

SUBJECT AREA TO BE ADDRESSED: The permitting, construction, placement, inspection, and maintenance of uniform waterway markers in Florida waters.

RULEMAKING AUTHORITY: 327.04, 327.40, 327.41 FS.

LAW IMPLEMENTED: 327.40, 327.41, 327.46, 327.70, 327.71, 379.2431 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Captain Alan S. Richard, Assistant General Counsel, 620 South Meridian Street, Tallahassee, Florida 32399-1600

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

Section II Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: RULE TITLE:

9B-72.130 Forms

PURPOSE AND EFFECT: To restrict the number of products submitted in a single application and update forms related to product and entity approval to reflect amended fee structure.

SUMMARY: The Rule will limit product approval applications to no more than 150 per application. Forms related to product and entity approval are amended to reflect revised fees adopted within Rule 9B-72.090, 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.

RULEMAKING AUTHORITY: 553.842(1) FS.

LAW IMPLEMENTED: 553.842(1) FS.

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

DATE AND TIME: December 9, 2009, 8:30 a.m., or as soon thereafter as the matter comes before the Commission in accordance with its agenda

PLACE: Rosen Centre Hotel, 9840 International Drive, Orlando, Florida 32810

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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091. 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 RULE IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-72.130 Forms.

The following forms are adopted for use in reference to the Product Evaluation and Approval System. Copies of these forms are available from the Department of Community Affairs, Codes and Standards Section, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, and via the Building Codes Information System on the Internet, www.floridabuilding.org.

(1) Florida Building Commission, Application for Organization/Entity Approval, Form No. 9B-72.130(1), effective November 10, 2009 ~~updated October 11, 2005~~ (electronic version).

(2) Florida Building Commission, Application for State Product Approvals, Form No. 9B-72.130(2), effective November 10, 2009 ~~updated October 11, 2005~~ (electronic version). New and revised applications received after January 11, 2010 shall be limited to a maximum of 150 product sequence numbers. This limitation shall not be applicable to editorial revision or affirmation of an existing application.

(3) No change.

Rulemaking Specific Authority 553.842(1) FS. Law Implemented 553.842(1) FS. History--New 5-5-02, Amended 9-4-03, 11-22-06, 4-10-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-6091

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Agency Head, Florida Building Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

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 CORRECTIONS

RULE NO.: 33-503.001 RULE TITLE: Chaplaincy Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the types of religious items that may be transported from an inmate's individual housing area for the purpose of group worship.

SUMMARY: The proposed rule is amended to clarify the types of religious property that may be transported from an inmate's individual housing area for the purpose of group worship and other scheduled religious activities or programs.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 90.505, 944.09, 944.11, 944.803 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-503.001 Chaplaincy Services.

(1) through (2) No change.

(3) Religious Services and Rituals.

(a) through (f) No change.

(g) Inmates in the general population may transport the following items for individual worship, as defined in Rule 33-602.201, F.A.C., from their assigned cells or individual sleeping areas to the institutional chapel or other designated program area for the purpose of participating in a scheduled religious program, service, or activity for which the item is necessary or appropriate, as determined by the Chaplain:

1. Jewish – prayer shawl;

2. Muslim – prayer rug;

3. Asatru or Odinism – runes and accompanying cloth bag;

4. Greek Orthodox – prayer rope;

5. Buddhist – black or brown Rakusu.

(4) through (13) No change.

Rulemaking Specific Authority 944.09, 944.11 FS. Law Implemented 90.505, 944.09, 944.11, 944.803 FS. History--New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01, 1-9-03, 2-25-08, 9-22-08, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Alex Taylor, Chaplaincy Services Administrator

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: 59A-7.021 RULE TITLE: Laboratory Licensure – Qualifications, Licensure, Operation and Application

PURPOSE AND EFFECT: The agency is proposing to amend the rule that incorporates the laboratory licensure application and identifies information needed in laboratory applications.

SUMMARY: Revisions to laboratory applications that are incorporated by reference, requirements for accepting applications, requirements for notifications to the agency of laboratory changes, and the removal of language addressing licensure for Certificates of Exemption, as Certificates of Exemption licenses are no longer issued by the Agency, effective July 1, 2009, with revisions to Chapter 483, Part I, Florida Statutes.

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.

RULEMAKING AUTHORITY: 483.051 FS.

LAW IMPLEMENTED: 483.051, 483.091, 483.101, 483.101(1), 483.111, 483.172, 483.181, 483.221, 483.23, 408.303, 408.804, 408.805, 408.806, 408.807, 408.808, 408.809, 408.810, 408.812, 408.813, 408.814, 408.815, 408.816, 408.817, 408.831 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: December 9, 2009, 1:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, 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 days before the workshop/meeting by contacting: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109. 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 RULE IS: Karen Rivera, Laboratory Unit, 2727 Mahan Drive, Building 1, Mail Stop 32, Tallahassee, Florida 32308, (850)487-3109

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1) The application for ~~initial~~ licensure shall include the following information applicable to the laboratory operation:

(a) The application for an initial licensure, including changes of ownership and additions of specialty and subspecialty shall contain:

1. Name, mailing and street address of the laboratory.
2. ~~(b)~~ Specialties and subspecialties performed.
3. ~~(c)~~ A list of equipment.
4. ~~(d)~~ The number of hours the director spends in the laboratory.
5. ~~(e)~~ Names, mailing and street addresses of specimen collection stations, branch offices and other facilities representing the clinical laboratory.
6. ~~(f)~~ Name and source of proficiency testing programs.
7. ~~(g)~~ Annual volume of tests anticipated to be performed.
8. ~~(h)~~ Location and type of alternate-site testing in hospital facilities.
9. ~~(i)~~ The name, address and employer or tax employee identification number of the laboratory owner.

10. ~~(j)~~ For a corporate applicant, the application must include A current certificate of status or authorization pursuant to Chapter Section 607.0128, 608, 617 or 620, F.S.

11. ~~(k)~~ Such other information requested on AHCA Form 3170-2004B, 3000-4, Initial Clinical Laboratory Licensure Application, September, 2009, AHCA Form 3170-2004C, Change of Licensed Owner Application, September 2009, ACHA Form 3170-2004D, Addition of Specialty, Subspecialty or change in Specialty, September 2009, or AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009, Nov 2002, necessary in carrying out the purpose of this part as stated in Section 483.021, F.S., and Sections 408.805, 408.806, 408.807, 408.810, and 408.813, F.S. as applicable to the laboratory operation. AHCA Forms 3170-2004B, 3170-2004C and 3170-2004D 3000-4, Initial Clinical Laboratory Licensure Application, Nov 2002, shall be

obtained from the agency and is incorporated by reference herein and are available at: <http://ahca.myflorida.com/MCHO/Health Facility Regulation/Laboratory Licensure/applications.shtml>.

~~(b)(4) Notwithstanding the requirements of paragraphs (a) through (k) above~~ The application for renewal licensure shall contain the following information applicable to the laboratory operation:

1. Name, mailing and street address of the laboratory.
2. Specialties and subspecialties performed.
3. Names, mailing and street addresses of specimen collection stations, branch offices and other facilities representing the clinical laboratory.
4. Annual volume of tests performed.
5. Location and type of alternate-site testing in hospital facilities.
6. The name and employer or tax identification number of the laboratory owner.

7. Such other information requested on AHCA Form 3170-2004, Clinical Laboratory License Renewal Application, REV September 2009 ~~Nov 2002~~, or AHCA Form 3110-1024, Health Care Licensing Application Addendum, October 2009, necessary in carrying out the purpose of this part as stated in Section 483.021, F.S. and Sections 408.805, 408.806, 408.807, 408.810, and 408.813, F.S., as applicable to the laboratory operation. AHCA Form 3170-2004, Clinical Laboratory License Renewal Application, REV September, 2009 ~~Nov 2002~~, shall be obtained from the agency and is incorporated by reference herein and are available at: <http://ahca.myflorida.com/MCHO/Health Facility Regulation/Laboratory Licensure/applications.shtml>.

~~(c)(4)~~ In addition to information required under paragraphs 59A-7.021(1)(a) and ~~(b) through (i)~~, F.A.C., accredited laboratories surveyed by an approved accreditation program in lieu of the agency, as specified in Rule 59A-7.033, F.A.C., must also submit:

1. Proof of current accreditation or licensure by the approved accreditation program; and
2. Proof of authorization for the approved accreditation program to submit to the agency such records or other information about the laboratory required for the agency to determine compliance with Chapter 59A-7, F.A.C. and Chapter 483, Part I, F.S.

(2) Payment ~~for the correct amount~~ of the licensure fee must accompany the application in order to be accepted. Applications submitted without payment will be returned to the applicant. If test volumes submitted in the application indicate the fee submitted is not the correct fee, the applicant will be notified by the Agency of any amount due. Applications where the correct fee is not timely submitted in response to the Agency's notification will be withdrawn from review as required under Section 408.806(3)(b), F.S. Laboratories seeking initial licensure that claim accreditation and therefore a

reduced fee, must provide proof that the clinical laboratory is accredited. Laboratories seeking licensure renewal must provide the most recent survey inspection reports from the accrediting organization as proof of accreditation. Surveys must have been completed by the accrediting organization within the past two years to be acceptable in accordance with Rule 59A-7.033, F.A.C. Accreditation reports must be for the laboratory. Proof that the facility in which the laboratory is located is accredited will not be accepted as proof that the clinical laboratory is accredited.

(3) Separate licensure shall be required for all laboratories maintained on separate premises as defined under subsection 59A-7.020(27), F.A.C., including mobile laboratory units, even though operated under the same management. Separate licensure shall not be required for separate buildings on the same or adjoining grounds. ~~Laboratories maintained on separate premises, operated under the same management and performing only waived tests shall be permitted to apply for a single certificate of exemption.~~

(4) Each license is valid only for the person or persons to whom it is issued and shall not be sold, assigned or transferred voluntarily or involuntarily. A license is not valid for any premises other than that for which it was originally issued. A laboratory must be re-licensed if a change of ownership, as defined in Section 408.803(5), F.S., occurs. Application for re-licensure must be made to the agency 60 days prior to the change of ownership and the effective date of the change must be included in the application. When a laboratory is leased by the owner to a second party for operation, said second party must apply to the agency for a new license. A copy of the lease agreement or signed statement showing which party is to be held responsible for the organization, operation and maintenance of the laboratory must be filed with the application.

(5) A license issued to any laboratory shall be revoked and reapplication denied by the agency in any case where the laboratory fails to sustain continued compliance with provisions of Chapter 483, Part I, F.S., and Chapter 408, Part II, F.S., or rules promulgated thereunder.

(6) A licensee shall notify the agency ~~by certified mail~~ of a change of name, operation, relocation or impending closure of the laboratory ~~a minimum of thirty (30) days~~ prior to such change or closure. A licensee shall notify the agency by ~~certified mail~~ on company letterhead of a change of director or supervisor immediately upon learning of such change.

(7) Each license shall be returned to the agency immediately upon change of ownership or classification, suspension, revocation, or voluntary cessation of operations.

(8) A license shall be valid for the period specified on the current license.

~~(a) In no event shall a license be issued for more than a 24 month period.~~ In the event that specialties and subspecialties are added to an existing license, the expiration of the additional specialties/subspecialties shall be the expiration date of the current license.

(b) Continued operation of a clinical laboratory that has not submitted ~~an a-completed~~ application or the application required fee after the date of expiration of its license or after the date of sale in the event of a change of ownership shall be a criminal offense under Section 483.23, F.S., and shall result in administrative action up to and including an administrative fine charged to the laboratory in the amount of \$100.00 per day, each day constituting a separate violation as authorized under Section 483.221, F.S.

~~(9) Laboratories issued a licensure certificate of exemption must follow manufacturers' instructions for performing tests and maintain documentation of same. The manufacturers' instructions and documentation of tests performed must be maintained by the laboratory and available for review by the agency.~~

~~(9)(10)~~ Laboratory services provided in a temporary testing location such as a patient's home or health fair, is covered under the license or federal Certificate of Waiver in the case of laboratories doing waived testing only, of the designated primary site or home base using its address provided such services are not offered on a permanent basis. Mobile laboratory units shall be considered separate entities and shall require licensure under Chapter 483, Part I, F.S., for each unit.

~~(11) A laboratory that is issued a licensure certificate and performs waived tests is subject to provisions of subsection 59A 7.021(9), F.A.C., for the waived tests.~~

~~(10)(12)~~ Laboratories are prohibited from performing testing for which they are not authorized. The performance of unauthorized testing shall result in administrative action ~~up to and including an administrative fine charged to the laboratory in the amount of 100.00 per day, each day constituting a separate violation~~ as authorized under Section 483.221, F.S. Sections 408.812, 408.813, 408.814, 408.815, 408.816, 408.817 and 408.831, F.S.

~~(11)(13)~~ All licensed facilities must authorize the agency to submit information requested or required by the federal Centers for Medicare and Medicaid Services to the Agency ~~Health Care Financing Administration~~ for the purpose of determining compliance with the Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.

Rulemaking Specific Authority 483.051 FS. Law Implemented 483.051, 483.091, 483.101, 483.101(1), 483.111, 483.172, 483.181, 483.221, 483.23, 408.303, 408.804, 408.805, 408.806, 408.807, 408.808, 408.809, 408.810, 408.812, 408.813, 408.814, 408.815, 408.816, 408.817, 408.831 FS. History—New 11-20-94, Amended 7-4-95, 12-27-95, 3-25-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Rivera
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Secretary Benson
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 27, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 21, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: RULE TITLE:
59C-1.0355 Hospice Programs

PURPOSE AND EFFECT: Proposed rule updated to reflect changes to the hospice rule as currently defined in Chapter 59C-1, F.A.C.

SUMMARY: Changes are to the dates of material incorporated by reference in the rule as adopted July 21, 2009, and the clarification of the web site of the publications.

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.

RULEMAKING AUTHORITY: 408.034(3), (5), 408.15(8) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(4), (5) FS.

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

DATE AND TIME: December 7, 2009, 1:00 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room B, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Calvin J. Vice, Sr., PhD

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.0355 Hospice Programs.

(1) through (3) No change.

(4) Criteria for Determination of Need for a New Hospice Program.

(a) Numeric Need for a New Hospice Program. Numeric need for an additional hospice program is demonstrated if the projected number of unserved patients who would elect a hospice program is 350 or greater. The net need for a new hospice program in a service area is calculated as follows:

$(HPH) - (HP) > 350$

where:

(HPH) is the projected number of patients electing a hospice program in the service area during the 12 month period beginning at the planning horizon. (HPH) is the sum of $(U65C \times P1) + (65C \times P2) + (U65NC \times P3) + (65NC \times P4)$

where:

U65C is the projected number of service area resident cancer deaths under age 65, and P1 is the projected proportion of U65C electing a hospice program.

65C is the projected number of service area resident cancer deaths age 65 and over, and P2 is the projected proportion of 65C electing a hospice program.

U65NC is the projected number of service area resident deaths under age 65 from all causes except cancer, and P3 is the projected proportion of U65NC electing a hospice program.

65NC is the projected number of service area resident deaths age 65 and over from all causes except cancer, and P4 is the projected proportion of 65NC electing a hospice program.

The projections of U65C, 65C, U65NC, and 65NC for a service area are calculated as follows:

$$\begin{array}{rclcl} U65C & = & (u65c/CT) & \times & PT \\ 65C & = & (65c/CT) & \times & PT \\ U65NC & = & (u65nc/CT) & \times & PT \\ 65NC & = & (65nc/CT) & \times & PT \end{array}$$

where:

u65c, 65c, u65nc, and 65nc are the service area's current number of resident cancer deaths under age 65, cancer deaths age 65 and over, deaths under age 65 from all causes except cancer, and deaths age 65 and over from all causes except cancer.

CT is the service area's current total of resident deaths, excluding deaths with age unknown, and is the sum of u65c, 65c, u65nc, and 65nc.

PT is the service area's projected total of resident deaths for the 12-month period beginning at the planning horizon.

"Current" deaths means the number of deaths during the most recent calendar year for which data are available from the Department of Health Office of Vital Statistics at least 3 months prior to publication of the fixed need pool.

"Projected" deaths means the number derived by first calculating a 3-year average resident death rate, which is the sum of the service area resident deaths for the three most recent calendar years available from the Department of Health Office of Vital Statistics at least 3 months prior to publication of the fixed need pool, divided by the sum of the July 1 estimates of the service area population for the same 3 years. The resulting average death rate is then multiplied by the projected total population for the service area at the mid-point of the 12-month period which begins with the applicable planning horizon. Population estimates for each year will be the most recent population estimates from the Office of the Governor at least 3 months prior to publication of the fixed need pool. The

following materials are incorporated by reference within this rule; Department of Health Office of Vital Statistics Florida Vital Statistics Annual Report 2008 ~~2007~~, Deaths, and the Office of the Governor Florida Population Estimates And Projections by AHCA District 2000 To 2020, released September, 2009 ~~2008~~. These publications are available on the Agency website at http://ahca.myflorida.com/MCHQ/CON_FA/Publications/index.shtml.

The projected values of P1, P2, P3, and P4 are equal to current statewide proportions calculated as follows:

$$P1 = (Hu65c/Tu65c)$$

$$P2 = (H65c/T65c)$$

$$P3 = (Hu65nc/Tu65nc)$$

$$P4 = (H65nc/T65nc)$$

where:

Hu65c, H65c, Hu65nc, and H65nc are the current 12-month statewide total admissions of hospice cancer patients under age 65, hospice cancer patients age 65 and over, hospice patients under age 65 admitted with all other diagnoses, and hospice patients age 65 and over admitted with all other diagnoses. The current totals are derived from reports submitted under subsection (8) of this rule.

Tu65c, T65c, Tu65nc, and T65nc are the current 12-month statewide total resident deaths for the four categories used above.

(HP) is the number of patients admitted to hospice programs serving an area during the most recent 12-month period ending on June 30 or December 31. The number is derived from reports submitted under subsection (8) of this rule.

350 is the targeted minimum 12-month total of patients admitted to a hospice program.

(b) through (9) No change.

Rulemaking Authority 408.034(3), (6), 408.15(8) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(4), (5) FS. History—New 4-17-95, Amended 7-30-95, 7-21-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Calvin J. Vice, Sr., PhD

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2009

AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other Provisions Relating to Hospitals

RULE NOS.:	RULE TITLES:
59E-5.102	Florida Hospital Uniform Reporting System
59E-5.201	Prior Year Report Requirements

PURPOSE AND EFFECT: The Agency proposes to revise the rule related to Florida Hospital Uniform Reporting System and the rule requiring the submission of a Medicare cost report.

SUMMARY: The proposed change to the Florida Hospital Uniform Reporting System would eliminate Schedules B-3, B-4a, C-7, D-1, D-2, E-1a, E-1b, X-2, X-3, X-7 and X-7a. The proposed change to the prior year reporting requirements would eliminate the submission of a copy of the Medicare cost report.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed revisions would reduce the information that is required in the report and would result in a reduction of the time and costs related to preparation of the report.

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.

RULEMAKING AUTHORITY: 408.061(2), 408.15(8) FS.

LAW IMPLEMENTED: 408.061, 408.08, 408.061(2), 408.07(18), 408.15(8) 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: December 9, 2009, 1:30 p.m.

PLACE: Agency for Health Care Administration, Building 3, Conference Room B, 2727 Mahan Drive, Tallahassee, FL 32308

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 days before the workshop/meeting by contacting: Ryan Fitch, CON Financial Analysis, 2727 Mahan Drive, MS #28, Tallahassee, FL 32308, (850)487-2506, or at fitchr@ahca.myflorida.com. 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: Ryan Fitch, CON Financial Analysis, 2727 Mahan Drive, MS #28, Tallahassee, FL 32308, (850)487-2506

THE FULL TEXT OF THE PROPOSED RULES IS:

59E-5.102 Florida Hospital Uniform Reporting System.

(1) The Agency for Health Care Administration (Agency) hereby adopts and establishes a uniform system for hospital reporting by adopting ~~and incorporating by reference~~ the Florida Hospital Uniform Reporting System (FHURS) Manual, Version 2005-1, July 2005, and FHURS Manual, Version 2010-1, January 2010, which are incorporated herein by reference and available at the Agency's website at http://ahca.myflorida.com/MCHQ/CON_FA/fa_data/index.shtml.

These manuals, which include reporting forms, have This manual, which includes reporting forms, has the force and effect of the Agency for Health Care Administration's rules.

(2) A copy of the ~~current~~ FHURS Manual may also be obtained, upon payment of the cost of reproduction, by writing to: The Agency for Health Care Administration, Supervisor of Financial Analysis, Bureau of Health Facility Regulation, 2727 Mahan Drive, MS #28, Tallahassee, Florida 32308-5403, ~~or by downloading it free of charge from the Agency's website at http://ahca.myflorida.com/MCHQ/CON_FA/fa_data/index.shtml.~~

(2) All hospitals reporting fiscal year reporting periods that end on or before December 31, 2009 shall use FHURS Manual Version 2005-1, July 2005; all hospitals reporting fiscal year reporting periods that end after December 31, 2009 shall use FHURS Manual Version 2010-1 January 2010.

Rulemaking Specific Authority 408.061(2), 408.15(8) FS. Law Implemented 408.061(2), 408.07(19) (18), 408.15(8) FS. History--New 6-11-92, Formerly 10N-5.102, Amended 2-24-94, 3-16-03, 6-8-03, 9-12-05,_____.

59E-5.201 Prior Year Report Requirements.

(1) Each hospital shall submit to the Agency, not more than 120 days subsequent to the end of its fiscal year, its prior year report for the fiscal year then ended.

(2) The prior year report shall consist of the following:

(a) For hospital financial accounting periods ending on or after April 30, 2005 and with corresponding due dates beginning on or after August 29, 2005, the prior year actual report shall be submitted to the Agency using the computer software known as COMPASS. COMPASS has been developed by the Agency for the purpose of electronically filing the prior year actual report. COMPASS is a modified Microsoft Excel workbook that reproduces the FHURS worksheets pursuant to Rules 59E-5.102 and 59E-5.103, F.A.C., of this chapter. COMPASS also exports the worksheet data into a specifically defined comma separated text file for transmission to the Agency. Hospitals shall use COMPASS to keypunch the required data into the FHURS worksheet formats in accordance with Rule 59E-5.206, F.A.C. COMPASS will be provided to hospitals prior to the due date of the 2005 report in a timely manner free of charge. Hospitals shall not use an alternative version of COMPASS until such software is approved for use by the Agency. Hospitals shall not request approval for use of alternative software within 120 days prior to the report being due. The COMPASS comma separated text file shall be returned to the Agency by electronic mail (E-mail) using normal electronic protocols for E-mail services. The COMPASS comma separated text file shall be attached to the E-mail message.

(b) The E-mail message shall be sent to the Agency on or before the due date of the report and shall contain the following information:

1. "Hospital FHURS Report".

2. Hospital Name.

3. Hospital Number (8 digit format).

4. Reporting period.

5. "Submission Number" which is the COMPASS generated submission number listed on each worksheet at the time the report is exported.

6. Name of contact person including area code and telephone number.

(c) FHURS "Worksheet A" ~~on paper~~ that contains the appropriate signatures by the Chief Executive Officer and Chief Financial Officer of the hospital;

(d) A signed copy ~~Two paper copies~~ of the audited financial statements; ~~and~~

~~(e) One paper copy of the Medicare cost report.~~

(3) The actual report shall be prepared for each hospital from the audited financial statements. Whenever an actual report is not in agreement with the corresponding audited financial statements, the hospital shall provide a reconciliation of the amounts presented in the audited financial statements to amounts reported in the actual report.

(4) In the event a hospital's audited actual data is restated in accordance with generally accepted accounting principles, the hospital shall report the restatement to the Agency within 30 days of the issuance of the restatement.

Rulemaking Specific Authority 408.061(2), 408.15(8) FS. Law Implemented 408.061, 408.08 FS. History--New 6-11-92, Formerly 10N-5.201, Amended 3-28-99, 9-12-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ryan Fitch

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 25, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:

61-27.001

61-27.002

61-27.003

61-27.004

RULE TITLES:

Definitions

Responsibility

Procedure

Agency Compliance

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules the Department no longer has authority to enforce.

SUMMARY: These are outdated rules governing the utilization of minority business enterprises. They are outdated and need to be repealed because the Florida Advisory Council on Minority Business Development and the Department of Management Services, as opposed to individual agencies, now monitor and enforce the directives of Chapter 287, F.S., related to the utilization of minority businesses.

OTHER RULES INCORPORATING THIS RULE: None
EFFECT ON THOSE OTHER RULES: None

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 287.0947(2) FS.

LAW IMPLEMENTED: 287.0947 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: Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULES IS:

61-27.001 Definitions.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0947 FS. History—New 2-1-90, Formerly 21-27.001₁, Repealed.

61-27.002 Responsibility.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0947 FS. History—New 2-1-90, Formerly 21-27.002₂, Repealed.

61-27.003 Procedure.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0947 FS. History—New 2-1-90, Formerly 21-27.003₃, Repealed.

61-27.004 Agency Compliance.

Rulemaking Specific Authority 287.0947(2) FS. Law Implemented 287.0947 FS. History—New 2-1-90, Formerly 21-27.004₄, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Patricia Nelson, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Charles w. Drago, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:

61-35.0271

61-35.02711

61-35.02712

61-35.02713

61-35.02714

61-35.02715

61-35.02716

61-35.02717

61-35.02718

61-35.02719

61-35.0272

61-35.02721

61-35.02722

61-35.02723

RULE TITLES:

Real Estate: Application for Sales Associate Licensure

Real Estate: Application for Broker Licensure

Real Estate: Application for Real Estate Instructor Permit

Real Estate: Application for School Chief Administrator

Real Estate: Application for School Permit

Real Estate: Real Estate School Change of Status Transactions

Real Estate: Application for Real Estate Company

Real Estate: Application for Branch Office

Real Estate: Application for Additional School Location

Real Estate: Sales Associate/Broker Sales Associate (SL/BL)

Transactions

Real Estate: Broker (BK)

Transactions

Real Estate: Real Estate Company Transactions

Real Estate: Instructor Transactions

Real Estate: School Chief Administrator Transaction

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to create more efficient licensure application forms.

SUMMARY: Application forms covering every licensure requirement to practice real estate.

OTHER RULES INCORPORATING THIS RULE: Various rules of the Commission in Chapter 61J2, F.A.C., will need to reference various forms currently being adopted, based on the licensure rules. At this time it is unknown exactly which rules will reference which forms.

EFFECT ON THOSE OTHER RULES: The purpose and effect of the proposed rule is to create more efficient licensure application forms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that these rules will have not an impact on small business. A Statement of Estimated Regulatory Cost has not been prepared by the agency.

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.

RULEMAKING AUTHORITY: 20.165(8), 455.203, 455.213 FS.

LAW IMPLEMENTED: 455.271, 475.15, 475.161, 475.17, 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.23, 475.24, 559.79 FS.

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

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 days before the workshop/meeting by contacting: Thomas O'Bryant, Jr., (407)481-5662. 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: Thomas O'Bryant, Jr., (407)481-5662

THE FULL TEXT OF THE PROPOSED RULES IS:

61-35.0271 Real Estate: Application for Sales Associate Licensure.

Form number DBPR RE 1, Application for Sales Associate Licensure, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.161, 475.17, 475.175, 475.180, 475.181 FS. History-New _____.

61-35.02711 Real Estate: Application for Broker Licensure.

Form number DBPR RE 2, Application for Broker Licensure, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.17, 475.175, 475.180, 475.181 FS. History-New _____.

61-35.02712 Real Estate: Application for Real Estate Instructor Permit.

Form number DBPR RE 3, Application for Real Estate Instructor Permit, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.175, 475.180, 475.181, 475.183, 475.451 FS. History-New _____.

61-35.02713 Real Estate: Application for School Chief Administrator.

Form number DBPR RE 4, Application for School Chief Administrator, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.175, 475.180, 475.181, 475.183, 475.451 FS. History-New _____.

61-35.02714 Real Estate: Application for School Permit. Form number DBPR RE 5, Application for School Permit, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.175, 475.180, 475.181, 475.451, 559.79 FS. History-New _____.

61-35.02715 Real Estate: Real Estate School Change of Status Transactions.

Form number DBPR RE 6, Real Estate School Change of Status Transactions, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.183, 475.23, 559.79 FS. History-New _____.

61-35.02716 Real Estate: Application for Real Estate Company.

Form number DBPR RE 7, Application for Real Estate Company, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.15, 475.181, 475.22, 559.79 FS. History-New _____.

61-35.02717 Real Estate: Application for Branch Office. Form number DBPR RE 8, Application for Branch Office, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.15, 475.180, 475.181, 475.23, 475.24, 559.79 FS. History-New _____.

61-35.02718 Real Estate: Application for Additional School Location.

Form number DBPR RE 9, Application for Additional School Location, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.180, 559.79 FS. History-New _____.

61-35.02719 Real Estate: Sales Associate/Broker Sales Associate (SL/BL) Transactions.

Form number DBPR RE 10, Sales Associate/Broker Sales Associate (SL/BL) Transactions, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.161, 475.17, 475.180, 475.183, 475.215, 475.23 FS. History—New _____.

61-35.0272 Real Estate: Broker (BK) Transactions.

Form number DBPR RE 11, Broker (BK) Transactions, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.180, 475.183, 475.215, 475.23 FS. History—New _____.

61-35.02721 Real Estate: Real Estate Company Transactions.

Form number DBPR RE 12, Real Estate Company Transactions, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.15, 475.180, 475.183, 475.23, 559.79 FS. History—New _____.

61-35.02722 Real Estate: Instructor Transactions.

Form number DBPR RE 13, Instructor Transactions, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.180, 475.183, 475.23, 475.451 FS. History—New _____.

61-35.02723 Real Estate: School Chief Administrator Transactions.

Form number DBPR RE 14, School Chief Administrator Transactions, effective _____, is adopted and incorporated by reference.

Rulemaking Authority 20.165(8), 455.203, 455.213 FS. Law Implemented 455.271, 475.180, 475.181, 475.182, 475.183, 475.215, 475.23, 475.451, 559.79 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Thomas O'Bryant, Jr., Director, Division of Real Estate

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas O'Bryant, Jr., Director, Division of Real Estate

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 5, 2009

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009, Vol. 35, No. 40 and October 23, 2009, Vol. 35, No. 42

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-31.001	General Responsibility
61G15-31.002	Definitions
61G15-31.003	Design of Structures Utilizing Pre-Engineered Wood Trusses

61G15-31.004	Design of Cast-in-Place Post-Tensioned Concrete Structural Systems
61G15-31.005	Design of Structures Utilizing Precast and Prestressed Concrete Components
61G15-31.006	Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders
61G15-31.007	Design of Metal Building Systems
61G15-31.008	Design of Foundations
61G15-31.009	Design of Structural Steel Systems
PURPOSE AND EFFECT: To update and clarify standards and add additional standards for the practice of structural engineering.	

SUMMARY: This rule updates and clarifies standards and adds additional standards for the practice of structural engineering.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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.

RULEMAKING AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033(1)(g), (j) 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-31.001 General Responsibility.

The Engineer of Record ~~engineer of record for a structure~~ is responsible for all structural aspects of the design of the structure including the design of all of the structure's systems and components. As noted herein the engineer of record ~~for a structure~~ may delegate responsibility for the design of a system or component part of the structure to a ~~qualified~~ delegated engineer. In either case the structural engineering documents shall address, as a minimum, the items noted in the following subsections covering specific structural systems or components. The Engineer of Record's structural engineering documents shall identify delegated systems and components. Both the Engineer of Record ~~engineer of record~~ for the structure and the delegated engineer, if utilized, shall comply with the requirements of the general responsibility rules, Chapter 61G15-30, F.A.C., and with the requirements of the more specific structural responsibility rules contained herein.

The Engineer of Record for the Structural System(s) shall provide design requirements in writing to the delegated engineer if one is used and shall review the design documents of the delegated engineer for conformance with his written instructions in accordance with Rule 61G15-30.005, F.A.C. When information obtained from a site visit is part of the engineer's deliberative process, the engineer is responsible for the accuracy of such information, to the extent that the engineer's designs are dependent on such information, whether the information is collected by the engineer or the engineer's authorized representative.

Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New 1-26-93, Formerly 21H-31.001, Amended _____.

61G15-31.002 Definitions.

(1) ~~Engineer of Record for the Structure.~~ The Florida ~~licensed registered~~ professional engineer who develops the ~~overall~~ structural design ~~criteria~~ and ~~the structural design criteria framing concept~~ for the structure, ~~performs the analysis~~ and is responsible for the preparation of the structural ~~engineering construction~~ documents.

(2) Structural Component. An individual structural member or element designed to be part of the structure or structural system. This definition of component should not be confused with any other published definitions.

(3) Structure. The entity to be built.

(4) Structural System. A portion of a structure comprising an assembly of structural components which carry and transmit loads.

(5) Structural Engineering Documents. The structural drawings, specifications and other documents setting forth the overall design and requirements for the construction, alteration, ~~modernization~~, repair, removal, demolition, arrangement and/or use of the structure, prepared by and signed and sealed by the engineer of record for the structure. Structural engineering documents shall identify the project and specify design criteria both for the overall structure and for structural components and structural systems. The drawings shall identify the nature, magnitude and location of all design loads to be imposed on the structure. The structural engineering documents shall provide construction requirements to indicate the nature and character of the work and to describe, detail, label and define the structure's components, systems, materials, assemblies, and equipment.

(6) Structural Submittals. Submittals required by the structural engineering documents which do not require the seal of a professional engineer, such as:

(a) Drawings prepared solely to serve as a guide for fabrication and installation and requiring no engineering input such as reinforcing steel shop drawings, and structural steel, ~~and~~ steel joist and joist girder erection drawings.

(b) Catalog information on standard products not fabricated for a specific project.

(7) Structural Delegated Engineering Documents. Documents prepared by a delegated engineer to whom the engineer of record for the structure has delegated responsibility for the design of a structural component or system.

(8) Specialty Engineer. A licensed professional engineer, who is not the structural engineer of record, who provides engineering criteria or designs necessary for the structure to be completed. The specialty engineer may be a delegated engineer.

Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History--New 1-26-93, Formerly 21H-31.002, Amended 10-19-97, _____.

(Substantial rewording of Rule 61G15-31.003 follows. See Florida Administrative Code for present text.)

61G15-31.003 Design of Structures Utilizing ~~Pre-Engineered Prefabricated~~ Wood Trusses.

(1) Where the Engineer of Record has delegated the responsibility for truss design, the responsibilities of the Engineer of Record and the Delegated Engineer shall be as set forth in Chapter 2 of ANSI/TPI 1, edition adopted by the Florida Building Code, wherein the Engineer of Record is the Building Designer and the Delegated Engineer is the Truss Design Engineer as those terms are defined in said standard.

(2) The Engineer of Record and the Truss Design Engineer shall have additional responsibilities as follows:

(a) The Engineer of Record shall provide written design requirements to the Delegated Engineer and shall review the engineering documents of the Delegated Engineer for conformance with these design requirements in accordance with Rule 61G15-30.005, F.A.C. The Engineer of Record's Engineering Documents may serve as the written communication of design requirements.

(b) Each of the individual truss design drawings prepared by the delegated engineer shall be signed and sealed and shall include the following information.

1. A title block bearing the printed name, address, and license number of the Truss Design Engineer and the date of the drawing. This information may alternatively appear on the cover sheet.

2. The name and address of the Engineer of Record, if there is one. This information may alternatively appear on the cover sheet.

3. Identification of the project, by address or by lot number, block number, section or subdivision and city or county. This information may alternatively appear on the cover sheet.

4. Identification of the applicable building code that the truss design is intended to meet. This information may alternatively appear on the cover sheet.

5. Identification of any computer program used for engineering the trusses.

6. The engineering design criteria used in the design of the trusses.

7. Whereas the Truss Design Engineer is responsible for setting forth the connection requirements for truss to truss girder, truss to truss ply, and field assembly of trusses, each truss design drawing shall specify the location and ID of trusses that it supports and is supported by and the loads transferred at each location.

(c) A cover sheet may be signed and sealed in lieu of signing and sealing each individual truss design drawing, provided that the cover sheet contains an index of the attached truss design drawings. The naming and numbering system utilized for the drawings shall be clear as to the number of drawings in the set and the date and sequence number of each of these drawings.

(3) The Engineer of Record may delegate the truss system as authorized by the general rule. In the absence of an applicable national consensus standard describing the division of responsibilities for truss system design this rule does not specify all the responsibilities that the design parties may have. The practice and engineering documents of the Engineer of Record and the delegated engineer shall conform to the requirements set forth above for truss design and shall adhere to sound engineering practice, particularly when the truss system includes indeterminate trusses.

(a) "Truss System" shall mean an assemblage of trusses and truss girders, together with all bracing, connections, and other structural elements and all spacing and locational criteria, that, in combination, function to support the dead, live and wind loads applicable to the roof of a structure with respect to a Truss System for the roof, and the floor of a structure with respect to a Truss System for the floor. A Truss System does not include walls, foundations, or any other structural support systems.

(b) The delegated engineering documents for the truss system shall include truss placement plans, framing plans, sections, and details that specify framing members, connections, support requirements, fasteners, and bracing required for the performance of the truss system.

Rulemaking Specific Authority 471.008, 471.033(2). Law Implemented 471.033(1)(g) FS. History--New 1-26-93, Formerly 21H-31.003, Amended 6-16-99, 3-22-01, 4-30-03, _____.

61G15-31.004 Design of Cast-In-Place Post-Tensioned Concrete Structural Systems.

(1) Structural engineering documents shall show the nature, type of post-tensioning system, location of the prestressing tendons and the magnitude and location of all prestressing forces and all design assumptions.

(2) If the engineer of record for the structure elects to delegate the responsibility for preparation of calculations and installation drawings to a delegated engineer for the

post-tensioning system(s), the Engineer of Record he shall require the submission of installation drawings for review by the engineer of record for the structure. Calculations shall also be submitted by the delegated engineer which show sufficient information to confirm that the number and size of tendons provided are adequate to provide the prestressing forces shown on the structural engineering documents. Installation drawings shall identify the structure and provide all full details of post-tensioning materials to be used including necessary accessories and instructions for construction and shall identify the specific project. The installation drawings and calculations shall bear the impressed seal, date, and signature of the delegated engineer who prepared them and shall be reviewed by the engineer of record for the structure. A cover sheet listing the drawings and calculations may be used.

(3) It is the responsibility of the engineer of record for the structure to review the post-tensioning system installation drawings together with the shop drawings of all required reinforcing steel needed for a complete structural design so that the drawings are coordinated with reinforcing steel shop drawings.

(4) The effect of post-tensioning on other parts of the structure building is the responsibility of the engineer of record for the structure.

Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New 1-26-93, Formerly 21H-31.004, Amended _____.

61G15-31.005 Design of Structures Utilizing Precast and Prestressed Concrete Components.

(1) Structural engineering documents shall indicate the configuration of precast and prestressed components and shall include details of supports, anchors and connections for those components.

(2) If the The engineer of record elects to for the structure may delegate responsibility for the design of precast or prestressed concrete components, or structural systems utilizing those components, to a delegated engineer. In that case the engineer of record for the structure shall require structural delegated engineering documents for his review as an indication that his intent has been understood and that the specified criteria have been used. Structural delegated engineering documents shall bear the impressed seal, date, and signature of the delegated engineer and shall be reviewed by the Engineer of Record as an indication that the intent has been understood and that the specified criteria have been used.

(3) Structural delegated engineering documents shall include component details, calculations, and fabrications and erection drawings. All such submittals shall identify the specific project. The effect of precast and prestressed concrete members on other parts of the building is the responsibility of the engineer of record for the structure.

Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New 1-26-93, Formerly 21H-31.005, Amended _____.

61G15-31.006 Design of Structural Systems Utilizing Open Web Steel Joists and Joist Girders.

(1) The Engineer of Record shall indicate on the structural engineering documents ~~Structural Engineering Documents~~ the steel joist and joist girder designations from the edition of the 1997 Steel Joist Institute's Specifications and load tables adopted by the Florida Building Code, and shall indicate the appropriate standards for joist and joist girder design, layout, end supports, anchorage, bridging requirements, etc., including connections to walls. These documents shall indicate special requirements for concentrated loads, non-uniform loads, openings, extended ends, and resistance to uplift loads.

(2) The steel joist and joist girder manufacturer shall design the steel joist and joist girder members in accordance with the edition of the 1997 Steel Joist Institute Specifications and load tables adopted by the Florida Building Code, to support the loads per the engineer of record's ~~Engineer of Record's~~ specified joist and joist girder designations and/or special loading diagrams, as set forth in the structural engineering documents. ~~Structural Engineering Documents~~. The Engineer of Record may require the submission of the steel joist and joist girder design calculations, prepared by a delegated engineer, as an indication of compliance. When required to submit the steel joist and joist girder calculations, the steel joist and joist girder manufacturer shall submit a cover letter along with the steel joist and joist girder design calculations. The cover letter shall bear the seal, date and signature of a Florida licensed registered professional engineer responsible for design of the steel joist and joist girders and shall contain the following information:

(a) The name, address and license number of the delegated engineer.

(b) Identification of the project by name and address.

(c) Identification of the applicable building code and the design criteria used.

(d) An index of the attached calculations and a list of the drawings to which they apply.

(3) The manufacturer may prepare layout drawings for the accuracy of interpretation and dimension of the record documents. As stated in subsection 61G15-31.002(6), F.A.C., the layout drawings do not need to be signed and sealed.

Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), (j) FS. History--New 1-26-93, Formerly 21H-31.006, Amended 10-19-97, _____.

61G15-31.007 Design of Metal Building Systems ~~Pre-Engineered Structure~~.

(1) A metal building system is defined as an integrated set of components and assemblies that are specifically designed to form a complete structural system. This typically includes

primary framing comprised of constant depth or web-tapered structural steel frames, secondary members that are cold-formed steel or steel joists, a metal panel roof system and exterior wall cladding. These components and assemblies are manufactured in a manner that permits plant and/or field inspection prior to assembly or erection.

(2)(4) Structural engineering documents prepared by the engineer of record for pre-engineered structures shall reflect the design criteria for the metal building system indicate the necessary measures for adapting the structures to the specific site. They shall indicate all openings, concentrated loads and other special requirements. Foundation conditions assumed in the design shall be indicated as well as the location and magnitude of building reactions on that foundation under all design conditions.

(3)(2) The engineer of record for the structure may delegate responsibility of the design of the metal building system pre-engineered structures to a delegated engineer requiring submittal of structural delegated engineering documents.

(4)(3) Structural delegated engineering documents shall identify the project and list loading and other design criteria. Structural delegated engineering documents shall include fabrication and erection drawings which indicate in detail the construction of the standard structure used for or as modified to comply with the requirements of the specific particular project. They structural delegated engineering documents shall indicate all connection details, openings and other special details. They shall show the magnitude and location of building reactions on the foundation under all design conditions. Calculations shall be provided, if requested by the engineer of record, to prove supporting the design is in compliance with the written engineering requirements for the specific project shall be submitted not only for the standard structure but for modifications and for related components requiring structural design. Structural delegated engineering documents shall bear the signature, date, and impressed seal of the Florida licensed delegated engineer.

Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New 1-26-93, Formerly 21H-31.007, Amended _____.

61G15-31.008 Design of Foundations.

(1) The structural engineering documents shall designate the foundation capacity used as the basis of design and shall include data indicating the nature of the foundation and sub-grade material anticipated.

(2) Site and sub-grade preparation requirements, necessary to provide the foundation capacity, shall be specified in the structural engineering documents.

(3) The foundation capacity and site preparation requirements shall be determined on the basis of scientific analysis utilizing investigations, tests or studies conducted for

or provided by the engineer of record for the structure or by a licensed professional engineer, in accordance with code procedures ~~delegated engineer~~.

(4) The engineer of record is responsible for the design of foundation components and shall take into account anticipated loads and load paths along with the evaluation of any existing structural conditions.

(5) The engineer of record may delegate the design of certain components of the foundation, such as piles and retaining walls, to a delegated engineer. Structural delegated engineering documents for these components, signed, sealed and dated by the delegated licensed professional engineer, shall be submitted to the engineer of record.

Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New 1-26-93, Formerly 21H-31.008, Amended _____.

61G15-31.009 Design of Structural Steel Systems.

(1) The engineer of record ~~for the structure~~ is responsible for all aspects of the structure's design including the design of components and connections.

(2) The engineer of record ~~for the structure~~ may detail all structural connections on the structural engineering documents and require fabrication and erection in accordance with these details.

(3) Alternately, the engineer of record ~~for the structure~~ may specify criteria for the design of the structural connections and identify the nature, magnitude, and location of all design loads to be supported by the connections in the his structural engineering documents. The engineer of record ~~for the structure~~ may then delegate design responsibility for the selection or modification of the structural connections to a delegated engineer and require delegated engineering documents, which the engineer of record may require to be signed, sealed and dated by the delegated licensed professional engineer ~~submittal~~.

(4) The structural engineering documents may assign to the fabricator responsibility for implementing the design as specified and for maintaining fabrication and erection tolerances and for ensuring the fit and erectability of the structure.

(5) The fabricator shall forward fabrication and erection drawings for review by the engineer of record ~~for the structure~~.

Rulemaking Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New 1-26-93, Formerly 21H-31.009, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 7, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NOS.:	RULE TITLES:
61G15-31.010	Design of Structures Utilizing Cold-Formed Steel Framing
61G15-31.011	Design of Aluminum Structures
61G15-31.012	Design of Temporary Support Structures

PURPOSE AND EFFECT: To update and clarify standards and add additional standards for the practice of structural engineering.

SUMMARY: This rule updates and clarifies standards and adds additional standards for the practice of structural engineering.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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.

RULEMAKING AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033(1)(g), (j) 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULES IS:

61G15-31.010 Design of Structures Utilizing Cold-Formed Steel Framing.

(1) Where the Engineer of Record has delegated the responsibility for truss design, the responsibilities of the Engineer of Record and the Delegated Engineer shall be as set forth in AISI standard S214, "Supplement 2 to the North American Standard for Cold-Formed Steel Framing-Truss Design", Section B, wherein the Engineer of Record is the Building Designer and the Delegated Engineer is the Truss Design Engineer as those terms are defined in said standard. The Engineer of Record and the Truss Design Engineer shall have additional responsibilities identical to those stipulated for wood trusses in accordance with Rule 61G15-31.003, F.A.C.

The Engineer of Record may also delegate the design of a truss system comprising cold-formed steel framing as outlined in Rule 61G15-31.003, F.A.C.

(2) A "cold-formed steel framing system" shall mean an assemblage of framing members (other than trusses) such as curtain walls, parapets, exterior soffits, ceilings, or other similar systems together with all bracing, connections between framing components, connections to supporting structure, and other related structural elements where noted on drawings prepared by the Engineer of Record, that, in combination, function to support the loads applicable to that portion of the structure. Where the Engineer of Record has delegated responsibility for the design of a cold-formed steel framing system, the Engineer of Record shall provide written design requirements to the delegated engineer and require structural delegated engineering documents for review. Structural delegated engineering documents shall include component and connection details, calculations, fabrication details and layout drawings. All such submittals shall identify the specific project. The effect of a cold-formed steel framing system on other parts of the building is the responsibility of the Engineer of Record.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New _____.

61G15-31.011 Design of Aluminum Structures.

(1) These rules apply when an engineer is required to prepare signed, sealed and dated engineering documents for the design of an aluminum structure. These rules do not preclude the use of procedures established by Section 489.113, Florida Statutes.

(2) The engineer of record for the aluminum structure shall be responsible for all aspects of the structural design, including connection details, bracing, foundations and the ability of any existing structure to support the loads imposed by the aluminum structure.

(3) The engineer of record may elect to delegate the responsibility for the design of an aluminum structure to a delegated engineer. The engineer of record shall require the delegated engineer to submit for review structural delegated engineering documents prepared, signed, sealed and dated by the delegated engineer.

(4) The structural delegated engineering documents shall include:

(a) The governing codes with all supplements in effect at the time the documents were signed and sealed.

(b) The project name and its location.

(c) Plans, sections, elevations and details, necessary to define the aluminum structure.

(d) Material specifications for all structural components, including but not limited to screen densities, fasteners, and material thickness and type.

(e) The location, magnitude, and direction of controlling member forces and reactions and the controlling design load combinations at which they occur.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New _____.

61G15-31.012 Design of Temporary Support Structures.

(1) This section defines the responsibility of the engineer (shoring engineer) who designs temporary support structures (shoring) used during construction, remodeling, alteration, and dismantling (herein referred to collectively as "construction") of a structure. Shoring includes the design of formwork, shoring, reshoring, backshoring, lateral bracing and all other temporary supports for structures.

(2) The shoring engineer shall design the shoring so that the structure being supported is structurally stable during all phases of the construction of the structure and shall take into account, in the design of the shoring, the sequence of construction of the structure. The shoring shall be designed so that the loads imposed by the shoring system do not place more load on the supporting soil or the structure under construction than their capacity at that stage of construction.

(3) The design of the temporary support structure shall be as set forth in the editions of ASCE 37 and ASCE 7 that have been adopted by the Florida Building Code. If there is no adopted edition, ASCE 37-02 shall be used.

(4) The shoring engineer responsible for the design of the shoring shall prepare signed, sealed and dated engineering documents showing the size, material and location of all components necessary for the shoring of the structure under construction. The documents shall indicate the loads to be supported by the temporary shoring and shall include the assumptions used in the design of the shoring.

Rulemaking Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Engineers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 21, 2009

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.:

RULE TITLE:

61J2-23.001

Time-share Resale Listing

Agreement Disclosures

PURPOSE AND EFFECT: To ensure that the rule is in compliance with statutory requirements.

SUMMARY: This rule ensures that the language is in compliance with statutory requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 475.05, 475.42(1)(n) FS.

LAW IMPLEMENTED: 475.42 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-23.001 Time-share Resale Listing Agreement Disclosures.

Pursuant to Section 475.42(1)(n), Florida Statutes, it shall be a violation of Chapter 475, Florida Statutes, for any broker or salesperson to enter into any agreement with any person engaging the services of the broker in connection with the resale of a time-share period unless the agreement complies in all respects with the following provisions.

(1) In addition to all other requirements of and obligations under Chapter 475, Florida Statutes, all agreements engaging the services of a broker in connection with the resale of a time-share period shall contain all of the following:

(a) The following statement in conspicuous type located immediately prior to the space in the agreement reserved for the signature of the owner of the time-share period: THERE IS NO GUARANTEE THAT YOUR TIME-SHARE PERIOD CAN BE SOLD AT ANY PARTICULAR PRICE OR WITHIN ANY PARTICULAR PERIOD OF TIME. Any written advertising material utilized by a broker or salesperson in connection with the solicitation of a listing agreement for the resale of a time-share period must also contain this statement in conspicuous type.

(b) A complete and clear disclosure of any fees, commissions, and other costs or compensation payable to or received by the broker under the agreement, whether directly or indirectly.

(c) The term of the agreement; a statement regarding the ability of any party to extend the term of the agreement; and a description of the conditions under which the agreement may be extended and all related costs.

~~(d) If a fee or other compensation to be paid in advance of closing of the resale of the time-share period is charged by the broker, a statement describing the promotional efforts that the broker will undertake, including all methods typically or customarily used by the broker to generate prospective resale purchasers, and including a description of the average circulation and geographical distribution area of any printed or media advertising, including catalogues, used by the broker.~~

~~(d)(e)~~ A description of the services to be provided by the broker under the agreement, and a description of the obligations of each party regarding a resale purchase, including any costs to be borne and any obligations regarding notification of the managing entity of the time-share plan and any exchange company.

~~(e)(f)~~ A statement disclosing whether the agreement grants exclusive rights to the broker to locate a purchaser during the term of the agreement; a statement disclosing to whom and when any proceeds from a sale of the time-share period will be disbursed; a statement whether any party may terminate the agreement and under what conditions; and a statement disclosing the amount of any commission or other compensation due to the broker from any party upon a termination of the agreement prior to the closing of the resale.

~~(f)(g)~~ A statement disclosing whether the agreement permits the broker or any other person to make any use whatsoever of the time-share period in question and a detailed description of any such permitted use rights, including a disclosure of to whom any rents or profits generated from such use of the time-share period will be paid.

~~(g)(h)~~ A statement disclosing the existence of any judgments or pending litigation against the broker resulting from or alleging a violation by the broker of Chapter 475, 498, 718 or 721, Florida Statutes, or resulting from or alleging consumer fraud on the part of the broker.

(2) All agreements described in subsection (1) must be reduced to writing, and the person engaging the services of the broker must receive a fully executed copy of the written agreement on the day he signs it. If the agreement is initially entered into by telephone or by any other oral means, the broker must make all of the disclosures required by subsection (1) to the person engaging his services prior to accepting anything of value from such person. In any event, a written agreement executed by the broker must be presented for signature to the person engaging his services within 10 days after the date the agreement was initially orally entered into.

Rulemaking Specific Authority 475.05, 475.42 FS. Law Implemented 475.42 FS. History—New 10-25-89, Formerly 21V-23.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Commission

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Real Estate Commission

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 15, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 7, 2009

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 Dentistry

RULE NO.: 64B5-2.0135
RULE TITLE: Dental Hygiene Examination
PURPOSE AND EFFECT: To clarify and update language and criteria for successfully passing the examination of dental hygienists.

SUMMARY: This rule will clarify and update language and criteria for successfully passing examination of dental hygienists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared. The Board determined that small businesses would not be affected by this rule.

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.

RULEMAKING AUTHORITY: 456.017, 466.004(4), 466.007 FS.

LAW IMPLEMENTED: 456.017, 466.007, 466.009(3) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-2.0135 Dental Hygiene Examination.

(1) The Board specifies that the dental hygiene licensure examination administered by the Department of Health shall consist of two portions. One portion of the examination shall consist of a written examination and one portion of the examination shall be a clinical (or practical) examination. ~~A final grade of 75 or better on the written portion and a final grade of 3 or better on the clinical (or practical) portion is~~

~~required to achieve a passing score.~~ An applicant who passes one portion of the examination and not the other need only retake the failed portion ~~that he failed.~~

(a) ~~An applicant~~ A candidate must successfully complete both portions of the examination within a thirteen month period in order to qualify for licensure. If the applicant ~~candidate~~ fails to successfully complete both portions within that time period, then the applicant ~~candidate~~ must retake the entire examination.

(b) Any dental hygiene applicant who fails to pass the clinical portion of the examination in three ~~3~~ attempts shall not be eligible for reexamination until successful completion of ~~he successfully completes~~ one academic semester of clinical course work at the senior clinical practice level at a dental hygiene school approved by the American Dental Association Commission on Accreditation. The applicant must furnish proof from the accredited dental hygiene school of ~~his~~ successful completion of the course work required by this rule. Applicants who fail to establish compliance with this rule shall automatically be denied permission to sit for reexamination.

(c) All examinations will be conducted in English.

(2) The written portion of the examination shall test on the law and rules of the State of Florida regulating the practice of dentistry and dental hygiene.

(a) A final grade of 75% or better is required to pass the written portion of the examination.

(b) Applicants will be given no more than 90 minutes to complete the written portion of the examination.

(3) The clinical (or practical) portion of the examination ~~consists of two parts requires a candidate to perform a complete prophylaxis. One part of the clinical examination shall consist of a computer based assessment involving simulated patients and one part of the clinical examination shall consist of a patient based assessment. In addition, root planing will be performed on 4 designated teeth, none of which shall be primary teeth. More specifically, the clinical (or practical) portion of the examination shall consist of 3 parts and shall be weighted as to each part as follows:~~

(a) The simulated patient part of the clinical examination requires applicants to take and pass a computer based examination which includes health assessments, oral condition evaluations, radiograph interpretations, and infection control practices. Sealing/calculus removal 70%.

1. A final grade of 75% or better is required to pass the simulated patient part of the clinical examination.

2. Applicants will be given no more than 120 minutes to complete the simulated patient part of the clinical examination.

(b) The patient based part of the clinical examination requires an applicant to demonstrate clinical skills in performing a partial prophylaxis, scaling, root planning, coronal polishing and pocket depth measurements on selected teeth. Polishing 10%.

1. A final grade of 75% or better is required to pass the patient based part of the clinical examination.

2. Applicants will be given no more than 180 minutes to seat a patient, present the patient for acceptance and complete the treatment phase of the patient based part of the clinical examination.

3. Applicants will be give no more than 90 minutes to complete the treatment phase of the patient based part of the clinical examination.

4. The patient based part of the clinical examination is to be performed on a patient provided by the applicant.

(c) An applicant who passes one part of the clinical examination portion, either the simulated patient part or the patient based part, and not the other need only retake the failed clinical part. Root planing 20%.

(4) Demonstration of periodontal skills on a patient (root planing, scaling of subgingival calculus, and plaque, stain and supragingival calculus removal from the coronal part of the teeth selected and pocket depth measurement assessment) must be performed within a selected dental quadrant with a minimum of six and a maximum of eight teeth, none of which shall have a full crown restoration. Of the six to eight teeth, two may be contiguous molars in another quadrant if necessary to meet the criteria. Three of the teeth shall have pockets identified by the applicant at least 4 mm. in depth. Twelve surfaces with moderate subgingival calculus detectable by visual or tactile means must be identified and treated by the applicant (no more than four surfaces may be on incisors); at least one tooth shall be a multi-rooted molar which shall be in proximal contact with at least one other tooth; five surfaces must be on interproximal surfaces of posterior teeth, i.e. molars or premolars, and at least three of those inter-proximal surfaces must be on molars; none of the six to eight teeth shall be primary teeth. Each selected tooth must have at least one surface of calculus selected for removal. Six pocket depth measurements on each of one anterior and one posterior tooth selected by the examiners must be made by the applicant. The total time allowed for the clinical (or practical) portion will be 150 minutes and the clinical (or practical) portion is to be performed on a patient provided by the applicant. It is the applicant's responsibility to provide a patient whose medical history permits dental treatment, who is at least 18 years of age, and who has a minimum of 20 natural teeth with generalized light to moderate calculus, both supra and submarginal. The applicant's patient must have a minimum of 4 teeth, none of which shall have a full crown restoration, with not less than 4 mm. pockets which require root planing at least one of which shall be a multi-rooted molar which is in proximal contact with at least one other tooth. In order that the examination may be conducted in an efficient and orderly

manner, an applicant will be allowed no more than three attempts to qualify a patient during the specified check-in period.

(5) The patient based part of the clinical examination shall have the following areas assessed in determining a grade: The following criteria shall be utilized in grading the three (3) parts of the clinical (or practical) portion of the examination. Failure to meet this criteria shall be regarded as an error.

(a) Presence of stain on assigned teeth. Sealing/calculus removal:

1. Complete removal of all supra-marginal calculus from each tooth without laceration to the surrounding tissues.

2. Complete removal of all submarginal calculus from each tooth without laceration to the surrounding tissues.

(b) Presence of supragingival calculus on assigned teeth. Polishing: Complete removal of all plaque from each tooth without abrasion.

(c) Presence of subgingival calculus on assigned teeth. Root planing: Smoothing of all rough root surfaces.

(d) Root roughness on assigned teeth.

(e) Accuracy of pocket depth measurements.

(f) Management of soft and hard tissue.

(6) The grading system used during the patient based part of the clinical examination is as follows: The three parts of the clinical (or practical) portion of the examination shall be graded as follows:

(a) Case acceptance of the patient based part of the clinical examination is evaluated as to whether or not the patient meets the published examination requirements. For the sealing/calculus removal part, an applicant's score will be based on the absence of or number of corroborated errors committed.

Errors	Grade
=8	0
7	1
6	2
5	3
4	4
0-3	5

(b) Treatment evaluation of the patient based part of the clinical examination is evaluated as to the presence and removal of applicant identified sub-gingival calculus, removal of plaque/supra-gingival calculus and stain from the selected teeth coronal surfaces and the accuracy, ± 1 mm., of pocket depth measurements on the two teeth selected by the examiner. Additionally, patient comfort and damage to soft and hard tissues are evaluated. For the polishing part, an applicant's score will be based on the absence of or number of corroborated errors committed.

Errors	Grade
=8	0
7	1
6	2
5	3
4	4
0-3	5

(c) The examiners use four competency levels to rate clinical skills:

Mandatory Zero – Complete failure and critically deficient

Marginally Substandard – Below minimal acceptable dental treatment

Minimally Acceptable – Minimal acceptable dental treatment

Satisfactory – Optimal dental treatment

For the root planing part, an applicant's score will be based on the absence of or number of corroborated errors committed. Only four teeth will be evaluated and at least one of which shall be a multi-rooted molar. The four teeth will be identified by the applicant and authorized by the examiner prior to the beginning of the clinical (or practical) part.

Errors	Grade
=4	0.0
3	0.5
2	2.0
1	3.5
0	5

(7) Three examiners will independently evaluate all treatment criteria in accordance with a detailed analytic scoring guide and specific scoring criteria for the patient based part of the clinical examination and the median competency level in each category (criteria) is determined. These median competency levels are translated into a numerical score. Applicants must earn at least 75% of the maximum possible raw score to pass that part. Applicants for examination or re-examination must have taken and successfully completed the National Board of Dental Hygiene examination and received a National Board Certificate within the past ten (10) years.

(a) The scores for the patient based part of the clinical examination may also be affected by certain conduct or errors on the part of an applicant that warrant a penalty deduction from the examination score. Penalties may be assessed in areas such as patient management, compromised infection control, violation of examination guidelines, etc. and will be computed into the final score.

(b) Management of soft tissue is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if there is gross mutilation of gingival tissue or if the applicant fails to attempt or complete the part.

(8) To take the patient based part of the clinical examination, it is the applicant's responsibility to provide a patient who is at least 18 years of age and whose medical history is consistent with that prescribed by the Board and who meets at least the minimum patient qualifications within the selected dental quadrant in order to qualify as a patient for examination. Every candidate who is scheduled to take the clinical (or practical) portion of the examination or who is scheduled to retake the clinical (or practical) portion must secure liability insurance coverage for injuries which may be sustained or may be claimed to have been sustained by a dental patient in the course of the examination and present proof of such coverage to the credentials committee before he or she will be allowed to perform any procedures on a live patient.

(a) The patient based part of the clinical examination may be terminated at any time by the Examination Administrator in the interest of patient safety.

(b) An applicant will not be able to submit a patient if less than 120 minutes remain in the assigned examination period.

(c) An applicant who does not submit a patient within the assigned examination period will receive a grade of mandatory zero (0).

(9) Applicants for examination or re-examination must have taken and successfully completed the National Board of Dental Hygiene examination and received a National Board Certificate within the past ten (10) years.

(10) Every applicant who is scheduled to take or retake the patient based part of the clinical examination must secure liability insurance coverage for injuries which may be sustained or may be claimed to have been sustained by a dental patient in the course of the examination and present proof of such coverage to the credentials committee before he or she will be allowed to perform any procedures on a live patient.

(11) Candidates for the dental hygiene state clinical boards may assess patients for suitability as board patients at any dental office under the direct supervision of a dentist, or at any accredited dental hygiene program or accredited dental school under direct supervision of a program faculty member.

Rulemaking Specific Authority 456.017, 466.004(4), 466.007 FS. Law Implemented 456.017, 466.007, 466.009(3) FS. History--New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended 10-31-01, 7-6-05.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Dentistry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 4, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007
RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The proposed rule amendments are intended to address the revised application forms for licensure.

SUMMARY: The proposed rule amendments incorporate the revised application forms into the forms rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.312(4), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) DH-MQA 1000, entitled "Board of Medicine Medical Doctor Application for Licensure," (10/09) ~~(06/09)~~.

(2) DH-MQA 1008, entitled "Board of Medicine Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.," (10/09) ~~(06/09)~~.

(3) DH-MQA 1009, entitled "Board of Medicine Application Materials For Temporary Certificate for Practice in an Area of Critical Need," (10/09) ~~(06/09)~~.

(4) through (10) No change.

(11) DH-MQA 1032, entitled "Board of Medicine Application Materials for Initial Registration and Renewal of Intern/Resident/Fellow and House Physician," (10/09) ~~(06/09)~~.

(12) through (13) No change.

(14) DH-MQA 1072, entitled "Board of Medicine Medical Faculty Certificate For Allopathic Physicians," (10/09) ~~(06/09)~~.

(15) No change.

(16) DH-MQA 1079, entitled "Board of Medicine Temporary Certificate to Practice Medicine for Educational Purposes For Allopathic Physicians," (10/09) ~~(06/09)~~.

(17) through (25) No change.

Rulemaking Authority 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, 6-29-06, 12-26-06, 4-2-07, 6-25-08, 1-18-09, 3-17-09, 5-20-09, 10-7-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.009
RULE TITLE: Applications

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate the revised licensure applications in the application rule.

SUMMARY: The proposed rule amendment incorporates the revised application forms in the Board's application rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board has determined that the proposed rule amendments will not have an impact on small business.

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.

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-4.009 Applications.

(1) All persons applying for licensure shall submit an application to the Department. The application shall be made on the applicable form set forth below, all of which are hereby adopted and incorporated by reference and can be obtained from the Board of Medicine's website at http://www.doh.state.fl.us/mqa/medical/me_applicant.html. The application must be accompanied by the application fee.

(a) DH-MQA 1000, entitled "Board of Medicine Medical Doctor Application for Licensure," (10/09) ~~(06/09)~~;

(b) DH-MQA 1008, entitled "Board of Medicine Limited License Application Materials for Allopathic Physicians to be Licensed Pursuant to Section 458.317, F.S.," (10/09) ~~(06/09)~~;

(c) DH-MQA 1009, entitled "Board of Medicine Application Materials For Temporary Certificate for Practice in an Area of Critical Need," (10/09) ~~(06/09)~~;

(d) DH-MQA 1032, entitled "Board of Medicine Application Materials for Initial Registration and Renewal of Intern/Resident/Fellow and House Physician," (10/09) ~~(06/09)~~;

(e) DH-MQA 1072, entitled "Board of Medicine Medical Faculty Certificate For Allopathic Physicians," (10/09) ~~(06/09)~~;

(f) DH-MQA 1079, entitled "Board of Medicine Temporary Certificate to Practice Medicine for Educational Purposes For Allopathic Physicians," (10/09) ~~(06/09)~~.

(2) through (9) No change.

Rulemaking Authority 456.031, 456.033, 458.309, 458.311, 458.3137 FS. Law Implemented 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 FS. History—New 3-31-80, Amended 12-4-85, Formerly 21M-22.09, Amended 9-7-88, 3-13-89, 1-1-92, 2-21-93, Formerly 21M-22.009, Amended 11-4-93, Formerly 61F6-22.009, Amended 11-15-94, 2-15-96, Formerly 59R-4.009, Amended 7-10-01, 1-31-02, 5-10-04, 5-20-04, 6-13-06, 12-26-06, 1-18-09, 3-17-09, 10-7-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: RULE TITLE:

64B18-11.001 Application for Licensure

PURPOSE AND EFFECT: The Board proposes to revise the application for licensure to incorporate new statutory requirements imposed by Section 456.0635, F.S.

SUMMARY: The rule amendment will revise the application for licensure to incorporate new statutory requirements imposed by Section 456.0635, F.S.

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.

RULEMAKING AUTHORITY: 461.005 FS.

LAW IMPLEMENTED: 456.017(1)(c), 456.0635, 461.006 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 Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B18-11.001 Application for Licensure.

(1) Any person desiring to be licensed as a podiatric physician shall apply to the Board of Podiatric Medicine. The application shall be made on the Application for Podiatric Examination & Initial Licensure Form DH-MQA 1138 (revised 08/09), hereby adopted and incorporated by reference, that can be obtained from the Board of Podiatric Medicine's website at <http://www.doh.state.fl.us/mqa/podiatry/index.html>.

(2) An application file for licensure is not complete unless and until it contains verification of a passing score from examination of the National Board of Podiatric Medical Examiners, including Part I, Part II, and the PMLexis

Examination. Such verification must be received by the Board office directly from the provider of the National Board of Podiatric Medical Examiners examination.

Rulemaking Authority 461.005 FS. Law Implemented 456.017(1)(c), 461.006 FS. History—New 1-29-80, Amended 12-9-82, Formerly 21T-11.01, Amended 10-14-86, 1-26-88, 6-20-88, 7-3-89, 6-24-92, Formerly 21T-11.001, Amended 7-6-94, Formerly 61F12-11.001, Amended 1-1-96, 7-15-96, Formerly 59Z-11.001, Amended 9-3-98, 2-8-00, 4-22-08, 6-17-09.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 16, 2009

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:

64E-3.001	Fees
64E-3.003	Qualifications for Examination
64E-3.006	Certification by Endorsement

PURPOSE AND EFFECT: The proposed rule revises the fees, forms and process for radiologic technology certification.

SUMMARY: The proposed rule modifies the application form, deletes obsolete language, and revises application procedures and requirements to comply with current Florida law, for people seeking radiologic technology certification or renewal. The proposed changes also increase fees to address a revenue shortfall in the radiologic technology certification program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: Every year, approximately 10,000 radiologic technology professionals renew their certification, and another approximately 3,000 people apply for radiologic technology certification. The proposed rule will increase the renewal and application fees paid by these professionals and applicants. It is anticipated that this increase will generate approximately \$300,000 in additional revenue annually to recover costs associated with a revenue shortfall in this program.

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.

RULEMAKING AUTHORITY: 381.0034, 468.303, 468.3065, 469.309 FS.

LAW IMPLEMENTED: 119.07, 381.0034, 468.303, 468.304, 468.306, 468.3065, 468.309, 468.3095 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: December 7, 2009, 10:00 a.m. – 11:00 a.m.

PLACE: Capital Circle Office Complex, Building 4042, Room 240P, 4042 Bald Cypress Way, Tallahassee, FL

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 10 days before the workshop/meeting by contacting: Janet Cooksey, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266; email Janet_Cooksey@doh.state.fl.us. 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: James Futch, Environmental Administrator, Bin C21, 4052 Bald Cypress Way, Tallahassee, FL 32399-1741; (850)245-4266; email: James_Futch@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64E-3.001 Fees.

The following fees are prescribed by the department:

(1) The fee for initial application ~~and a study guide~~ for certification by examination as provided in Section 468.304, Florida Statutes, is 100 ~~75~~ dollars plus the actual charge by the testing organization for the examination.

~~(2) The fee for initial application without a study guide for certification by examination as provided in Section 468.304, Florida Statutes, is 50 dollars plus the actual charge by the testing organization for the examination.~~

~~(2)(3)~~ The fee for initial application for certification by endorsement as provided in Section 468.3065, Florida Statutes, is 50 ~~45~~ dollars.

~~(3)(4)~~ The fee for subsequent examinations as provided in Section 468.306(4), Florida Statutes, is 75 ~~35~~ dollars plus the actual charge by the testing organization for the examination.

~~(4)(5)~~ The fee for renewal provided in Section 468.309(1), Florida Statutes, is 75 ~~55~~ dollars for one certification category and 40 dollars for each additional certification category. ~~The department will prorate the renewal fee for certificates expiring December 31, 1999 and December 31, 2000 to establish certificate expiration dates coinciding with the last day of the birth month of the certificateholder.~~

~~(5)(6)~~ The fee for application for change from active to inactive status as provided in Section 468.3095, Florida Statutes, is 40 dollars.

~~(6)(7)~~ The fee for late renewal as provided in Section 468.3095, Florida Statutes, is 100 dollars.

(7)(8) The fee for each duplicate certificate is 10 dollars.

(9) The fee for listings and mailing labels of radiologic technologists, is \$0.05 for each name and \$55.00 for each setup.

(10) For a study guide as provided in Section 468.304(4), Florida Statutes, 25 dollars.

Rulemaking Specific Authority 468.303, 468.3065, 468.309 FS. Law Implemented 119.07(4)(b), 455.587(6), 468.304, 468.306, 468.3065, 468.309, 468.3095 FS. History—New 10-1-84, Formerly 10D-74.40, Amended 3-21-88, 9-17-92, 11-6-94, Formerly 10D-74.040, Amended 10-28-99,_____.

64E-3.003 Qualifications for Examination.

(1) An applicant for certification as a Basic X-ray Machine Operator or Basic X-ray Machine Operator – Podiatric Medicine shall submit an application to the department on Form DH 1006, 10/09, “Application for Basic X-ray Machine Operator or Basic X-ray Machine Operator – Podiatric Medicine,” incorporated herein by reference. Applicants for all other types of certification under this Chapter shall submit an application to the department on Form DH 1005, 10/09, “Application for General Radiographer, Nuclear Medicine Technologist, Radiation Therapy Technologist, or Radiologist Assistant,” incorporated herein by reference. An applicant seeking approval to take the certification examination shall submit an application to the department on Form DH 1005, 10/07, “Radiologic Technology Application Form,” incorporated herein by reference. All The applicants must meet the qualifications prescribed by Section 468.304, Florida Statutes.

(a) through (d) No change.

(2) through (4) No change.

(5) The HIV/AIDS course required of all applicants by subsection 381.0034(3), Florida Statutes, shall be at least 4 hours duration and contain instruction on:

(a) The modes of transmission, infection control procedures, clinical management, and prevention of HIV/AIDS; and

(b) Current Florida law on HIV/AIDS and its impact on testing, confidentiality of test results, and treatment of patients.

Rulemaking Specific Authority 381.0034, 468.303 FS. Law Implemented 381.0034, 468.304 FS. History—New 4-10-85, Formerly 10D-74.43, Amended 3-21-88, 9-17-92, Formerly 10D-74.043, Amended 3-4-08,_____.

64E-3.006 Certification by Endorsement.

(1) An applicant seeking certification by endorsement shall submit an application to the department as specified in Rule 64E-3.003, F.A.C. on Form DH 1005, 10/07, “Radiologic Technology Application Form,” and pay the required fee.

(2) The provisions of subsections 64E-3.003(2), (3) and (5), F.A.C., must be satisfied. ~~If the applicant has been denied radiologic technology licensure in another state, territory, or country, he shall submit to the department information pertaining to such action and its final disposition.~~

(3) No change.

Rulemaking Specific Authority 468.303 FS. Law Implemented 468.303, 468.304, 468.3065 FS. History—New 4-10-85, Formerly 10D-74.47, Amended 3-21-88, 5-7-96, 12-12-96, Formerly 10D-74.047, Amended 3-4-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James A. Futch, Environmental Administrator

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ana M. Viamonte Ros, State Surgeon General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 3, 2008; September 25, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NOS.:

9J-42.001

9J-42.002

RULE TITLES:

Purpose and Effect

Relationship to Previous Rule and
Schedules

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.:

9J-42.003

RULE TITLE:

Schedule

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly.

Corrected Notice

The first two sections of the first Notice of Proposed Rule which appeared in the August 7, 2009, edition of the Florida Administrative Weekly have been withdrawn. This was based on comments received from the Joint Administrative Procedures Committee.