

(4) through (5) No change.

Specific Authority 456.017(1), 468.507 FS. Law Implemented 456.027, 468.509 FS. History—New 4-9-89, Amended 11-28-90, 3-24-91, 11-9-92, 5-6-93, Formerly 21M-48.002, Amended 11-4-93, 6-9-94, Formerly 61F6-48.002, Amended 11-12-95, Formerly 59R-42.002, Amended 8-19-99,_____.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 5N-1.116 | Classification of Licenses; Insurance; Fees |
| 5N-1.140 | Security Officer and Recovery Agent School Curriculum; Examinations; Retention of Records |

PURPOSE AND EFFECT: The purpose is to: amend Rule 5N-1.116, F.A.C., to provide language on the cost of an examination for Class “M,” “MA,” and “C” applicants (called the “private investigator examination”) in a fee section of rule; amend Rule 5N-1.140, F.A.C., by promulgating a form for use by Class “M,” “MA,” and “C” applicants to send to the Division as proof that they have successfully passed the private investigator examination covering the provisions of Chapter 493, F.S.; amend Rule 5N-1.140, F.A.C., to establish the content of the private investigator examination and the manner and procedure of its administration. The effect is to implement 2007 Laws of Florida, s. 1, ch. 2007-232.

SUMMARY: Adds a requirement that applicants for licenses to become private investigators and managers of private investigative agencies (Class “C,” “MA,” and “M” licensees) pass a private investigator examination and submit proof of successfully passing the examination, beginning January 1, 2008; adds a form to be used to submit as proof of passing the examination; adds an examination fee; and adds language about establishing the content of the private investigator examination and the manner and procedure of its administration.

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

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

SPECIFIC AUTHORITY: 493.6203(5) FS., s. 1, ch. 2007-232, Laws of Florida.

LAW IMPLEMENTED: 493.6203(5) FS., s. 1, ch. 2007-232, Laws of Florida.

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

DATE AND TIME: October 16, 2007, 10:00 a.m.

PLACE: Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John V. McCarthy, Assistant General Counsel, Department of Agriculture and Consumer, Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, telephone: (850)245-5506; Fax: (850)245-5505

THE FULL TEXT OF THE PROPOSED RULE IS:

5N-1.116 Classification of Licenses; Insurance; Fees.

(1) through (2) No change.

(3) License, Examination and Fingerprint Fees.

(a) No change.

(b) The application fee for all license types shall be \$50, except Class “D” and “G” which shall have no application fee. Prescribed application fees shall be submitted with the application.

(c) The fee for replacement or revision of laminated licenses shall be \$15. All other licenses may be replaced or revised for \$10.

(d) The examination fee for Class “K” firearms instructors shall be \$50.

(e) The examination fee for Class “M,” “MA,” and “C” examinations shall be \$100.

~~(f)~~ Prescribed license fees for Class “C”, “CC”, “D”, “E”, “EE”, “G”, “M”, “MA”, “MB” and “MR” licenses shall be submitted with the application. For all other license types, the prescribed license fee shall be submitted upon notification by the Division that the application has been approved.

~~(g)~~ All applications for licensure shall include the required set of fingerprint cards and a fingerprint processing fee. A processing fee of \$42 shall accompany each set of fingerprints filed with the Division.

~~(h)~~ The processing fee for temporary Class “G” licensure shall be \$15.

Specific Authority 215.405, 493.6103, 493.6105(3)(j), 493.6107, 493.6202, 493.6302, 493.6402 FS. Law Implemented 215.405, 493.6105(1), 493.6105(3)(j), 493.6107, 493.6110, 493.6115(13), 493.6201, 493.6202, 493.6301, 493.6302, 493.6401, 493.6402 FS. History—New 2-4-91, Amended 7-31-96, 2-17-00, 1-24-06, Formerly 1C-3.116, Amended_____.

5N-1.140 Security Officer and Recovery Agent School Curriculum; Examinations; Retention of Records.

(1) through (2) No change.

(3) Private Investigator Examination. Beginning January 1, 2008 applicants for "Class M," "MA," and "C" licenses must submit proof, on Form 16060, of having successfully passed an examination that covers the provisions of Chapter 493, F.S. The examination, consisting of 100 questions, will be administered by providers approved by the Division, after the examination fee of \$100 is paid to the Division and the licensee's identity is verified by the provider. A passing score shall be 75 correct answers. Providers shall retain an examination file on each applicant for 2 years.

(4)(3) Retention of records. Each school, facility or provider of private investigator examinations shall maintain for 2 years and make available for inspection upon request of the department the following records:

(a) through (e) No change.

Specific Authority 493.6303(4), 493.6304(3), 493.6403(2), 493.6406(3) FS. Law Implemented 493.6303(4), 493.6304(3), 493.6403(2), 493.6406(3) FS. History—New 10-1-91, Amended 2-18-93, 7-6-93, 10-6-93, 12-5-94, 7-31-96, 1-1-05, Formerly 1C-3.140, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: John V. McCarthy, Assistant General Counsel, Department of Agriculture and Consumer Services, Division of Licensing, 2520 North Monroe Street, Tallahassee, FL 32303, telephone: (850)245-5506; Fax: (850)245-5505

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: W. H. "Buddy" Bevis, Division Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2007

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-4.0012 RULE TITLE: Application Information

PURPOSE AND EFFECT: The purpose of the rule amendment is to propose an increase in the basic certification application fee from the current fee of \$56 approved in 1994 to \$75 effective January 1, 2008. The effect will be a rule that provides adequate funding for timely comprehensive services such as maintaining an adequate number of responsive telephone assistants in a call center and conducting investigations of criminal history records or allegations of misconduct relating to certification applicants and certificate holders. Certification is self-supporting totally by applicant fee payments for services deposited into the Educational Certification and Service Trust Fund.

SUMMARY: The rule amendment is proposed to increase the certification application fee to an amount to provide adequate funding for timely and comprehensive certification and related services.

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

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

SPECIFIC AUTHORITY: 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS.

LAW IMPLEMENTED: 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.569 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Beverly Gregory, Chief, Bureau of Educator Certification, Department of Education, Room 201, Tallahassee, Florida, 32399-0400; (850)245-0431

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-4.0012 Application Information.

(1) Application process. To apply for a Florida Educator's Certificate, an individual shall submit to the Bureau of Educator Certification the following:

(a) A completed Form CG-10 and a nonrefundable application fee. Form CG-10, Application for Florida Educator's Certificate, effective January 1, 2008 ~~December 2004~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application fee is prescribed below:

1. Request for a professional certificate – ~~\$75.00~~ \$6.00,
2. Request for a temporary certificate – ~~\$75.00~~ \$6.00,
3. Request for an addition of a coverage or endorsement to a valid certificate – ~~\$75.00~~ \$6.00,
4. Request for a name change only – \$20.00,
5. Request for a duplicate certificate/subject deletion – \$20.00; or

(b) A completed Form CG-10R and a nonrefundable application fee. Form CG-10R, Application for Renewal or Reinstatement of a Professional Florida Educator's Certificate effective January 1, 2008 ~~December 2004~~, is hereby incorporated by reference and made a part of this rule. The form may be obtained without cost from the Florida Department of Education, Bureau of Educator Certification, 325 West Gaines Street, Tallahassee, Florida 32399-0400 or may be submitted online via the Department of Education, Educator Certification website. The nonrefundable application

fee is \$75.00 ~~\$6.00~~. An application for renewal of a professional certificate that is received by the Bureau of Educator Certification or by a district school board office after the expiration of the professional certificate as specified in Rule 6A-4.0051, F.A.C., shall be submitted with a \$30.00 late fee in addition to the nonrefundable application fee.

(2) College transcripts. Each college transcript filed for certification purposes shall bear the seal of the institution and the signature of the registrar or other official designated by the president of the institution and shall include descriptive titles, credits, and grades for all courses listed. Transcripts from institutions outside the United States shall include an English translation. Transcripts shall not be returned after the application has been processed and the applicant has been advised regarding eligibility for certification.

(3) Completed applications.

(a) A completed application shall consist of the completed application form, fee, official transcripts, and other documents required by rule or law to process the application. The applicant shall be advised of additional information that is required to complete the application.

(b) If the information required to complete the application has not been received in the Bureau of Educator Certification, Florida Department of Education, or in the district school board office within twelve (12) months from the date of receipt of the application, the application shall expire and the fee shall be forfeited.

(4) Funding for the recovery network program for educators. Two (2) dollars of each seventy-five (75) ~~fifty-six (56)~~ dollar certification fee shall be designated to fund the recovery network program for educators.

(5) Each district school board office shall issue certificates for employees of the school district as follows:

(a) An application for renewal of a professional certificate,

(b) An application for an addition of a subject to a valid professional certificate based upon a passing score earned after July 1, 2002, on the bachelor's degree level Florida subject area test,

(c) An application for an addition of an endorsement area to a valid certificate based on the completion of approved inservice core components or a district add-on endorsement program,

(d) An application for a certificate issued solely to reflect a change in name, and

(e) An application for a duplicate of a valid certificate.

(6) The employing school district shall remit on a monthly basis to the Department of Education thirty (30) ~~twenty (20)~~ dollars of each seventy-five (75) ~~fifty-six (56)~~ dollar fee and seven (7) dollars of each twenty (20) dollar fee collected for the issuance of certificates for costs to maintain the technology system, web-based application, and the printing and mailing of certificates.

(7) This rule shall become effective January 1, 2008.

Specific Authority 1001.02, 1012.55, 1012.56, 1012.586, 1012.59 FS. Law Implemented 943.0585, 943.059, 1012.32, 1012.54, 1012.55, 1012.56, 1012.586, 1012.59, 1012.798 FS. History—New 7-6-82, Amended 9-27-83, Formerly 6A-4.012, Amended 12-25-86, 10-26-88, 5-2-90, 4-24-91, 7-7-92, 5-3-94, 7-18-95, 9-17-01, 11-25-03, 12-27-04, 1-1-08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Stewart, Deputy Chancellor Educator Quality, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cheri Yecke, Chancellor, K-12 Public Schools

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

DEPARTMENT OF EDUCATION

State Board of Education

| | |
|-----------|---|
| RULE NO.: | RULE TITLE: |
| 6A-7.0100 | Merit Award Program for Instructional Personnel and School-Based Administrators |

PURPOSE AND EFFECT: The purpose of this new rule is to implement the Merit Award Program authorized by Section 1012.225, Florida Statutes, which was created by the 2007 Florida Legislature. The Merit Award Program is a voluntary, state-funded performance pay program through which a Florida school district may award performance bonuses to its highest performing instructional and administrative personnel. This rule is proposed in compliance with subsection (7) of the new statute requiring the State Board of Education to adopt rules pertaining to three components of the Merit Award Program.

SUMMARY: This new rule is proposed as required by subsection (7) of Section 1012.225, Florida Statutes, requiring the State Board of Education to adopt rules pertaining to three components of the Merit Award Program.

These components are the calculation of each district's average teacher salary, review of plan procedures, and reporting formats.

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

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

SPECIFIC AUTHORITY: 1012.225, 1012.2251 FS.

LAW IMPLEMENTED: 1012.225, 1012.2251 FS.

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

DATE AND TIME: October 16, 2007, 8:00 a.m.

PLACE: Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela Stewart, K-12 Deputy Chancellor for Educator Quality, Department of Education, 325 West Gaines Street, Room 514, Tallahassee, Florida 32399-0400; (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-7-0100 Merit Award Program for Instructional Personnel and School-Based Administrators.

Section 1012.225, Florida Statutes, establishes the Merit Award Program as an opportunity for Florida school districts and charter schools to receive state funding for implementing performance pay plans to reward high performing instructional and school-based administrative personnel in accordance with the authorizing statute. This rule sets forth requirements for implementation provisions required by Section 1012.225(4), Florida Statutes.

(1) Calculation of the average teacher salary for each district. The calculation of the average teacher salary for each school district will be performed by the Department no later than June 1 of each year. The calculation will be based upon salary information for all of the district's classroom teachers as defined in Section 1012.01(2)(a), Florida Statutes, as reported in the February Student and Staff Membership Survey (Survey 3).

(2) Procedures for reviewing school district and charter school Merit Award Program plans. By October 1 of each year for use in the following school year, each school district and charter school seeking to participate in the Merit Award Program shall submit to the Commissioner of Education a plan for distribution of performance bonuses in an amount that equals no less than five (5) percent and no more than ten (10) percent of the district's average teacher salary to high performing employees in the district. The plan must comply with Section 1012.225, Florida Statutes, as evidenced by documentation of all of the following:

(a) The plan includes all instructional personnel, with the exception of substitute teachers, as defined in Section 1012.01(2)(a)-(d), Florida Statutes, and school-based administrators, as defined in Section 1012.01(3)(c), Florida Statutes. Each district or charter school must include all such employees without requiring them to apply for participation and may not exclude or hinder any employee due to his or her qualification for any other bonus or award.

(b) Final calculation of bonus awards includes a student performance component that is weighted no less than sixty (60) percent of the calculation and is based on the performance of students that are assigned to each instructional staff member's

classroom or to each administrator's school. The documentation of the student performance component must include descriptions of the following:

1. Whether awards are provided to eligible individuals or instructional teams. If instructional teams are included in the plan, the description of such teams must meet the requirement of paragraph (2)(b) of this rule, such that instructional staff must be evaluated on the performance of students who are within the staff member's academic sphere of responsibility. Personnel who are team teaching or co-teaching may be considered an instructional team.

2. The methods that will result in a determination of student proficiency, student gains in learning, or both, as applicable for all personnel assessed.

3. The assessments or tests from which results will be used to determine this component for each staff member. Such assessments must be taken from the following in accordance with Sections 1012.225 and 1012.2251, Florida Statutes:

a. Statewide standardized tests, or, for subjects and grades that are not measured by the statewide assessment program, by national, state, or district-determined testing instruments that measure the State content standards, curriculum frameworks, or course descriptions for the content area assigned and grade level taught.

b. End-of-course examinations utilized by a district for this purpose must be based on the State content standards, curriculum frameworks, or course descriptions for the content area assigned and grade level taught in order to measure a student's understanding and mastery of the entire course in all grade groupings and subjects for any year in which the districts participate in the program. The statewide standardized assessment, College Board Advanced Placement Examination, International Baccalaureate examination, Advanced International Certificate of Education examination, or examinations resulting in national industry certification recognized by the Agency for Workforce Innovation also satisfy the requirements of this rule for the respective grade groupings and subjects assessed by these examinations and assessments. A district must offer student assessments as described in this section in order to participate in the Merit Award Program.

(c) Final calculation of bonus awards includes a professional practices component that is weighted no more than forty (40) percent of the calculation. The appraisal instrument and methods used to assess the professional practices component must be included in the documentation and must reflect methods to assess performance in each of the criteria listed in Section 1012.225(3)(e), Florida Statutes:

(d) The plan for distribution of awards results in a balance between awards earned primarily based upon student proficiency and awards primarily based upon student growth in

learning for high performing employees who are also employed in a Florida public school on September 1 of the following school year:

(e) Procedures that will be used to inform all included staff members of the plan and how to qualify for an award;

(f) If included, the district's or charter school's requirements for an attendance bonus to be awarded to Merit Award Bonus recipients; and

(g) Written assurance from the superintendent or chief executive officer of the school that the plan has been negotiated within the provisions of Sections 1012.225 and 447.403, Florida Statutes, if applicable, and has been adopted by the district or school.

(3) Reporting formats for district and charter school documentation of compliance. By October 1 of each year, each participating school district and charter school shall submit verification with supporting documentation that the district or charter school implemented its approved plan during the previous year in compliance with Section 1012.225, Florida Statutes.

(a) The district will report the amount of each Merit Award Program bonus awarded to each individual in the district through the September Student and Staff Membership Survey (Survey 5):

(b) The district will report the total amount awarded in bonuses, and any remainder that will be remitted to the Department through the regular financial reporting system.

(c) The district will provide to the Commissioner the percentages of its Merit Award Program recipients who received the bonus primarily based on student proficiency, gains in learning, or both.

Specific Authority 1012.225, 1012.2251 FS. Law Implemented 1012.225, 1012.225 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pamela Stewart, K-12 Deputy Chancellor for Educator Quality

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cheri Yecke, Chancellor, K-12 Public Schools

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2007

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-13.004
RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The purpose and effect of this rule amendment is to clarify the effective date of the rule.

SUMMARY: The effective date of the rule is clarified.

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

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

SPECIFIC AUTHORITY: 456.025(7), 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.025(7), 456.036(10), 460.408 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.

(1) No change.

(2) Only those classroom hours earned at Board approved continuing education courses or under the provisions of this rule are acceptable. Beginning April 1, 2008, in addition to hours in risk management, six (6) hours of the forty (40) shall be in the area of record keeping/documentation and coding; and two (2) hours of the forty (40) must be in the area of ethics and boundaries.

(3) Continuing education providers, including providers of continuing education in AIDS and risk management, seeking initial approval of continuing education courses by the Board shall pay a fee of \$250. Continuing education providers seeking renewal for the providership of approved courses shall also pay a \$250 fee each biennium. The initial fee and renewal fee shall be assessed per provider and not per course. To receive Board approval, a continuing education course:

(a) No change.

(b) Must be offered for the purpose of keeping the licensee apprised of advancements and new developments in at least ~~one two~~ of the following areas, provided that the continuing education is within the scope of chiropractic practice as defined in Chapter 460, Florida Statutes:

1. through 18. No change.

(c) through (d) No change.

(4) ~~Beginning April 1, 2008, w~~When attending an approved course, a licensee must provide a photo identification and sign in and out each time they enter or exit the meeting site- ~~and the licensee's a~~Attendance must be certified by the course's registrar and submitted to the Board as verification.

(5) through (7) No change.

(8) Five hours of continuing chiropractic education in the subject area of risk management may be obtained by attending one full day or eight (8) hours of a Board meeting (whichever is shorter) at which disciplinary hearings are conducted by the Board of Chiropractic Medicine in compliance with the following:

(a) The licensee must sign in with the Executive Director of the Board or designee before the meeting day begins.

(b) No change.

(c) The licensee must sign out with the Executive Director of the Board or designee at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. A licensee may receive CE credit in risk management for attending the Board meeting only if he or she is attending on that date solely for that purpose; he or she may not receive such credit if appearing at the Board meeting for another purpose.

(9) through (13) No change.

Specific Authority 456.025(7), 460.408(3) FS. Law Implemented 456.013(6), 456.025(7), 456.036(10), 460.408 FS. History–New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, 11-30-03, 4-17-05, 11-14-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2007

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-15.002 RULE TITLE: Solicitation

PURPOSE AND EFFECT: This rule is being repealed because it is redundant.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 460.413(1)(l), 460.405 FS.

LAW IMPLEMENTED: 460.413(1)(l) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.002 Solicitation.

Specific Authority 460.413(1)(l), 460.405 FS. Law Implemented 460.413(1)(l) FS. History–New 1-10-80, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 24, 2007

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: 64B3-5.0011 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose of the rule amendment is define terms used in this profession and Chapter 64B3, F.A.C.

SUMMARY: This rule defines several terms used in this profession and Chapter 64B3, F.A.C.

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

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

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.809, 483.811(2), 483.823(1), 483.824, 483.825(1)(m) 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.0011 Definitions.

(1) "AAB" means The American Association of Bioanalysts ~~Bioanalysis~~.

(2) "ABB" means The American Board of Bioanalysis ~~Bioanalysts~~.

(3) "ABCC" means American Board of Clinical Chemistry.

(4) "ABD" means American Board of Dentistry.

(5)(3) "ABHES" means The Accrediting Bureau of Health Education Schools.

(6)(4) "ABHI" means The American Board of Histocompatibility and Immunogenetics.

(5) "Academic Science" means college level courses in the areas of chemistry, biology, physiology, anatomy, microbiology, immunology, medical sciences, genetics, and molecular biology, pursuant to subsection 64B3-2.003(6), F.A.C.

(7) "ABIM" means American Board of Internal Medicine.

(8) "ABMG" means American Board of Medical Genetics.

(9) "ABMLI" means American Board of Medical Laboratory Immunology.

(10) "ABMM" means American Board of Medical Microbiology.

(11) "ABNM" means American Board of Nuclear Medicine.

(12) "ABP" means American Board of Pathology.

(13)(6) "AMT" means American Medical Technologists.

(14) "AOBD" means American Osteopathic Board of Dentistry.

(15) "AOBIM" means American Osteopathic Board of Internal Medicine.

(16) "AOBNM" means American Osteopathic Board of Nuclear Medicine.

(17) "AOBP" means American Osteopathic Board of Pathology.

(18)(7) "ASCP" means The American Society for Clinical Pathology.

(19) "BB" means Blood Banking.

(8) "Bachelor's Degree" means a four year baccalaureate degree from a regionally accredited college or university.

(9) "Bachelor's Degree in Medical Technology" means a four year baccalaureate degree earned at an accredited program, pursuant to subsection 64B3-2.003(9), F.A.C.

(20)(40) "CAAHEP" means The Council on Accreditation of Allied Health Education Programs.

(21)(44) "CAHEA" means The Committee on Allied Health Education and Accreditation.

(12) "Medical Technology Training Program" means an ABHES, CAAHEP, CAHEA, NAACLS military or board approved training program for clinical laboratory scientists (CLS) or medical technologists (MT), pursuant to subsections 64B3-2.003(9) and (16), F.A.C.

(22) "CLDir" means Clinical Laboratory Director.

(23) "CLS" means Clinical Laboratory Scientist.

(24) "CHS" means Certified Histocompatibility Specialist.

(25) "CHT" means Certified Histocompatibility Technologist.

(26) "CT" means Cytotechnologist.

(27) "DLM" means Diplomate Laboratory Management.

(28) "ELD" means Embryology Laboratory Director.

(29) "HCLD" means High Complexity Laboratory Director.

(30) "HT" means Histotechnician.

(31) "HTL" means Histotechnologist.

(32) "MLT" means Medical Laboratory Technician.

(33) "MP" means Molecular Pathology.

(34) "MT" means Medical Technologist.

(35)(43) "NAACLS" means The National Accrediting Agency for Clinical Laboratory Science.

(36)(44) "NCA" means The National Credentialing Agency.

(37) "NRCC" means the National Registry of Certified Chemists.

(38)(45) "QIHC" means Qualification in Immunohistochemistry.

(39) "SBB" means Specialist in Blood Banking.

(40) "SC" means Specialist in Chemistry.

(41) "SCT" means Specialist in Cytotechnology.

(42) "SH" means Specialist in Hematology.

(43) "TS" means Technical Supervisor.

(44) "Academic Science" means college level courses in the areas of chemistry, biology, physiology, anatomy, microbiology, immunology, medical sciences, genetics, and molecular biology, pursuant to subsection 64B3-2.003(6), F.A.C.

(45) "Bachelor's Degree" means a four year baccalaureate degree from a regionally accredited college or university.

(46) "Bachelor's Degree in Medical Technology" means a four year baccalaureate degree earned at an accredited program, pursuant to subsection 64B3-2.003(9), F.A.C.

(47) “Medical Technology Training Program” means an ABHES, CAAHEP, CAHEA, NAACLS military or board approved training program for clinical laboratory scientists (CLS) or medical technologists (MT), pursuant to subsections 64B3-2.003(9) and (16), F.A.C.

~~(48)(46)~~ “Semester Hour” means one hour of credit in an accredited college or university, pursuant to subsection 64B3-2.003(1), F.A.C., or foreign education equated, pursuant to subsection 64B3-6.002(6), F.A.C.

Specific Authority 483.805, 483.823 FS. Law Implemented 483.823 FS. History—New 6-29-06, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2007

DEPARTMENT OF HEALTH

Council of Licensed Midwifery

RULE NOS.: RULE TITLES:
64B24-2.001 Licensure to Practice Midwifery
64B24-2.004 Licensure by Endorsement

PURPOSE AND EFFECT: To update the rules.

SUMMARY: The Department is allowing applicants to choose a 2-step licensure phase and will approve or deny applications for the 4-month prelicensure course based on educational eligibility. Specific educational requirements are set forth for foreign and for out-of-state applicants.

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

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

SPECIFIC AUTHORITY: 456.004(5), 467.005 FS.

LAW IMPLEMENTED: 381.0034, 456.013, 467.011, 467.0125 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: Pamela King, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B24-2.001 Licensure to Practice Midwifery.

(1) through (2) No change.

(3) Applications to the Department shall be accepted from persons desiring to be licensed as a midwife by endorsement and needing to establish educational eligibility for acceptance into the required 4-month prelicensure course. The application shall be made on Form DH-MQA 1113, 8/07, Application For 4-Month Pre-Licensure Course, incorporated herein by reference, which can be obtained from the Council of Licensed Midwifery, Department of Health, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256. Unless the Department has reason to believe that mistaken or fraudulent documentation was relied upon or unless requested by an applicant, the educational eligibility determination for purposes of the 4-month prelicensure course also shall be used to determine educational eligibility for purposes of the subsequent licensure by endorsement application.

~~(4)(3)~~ No change.

Specific Authority 456.004(5), 467.005 FS. Law Implemented 381.0034, 456.013, 467.011, 467.0125 FS. History—New 1-26-94, Formerly 61E8-2.001, 59DD-2.001, Amended 10-29-02, 12-26-06, _____.

64B24-2.004 Licensure by Endorsement.

(1)(a) Foreign trained applicants for licensure by endorsement shall make application to the department pursuant to Rule 64B24-2.001, F.A.C., and shall in addition submit to the department:

1. A valid certificate or diploma from either a foreign institution of medicine or a foreign school of midwifery;
2. A certified translation of the certificate or diploma earned from a foreign institution of medicine or foreign school of midwifery;
3. The document which renders the foreign trained applicant eligible to practice medicine or midwifery in the country in which that document was issued;
4. A certified translation of the certificate, diploma or license which renders the foreign trained applicant eligible to practice medicine or midwifery in the country from which the diploma or certificate was awarded;
5. Clarification of the existence of any deviation as to how the applicant’s name appears on the face of documents in support of this application;
6. Evidence of successful completion of the 4 month prelicensure course pursuant to Rule 64B24-4.010, F.A.C.;
7. Evidence of a passing score on the licensure examination; and
8. A written plan for the management of emergencies which meets the requirements described in Section 467.017, F.S.

(b) In determining whether the requirements to hold a certificate or diploma from a foreign institution of medicine or a foreign school of midwifery are substantially equivalent to the requirements established under Chapter 467, F.S., and these rules, the department shall consider whether:

1. The applicant has a high school diploma, or its equivalent, and passed the College Level Academic Scholastic Test (CLAST), or has taken and received a passing grade in three college level credits each of Math and English, or can demonstrate competencies in communication and computation by passing the College Level Equivalent Proficiency (CLEP) test in communication and computation. The curriculum of the foreign institution of medicine or foreign school of midwifery provided both classroom instruction and core rotations in obstetrics/gynecology for award of the diploma or certificate;

2. The completed midwifery or medical program equivalent to a three year program, offered the equivalent to 90 credit hours, and included minimum required exposure to course work and practicum areas as demonstrated by use of the Form DH-MQA 1111, 8/07, EVALUATION TOOL – Four Month Pre-Licensure Course Foreign-Trained Midwife Applicant for Licensure By Endorsement, incorporated herein by reference. The medical education required for award of the diploma or certificate was at least 3 years; and

3. The applicant has received a determination of substantial equivalency through the use of this evaluation tool by an approved foreign education credentialing agency meeting the following criteria: The applicant's diploma or certificate meets the requirements to render the applicant eligible to practice medicine or midwifery in the country from which the diploma or certificate was awarded.

(i) Has a comprehensive, standardized orientation and training program for all reviewers who must be experienced and knowledgeable in the area of midwifery education.

(ii) Has an audit and quality assurance or review committee to monitor the evaluation process

(iii) Employs full time staff support including an international expert in education credential equivalency and analysis.

(iv) Has an updated, current, and comprehensive resource document library available for reference.

(v) Is recognized to perform visa screening by the Immigration and Naturalization Service of the federal government.

(vi) Consults with a Florida licensed midwife to review the professional education component of the review.

(vii) Uses original documentation for the institution with institutional seals and signatures.

(2)(a) Persons trained in another state for licensure by endorsement shall make application to the department pursuant to Rule 64B24-2.001, F.A.C., and shall in addition submit to the department:

~~1. A current valid unrestricted certificate or license to practice midwifery in another state;~~

~~1.2. Evidence of successful completion of the 4 month prelicensure course pursuant to Rule 64B24-4.010, F.A.C.;~~

~~2.3. Evidence of a passing score on the licensure examination; and~~

~~3.4. A written plan for the management of emergencies which meets the requirements described in Section 467.017, F.S.~~

(b) In determining whether the requirements to hold a certificate or license to practice midwifery in another state are substantially equivalent to the requirements established under Chapter 467, F.S., and these rules, the applicant shall submit:

1. A current valid unrestricted certificate or license to practice midwifery in another state;

2. A certificate or diploma awarded by a midwifery program which was approved by the certifying body of the state in which it was located, or an authenticated copy of that certificate or diploma;

3. A copy of the other state's laws and rules under which the applicant's certificate or license was issued; and

4. Official transcripts from the midwifery program which document classroom instruction and clinical training equivalent to the requirements in Rules 64B24-4.004 through 64B24-4.007, F.A.C.

(c) In determining whether the requirements to practice midwifery in another state are substantially equivalent to the requirements established under Chapter 467, F.S., and these rules, the department shall consider whether:

1. The applicant has a high school diploma, or its equivalent, and passed the College Level Academic Scholastic Test (CLAST), or has taken and received a passing grade in three college level credits each of Math and English, or can demonstrate competencies in communication and computation by passing the College Level Equivalent Proficiency (CLEP) test in communication and computation.

2. The completed midwifery or medical program equivalent to a three year program, offered the equivalent to 90 credit hours, and included minimum required exposure to course work and practicum areas as demonstrated by use of the Form DH-MQA 1112, 8/07, EVALUATION TOOL – Four Month Pre-Licensure Course Out-of-State Midwife Applicant for Licensure By Endorsement, incorporated herein by reference.

3. The applicant has received a determination of substantial equivalency through the use of this evaluation tool by an approved education credentialing agency meeting the following criteria:

(i) Has a comprehensive, standardized orientation and training program for all reviewers who must be experienced and knowledgeable in the area of midwifery education.

(ii) Has an audit and quality assurance or review committee to monitor the evaluation process

(iii) Employs full time staff support including an international expert in education credential equivalency and analysis.

(iv) Has an updated, current, and comprehensive resource document library available for reference.

(v) Is recognized to perform visa screening by the Immigration and Naturalization Service of the federal government.

(vi) Consults with a Florida licensed midwife to review the professional education component of the review.

(vii) Uses original documentation for the institution with institutional seals and signatures.

(3) No change.

Specific Authority 467.005 FS. Law Implemented 467.0125 FS. History-New 1-26-94, Formerly 61E8-2.004, 59DD-2.004, Amended 10-24-02,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007 and August 3, 2007

DEPARTMENT OF HEALTH

Division of Environmental Health

| | |
|------------|------------------------------|
| RULE NOS.: | RULE TITLES: |
| 64E-7.001 | General |
| 64E-7.002 | Purpose |
| 64E-7.003 | Definitions |
| 64E-7.004 | Review Coordination |
| 64E-7.005 | Review Results |
| 64E-7.006 | Intergovernmental Agreements |

PURPOSE AND EFFECT: Section 380.051, F.S., no longer gives the Department of Health the authority to promulgate rules on the subject. Therefore, the rule is being repealed.

SUMMARY: The rule established a coordinated review process to allow a permit applicant the opportunity to simultaneously submit a permit application to the department and other affected state and regional agencies at the same time the applicant submitted an application for local development approval in Monroe county, the City of Layton, or the city of Key Colony Beach, if the area of development was in the Florida Keys Area of Critical State Concern. However, due to a change in the law, the authority to write rules on the subject no longer exists.

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

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

SPECIFIC AUTHORITY: 380.051 FS.

LAW IMPLEMENTED: 380.051 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: October 8, 2007, 10:00 a.m.

PLACE: Bureau of Onsite Sewage Programs, Conference Room 240P, 4042 Bald Cypress Way, Tallahassee, Florida 32399

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 7 days before the workshop/meeting by contacting: Shirley Kugler, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dale Holcomb, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-7.001 General.

Specific Authority 380.051 FS. Law Implemented 380.051 FS. History--New 1-10-88, Repealed_____.

64E-7.002 Purpose.

Specific Authority 380.051 FS. Law Implemented 380.051 FS. History--New 1-10-88, Repealed_____.

64E-7.003 Definitions.

Specific Authority 380.051 FS. Law Implemented 380.051 FS. History--New 1-10-88, Repealed_____.

64E-7.004 Review Coordination.

Specific Authority 380.051 FS. Law Implemented 380.051 FS. History--New 1-10-88, Repealed_____.

64E-7.005 Review Results.

Specific Authority 380.051 FS. Law Implemented 380.051 FS. History--New 1-10-88, Repealed_____.

64E-7.006 Intergovernmental Agreements.

Specific Authority 380.051 FS. Law Implemented 380.051 FS. History--New 1-10-88, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dale Holcomb, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gerald Briggs, Chief, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1713
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2007

DEPARTMENT OF EDUCATION
Commission for Independent Education
 RULE NOS.: RULE TITLES:
 6E-1.003 Definition of Terms
 6E-1.0032 Fair Consumer Practices

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 13, March 30, 2007 issue of the Florida Administrative Weekly has been withdrawn.

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
 1S-2.034 Polling Place Procedures Manual

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. 33, No. 30, July 27, 2007 issue of the Florida Administrative Weekly.

The proposed rule is changed to include specifically the effective date of the rule, i.e., January 1, 2008.

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
 1S-2.037 Provisional Ballots

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. 33, No. 30, July 27, 2007 issue of the Florida Administrative Weekly.

The rule is changed to reflect that the proposed change does not become effective until January 1, 2008.

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:
 1S-2.040 Statewide Uniform Voter
 Registration Application

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. 33, No. 30, July 27, 2007 issue of the Florida Administrative Weekly.

The effective date of the proposed rule changes is added specifically to the rule, i.e., January 1, 2008.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NO.: RULE TITLE:
 6E-2.002 Institutional Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 20, May 18, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE NOS.: RULE TITLES:
 6E-2.004 Standards and Procedures for
 Licensure
 6E-2.0041 Delivery of Programs Through
 Nontraditional Assessments, Modes
 and Methods

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 13, March 30, 2007 issue of the Florida Administrative Weekly has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

Florida Prepaid Postsecondary Education Expense Board

RULE NO.: RULE TITLE:
 19B-16.003 Participation Agreement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 34, August 24, 2007 issue of the Florida Administrative Weekly has been withdrawn.