases. In addition, there are malignant diseases that are uncommon in their occurrence that also are not detailed in the above lists for which the appropriateness of bone marrow transplantation may be determined on a case by case basis.

Specific Authority 627.4236 FS. Law Implemented 627.4236 FS. History--New 11-9-95, Formerly 10D-127.001, Amended 9-26-00, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE TITLE: RULE NO.:

Nursing Facility Beds 59C-1.036

PURPOSE AND EFFECT: The agency is proposing to amend Rule 59C-1.036, F.A.C., which sets forth Certificate of Need review criteria for skilled nursing facility beds. Section 4 of Chapter 2004-383, Laws of Florida, revised Section 408.034(5), F.S., necessitating amendment of the rule.

SUBJECT AREA TO BE ADDRESSED: The rule is being amended to reflect changes to Section 408.034(5), F.S.

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

LAW IMPLEMENTED: 408.034(3),(5), 408.036(1)(a) 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., April 13, 2005

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.036 Nursing Facility Beds.

(1) through (3) No change.

(4)(a) No change.

(b) Summary of Need Formula. The need formula for nursing facility beds seeking licensure under Chapter 400, F.S., links the projected subdistrict need to a projected increase in the district need for beds licensed under Chapter 400, F.S. The district increase is based on the expected increase in the district population age 65 to 74 and age 75 and over, with the age group 75 and over given 6 times more weight in projecting the population increase. The projected district bed need total is then allocated to its subdistricts consistent with the current

subdistrict distribution of the total. The result for a given subdistrict is adjusted to reflect the current subdistrict occupancy of beds licensed under Chapter 400, F.S., and a desired standard of 94+ percent occupancy. This subdistrict total of allocated beds is then reduced by the current number of Chapter 400, F.S., beds in the subdistrict that are licensed or approved, resulting in the net need for additional nursing facility beds to be licensed under Chapter 400, F.S. The rule also provides that if current occupancy of beds licensed under Chapter 400, F.S., is less than 85 percent, the net need in the subdistrict is zero regardless of whether the formula otherwise would show a net need.

(c)1. through 3. No change.

4. SA = A X (LBD/LB) X (OR/.94+)

where:

SA is the subdistrict allocation of nursing facility beds to be licensed under Chapter 400, F.S., at the planning horizon.

LBD is the number of nursing facility beds licensed under Chapter 400, F.S., in the subdistrict as of January 1, for fixed bed need pools published between January 1 and June 30, or as of July 1 for fixed bed need pools published between July 1 and December 31.

OR is the average 6 month occupancy rate for nursing facility beds licensed in the subdistrict under Chapter 400, F.S. For fixed bed need pools published between January 1 and June 30, occupancy rates shall be based upon patient days in nursing facilities licensed under Chapter 400, F.S., for the 6 month period from July 1 through December 31 of the previous year; for fixed bed need pools published between July 1 and December 31, occupancy rates shall be based upon patient days in nursing facilities licensed under Chapter 400, F.S., for the 6 month period from January 1 through June 30 of the year the fixed bed need pool is published.

94+ equals the desired average 6 month occupancy rate for nursing facility beds licensed under Chapter 400, F.S., in the subdistrict.

5. No change.

(d) through (f) No change.

(5) No change.

Specific Authority 408.15(8), 408.034(6)(~~5~~) FS. Law Implemented 408.034(3)(~~5~~), 408.036(1)(a)(~~g~~) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(k), Amended 8-9-92, Formerly 10-5.036, Amended 10-6-92, 8-24-93, 6-11-98, 4-7-02, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLES:	RULE NOS.:
Issuance of Citations	61-32.001
Guidelines for Issuing Citations for Unlicensed Practice of a Profession	61-32.003

PURPOSE AND EFFECT: This rule amendment provides citation fines for first-offense unlicensed professional practice not involving consumer injury or financial harm.

SUBJECT AREA TO BE ADDRESSED: Citations for unlicensed practice.

SPECIFIC AUTHORITY: 455.228(3)(a) FS.

LAW IMPLEMENTED: 455.224, 455.228 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Jennifer Causseaux, (850)414-7677. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jennifer Causseaux, Office of the General Counsel, 1940 North Monroe Street, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE TITLE: Examination for Restricted Licensure

RULE NO.: 61G3-16.007

PURPOSE AND EFFECT: The Board proposes to review the existing language in the rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination for Restricted Licensure.

SPECIFIC AUTHORITY: 476.114(2), 476.064(4), 455.217 FS.

LAW IMPLEMENTED: 476.114(2), 476.124 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: Robyn Barineau, Executive Director, Barbers' 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 Pilot Commissioners

RULE TITLE: Percentage of Gross Pilotage Assessed
 RULE NO.: 61G14-19.001
 PURPOSE AND EFFECT: The Board intends to review the rule to determine if the gross assessment needs modification.
 SUBJECT AREA TO BE ADDRESSED: The percentage of gross pilotage assessment.
 SPECIFIC AUTHORITY: 310.131, 310.185 FS.
 LAW IMPLEMENTED: 310.131 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLES: Continuing Education Credit for Biennial Renewal
 RULE NOS.: 61G17-5.0031
 Obligations of Continuing Education Providers
 61G17-5.0043
 Approval of Classes
 61G17-5.0051

PURPOSE AND EFFECT: Rule 61G1705.0031, F.A.C., clarifies what continuing education credits will be permitted to satisfy a licensee’s biennial renewal period’s continuing education requirements. Rule 61G17-5.0043, F.A.C. Updates the time period that continuing education providers have to provide DBPR with a list of attendees taking a continuing education course. Rule 61G17-5.0051, F.A.C., explains the obligation of continuing education providers attempting to get continuing education courses approved by the board.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Credit for Biennial Renewal; Obligations of Continuing Education Providers; Approval of Classes.

SPECIFIC AUTHORITY: 455.212(2), 472.008, 472.018, 455.219, 472.011 FS.
 LAW IMPLEMENTED: 455.2124(2), 455.2123, 455.2179, 472.018 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, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE TITLES: Probation
 RULE NOS.: 61G17-9.006
 Surrender of Seal and Cancellation of Digital Signature
 61G17-9.0065

PURPOSE AND EFFECT: Rule 61G17-9.006, F.A.C., describes the process by which a suspended licensee may utilize to reactivate his or her license. Rule 61G17-9.0065, F.A.C., describes the manner in which a licensee whose license has been suspended or revoked must utilize to surrender his or her seal and cancel his or her digital signature.

SUBJECT AREA TO BE ADDRESSED: Probation; Surrender of Seal and Cancellation of Digital Signature.

SPECIFIC AUTHORITY: 472.008, 472.025 FS.
 LAW IMPLEMENTED: 472.033(3)(e), 472.025 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, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

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

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

Division of Quality Medical Assurance

RULE TITLE: Forms
 RULE NO.: 64B-5.003
 PURPOSE AND EFFECT: The Department proposes to incorporate by reference forms used in the continuing education tracking system.
 SUBJECT AREA TO BE ADDRESSED: Forms.
 SPECIFIC AUTHORITY: 456.004(5), 456.025(7) FS.
 LAW IMPLEMENTED: 456.013(9), 456.025(7) 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: Amy M. Jones, Division Director, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C00, Tallahassee, Florida 32399-3250
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Services Program

RULE CHAPTER TITLE: Service Delivery Practice and Procedure
 RULE CHAPTER NO.: 65B-4
 RULE TITLE: Determination of Mental Retardation: Intelligence Tests to be Administered
 RULE NO.: 65B-4.033
 PURPOSE AND EFFECT: This rule specifies the intelligence tests to be used in the determination of Mental Retardation for the purpose of eligibility determination.
 SUBJECT AREA TO BE ADDRESSED: Intelligence tests for use in determining program eligibility.
 SPECIFIC AUTHORITY: 393.063(38) FS.
 LAW IMPLEMENTED: 393.501(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: 10:00 a.m. – 12:00 Noon, April 13, 2005
 PLACE: 4030 Esplanade Way, Room 370-A, Tallahassee, FL 32399
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charles Ball or Terri Rodgers, Agency for Persons with Disabilities, Central Office, 4030 Esplanade Way, Room 370-A, Tallahassee, FL 32399, (850)488-4257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65B-4.033 Determination of Mental Retardation: Intelligence Tests to be Administered.

(1) When an individual is suspected of having or determined to have mental retardation, intelligence tests to determine intellectual functioning as specified below shall be administered by a qualified professional who is authorized in accordance with Florida Statutes to perform evaluations in Florida. The test shall consist of an individually administered evaluation, which is valid and reliable for the purpose of determining intelligence. Either the Stanford-Binet Intelligence Scale or the Wechsler Intelligence Scale shall be used.

(2) In extraordinary situations the agency is authorized to consider the findings of qualified expert utilizing individually administered evaluation procedures which provide for the use of valid tests and evaluation materials, administered and interpreted by trained personnel, in conformance with instructions provided by the producer of the tests or evaluation materials. The results of the evaluations submitted to the agency shall be accompanied by the published validity and reliability data for the examination.

Specific Authority 393.063(38) FS. Law Implemented 393.501(1) FS. History—New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation

RULE TITLE: Physical Environment
 RULE NO.: 65C-22.002
 PURPOSE AND EFFECT: The modifications to the Physical Environment, General Requirements will clarify that the provision which prohibits firearms or weapons as defined in Section 790.001, F.S., in any building or conveyance, or upon any person located on the premises of a child care facility, does not apply to local, state or federal law enforcement officers.
 SUBJECT AREA TO BE ADDRESSED: Child Care Standards.
 SPECIFIC AUTHORITY: 402.302, 402.305 FS.
 LAW IMPLEMENTED: 402.302, 402.305 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 9:00 a.m., April 18, 2005
 PLACE: Department of Children and Family Services, Room 361A, Bldg. 6, 3rd Floor, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Abbie Messer, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-22.002 Physical Environment.

(1) General Requirements.

(a) through (d) No change.

(e) No firearms or weapons as defined in Chapter 790.001, F.S., shall be allowed within any building or conveyance, or upon any person located on the premises, excluding federal state or local Law Enforcement Officers.

(f) No narcotics, alcohol, or other impairing drugs shall be present on the premises.

(g) through (h) No change.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, 9-12-04,_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLE: Training RULE NO.: 65C-22.003

PURPOSE AND EFFECT: The modifications to the minimum training standards in this document will, clarify the requirements for early literacy and language development training, including documentation of completion of this mandatory training, revise the child care facility staff credential requirements relating to employment history recognition exemptions, clarify the credentialed staff requirements during periods of transition and the methods of calculating the number of credentialed personnel necessary in a child care facility, and modify the Application to Provide the Florida School Age Certification Training Program.

The modifications will revise the Child Development Associate Equivalency (CDAE) credential renewal requirements, including documents and training required, extend the grace period for renewals of existing CDAE credentials, make the renewal of CDAE credentials mandatory and move the review and issuance of CDAE renewals from the CDAE program providers to the Department of Children and Family Services.

SUBJECT AREA TO BE ADDRESSED: Child Care Standards.

SPECIFIC AUTHORITY: 402.302, 402.305 FS.

LAW IMPLEMENTED: 402.302, 402.305 FS.

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

TIME AND DATE: 9:00 a.m., April 18, 2005

PLACE: Department of Children and Family Services, Room 361A, Bldg. 6, 3rd Floor, 1317 Winewood Blvd., Tallahassee, Florida 32399-0700

The purpose of this hearing, if held, will be to obtain public comments on proposed rule revisions in Chapter 65C-22, Florida Administrative Code, pertaining to the areas of child care training requirements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Abbie Messer, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 388, Tallahassee, FL 32399, (850)488-4900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65C-22.003 Training.

(1) No change.

(2) Training Requirements.

(a) No change.

(b)1. through 6. No change.

7. Early Literacy for Children Age Birth to Three ~~in the Child Care Environment~~ (5 hours web based).

(c) No change.

(d) Pursuant to Section 402.305(2)(d)5., F.S., child care personnel must complete 5-clock-hours or .5 continuing education units (CEU's) of training in early literacy and language development of children birth to 5 years of age. Literacy training must be a single class or course that is no less than 5 hours in duration and focuses on early literacy and language development of children from birth to 5 years of age.

~~(d)1.~~ All child care personnel employed on or before December 31, 2004 shall complete 5-clock-hours or .5 documented continuing education units (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005.

2. All child care personnel hired on or after January 1, 2005, shall complete early literacy training ~~this training~~ within 12 months of the date of employment. ~~Literacy training must be a single class or course that is no less than 5 hours in duration.~~

3. In order to meet this requirement, child care personnel must complete one of the following:

a. The department's online literacy course available at www.myflorida.com/childcare/training.

b. A training course from the Department of Children and Family Services' list of approved literacy training programs, which can be accessed by contacting the licensing authority or by going to www.myflorida.com/childcare/training. The Department of Children and Family Services will continue to approve literacy courses through May 31, 2005. After this date, no additional courses will be added to the list; or

c. One college level early literacy course (for credit or non-credit) within the last 5 years if taken.

Literacy training that was taken ~~within~~ between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above.

(e)1. through 2. No change.

3. A copy of the certificate or training transcript for the director and owner must be included in the department's official licensing file.

(3) through (6) No change.

(7) Staff Credentials.

1. No change.

2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, Feb. 05 Feb. 04, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference. CF-FSP Form 5211 may be obtained by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training.

3.a. Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, Feb. 05 Feb. 04, Application for Child Development Associate (CDA) Equivalency for Training Programs, which is incorporated by reference, to the Department of Children and Family Services for approval. CF-FSP Form 5191 may be obtained by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training.

b. The criterion for programs wishing to be recognized as a state approved CDA Equivalency is determined by the Department of Children and Family Services and is outlined on the Application for Child Development Associate (CDA) Equivalency ~~for~~ Training Programs. Effective July 1, 2005 the Department of Children and Family Services will only approve CDA Equivalency programs that are recognized by accredited institutions of one of the national or regional accreditation organizations of the Council for Higher Education Accreditation (CHEA). The only exception is a Florida Career Education Center (public vocational or technical school) accredited by the Council on Occupational Education (COE). Existing State approved CDA Equivalency programs must maintain current sponsorship or become CHEA accredited.

4. Employment History Recognition Exemption.

a. In addition to the requirements and time frames established in statute (a person employed in a child care facility on July 1, 1995, who has a high school diploma or its equivalent and has at least 10 years of documented experience, as determined by the department, in child care between July 1, 1980 and July 1, 1995, or 10 years of teaching experience in early childhood education through grade 3 in a public or private school since July 1, 1980, meets the minimum staff credential requirement), employment history experience must include a minimum of 15 hours per week or per year or 540

hours per year working with children in a licensed, registered or exempt child care program as defined in Section 402.301, F.S., or teaching experience in a public or private school.

b. No change.

5. Graduate of the approved Florida School-Age Certification Training Program.

a. ~~Early Childhood Education Training providers organizations~~ seeking to ~~offer provide~~ the Florida School-Age Certification Training Program must utilize the Florida School-Age Certification Training Program as approved by the Department of Children and Family Services and ~~Organizations seeking to provide the Florida School-Age Certification Training Program,~~ must apply for approval on CF-FSP Form 5257, Feb. 05 July 02, Application to Provide the Florida School-Age Certification Training Program, which is incorporated by reference. ~~CF-FSP Form 5257~~ The application may be obtained on by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training.

Effective July 1, 2005, the Department of Children and Family Services will only approve Florida School-Age Certification Training Programs that are recognized by accredited institutions of one of the national or regional accreditation organizations of the Council for Higher Education Accreditation (CHEA). The only exception is a Florida Career Education Center (public vocational or technical school) accredited by the National Council on Occupational Education (COE). Existing state approved Florida School-Age Certification Training Programs must maintain current sponsorship or become CHEA accredited.

b. In order to receive the Florida School-Age Certification, a candidate must have completed the Department of Children and Family Services' Florida School-Age Certification Training Program, which consists of the following:

(I) A total of 120 hours of training consisting of successful completion of the training for School Age Child Care Personnel identified in paragraphs 65C-22.008(4)(a) and (b), F.A.C.; a minimum of 80-clock hours of training using the Department of Children and Family Services' approved curriculum, which focuses on the following six competency areas:

(I)(A) through (F) No change.

(II) through (III) No change.

(IV) 480 hours of direct contact with children in a school-age setting within the past five years.

c. through d. No change.

e. Early Childhood Education Training providers organizations that offer provide the Florida School-Age Certification Training Program must complete CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Certification Training Program, which is incorporated by reference, for each graduate. ~~The Early Childhood Education Training providers Organizations~~ must

submit the completed CF-FSP Form 5259 for each graduate, to the Department of Children and Family Services or its designated representative for processing upon completion of all components of the Florida School-Age Certification Training Program.

f. through g. No change.

(b) Periods of Transition. Child care personnel meeting the staff credentialing requirement in subparagraph (a)1.-5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and lunch times are excluded from this calculation. A credentialed staff person must be on-site on a full time basis for those facilities that operate 20 hours or less per week.

(c) Calculation of Number of Personnel Necessary.

1. Child care facilities with 19 or less children or which operate less than (8) hours per week are not subject to the credentialing requirement.

2. For every 20 children, a child care facility must have one child care personnel who meets the credentialing requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed staff member, facilities with 40-59 children must have 2 credentialed staff members, and so on.

3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.

4. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.

5. In addition to CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.

(d)(b) CDA or CDAE Renewal. A CDA or CDAE must Child Development Associate Equivalency may be renewed as specified in subparagraphs 1.-3. below. However, for the purpose of meeting the staff credentialing requirement for every 20 children in care, as mandated in Section 402.305(3), F.S., a renewal is not required, but is encouraged and appropriate 4 if the individual chooses.

1. Florida CDAE Renewals. To maintain a Florida CDAE, every 5 years a candidate must complete and provide documentation of the following criteria, along with the Florida CDAE Renewal Application, CF-FSP 5273, Feb. 05, Feb. 2004, which is incorporated by reference, and may which can be obtained on by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training, incorporated herein by reference. The application,

including all required documentation, must be submitted to the Department of Children and Family Services for review and issuance of a certificate prior to the expiration date of the current CDAE certificate. If a renewal application is received after the CDAE certificate expiration date, the CDAE will no longer be valid and cannot be renewed. Renewal applications may be submitted up to one year prior to the expiration date of the current CDAE certificate. The renewal date will be determined by the current CDAE expiration date. The application must include documentation of the following criteria: of the renewal documents specified in paragraph 65C-22.003(7)(b), F.A.C., above.

a. No change.

b. Proof of one of the following obtained within the past five years:

1. Proof of ~~At~~ at least 4.5 Continuing Education Units (CEUs), or a

2. Three college credits credit hour course in early childhood education/child development, within the past 5 years that is in addition to the original 120 clock hours required for obtaining the CDA equivalency credential;

3. Forty-five (45) clock hours of early childhood education/child development training completed at a Florida Career Education Center (public vocational or technical school).

The original 120 clock hours required for obtaining the CDA Equivalency credential cannot be used for this requirement.

c. through e. No change.

f. Three (3) completed Parent Opinion Questionnaires (within current year), documented on CF-FSP 5271, Feb. 2004, which can be obtained by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training, or an equivalent form that contains all the information required by the Department of Children and Family Services' Form.

f. Copy of a current CDA or CDAE credential.

g. The renewal fee for the Florida CDAE shall be ~~\$30.00~~ \$65.00.

2. National CDA Renewals. To renew a National CDA, that is not current, individuals must contact the Council for Early Childhood Professional Recognition, located in Washington, DC, at 1(800)424-4310. And complete a waiver form which can be obtained by going to their website at <http://www.edacouncil.org>.

3. The Department of Children and Family Services will review and approve all Florida CDAE Renewal Applications and State of Florida CDAE program will renew and issue a CDAE renewal certificate to individuals holding an inactive National CDA or a Florida CDAE issued prior to June 30, 2000, upon submission of the renewal documents specified in paragraph 65C-22.003(7)(b), F.A.C., above. This renewal option will be available through December 31, 2005 June 30, 2005. The Florida CDAE renewal will be documented on

CF-FSP 5270, ~~Feb. 05 Feb. 2004~~, Florida CDA Equivalency Certificate of Renewal. ~~CF-FSP-5270 may be obtained by going to the Department of Children and Family Services' website at www.myflorida.com/childcare/training.~~

~~(e) Periods of Transition. Child care personnel meeting the staff credentialing requirement in subparagraphs (a)1. 5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and lunch times are excluded from this calculation. A credentialed staff person must be on site on a full time basis for those facilities that operate 20 hours or less per week.~~

~~(e)(4) Verification of Education and Employment History.~~

~~1. through 2. No change.~~

~~3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.~~

~~(e) Calculation of Number of Personnel Necessary.~~

~~1. Child care facilities with 19 or less children or which operate less than (8) hours per week are not subject to the credentialing requirement.~~

~~2. For every 20 children, a child care facility must have one child care personnel who meets the credentialing requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed staff member, facilities with 40-59 children must have 2 credentialed staff members, and so on.~~

~~3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.~~

~~4. The licensing authority will calculate the number of credentialed personnel required based on daily attendance.~~

~~5. In addition to CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.~~

~~6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.~~

~~(8) Director Credential.~~

~~(a) through (g) No change.~~

~~(h) Renewal.~~

~~1. No change.~~

~~2. A Director Credential issued prior to January 1, 2004, will have an initial renewal date of January 1, 2009, and every 5 years thereafter. A Director Credential issued after January 1, 2004 will have an initial renewal date after 5 years and every 5 years thereafter. The completed application, including all required documentation, must be submitted to the Department of Children and Family Services for review and issuance of a Director Credential certificate prior to the expiration date of~~

the current Director Credential. If a renewal application is received after the Director Credential expiration date, the Director Credential will no longer be valid and cannot be renewed. Renewal applications may be submitted up to one year prior to the expiration date of the current Director Credential certificate. The renewal date will be determined by the current Director Credential expiration date.

~~(j) Before-school and after school sites.~~

~~A director holding a foundational or advanced Director Credential may supervise multiple before-school and after-school sites for a single organization as follows:~~

~~a. through b. No change.~~

~~c. In counties where the public school district has included 4-year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve 4-year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in subparagraph 65C-22.003(7)(6)(a), F.A.C., in order to accommodate the 4-year old children.~~

~~d. No change.~~

~~Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, 9-12-04, _____.~~

DEPARTMENT OF FINANCIAL SERVICES

DIR Insurance Regulation

RULE TITLE: RULE NO.:

Mortgage Fire Insurance Requirements Limited 690-167.009

PURPOSE AND EFFECT: To clarify that a "fire policy" means a "property policy".

SUBJECT AREA TO BE ADDRESSED: Limits on mortgage lenders requirements for excess insurance.

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 626.9551(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 13, 2005

PLACE: Room 143, 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 IS: Richard Koon, Property and Casualty Product Review, Office of Insurance Regulation, e-mail: richard.koon@fldfs.com THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at http://www.dep.state.fl.us/ under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE TITLE: Application and Examination Fees RULE NO.: 61G10-12.001

PURPOSE AND EFFECT: The Board proposes to amend the fee criteria and schedules for licensure applicants according to the Department's new requirements.

SUMMARY: The application and examination fees.

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: 481.306, 481.307 FS.

LAW IMPLEMENTED: 481.307 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

THE FULL TEXT OF THE PROPOSED RULE IS:

61G10-12.001 Application and Examination Fees.

(1) The examination application fee shall be one hundred dollars (\$100.00), payable to the Department.

(2) The following is the examination fee schedule for the Landscape Architectural Registration Examination and the Florida Section:

(a) If you are a first time candidate and elect to take all sections of the examination, your examination fee will be \$900.00.

If you are a retake candidate or a first time candidate and elect to only take certain sections, your fee schedule is as follows:

Table with 2 columns: Section Name and Fee. Section A: \$65.00, payable to the Council of Landscape Architectural Registration Boards. Section B: \$115.00, payable to the Council of Landscape Architectural Registration Boards. Section C: \$230.00, payable to the Department. Section D: \$180.00, payable to the Council of Landscape Architectural Registration Boards. Section E: \$225.00, payable to the Department. Florida Section: \$300.00, of which, \$282.00 is payable to the department and is due at the time of application, \$18.00 is to payable to the Department's contracted testing service, and is due at the time of the testing.

The total fee for the Florida Section is \$300.00, of which \$274.00 is payable to the Department and \$26.00 is payable to the approved testing service. The \$274.00 fee payable to the Department is due at the time of the application. The \$26.00 fee payable to the approved testing service is due at the time of the testing.

(3) A retake candidate may elect to take only certain sections, and is responsible only for the fee for the sections elected.

Specific Authority 481.306, 481.307 FS. Law Implemented 481.307 FS. History—New 2-4-80, Amended 3-9-84, 7-26-84, Formerly 21K-12.01, Amended 10-7-87, 11-12-89, 3-11-91, Formerly 21K-12.001, Amended 8-7-95, 1-13-99, 8-16-99, 8-27-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Chastain, Executive Director, Board of Landscape Architecture

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Landscape Architecture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 28, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 2004

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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