

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: frank.dino@fldfs.com THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Room 225F, Tallahassee, Florida 32399-7000 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE FULL TEXT OF THE PROPOSED RULES IS:

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 ELDER AFFAIRS

Health Facility and Agency Licensing

Table with 2 columns: RULE TITLES and RULE NOS.: Alzheimer's Disease and Related Disorders (ADRD) Training Requirements 58A-8.001 ADRD Training Provider and Curriculum Approval 58A-8.002

PURPOSE AND EFFECT: The purpose of this rule is to clarify the requirements of ADRD training for home health agency employees in accordance with provisions set forth in Section 400.4785, F.S. The proposed rule was developed in consultation with the Agency for Health Care Administration.

SUMMARY: The proposed rule clarifies the ADRD training requirements for home health agency employees and requirements and procedures for applicants seeking approval as ADRD training providers and approval of ADRD curricula. Two applications are also created for ADRD training: a training provider certification, DOEA form HH/ADRD-001, and a training curriculum certification, DOEA form HH/ADRD-002.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory costs 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 430.08, 400.4785(1)(f) FS.

LAW IMPLEMENTED: 400.4785 FS.

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

TIME AND DATE: 9:00 a.m. - 12:00 p.m., Wednesday, May 25, 2005

58A-8.001 Alzheimer's Disease and Related Disorders (ADRD) Training Requirements.

(1) Each home health agency licensed under Part IV of Chapter 400, Florida Statutes, shall ensure that agency employees providing direct care to patients receive the following training.

(a) Completion of the required two hours of training after June 30, 2005, shall satisfy the requirement referenced in subsection 400.4785(1)(b), F.S. Agency employees who meet the requirements for Alzheimer's Disease or Related Disorders training providers under paragraph (c) of this subsection shall be considered as having met this requirement. The two-hour training shall address the following subject areas:

- 1. Understanding Alzheimer's Disease or Related Disorders;
2. Characteristics of Alzheimer's Disease or Related Disorders; and
3. Communicating with patients with Alzheimer's Disease or Related Disorders.
4. Behavior management;
5. Assistance with activities of daily life;
6. Activities for patients;
7. Stress management for the caregiver;
8. Family issues;
9. Patient environment;
10. Ethical issues; and
11. Medical information.

(b) A detailed description of the subject areas that shall be included in an ADRD curriculum which meets the requirements of paragraph (a) of this subsection can be found in the document "Training Guidelines for the Special Care of Home Health Agency Patients with Alzheimer's Disease or Related Disorders", May 2005, incorporated by reference, available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(c) Persons who seek to provide ADRD training in accordance with this subsection shall provide the Department of Elder Affairs, or its designee, documentation that they hold a Bachelor's degree from an accredited college or university or hold a license as a registered nurse, and:

- 1. Have 1 year teaching experience as an educator of caregivers for persons with ADRD; or
2. Have 1 year of practical experience in a program providing care to persons with ADRD; or

3. Have completed a specialized training program in ADRD from a university or an accredited health care, human service, or gerontology continuing education provider.

(d) With reference to requirements in paragraph (1)(c), a Master's degree from an accredited college or university in a subject related to the content of this training program can substitute for the teaching experience. Years of teaching experience related to the subject matter of this training program may substitute on a year-by-year basis for the required Bachelor's degree referenced in paragraph (1)(c).

(2) A facility employee who has successfully completed training and continuing education consistent with the requirements of Section 400.4178, Florida Statutes, or completed training consistent with the requirements of sections 400.1755, 400.5571, or 400.6045, Florida Statutes, shall be considered as having met the training requirements of this rule.

Specific Authority 430.08, 400.4785(1)(f) FS. Law Implemented 400.4785 FS. History--New _____.

58A-8.002 ADRD Training Provider and Curriculum Approval.

(1) The training provider and curriculum shall be approved by the Department or its designee prior to commencing training activities. The Department or its designee shall maintain a list of approved ADRD training providers and curricula. Approval as a training provider and approval of the curriculum may be obtained as follows:

(2) Applicants seeking approval as ADRD training providers shall complete DOEA form HH/ADRD-001, Application for Alzheimer's Disease or Related Disorders Training Provider Certification, dated May 2005, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(b) Applicants seeking to obtain approval of ADRD curricula shall complete DOEA form HH/ADRD-002, Application for Alzheimer's Disease or Related Disorders Training Three-Year Curriculum Certification, dated May 2005, which is incorporated by reference and available at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000. Approval of the training curriculum shall be granted for 3 years, whereupon the training curriculum must be re-submitted to the Department or its designee for re-approval.

(2) Approved ADRD training providers shall maintain records of each course taught for a period of three years following each program presentation. Course records shall include the title of the approved ADRD training curriculum, the curriculum approval number, the number of hours of training, the training provider's name and approval number, the date and location of the course, and a roster of trainees.

(3) Upon successful completion of training, the trainee shall be issued a certificate by the approved training provider. The certificate shall include the title of the approved training

and the curriculum approval number, the number of hours of training, the trainee's name, dates of attendance, location and the training provider's name, approval number and dated signature. The training providers signature on the certificate shall serve as documentation that the training provider has completed the required training pursuant to Section 400.4785(1), F.S.

(4) The Department or its designee reserves the right to attend and monitor ADRD training courses, review records and course materials approved pursuant to this rule, and revoke approved training provider status on the basis of non-adherence to approved curriculum, the provider's failure to maintain required training credentials, or if the provider is found to knowingly disseminate any false or misleading information.

(5) Except as notified, certificates of any ADRD training required by this rule shall be documented in the agency's personnel files.

(6) ADRD training providers and training curricula which are approved consistent with the provisions of Sections 400.4178, 400.1755, 400.5571, or 400.6045, Florida Statutes, shall be considered as having met the requirements of this subsection.

Specific Authority 430.08, 400.4785(1)(f) FS. Law Implemented 400.4785 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Susan Rice, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, telephone number (850)414-2000

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Carole Green, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 3, 2005

DATE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 18, 2003

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: RULE NO.:

Complementary or Alternative 61G18-19.002
Veterinary Medicine

PURPOSE AND EFFECT: The Board proposes a new rule to recognize alternative treatment modalities as veterinary medicine.

SUMMARY: The proposed new rule addresses the nature of complementary and alternative therapies based on techniques recognized in other medical practices, and sets forth the responsibility to communicate the use of alternative therapies to the owner of the animal.

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: 474.206 FS.

LAW IMPLEMENTED: 474.202(13) 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 Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-19.002 Complementary or Alternative Veterinary Medicine.

(1) Definition – Complementary, alternative and integrative therapies means a heterogenous group of preventive, diagnostic and therapeutic philosophies and practices, which at the time they are performed may differ from current scientific knowledge, or whose theoretical basis and techniques may diverge from veterinary medicine routinely taught in accredited veterinary medical colleges, or both. These therapies include, but are not limited to, veterinary acupuncture, acuthery and acupressure, veterinary homeopathy, veterinary manual or manipulative therapy (i.e., therapies based on techniques practiced in osteopathy, chiropractic medicine, or physical medicine and therapy); veterinary nutraceutical therapy and veterinary physiotherapy.

(2) Communication of treatment alternatives – A license veterinarian who offers to provide a patient with complementary or alternative health care treatment must inform the owner of the patient of the nature of the treatment and must explain the benefits and risks associated with the treatment to the extent necessary for the owner to make an informed and prudent decision regarding such treatment option. In compliance with this subsection:

(a) The licensed veterinarian must inform the owner of his or her education, experience and credentials in relation to veterinary complementary or alternative health care treatment option.

(b) The licensed veterinarian may, in his or her discretion, communicate the information orally or in written form directly to the owner or to the owner’s legal representative.

(c) The licensed veterinarian may, in his or her discretion and without restriction, recommend any mode of treatment that is, in his or her judgment, in the best interests of the patient, including complementary or alternative health care treatments, in accordance with the provisions of his or her license.

(3) Records – Every licensed veterinarian providing a patient with a complementary or alternative health care treatment must indicate in the patient’s record the method by which the requirements of subsection (2) were met.

(4) Effect – This section does not modify or change the scope of practice of any licensed veterinarian, nor does it alter in any way the provisions of Chapter 474, F.S., which require licensees to practice within standards of care, and which prohibit fraud and exploitation of clients.

Specific Authority 474.206 FS. Law Implemented 474.202(13) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Veterinary Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 1, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Fees
RULE NO.: 61H1-31.001

PURPOSE AND EFFECT: The Board proposes to review this Rule to determine if any additions, deletions, fee increases or decreases are necessary.

SUMMARY: This rule sets forth the fee amounts for the Uniform CPA examination.

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: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

LAW IMPLEMENTED: 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 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 W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-31.001 Fees.

(1) Applicants to sit for the Uniform CPA Examination, as a first time candidate or for candidates transferring partial credits from another state, a fifty dollar (\$50.00) application fee will be owed prior to processing the application. Once the applicant has been approved to sit for the exam as a Florida candidate; the following initial examination fee will be charged to take each section of the exam: Auditing ~~\$159.25~~ ~~\$134.50~~, Accounting ~~\$148.00~~ ~~\$126.00~~, Regulation ~~\$125.50~~ ~~\$109.00~~, and Business E & C ~~\$114.25~~ ~~\$100.50~~.

(2) through (12) No change.

Specific Authority 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS. Law Implemented 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History--New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-4-02, 1-27-04, 1-31-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLES: Continuing Professional Education
CPA Ethics Courses – Standards

RULE NOS.: 61H1-33.003
61H1-33.00342

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

SUMMARY: Rule 61H1-33.003, F.A.C., sets forth the Board’s expectations of the obligations of the providers of the ethics education courses, and Rule 61H1-33.00342, F.A.C., is a new rule pursuant to Section 473.312(1), F.S., which sets the standards for the courses to be offered by the ethics continuing education providers.

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

LAW IMPLEMENTED: 455. 2177, 455.2178, 455.2179, 473.312(1)(a),(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL 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 RULES IS: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULES IS:

61H1-33.003 Continuing Professional Education.

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

(b) No change.

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

(c) The ethics courses shall consist of:

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

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

(d)(e) No change.

(4) through (7) No change.

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

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

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

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

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

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

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

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

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

CPA Ethics Course Provider as set forth in Rule 61H1-33.00341, F.A.C., or when the course will be taught whichever occurs earlier.

Specific Authority 120.55(1)(a)4., 455.2177, 455.7178, 455.2179, 473.304, 473.312 F.S. Law Implemented 455.2177, 455.2178, 455.2179, 473.312(1)(a),(c) F.S. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 18, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 22, 2005

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 Dentistry

RULE TITLES:	RULE NOS.:
Remediable Tasks Delegable to Dental Assistants	64B5-16.005
Remediable Tasks Delegable to a Dental Hygienist	64B5-16.006

PURPOSE AND EFFECT: The Board proposes the rule amendments to expand the tasks that may be performed by dental assistants and dental hygienists under direct supervision.

SUMMARY: The proposed rule amendments permit dental assistants to make study casts for orthodontic retainers and at-home bleaching trays. Dental hygienists may perform these tasks and the placing of certain subgingival compounds.

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, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-16.005 Remediable Tasks Delegable to Dental Assistants.

(1) The following remediable tasks may be performed by a dental assistant who has received formal training and who performs the tasks under direct supervision:

(a) through (s) No change.

(t) Making impressions for study casts which are being made for the purpose of fabricating passive orthodontic retainers.

(u) Taking of impressions for and delivery of at-home bleaching trays.

(2) through (5) No change.

Specific Authority 466.004(4), 466.024(3) FS. Law Implemented 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.005, Amended 3-30-94, Formerly 61F5-16.005, Amended 1-9-95, 9-27-95, 6-12-97, Formerly 59Q-16.005, Amended 1-8-01, 4-22-03, _____.

64B5-16.006 Remediable Tasks Delegable to a Dental Hygienist.

(1) The following remediable tasks may be performed by a dental hygienist who has received formal training and who performs the tasks under direct supervision:

(a) through (n) No change.

(o) Making impressions for study casts which are being made for the purpose of fabricating orthodontic retainers. ~~Placing subgingival resorbable chlorhexidine, doxycycline hyclate, or minocycline hydrochloride.~~

(2) The following remediable tasks may be performed by a dental hygienist who has received training in these procedures in pre-licensure education or who has received formal training and who performs the tasks under indirect supervision:

(a) through (e) No change.

(f) Placing subgingival resorbable chlorhexidine, doxycycline hyclate, or minocycline hydrochloride.

(g) Taking of impressions for and delivery of at-home bleaching trays.

(3) through No change.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024 FS. History—New 1-18-89, Amended 11-16-89, 3-25-90, 9-5-91, 2-1-93, Formerly 21G-16.006, Amended 3-30-94, Formerly 61F5-16.006, Amended 1-9-95, 6-12-97, Formerly 59Q-16.006, Amended 1-25-98, 9-9-98, 3-25-99, 4-24-00, 9-27-01, _____.

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: September 26, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 28, 2005

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE TITLE: RULE NO.:

Citations 64B17-7.002

PURPOSE AND EFFECT: The Board proposes the rule amendment to encourage the timely payment of required licensure fees.

SUMMARY: The proposed rule amendment adds a fine of \$150 for failure to pay required fees in a timely manner.

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: 456.077, 486.025 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: Kaye Howerton, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B17-7.002 Citations.

(1) through (2) No change.

(3) The Board designates the following as citation violations:

(a) through (g) No change.

(h) Failure to pay required fees and/or fines in a timely manner (Rule 64B17-7.0025, F.A.C.) – A fine of \$150.

(4) through (5) No change.

Specific Authority 456.077, 486.025 FS. Law Implemented 456.077 FS. History—New 1-19-92, Formerly 21MM-7.003, Amended 10-28-93, Formerly 61F11-7.003, 59Y-7.003, Amended 1-6-99, 1-6-02, 4-18-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Physical Therapy Practice

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 10, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 1, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

RULE TITLES:	RULE NOS.:
Assets	65A-1.303
Food Stamp Program Income and Expenses	65A-1.603
Food Stamp Assets	65A-1.606

PURPOSE AND EFFECT: Economic Self-Sufficiency (ESS) rules were reviewed to determine rules that needed amendment to remove obsolete language; align with state/federal laws and federal regulations; and, combine rules that address the same subject. Rules 65A-1.303 and 65A-1.606, F.A.C., address the same subject (assets) in determining eligibility for public assistance. Rule 65A-1.606, F.A.C., will be repealed and the vehicle asset requirements added to Rules 65A-1.303, 65A-1.303 and 65A-1.603, F.A.C., amendments will align assets, income and expense verification requirements for eligibility determination in accordance with state/federal laws and federal regulations.

SUMMARY: The proposed rule amendments align procedures for verification of assets, income and expenses necessary to determine public assistance eligibility with federal regulations applicable to each specific program. Administrative Rule 65A-1.606, F.A.C., will be repealed and the vehicle asset provisions added to Administrative Rule 65A-1.303, F.A.C.

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: 414.45 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.9191, 410.033, 414.075, 414.095, 414.31 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: 10:30 a.m., June 6, 2005
PLACE: 1317 Winewood Boulevard, Building 3, Room 100, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jennifer Lange, Chief, Program Policy, Economic Self-Sufficiency, 1317 Winewood Boulevard, Building 3, Room 450, Tallahassee, Florida 32399-0700, (850)414-5643

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-1.303 Assets.

(1) Specific policies concerning assets vary by program and are found in federal statutes and regulations and Florida Statutes. ~~In general, assets, liquid or non-liquid, are resources~~

~~or items of value that are owned (singly or jointly) or considered owned by an individual who has access to the cash value upon disposition. Assets of each member of the SFU must be determined. A decision of whether each asset affects eligibility must be made.~~

(2) Any individual who has the legal ability to dispose of an interest in an asset owns the asset. ~~For food stamps the asset is considered unavailable if the ability to dispose of the asset is dependent upon a joint owner who refuses to comply.~~

(3) Once the individual's ownership interest of an asset(s) is established, the availability of that asset must be determined. Asset(s) determined not to be available are not considered in determining eligibility on the factor of assets. Assets are considered available to an individual when the individual has unrestricted access to it the funds. Accessibility depends on the legal structure of the account or property. An asset is countable, if the asset is available to a representative possessing the legal ability to make the asset available for another's the individual's support or and maintenance, even though the representative individual chooses not to do so. ~~For AFDC if the legal availability of an asset in the form of a trust is in question, the applicant or recipient will be allowed 90 days in which to petition the court to determine legal access to the funds. The AFDC application will be approved or the case remain open while the applicant or recipient pursues such a decision from the court. After ninety days, if the court rules the trust is available, it will be counted as such for AFDC purposes. If the court has not yet ruled on the petition, the AFDC application will be approved or the case will remain open for another ninety days.~~ Assets not available due to legal restrictions are not considered in determining total available assets unless ~~The exception to this rule is when the legal restrictions were caused or requested by the individual or another acting at their request or on their behalf.~~

~~(4) Assets must be verified at the source (for example, by the bank where the account is held) or through a source document. Verification of all assets, except cash, is required in all cases. The individual's allegation of the amount of cash is accepted. If it is clear from the individual's statement that total assets exceed the limitation or if the individual is ineligible on another factor, assets need not be verified. Policy regarding the type of verification needed varies by type of asset and program.~~

(4) Vehicles. The determination of whether a vehicle is an asset for food stamps and/or cash assistance purposes depends on the use of the vehicle, whether the vehicle is licensed or unlicensed, and the vehicle's equity value. The determination must be made in accordance with s. 414.075, F.S., and 7 CFR 273.8.

Specific Authority 414.45 FS. Law Implemented 409.904, 410.033, 414.075, 414.31 FS. History—New 4-9-92, Amended 9-19-94, Formerly 10C-1.303, Amended _____.

65A-1.603 Food Stamp Program Income and Expenses.

- (1) No change.
- (2) Standard Utility Allowance.

~~(a)~~ A standard utility allowance (SUA) of \$198 must be used by Assistance Groups (AGs) who actually incur or, within the next 12 months expect to incur, either heating or cooling costs or both separate and apart from their rent or mortgage payment. Actual utility expenses are not allowed. When a SUA is budgeted, no other additional utility costs, including the separate telephone expense, will be budgeted. The AGs that must use the SUA include those that:

- 1. through 3. renumbered (a) through (c) No change.

~~(d)(b)~~ The standard utility allowance contains both a heating and cooling component. Residents of public housing that and are billed for excess utility expenses are entitled to the full SUA. Actual utility expenses are not allowed.

~~(e)(e)~~ If more than one AG shares in paying any of the utility expenses of the dwelling the full SUA that incurs or has the ability to incur heating or cooling expenses, will be allowed the full SUA for each AG sharing in any of the utility costs of the dwelling. An individual living with others and not sharing in the utility costs of the dwelling is not entitled to the SUA. When the SUA is budgeted, no additional utility costs, including separate telephone expense, will be budgeted. The amount of the SUA is \$198.

(3) Basic Utility Allowance. A basic utility allowance (BUA) of \$173 will be budgeted for AGs that do not have the ability to incur either heating or cooling expenses, but do incur other utilities such as electricity, fuel, water, sewage, or garbage pickup that have the ability to incur utility costs, other than telephone, separate and apart from their rent or mortgage. Actual expenses are not allowed. If the BUA is budgeted, no other utility expenses including the telephone expense, will be budgeted. The use of this BUA basic utility allowance is mandatory for all ~~such~~ AGs who incur a utility expense other than a telephone, including AGs who:

~~(a)~~ Do not incur heating or cooling costs, but pay for other utilities such as electricity, fuel, water, sewage, or garbage pickup;

~~(a)(b)~~ Are billed by their landlord for actual usage or are charged a flat rate for utilities separate and apart from their rent and the charges do not include heating and cooling costs; and

~~(b)(e)~~ Share a utility meter and pay for utilities, but do not incur heating or cooling costs.

If more than one AG shares in paying any of the utility expenses of the dwelling that does not incur or have the ability to incur either heating or cooling costs, the full BUA will be allowed for each AG sharing the utility costs. An individual living with others and not sharing in the utility expenses of the dwelling is not entitled to share the BUA. The basic utility allowance is \$178. If the basic utility allowance is budgeted, no other utility expenses including the telephone expense, will be budgeted.

(4) No change.

~~(5)~~ To use any of the allowances, verification must be obtained that the AG actually incurs, or expects to incur, the types of utility expenses leading to the specific allowances. A utility deposit receipt is acceptable verification that an AG incurs a utility expense. When verification is requested, it must be received within 30 days of the date of the request, or the ESS specialist will determine the AG's eligibility and allotment without allowing the appropriate allowances. Verification must be provided prior to budgeting the appropriate allowance.

~~(5)(6)~~ No change.

Specific Authority 414.45 FS. Law Implemented 414.31 FS. History--New 1-31-94, Formerly 10C-1.603, Amended 1-12-99, 5-25-03, _____.

65A-1.606 Food Stamp Assets.

Specific Authority 414.45 FS. Law Implemented 414.075(2)(a), 414.31 FS. History--New 3-24-02, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Government Operations Consultant II
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Lange
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 25, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 11, 2004

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Fish Management Areas
RULE TITLE: Specific Fish Management Area Regulations
PURPOSE AND EFFECT: The proposed rule changes the name of the fish management area to reflect the current corporate name of the company under which we have a cooperative agreement to manage the area for freshwater fishing. This rule change would modify the area name only; no other changes would be made.

SUMMARY: The proposed rule would change the name of Cargill Fort Meade Fish Management Area to Mosaic Fish Management Area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING THE REGULAR MEETING OF THE COMMISSION TO BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, June 15-17, 2005

PLACE: Hilton Daytona Beach/Oceanwalk Village, 100 North Atlantic Avenue, Daytona Beach, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Darrell Scovell, Director, Division of Freshwater Fisheries Management, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-20.005 Specific Fish Management Area Regulations.

(1) through (3) No change.

(4) Southwest Region:

(a) through (s) No change.

(t) Mosaic Fish Management Area ~~Cargill Fort Meade Mine~~, Polk and Hardee counties:

1. General regulations:

a. All anglers shall check in and out at the Mosaic ~~Cargill Fort Meade Mine~~ creel station, the designated entry point, unless otherwise instructed.

b. Fishing is allowed only by daily permit issued by the Commission.

c. Days and hours of operation and quotas shall be as designated by the Commission and posted at the Mosaic ~~Cargill Fort Meade Mine~~ creel station. Fishing is permitted in designated lakes only. All other lakes and restricted areas so posted are closed to public fishing. Any lake may be temporarily closed to public access for management purposes, or in the event that access to the lake exposes the public to danger, by posting notice at the creel station.

d. No person shall kill or possess any black bass unless otherwise specified.

e. Daily bag limit for sunshine bass shall be six.

f. Daily bag limit for black crappie shall be 10. No person shall kill or possess any crappie that is less than 10 inches in total length.

g. Fish may not be filleted, nor their head or tail fin removed, until the angler has checked out at the creel station. Disposal of fish remains is prohibited.

h. Guns are prohibited.

i. Motor vehicles may be operated only on designated roads, parking areas and boat ramps.

j. No person shall park any vehicle in a manner that obstructs a road, boat ramp, gate, or fire lane.

k. Swimming and float tubes are prohibited.

l. Rough fish may be removed from designated lakes by cast nets and minnow seines at the discretion of the landowner.

m. No person shall operate any boat propelled by an internal combustion engine of more than 10 horsepower.

2. Specific regulations:

a. Haul Road Pit.

(I) No person shall kill or possess any black bass that is 15 inches or more in total length.

(II) No person shall kill or possess more than two black bass.

b. Long Pond (LP2 West) – No boats permitted.

(u) No change.

(5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 2-19-80, 5-19-80, 6-4-81, 9-28-81, 6-21-82, 7-1-83, 11-17-83, 7-1-84, 7-1-85, Formerly 39-20.05, Amended 2-27-86, 6-1-86, 5-10-87, 4-13-88, 7-1-89, 7-1-90, 4-11-91, 7-1-91, 7-2-92, 8-23-92, 4-20-93, 7-1-94, 8-15-95, 10-23-95, 4-1-96, 2-16-97, 6-1-97, 6-29-97, 1-1-98, 7-1-98, 11-2-98, Formerly 39-20.005, Amended 4-30-00, 7-1-00, 10-10-00, 4-1-01, 7-1-01, 10-9-01, 7-1-02, 1-1-03, 7-1-03, 1-1-04, 7-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Tom Champeau, Biological Administrator, Division of Freshwater Fisheries Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 4, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 17, 2004

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FINANCIAL SERVICES COMMISSION

OIR Insurance Regulation

RULE TITLE:
Claim Payments

RULE NO.:
690-191.066

PURPOSE, EFFECT AND SUMMARY: The rule is being repealed because it is contrary to Section 641.3155(3) and (4), F.S. The rule provides that claims must be paid or additional information must be requested within 30 days of receipt by the HMO. The statute, however, sets out a variety of different time periods, one factor of which is whether the claim was electronically submitted or not. These time periods range from 20 days to 90 days.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No SERC 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 in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 641.36 FS.

LAW IMPLEMENTED: 641.31(12), 641.3903(5)(c)3.,5.,6. 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: 9:30 a.m., June 15, 2005

PLACE: Room 142, 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 IS: Bob Norris, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: bob.norris@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-191.066 Claim Payments.

Specific Authority 641.36 FS. Law Implemented 641.31(12), 641.3903(5)(c)3.,5.,6. FS. History--New 2-22-88, Formerly 4-31.066, Amended 5-28-92, Formerly 4-191.066, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Norris, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 19, 2005

Section III Notices of Changes, Corrections and Withdrawals

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 NO.: 33-601.604
RULE TITLE: Determination of Credit When Inmate is Released in Error

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. 31, No. 10, March 11, 2005, issue of the Florida Administrative Weekly:

33-601.604 Determination of Credit When Inmate is Released in Error.

(1) No change.

(2) A preliminary determination will be made as to where the error occurred. If it is clear that an error was made on the part of the state, and there is no indication that the inmate reasonably should have known that the release was in error or before completion of sentence, based upon the length and number of sentences as reflected in the commitment documents and court orders, the out time will be awarded without the need for hearing.

(3) If it appears the inmate reasonably should have known that the release was in error or before completion of sentence, based upon the length and number of sentences as reflected in the commitment documents and court orders, a fact finding due process hearing will be held to determine if the inmate is due credit for the time out of custody.

(a) through (4) No change.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275 FS. History--New 7-11-00, Amended _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: 40D-1
RULE CHAPTER TITLE: Procedures
RULE NO.: 40D-1.659
RULE TITLE: Forms and Instructions