

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.005 Probationary Conditions and Definitions.

(1) through (2) No change.

(3) Provisions governing all supervised or monitored physicians.

(a) through (c) No change.

(d) The supervisor/monitor must be a licensee under Chapter 459, F.S., in good standing and without restriction or limitation on his license. However, when no physician licensed under Chapter 459, F.S., is available to supervise/monitor a licensee, the Board shall approve a physician licensed under Chapter 458, F.S., provided that said licensee is willing to serve as a supervisor/monitor. In addition, the Board may reject any proposed supervisor/monitor on the basis that he or she has previously been subject to any disciplinary action against his or her license to practice osteopathic medicine in this or any other jurisdiction. The supervisor/monitor must be actively engaged in the same or similar specialty area unless otherwise provided by the Board. The Board may also reject any proposed supervisor/monitor for good cause shown.

(4) No change.

Specific Authority 459.005 FS. Law Implemented 459.015(2)(g) FS. History--New 4-18-89, Formerly 21R-19.005, 61F9-19.005, Amended 9-5-94, Formerly 59W-19.005, Amended 11-27-97, 10-20-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Osteopathic Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Osteopathic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: August 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: July 8, 2005

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.:

1S-2.031

RULE TITLE:

Recount Procedures

NOTICE OF CHANGE

Notice is hereby given that proposed Rule 1S-2.031, published in the FAW, Page 1835, Vol. 31, No. 20, on May 20, 2005, has been changed to reflect comments received from JAPC and the public during the hearing held on June 13, 2005. The summary of the major changes made to the proposed rule text is as follows:

(1) In subsection (1)(d) of the Rule, the word "recounts" is changed to "recount" to correct a grammatical error.

(2) In subsection (4), paragraphs (a) and (b), all references to Form DS-DE 72 is changed to "Form DS-DE 72 (Rev. ___/___), entitled 'Samples of Ballot Image Reports for the following certified voting systems: ES& S iVotronic Touchscreen Voting System; Sequoia Touchscreen Voting System; and Diebold Touchscreen Voting System.'" Additionally, the phrase "and as may be amended" in each reference to the form throughout the rule is removed.

(3) Subsection (2)(b)1. is revised to include a procedure for testing the accuracy of the printed vote total before a touchscreen ballot machine recount is done. Therefore, the following new language is added: The county canvassing board shall test the accuracy of the printed vote totals from each precinct and early voting site by comparing the total number of votes for the affected race or races with the total number of voters who signed in to vote at each precinct and early voting site. If an error is detected, the cause therefore shall be ascertained and corrected. The corrected printed vote totals shall then be used as set forth in paragraph 2.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Maria Matthews, Division of Elections, Office of General Counsel, R. A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399, (850)245-6536

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."

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:

40D-1.659

RULE TITLE:

Forms and Instructions

NOTICE OF CHANGE

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes have been made to the proposed Rule 40D-1.659, F.A.C. published in Vol. 31, No. 23, June 10, 2005, issue of the Florida Administrative Weekly:

The following changes are made in response to comments from the Joint Administrative Procedures Committee.

In addition to the statutory authority cited in the Statements of Purpose and Effect and of Facts and Circumstances Justifying Rule, the proposed rule amendment is required by subsections 62-531.300(1) and (2), F.A.C., which addresses continuing education requirements for water well contractor licensure, and subsections 62-531.330(2),(3) and (4), F.A.C., concerning continuing education requirements for license renewal.

Furthermore, an addition is proposed to Form 42.00-44(5/00), to acknowledge an applicant may provide proof of equivalent experience as provided by paragraph 62-531.300(6)(b), F.A.C. The form is also modified to delete the word “drilled” on page 3 and substitute the phrase “constructed, repaired or abandoned.”

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

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-31.007
 RULE TITLE: Anesthesiologist Assistant
 Licensure Renewal and
 Reactivation

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 52, of the December 23, 2004, issue of the Florida Administrative Weekly. The changes are in response to continued written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board published a Notice of Change in Vol. 31, No. 22, of the June 3, 2005, Florida Administrative Weekly. The following changes were approved by the Anesthesiologist Assistants Committee at its meeting held on July 22, 2005, and the Board approved the Committee’s recommendation at its meeting held on August 5, 2005. The additional changes to the rule are as follows:

1. Subparagraph (3)(c)2. of the rule shall now read:
 “2. Re-take and successfully complete the NCCAA certification examination.”
2. Subsection (4) of the rule shall now read:
 “(4) Licensure Renewal or Reactivation.

(a) Application for renewal as a licensed anesthesiologist assistant must be made upon a form supplied by the Board, and incorporated in Rule 64B8-1.007, F.A.C.

(b) Renewal application forms submitted to the Board must be complete in every detail and must be typed or legibly printed in black ink.

(c) Application for reactivation shall be made in writing and in accordance with Section 456.036, F.S.”

3. Subparagraph (6)(b)1. shall now read:

“1. File with the Department the completed application for inactive status as required by Section 456.036, F.S., or apply for licensure reactivation as required by Section 456.036, F.S.;”

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-7.007
 RULE TITLE: Anesthesiologist Assistant
 Licensure Renewal and
 Reactivation

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 52, of the December 23, 2004, issue of the Florida Administrative Weekly. The changes are in response to continued written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board published a Notice of Change in Vol. 31, No. 22, of the June 3, 2005, Florida Administrative Weekly. The following changes were approved by the Anesthesiologist Assistants Committee at its meeting held on July 22, 2005, and the Board approved the Committee’s recommendation at its meeting held on August 19, 2005. The additional changes to the rule are as follows:

1. Subparagraph (3)(c)2. of the rule shall now read:
 “2. Re-take and successfully complete the NCCAA certification examination.”
2. Subsection (4) of the rule shall now read:
 “(4) Licensure Renewal or Reactivation.

(a) Application for renewal as a licensed anesthesiologist assistant must be made upon a form supplied by the Department.

(b) Renewal application forms submitted to the Board must be complete in every detail and must be typed or legibly printed in black ink.

(c) Application for reactivation shall be made in writing and in accordance with Section 456.036, F.S.”

3. Subparagraph (6)(b)1. shall now read:

“1. File with the Department the completed application for inactive status as required by Section 456.036, F.S., or apply for licensure reactivation as required by Section 456.036, F.S.;”

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-7.602
 RULE TITLE: Florida Workers' Compensation Medical Services Billing, Filing and Reporting Rule

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed Rule 69L-7.602, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 24, June 17, 2005, of the Florida Administrative Weekly, with the first Notice of Change having been published in Vol. 31, No. 30, on July 29, 2005, of the Florida Administrative Weekly. These changes are being made to address concerns expressed at the public hearing conducted on July 11, 2005, and to provide clarity to the rule.

- (1) No change.
- (2)(a)1. through 2. No change.

3. A copy of the Form DFS-F5-DWC-11 can be obtained from ~~by contacting~~ the American Dental Association web site: <http://www.ada.org/>. Completion instructions can be obtained from the DFS/DWC web site: <http://www.fldfs.com/WC/forms.html#7>.

- 4. through 5. No change.
- (b) No change.
- (3) through (4) No change.
- (5)(a) through (k) No change.

~~(l)(m)~~ An insurer, service company/TPA or any entity acting on behalf of the insurer, when reporting paid medical claims data to the division, shall report the actual dollar amount paid by the insurer to the health care provider or reimbursed to the employee for healthcare service(s) or supply(ies). When reporting On disallowed or denied charges, the dollar amount paid shall should be reported as \$0.00.

- (m) through (q) No change.
- (6) through (7) No change.

The remainder of the rule reads as previously published.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.: 69O-144.003
 69O-144.005
 RULE TITLES: Disclosures
 Credit for Reinsurance

NOTICE OF WITHDRAWAL

Notice is hereby given that the above as Proposed Rules noticed in Vol. 31, No. 24, June 17, 2005, of the Florida Administrative Weekly, have been withdrawn.

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

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**Section V
 Petitions and Dispositions Regarding Rule Variance or Waiver**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Department of Community Affairs received a Petition for Waiver on August 15, 2005, from the City of Florida City. The petitioner seeks a waiver of Rule 9B-43.003 and subsection 9B-43.003(31), F.A.C., with respect to the requirement that the notice of hearing must be published no more than twenty (20) days prior to the date of the hearing. This petition for waiver is being applied for under Chapter 120.542, F.S.

A copy of the Petition, which has been assigned the number DCA05-WAI-164, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that, on August 22, 2005, the Florida Department of Transportation issued a Clerk's Order of Dismissal dismissing the Petition of Collier Area Transit (CAT), seeking a variance from the provisions of Rule 14-90.007, F.A.C. The Petition for Variance was received by the Public Transit Office on June 20, 2005, and filed by the Clerk of Agency Proceedings on June 28, 2005. The Department of Transportation published its notice of receipt of the petition in the July 8, 2005, edition of the Florida Administrative Weekly. Rule 14-90.003, F.A.C. establishes minimum height above ground for the mounting of outside rear vision mirrors on buses. The Department of Transportation entered an Order of Dismissal on July 26, 2005, dismissing the Petition without prejudice to filing an amended Petition. The