

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-15  
 RULE NO.: 14-15.0081  
 RULE CHAPTER TITLE: Incorporation by Reference  
 RULE TITLE: Toll Facilities Description and Toll Rate Schedule

**PURPOSE AND EFFECT:** The Florida Department of Transportation, Florida’s Turnpike Enterprise is proposing to convert the existing N.W. 106th Interchange located on the Homestead Extension of Florida’s Turnpike (HEFT) at MP 34 to a SunPass-Only interchange. Tolls at this interchange are currently collected using either SunPass or cash collection methods. The project is located in Miami-Dade County. Tolls are proposed to be collected from vehicles accessing to and from the north. Section 338.155(1), Florida Statutes, does not permit the use of the State’s toll facilities without paying a toll. The existing cash rate for payment of the toll at this interchange is being deleted from the Toll Rate Schedule. The SunPass rate for payment of the toll at this interchange is not being changed by this amendment. A rule development workshop, if requested will provide an opportunity to notify the public about the proposed conversion of the existing N.W. 106th/HEFT interchange from SunPass and cash collection to a SunPass-only collection facility.

**SUBJECT AREA TO BE ADDRESSED:** The Florida Department of Transportation, Florida’s Turnpike Enterprise is proposing to convert the existing N.W. 106th interchange located on the HEFT at MP 34 to a SunPass-Only interchange. Tolls at this interchange are currently collected using either SunPass or cash collection methods. The project is located in Miami-Dade County. Tolls are proposed to be collected from vehicles accessing to and from the north.

**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.**

**SPECIFIC AUTHORITY:** 334.044(2), 338.155(1) FS.

**LAW IMPLEMENTED:** 338.222, 338.231, 338.155 FS.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006, and \_\_\_\_\_ is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History–New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, 7-27-06, \_\_\_\_\_.

**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.: 33-210.201  
 RULE TITLE: ADA Provisions for Inmates

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend Form DC2-530, Reasonable Modification or Accommodation Request, to clarify that the form is not to be used to request medical devices, medical passes, or to request any type of medical care.

**SUBJECT AREA TO BE ADDRESSED:** ADA Provisions for Inmates.

**SPECIFIC AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 944.09 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 IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.201 ADA Provisions for Inmates.

(1) through (2) No change.

(3) Accommodation Request Procedure.

(a) No change.

(b) All department and privately operated facilities shall furnish to any inmate, upon request, a Reasonable Modification or Accommodation Request, Form DC2-530. Form DC2-530 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 8-19-01.

(c) through (g) No change.

(4) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 8-19-01, Amended 2-8-06,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-25  
RULE TITLE: Minimum Standards for Home Medical Equipment Providers

PURPOSE AND EFFECT: The purpose of this rule development is to establish minimum criteria for the comprehensive emergency management plan as required in Section 400.934(20), Florida Statutes, as amended by the 2006 Florida Legislature. The home medical equipment application for licensing is also updated and procedures for changes of address are included.

SUBJECT AREA TO BE ADDRESSED: Emergency management plan criteria, updated licensure application, address changes.

SPECIFIC AUTHORITY: 400.935 FS.

LAW IMPLEMENTED: 400.934, 400.935 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: Thursday, September 14, 2006, 1:00 p.m. – 3:30 p.m.

PLACE: Hurston Building, South Tower Conference Rooms A & B, 400 West Robinson Street, Orlando, FL 32801

DATE AND TIME: Tuesday, September 26, 2006, 2:00 p.m. – 5:00 p.m.

PLACE: Miami-Dade Fire Rescue Headquarters, Auditorium, 9300 N.W. 41st Street, Miami, FL 33178

DATE AND TIME: Thursday, September 28, 2006, 1:00 p.m. – 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, 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: Noel Cronin Lawrence, lawrencn@ahca.myflorida.com or (850)414-6010 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Noel Cronin Lawrence, Agency for Health Care Administration, Licensed Home Health Programs Unit, Bureau of Health Facility Regulation, 2727 Mahan Drive – Mail Stop 34, Tallahassee, FL 32308, or lawrencn@ahca.myflorida.com.

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.060  
RULE TITLE: Dental Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the update July 2006 to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The handbook was revised to include Medicaid coverage of partial dentures for Medicaid recipients age 21 and older. The effect will be to incorporate by reference in the rule Update July 2006 to Florida Medicaid Dental Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Dental Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, September 12, 2006, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Cerasoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2006, updated July 2006, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, 6-28-05, 7-2-06,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-19.004  
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: Purpose and effect is to amend the rule to include guidelines for all the violations.

VIOLATION	PENALTY RANGE MINIMUM	MAXIMUM
<u>(a) Violating any provision of s. 455.227(1), s. 471.025 or 471.031, or any other provision of Chapter 471 or rule of the Board or Department</u> <u>[471.033(1)(a), 455.227(1)(b)(q)]</u>	<u>Reprimand and \$1,000 fine</u>	<u>One (1) year suspension, two (2) years probation and \$5,000 fine</u>
<u>1. Failure to sign, seal or date documents</u> <u>[471.025(1)]</u>	<u>Reprimand</u>	<u>Reprimand and one (1) year probation</u>
<u>2. Sealing any document after license has expired or been revoked or suspended, or failure to surrender seal if the license has been revoked or suspended</u> <u>[471.025(2)]</u>	<u>Suspended license: Revocation and \$1,000 fine</u>  <u>Revoked license: Referral to State's Attorney's office</u>	

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

SPECIFIC AUTHORITY: 455.227, 471.008, 471.031, 471.033 FS.

LAW IMPLEMENTED: 455.227, 471.031, 471.033 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 IS: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-19.004 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the Board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

<p><u>3. Signing or sealing any document that depicts work the licensee is not licensed to perform or which is beyond his or her profession or specialty therein or practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities the licensee is not competent to perform</u> [471.025(3), 455.227(1)(o), 61G15-19.001(6)(c) (d)]</p>	<p><u>Reprimand, one (1) year probation and \$1,000 fine</u></p>	<p><u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u></p>
<p><u>4. Firm practicing without certificate of authorization</u> [471.023, 61G15-19.001(3)]</p>	<p><u>Reprimand</u></p>	<p><u>Revocation</u></p>
<p><u>5. Failure to complete continuing education</u> [471.017(3), 61G15-22.001]</p>	<p><u>Suspend until licensee demonstrates compliance</u></p>	<p><u>Revocation</u></p>
<p><u>6. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer</u> [471.031(1)(a)(b)]</p>	<p><u>\$1,000.00 fine per count</u></p>	<p><u>\$5,000.00 fine per count</u></p>
<p><u>7. Presenting as his or her own the license of another</u> [471.031(1)(c)]</p>	<p><u>\$1,000.00 fine per count</u></p>	<p><u>\$5,000.00 per count and revocation</u></p>
<p><u>8. Giving false or forged evidence to the Board or concealing information relative to violations of this chapter</u> [471.031(1)(d) (g)]</p>	<p><u>\$1,000.00 fine per count</u></p>	<p><u>\$5,000.00 per count and revocation</u></p>
<p><u>9. Employing unlicensed persons to practice engineering or aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapters 455 or 471</u> [471.031(1)(f), 455.227(1)(j)]</p>	<p><u>\$1,000.00 fine per count and reprimand</u></p>	<p><u>\$5,000.00 per count and revocation</u></p>
<p><u>10. Having been found liable for knowingly filing a false complaint against another licensee</u> [455.227(1)(g)]</p>	<p><u>\$1,000.00 fine per count and reprimand</u></p>	<p><u>\$5,000.00 fine per count and revocation</u></p>
<p><u>11. Failing to report a person in violation of Chapter 455, Chapter 471 or the rules of the Board or the Department</u> [455.227(1)(i)]</p>	<p><u>Reprimand</u></p>	<p><u>Reprimand, \$5,000.00 per count and suspension for one year</u></p>
<p><u>12. Failing to perform any statutory or legal obligation</u> [455.227(1)(k)]</p>	<p><u>Reprimand</u></p>	<p><u>Revocation</u></p>
<p><u>13. Exercising influence on a client for financial gain</u> [455.227(1)(n)]</p>	<p><u>Reprimand</u></p>	<p><u>Revocation</u></p>

<p><u>14. Improper delegation of professional responsibilities</u> [455.227(1)(p)]</p>	<p><u>\$1,000.00 fine per count and probation for one year</u></p>	<p><u>Revocation</u></p>
<p><u>15. Improperly interfering with an investigation or inspection or disciplinary proceeding</u> [455.227(1)(r)]</p>	<p><u>\$1,000.00 fine per count and probation for one year</u></p>	<p><u>Revocation</u></p>
<p><u>(b) Attempting to procure a license by bribery, fraudulent misrepresentation, or error of the Board or Department</u> [471.033(1)(b), 455.227(1)(h)]</p>	<p><u>Revocation and \$1,000 fine if licensed; if not licensed, denial of license and referral to State Attorney</u></p>	
<p><u>(c) Having a license to practice engineering acted against or denied by another jurisdiction</u> [471.033(1)(c), 455.227(1)(f)]</p>	<p><u>Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes</u></p>	
<p><u>(d) Being convicted or found guilty of, or entering a plea of nolo to a crime which relates to the practice or ability to practice</u> [471.033(1)(d), 455.227(1)(c)]</p>	<p><u>Misdemeanor: reprimand and one (1) year probation</u>  <u>Felony: Revocation and \$1,000 fine</u></p>	<p><u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u></p>
<p><u>1. Conviction of crime related to building code inspection or plans examination</u> [61G15-19.001(7)(a)]</p>	<p><u>Misdemeanor: reprimand and one (1) year probation</u>  <u>Felony: Revocation and \$5,000 fine</u></p>	<p><u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u></p>
<p><u>(e) Knowingly making or filing a false report or record, failing to file a report or record required by law, impeding or obstructing such filing</u> [471.033(1)(e), 61G15-19.001(7)(c), 455.227(1)(l)]</p>	<p><u>One (1) year suspension, two (2) years probation, \$1,000 fine</u></p>	<p><u>Revocation and \$5,000 fine</u></p>
<p><u>(f) Fraudulent, false, deceptive or misleading advertising</u> [471.033(1)(f), 61G15-19.001(2)]</p>	<p><u>Reprimand</u></p>	<p><u>Reprimand, one (1) year probation and \$5,000 fine</u></p>
<p><u>(g) Fraud, deceit, negligence, incompetence or misconduct</u> (471.033(1)(g), 455.227(1)(a),(m)) <u>1. Fraud or deceit</u></p>	<p><u>Reprimand, two (2) year probation and \$1,000 fine</u></p>	<p><u>\$5,000 fine and revocation</u></p>
<p><u>2. Negligence [61G15-19.001(4)]</u></p>	<p><u>Reprimand, two (2) years probation and \$1,000 fine</u></p>	<p><u>Reprimand, \$5,000 fine, five (5) year suspension and ten (10) years probation</u></p>
<p><u>a. As a special inspector</u></p>	<p><u>Reprimand, two (2) years probation and \$1,000 fine</u></p>	<p><u>Reprimand, \$5,000 fine, five (5) year suspension and ten (10) years probation or revocation</u></p>
<p><u>3. Incompetence [61G15-19.001(5)]</u></p>	<p><u>Suspension until ability to practice proved followed by probation</u></p>	

4. <u>Misconduct [61G15-19.001(6)]</u>	<u>\$1,000.00 fine per count and reprimand</u>	<u>Revocation</u>
a. <u>Expressing an opinion publicly on an engineering subject without being informed as to the facts and being competent to form a sound opinion [61G15-19.001(6)(a)]</u>	<u>Reprimand and \$1,000.00 fine per count</u>	<u>Revocation</u>
b. <u>Being untruthful, deceptive or misleading in any professional report, statement or testimony or omitting relevant and pertinent information from such report, statement or testimony when the result or such omission would or reasonably could lead to a fallacious conclusion [61G15-19.001(6)(b)]</u>	<u>Reprimand and \$1,000.00 fine per count</u>	<u>Revocation</u>
c. <u>Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment other than the payment of the usual commission for securing salaried positions through licensed employment agencies [61G15-19.001(6)(e)]</u>	<u>\$5,000.00 fine per count and suspension for five years</u>	<u>Revocation</u>
d. <u>Soliciting or accepting gratuities without client knowledge [61G15-19.001(6)(g)(h)]</u>	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, one (1) year suspension, two (2) years probation and \$5,000 fine</u>
e. <u>Failure to preserve client's confidence [61G15-19.001(6)(r)]</u>	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer)</u>
f. <u>Professional judgment overruled by unqualified person [61G15-19.001(6)(i)]</u>	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, one (1) year suspension, two (2) years probation and \$5,000 fine</u>
g. <u>Use of name/firm in fraudulent venture [61G15-19.001(6)(k)]</u>	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u>
h. <u>Undisclosed conflict of interest [61G15-19.001(6)(f)(p)]</u>	<u>Reprimand, \$1,000 fine and two (2) years probation</u>	<u>Revocation and \$5,000 fine</u>
(h) <u>Violating any provision of Chapter 455 [471.033(1)(h), 455.227(1)(q)]</u>	<u>Reprimand and \$1,000.00 fine per count</u>	<u>\$5,000.00 fine per count and revocation</u>
(i) <u>Practicing on a revoked, suspended, inactive or delinquent license [471.033(1)(i), 471.031(1)(e)]</u>		
1. <u>Delinquent license</u>	<u>Reprimand</u>	<u>Revocation</u>
2. <u>Inactive license</u>	<u>Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum, renewal of license or cease practice</u>	

3. <u>Suspended license</u>	<u>Revocation and \$1,000 fine</u>	
4. <u>Revoked license</u>	<u>Referral to State Attorney</u>	
<u>(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any documents that were not prepared by him or her or under his or her responsible supervision, direction or control</u> [471.033(1)(j), 61G15-19.001(6)(j)(q)]	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) year probation</u>
<u>(k) Violating any order of the board or department</u> [471.033(1)(k), 61G15-19.001(6)(o), 455.227(1)(q)]	<u>Suspension and \$1,000 fine</u>	<u>Revocation and \$5,000 fine</u>
<u>(l) Aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapters 455 or 471</u> [455.227(1)(j)]	<u>Reprimand and \$1,000.00 fine per count</u>	<u>\$5,000.00 fine per count and revocation</u>
<u>(a) Failure to date plans</u> (471.025(1), F.S.)	<u>Reprimand</u>	<u>Reprimand and one (1) year probation</u>
<u>(b) Signing or sealing work not competent to perform</u> (455.227(1)(o), F.S.) (471.025(3), F.S.) (paragraphs 61G15-19.001(6)(e), (d))	<u>Reprimand and \$1,000 fine and one (1) year probation</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) year probation</u>
<u>(c) "Plan stamping"</u> (471.033(1)(j), F.S.) (paragraphs 61G15-19.001(6)(j), (q))	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) year probation</u>
<u>(d) Violating a Final Order of the Board</u> (455.227(1)(q), F.S.) (471.033(1)(k), F.S.) (paragraph 61G15-19.001(1)(o))	<u>Suspension and \$1,000 fine</u>	<u>Revocation and \$5,000 fine</u>
<u>(e) Attempting to procure or procuring a license by bribery or fraudulent misrepresentation</u> (455.227(1)(h), F.S.) (471.033(1)(b), F.S.)	<u>Revocation and \$1,000 fine if licensed (denial of license and refer to State Attorney if not licensed)</u>	
<u>(f) License disciplined by another jurisdiction</u> (455.227(1)(f), F.S.) (471.033(1)(e), F.S.)	<u>Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes</u>	
<u>(g) Criminal Conviction relating to engineering</u>	<u>Misdemeanor: reprimand &amp;</u>	<u>Reprimand, \$5,000 fine,</u>

(455.227(1)(e), F.S.) (471.033(1)(d), F.S.) (paragraph 61G15-19.001(6)(i))	one (1) year probation  Felony: Revocation and \$1,000 fine	one (1) year suspension and two (2) year probation
(h) Practice on suspended license (455.227(1)(q), F.S.) (471.033(1)(i), F.S.)	Revocation and \$1,000 fine	
(i) Practice on inactive license (455.227(1)(q), F.S.) (471.033(1)(i), F.S.)	Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum (penalty will require licensee to renew license or cease practice)	
(j) Practice on revoked license (455.227(1)(q), F.S.) (471.033(1)(i), F.S.)	Refer to State Attorney for criminal prosecution	
(k) Knowingly making or filing false report (455.227(1)(l), F.S.) (471.033(1)(e), F.S.) (paragraph 61G15-19.001(6)(b))	One (1) year suspension; two (2) year probation and \$1,000 fine	Revocation and \$5,000 fine
(l) Fraudulent, false, deceptive, or misleading advertising (455.227(1)(a), F.S.) (471.033(1)(f), F.S.) (subsection 61G15-19.001(2))	Reprimand	Reprimand, one (1) year probation and \$5,000 fine
(m) Negligence (455.227(1)(q), F.S.) (471.033(1)(g), F.S.)	Reprimand, two (2) year probation and \$1,000 fine	Reprimand, \$5,000 fine, five (5) year suspension and ten (10) year probation
(n) Fraud or deceit (455.227(1)(a), (m), F.S.) (471.033(1)(g), F.S.)	Reprimand, one (1) year suspension; two (2) year probation and \$1,000 fine	\$5,000 fine and revocation
(o) Misconduct		
1. Soliciting or accepting gratuities without client knowledge: (455.227(1)(q), F.S.) (471.033(1)(g), F.S.) (paragraphs 61G15-19.001(6)(g), (h))	Reprimand, one (1) year probation and \$1,000 fine	Reprimand, one (1) year suspension; two (2) year probation and
2. Failure to preserve client's confidence:	Reprimand, one (1) year	Reprimand, one (1) year



(455.227(1)(q), F.S.) (paragraph 61G15-19.001(6)(r))	probation and \$1,000 fine	suspension and two (2) year probation (if pecuniary benefit accrues to engineer)
3. Professional judgment is overruled by unqualified person: (455.227(1)(q), F.S.) (paragraph 61G15-19.001(6)(i))	Reprimand, one (1) year probation and \$1,000 fine	Reprimand, one (1) year suspension, two (2) year probation and \$5,000 fine
4. Use of name/firm in fraudulent venture: (455.227(1)(q), F.S.) (paragraph 61G15-19.001(6)(k))	Reprimand one (1) year probation and \$1,000 fine	Reprimand \$5,000 fine, one (1) year suspension and two (2) year probation
(p) Incompetence (mental or physical impairment) (455.227(1)(q), F.S.) (subsection 61G15-19.001(5))	Suspension until ability to practice proved followed by probation	
(q) Undisclosed conflict of interest (455.227(1)(q), F.S.) (paragraphs 61G15-19.001(6)(f), (p))	Reprimand, \$1,000 fine, and two (2) year probation	Revocation and \$5,000 fine
(r) Firm practicing without certificate of authorization (455.227(1)(q), F.S.) (471.023, F.S.)	Reprimand	
(s) Violation of any provision of Chapter 61G15, F.A.C., or Chapter 471, F.S. (455.227, F.S.) (471.033(1)(a), F.S.)	Reprimand, \$1,000 fine	One (1) year suspension, two (2) year probation and \$5,000 fine
(t) Conviction of crime related to building code inspection or plans examination (paragraph 61G15-19.001(7)(a)) (u) False reporting (paragraph 61G15-19.001(7)(e))	Misdemeanor: reprimand and one (1) year probation Felony: revocation and \$500 fine One (1) year suspension, two (2) year probation and \$1,000 fine	Reprimand, \$5,000 fine, one (1) year suspension and two (2) year probation Revocation and \$5,000 fine
(v) Negligence as a Special Inspector (subsection 61G15-19.001(8))	Reprimand, two (2) year probation and \$1,000 fine	Reprimand, \$5,000 fine five (5) year suspension and ten (10) year probation, or revocation

(3) No change.

Specific Authority 455.227, 471.008, 471.031, 471.033 FS. Law  
Implemented 455.227, 471.031, 471.033 FS. History-New 1-7-87,  
Formerly 21H-19.004, Amended 11-27-94, 5-22-01, 11-15-01,  
5-20-02,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-21.001      RULE TITLE: Independence

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

SUBJECT AREA TO BE ADDRESSED: Independence.

SPECIFIC AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 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: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607

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

**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 Medicine**

RULE NO.: 64B8-44.007      RULE TITLE: Standards of Practice

PURPOSE AND EFFECT: The Board proposes the amendment to add reference to Section 456.072(1)(t), Florida Statutes to clarify advertising requirements.

SUBJECT AREA TO BE ADDRESSED: Standards of practice.

SPECIFIC AUTHORITY: 456.072(1)(t), 468.503(4), 468.507, 468.516(1)(a),(2)(a) FS.

LAW IMPLEMENTED: 456.072(1)(t), 468.503(4), 468.516, 468.517, 468.518 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: Susan

Love, Executive Director, Dietetics and Nutritionist Practices Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-53.004      RULE TITLE: Other Requirements for Electrolysis Training Program Approval

PURPOSE AND EFFECT: The Board proposes to add a new rule to specify faculty requirements for electrolysis training program approval.

SUBJECT AREA TO BE ADDRESSED: Other requirements for Electrolysis training program approval.

SPECIFIC AUTHORITY: 478.43(4) FS.

LAW IMPLEMENTED: 478.43(4) 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: Susan Love, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

- |            |                                                    |
|------------|----------------------------------------------------|
| RULE NOS.: | RULE TITLES:                                       |
| 64E-26.001 | General                                            |
| 64E-26.002 | Definitions                                        |
| 64E-26.003 | Water Supply                                       |
| 64E-26.004 | Food Service                                       |
| 64E-26.005 | Sanitary System, Facilities and Fixtures           |
| 64E-26.006 | Garbage and Rubbish                                |
| 64E-26.007 | Housing                                            |
| 64E-26.008 | Laundry and Dry Cleaning                           |
| 64E-26.009 | Bedding, Clothing and Personal Items               |
| 64E-26.010 | Housekeeping                                       |
| 64E-26.011 | Insect and Rodent Control                          |
| 64E-26.012 | Outdoor Areas                                      |
| 64E-26.013 | Industries                                         |
| 64E-26.014 | Plan Review                                        |
| 64E-26.015 | Inspection of State and Local Detention Facilities |

**PURPOSE AND EFFECT:** The Department proposes to review the entirety of this chapter to determine if changes are necessary.

**SUBJECT AREA TO BE ADDRESSED:** State and local detention facilities.

**SPECIFIC AUTHORITY:** 381.006 FS.

**LAW IMPLEMENTED:** 381.006(6) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Leslie Harris, Supervisor, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-3250

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

**RULE NO.:** RULE TITLE:

69I-42.003 Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendment is to update the Voucher for Reimbursement of Travel Expenses form to reflect changes to Section 112.06, F.S., by Chapter 2006-41, Laws of Florida.

**SUBJECT AREA TO BE ADDRESSED:** Updating the Voucher for Reimbursement of Travel Expenses Form for public officers and employees.

**SPECIFIC AUTHORITY:** 17.075(1), 17.29, 112.061(9) FS.

**LAW IMPLEMENTED:** 17.075, 112.061 FS.

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

**DATE AND TIME:** September 5, 2006, 9:00 a.m.

**PLACE:** Room 430, Fletcher Building, 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: Cheri Greene at (850)413-5593. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Cheri Greene, Room 448, Fletcher Building, Tallahassee, Florida 32399-0355, (850)413-5593

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

69I-42.003 Forms.

(1) The Voucher for Reimbursement of Travel Expenses, Form DFS-AA-15, (revised 07/06 ~~06/97~~), is hereby incorporated by reference. Unless an alternative form is approved pursuant to this Section, Form DFS-AA-15 (07/06 ~~06/97~~) shall be used by travelers when requesting claims for reimbursement of travel expenses and shall be prepared in strict compliance with Section 112.061, Florida Statutes. All copies or electronic transmissions of travel vouchers (Form DFS-AA-15 or other approved form) submitted to the Chief Financial Officer for reimbursement of travel expenses shall contain the signatures of the traveler and the official authorizing the travel. Travel vouchers on file at the agency shall contain the original signatures in written or electronic form. Other evidence of approval of the travel voucher by the supervisor will be accepted if a copy or electronic transmission of the travel voucher is not available and would result in an unreasonable delay in reimbursing the traveler.

(2) through (4) No change.

Specific Authority 17.075(1), 17.29, 112.061(9) FS. Law Implemented 17.075, 112.061 FS. History—New 3-5-90, Amended 1-8-95, 12-29-96, 1-7-98, 11-15-98, Formerly 3A-42.003, Amended.

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

**RULE NO.:** RULE TITLE:

5B-2.010 Special Inspection and Certification Fees

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to raise the fees charged for samples taken for nematode certification from \$30.00 to \$50.00 per sample and fumigation services for loads exceeding 40 cu. ft. from \$300.00 to \$350.00. There would also be a new fee of \$50.00 plus mileage per inspection charged for follow-up quarantine inspections. The effect will enable the Department to recover the cost of providing the special inspection services associated with nematode certification and fumigations. It will also help to recover the costs of performing numerous inspections on regulated articles that were found to be infested with a plant pest and subsequently quarantined.

**SUMMARY:** This is an updated schedule of prescribed fees for special inspection and certification services provided by the division, when requested by farmers, growers or other interested parties. This includes, but not limited to special