

(3) In determining the payroll of a sole proprietor or partner, the Department shall use the wages or salary paid to the sole proprietor or partner, or the state average weekly wage as defined in Section 440.12(2), F.S., that is in effect at the time the stop-work order was issued to the employer, multiplied by 1.5, whichever is less.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(7)(d)1. FS. History—New \_\_\_\_\_.

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 69O-157.301                      RULE TITLE: Rate Increase Standards

PURPOSE AND EFFECT: To establish a framework for evaluating rate increases for long term care insurance, and to ensure that the rate increases are not excessive.

SUBJECT AREA TO BE ADDRESSED: Rate increase standards for long term care insurance.

SPECIFIC AUTHORITY: 627.9408(1), FS.

LAW IMPLEMENTED: 627.031(1)(a), 627.062, 627.9407(7), 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: May 2, 2007, 9:00 a.m.  
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail Tracie.Lambright@fldfs.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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tracie Lambright, Life and Health Product Review, Office of Insurance Regulation, E-mail Tracie.Lambright@fldfs.com

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

**Section II  
Proposed Rules**

**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."

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.: 40C-3.035                      RULE TITLE: Agreements

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the water new well permitting delegation agreement between the Florida Department of Health-Volusia County Health Department and the St. Johns River Water Management District and delete by reference the existing water well permitting delegation agreement between Volusia County and the St. Johns River Water Management District dated April 21, 1996.

SUMMARY: The proposed rule amendment would incorporate by reference the District's water well permitting delegation agreement with the Florida Department of Health-Volusia County Health Department allowing for regulation of the construction, repair, and abandonment of water wells unless these wells are in a Chapter 62-524, F.A.C., delineated area and delete by reference the existing Water Well Delegation with Volusia County dated April 21, 1996.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.309 FS.

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 Norma Messer at (386)329-4459, or (386)329-4450 (TDD). 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: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management

District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

**THE FULL TEXT OF THE PROPOSED RULE IS:**

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (5) No change.

(6) An agreement between Florida Department of Health-Volusia County Health Department and St. Johns River Water Management District entitled Water Well Permitting Delegation Agreement dated (effective date). An agreement between Volusia County and St. Johns River Water Management District regarding water well permitting dated April 21, 1996.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.309 FS. History--New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035. Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-06-01, 6-25-02, 7-25-02, 1-11-06, 5-18-06,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:**  
Kris Davis, Assistant General Counsel, St. Johns River Water Management District, 4049 Reid Street, Florida 32177-2529, (386)329-4390

**NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE:** Governing Board of the St. Johns River Water Management District

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** March 13, 2007

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW:** March 30, 2007

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

**RULE NO.:** 40C-8.031  
**RULE TITLE:** Minimum Surface Water Levels and Flows and Groundwater Levels

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule amendment will be to adopt minimum levels for the St. Johns River at Lake Monroe in Seminole and Volusia counties.

**SUMMARY:** The proposed rule would establish minimum surface water levels for the St. Johns River at Lake Monroe in Seminole and Volusia counties pursuant to the mandate of Section 373.042, Florida Statutes. Each of these levels would have an associated duration (in days) and return interval (in years). The terms used herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the

consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

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

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

**SPECIFIC AUTHORITY:** 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 373.042, 373.0421 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:** May 8, 2007, following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

**PLACE:** St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177

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 Norma Messer at (386)329-4459 or (386)329-4450 (TDD). 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:** Norma K. Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459, email nmesser@sjrwmd.com

**THE FULL TEXT OF THE PROPOSED RULE IS:**

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) The following minimum surface water levels and flows and minimum groundwater levels are established:

(a) through (h) No change.

(i) St. Johns River at Lake Monroe in Seminole and Volusia Counties.

	<u>Level</u> <u>(ft NGVD)</u>	<u>Duration</u> <u>(days)</u>	<u>Return Interval</u> <u>(years)</u>
<u>Minimum Frequent High</u>	<u>2.8</u>	<u>30</u>	<u>2</u>
<u>Minimum Average</u>	<u>1.2</u>	<u>180</u>	<u>1.5</u>
<u>Minimum Frequent Low</u>	<u>0.5</u>	<u>120</u>	<u>5</u>

(2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(a) through (ppp) No change.							
(qqq) MONROE and Volusia	Seminole	N/A		2.8			
		N/A			1.2		
		N/A				0.5	

(qqq) through (cccc) renumbered (rrr) through (dddd) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421 373.103, 373.415 FS. History--New 9-16-92, Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 1-12-04, 2-1-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sonny Hall, Technical Program Manager, Division of Water Supply Management, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4368, suncom 860-4368

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-8.624  
 RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C., to incorporate the next set of priority lakes pursuant to Section 373.042, Florida Statutes.

SUMMARY: The proposed amendments establish minimum lake levels and guidance levels for Crews Lake, Lake Iola, Jessamine Lake, Pasco Lake, Pierce Lake and Unnamed Lake Number 22 (a.k.a. Loyce Lake) in Pasco County, Florida, based on the District's current minimum lake level establishment methodology described in Rule 40D-8.624, F.A.C. The proposed amendments also repeal guidance levels previously adopted for these lakes.

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

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 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: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below:

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.						
Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten-Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) through (p) No change.						
(q) In Pasco County Within the Coastal Rivers Basin	Big Fish Lake S-21, T-24, R-19	77.41	76.05	75.65 (CAT 3)	73.05 (CAT 3)	71.75
	<u>Crews Lake</u> S-16, T-24S, R18E	<u>reserved</u>	<u>54.9</u>	<u>52.4</u> (CAT 1)	<u>51.0</u> (CAT 1)	<u>48.5</u>
	Green Lake S-16, T-26, R-18	75.5	74.4	74.2 (CAT 2)	71.9 (CAT 2)	70.0
	Moon Lake S-28, T-25, R-17	41.7	39.9	39.9 (CAT 3)	38.3 (CAT 3)	36.2
	<u>Pasco Lake</u> S-22, T-24S, R-18E	<u>reserved</u>	<u>66.1</u>	<u>65.3</u> (CAT 3)	<u>61.8</u> (CAT 3)	<u>59.7</u>
	<u>Pierce Lake</u> S-9, T-25S, R-18E	<u>reserved</u>	<u>72.7</u>	<u>72.2</u> (CAT 3)	<u>70.5</u> (CAT 3)	<u>68.9</u>
	<u>Unnamed Lake No. 22</u> S-27, T-24S, R-18E	<u>reserved</u>	<u>60.1</u>	<u>59.3</u> (CAT 3)	<u>55.8</u> (CAT 3)	<u>53.7</u>
	(r) No change.					
(s) In Pasco County Within the Hillsborough County Basin	Bell Lake S-13, T-26, R-18	73.3	71.6	70.8 (CAT 1)	69.4 (CAT 1)	69.2
	Bird Lake S-36, T-26, R-18	68.2	66.8	66.6 (CAT 1)	65.2 (CAT 1)	64.3
	Buddy Lake S-17, T-25S, R-21E	96.9	93.7	93.7 (CAT 3)	87.3 (CAT 3)	83.9
	Hancock Lake S-5, T-24S, R-20E	106.9	102.5	102.5 (CAT 3)	100.2 (CAT 3)	97.7
	<u>Iola, Lake</u> S-15, T-24S, R-20E	<u>reserved</u>	<u>147.3</u>	<u>146.5</u> (CAT 3)	<u>141.9</u> (CAT 3)	<u>138.6</u>
	<u>Jessamine Lake</u> S-11, T-24S, R-20E	<u>reserved</u>	<u>141.1</u>	<u>140.3</u> (CAT 3)	<u>133.3</u> (CAT 3)	<u>127.1</u>
	Middle Lake S-4, T-24S, R-20E	106.9	103.1	102.5 (CAT 3)	100.2 (CAT 3)	99.2
	Padgett, Lake S-24, T-26, R-18	71.5	70.5	70.5 (CAT 1)	69.5 (CAT 1)	68.4
Pasadena, Lake S-16, T-25S R-21E	96.9	93.7	93.7 (CAT 3)	87.3 (CAT 3)	83.9	
(t) through (cc) No change.						

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000				
Location of Impoundment by County and Basin	Ten-Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a) through (p) No change.				
(q) In Pasco County Within the Coastal Rivers Basin LAKES				
Crews Lake S16 T24S R18E	57.00	55.00	52.00	50.00
Garden Lake S16 T25S R16E	22.10	19.00	16.25	15.75
Pasco Lake S22 T24S R18E	67.50	67.00	64.00	62.00
Pierce Lake S9 T25S R18E	73.60	73.00	70.00	68.00
Richey Lake S3 T26S R16E	14.10	13.00	10.00	8.00
Unnamed Lake No. 22 S27 T24S R18E	62.60	62.50	59.50	57.50
Worrell, Lake (Bass Lake) S26 T25S R16E	22.10	19.00	16.25	15.75
(r) No change				
(s) In Pasco County Within the Hillsborough River Basin LAKES				
Cattfish Lake S30 T25 R19	68.72	68.00	65.50	63.50
Cow (East) Lake S19 T26S R19E	78.63	78.50	76.00	75.00
Floyd, Lake S36 T26 R19	68.41	68.50	66.00	64.00
Gooseneck, Lake S29 T26 R19	75.10	73.50	71.00	69.00
Hog (Joyce) Lake S19 T26S R19E	76.66	76.50	73.50	72.50
Iola, Lake S15 T24S R20E	147.55	147.50	145.00	142.50
Jessamine, Lake S14 T24S R20E	144.18	142.00	138.00	136.00
JoAnn, Lake S30T26R19	68.72	68.00	65.50	63.50
King Lake S7 T26S R19E	73.58	73.50	71.50	69.50
King Lake (East) S22 T25S R20E	105.49	105.25	102.50	100.00
Moody Lake S10 T24S R20E	110.48	110.00	107.50	105.50
Myrtle, Lake S30 T26 R19	68.72	68.00	65.50	63.50
Saxon Lake S30 T26S R19E	71.34	71.25	69.00	67.50

Tampa (Turtle) Lake S32 T26 R19	66.00	65.50	63.00	61.00
Toni, Lake S30 T26 R19	68.72	68.00	65.50	63.50
Twin, Lake S28 T26 R19	68.35	67.50	65.00	63.00
Unnamed Lake #26 S25 T26 R18	68.75	68.00	65.50	63.50
(t) through (cc) No change				

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-10-04, 6-5-05, 5-2-06, 1-1-07, 2-12-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.197  
RULE TITLE: Medical Foster Care

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, February 2007. The revised handbook includes updated Level of Reimbursement, service authorization, and support services policies. The effect will be to incorporate by reference in the rule the Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, February 2007.

SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, February 2007. The effect will be to incorporate by reference in the rule the Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, February 2007.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 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: Monday, April 30, 2007, 2:00 p.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 IS: Kathleen Core, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7310

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.197 Medical Foster Care.

(1) No change.

(2) All Medicaid-enrolled Medical Foster Care (MFC) providers must be in compliance with the Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, February 2007 ~~October 2003~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> ~~agent~~. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Enrollment at (800)377-8216.

(3) The following form that is included in the Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook is incorporated by reference: Validation Level of Reimbursement Tool, AHCA-Med Serv Form 014, February 2007, Appendix A, two pages.

Specific Authority 409.919 FS. Law Implemented ~~409.905, 409.902, 409.903,~~ 409.908 FS. History—New 2-22-00, Amended 3-6-01, 3-1-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathleen Core  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D.  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.: 61G3-16.005  
RULE TITLE: Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify endorsement requirements so that they are more comparable to the hours required of students who apply for examination and to provide for verification of educational credentials.

SUMMARY: The rule amendment will modify endorsement requirements so that they are more comparable to the hours required of students who apply for examination and to provide for verification of educational credentials.

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

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

SPECIFIC AUTHORITY: 476.064(4), 476.144(5) FS.  
LAW IMPLEMENTED: 476.144(5) 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

61G3-16.005 Endorsement.

The Department of Business and Professional Regulation shall issue a license by endorsement to a person ~~without examination (except as provided in subsection (5) below)~~ who:

- (1) through (3) No change.
- (4) Demonstrates that he or she has completed:

(a) 1,200 ~~4,000~~ hours of schooling in a program similar to, comparable to or more stringent than that required of Florida students and, at a minimum, covering the subjects of Safety, Sanitation and Sterilization, Hair Structure and Chemistry, Hair Cutting, Shampooing, Chemical Services, and Shaving as specified by the Barbers' Board; or

- (b) An apprenticeship program of 1,200 ~~4,000~~ hours; or
- (c) No change.
- (5) No change.

(6) For purposes of demonstrating that the applicant has met the requirements of subsections (2), (3) and (4) above, the applicant must provide the Board with an education evaluation conducted by a credential evaluation service that is a member of the National Association of Credential Evaluation Services.

Specific Authority 476.064(4), 476.144(5) FS. Law Implemented 476.144(5) FS. History—New 10-14-85, Formerly 21C-16.05, Amended 6-1-87, 11-12-87, 7-4-90, 12-23-90, 1-26-93, Formerly 21C-16.005, Amended 11-30-93, 5-3-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

**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 ENVIRONMENTAL PROTECTION**

RULE NO.: 62-204.800  
RULE TITLE: Federal Regulations Adopted by Reference

PURPOSE AND EFFECT: The proposed rulemaking involves amendments to Rule 62-204.800, F.A.C., to incorporate the May 10, 2006, federal changes to the air pollution regulatory requirements for large municipal waste combustors.

SUMMARY: EPA regulations at 40 CFR Part 60, Subparts Eb and Cb, are adopted and incorporated by reference, and existing rule language is updated accordingly.

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

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

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 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: Thursday, May 3, 2007, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Director's Conference Room, 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 48 hours before the workshop/meeting by contacting Ms. Lynn Scarce at (850)921-9551. 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: Mr. John Glunn at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS-5500, Tallahassee, Florida 32399-2400, or john.glunn@dep.state.fl.us, phone (850)921-9548

THE FULL TEXT OF THE PROPOSED RULE IS:

62-204.800 Federal Regulations Adopted by Reference.

(1) through (7) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) Definitions. No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 6. No change.

7. 40 CFR 60, Subpart Eb, Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994, or for Which Modification or Reconstruction is Commenced After June 19, 1996; amended July 12, 2001, at 66 FR 36473; amended November 16, 2001, at 66 FR 57824; amended May 10, 2006, at 71 FR 27324. Any municipal waste combustor plant which contains a municipal waste combustor unit subject to 40 CFR 60, Subpart Eb, is subject to the permitting requirements of Chapter 62-213, F.A.C. Any municipal waste combustor plant subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart Eb, shall file an application for an operation permit under the requirements of

Chapter 62-213, F.A.C., ninety days before expiration of the source's construction permit, but no later than 180 days after commencing operation.

8. through 77. No change.

(c) through (e) No change.

(9) Title 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times.

(a) No change.

(b) Municipal Waste Combustors. 40 CFR 60, Subpart Cb, Emission Guidelines and Compliance Times for Large Municipal Waste Combustors That Are Constructed on or Before September 20, 1994, revised as of July 1, 2001, amended July 14, 2004, at 69 FR 42117; amended May 10, 2006, at 71 FR 27324; is hereby adopted and incorporated by reference, subject to the following provisions:

1. Applicability. The applicability of paragraph 62-204.800(9)(b), F.A.C., shall be the same as set forth in 40 CFR 60.32b.

2. Definitions. For purposes of paragraph 62-204.800(9)(b), F.A.C., the definitions in 40 CFR ~~60.31b~~ shall apply ~~except for the term "municipal waste combustor plant" which shall have the same meaning as defined in 40 CFR 60.31b.~~

3. Emission Limiting Standards.

a. The emission limit for particulate matter shall be the same as set forth in 40 CFR 60.33b(a)(1)(i).

b. The opacity limit shall be the same as set forth in 40 CFR 60.33b(a)(1)(iii).

c. The emission limits for cadmium and lead shall be the same as set forth in 40 CFR 60.33b(a)(2)(i), ~~(a)(2)(iii)~~ and (a)(4).

d. The emission limit for mercury shall be the same as set forth in 40 CFR 60.33b(a)(3) except that, where applicable, the emission limiting standards of Rule 62-296.416, F.A.C., also shall apply.

e. The emission limit for sulfur dioxide shall be the same as set forth in 40 CFR 60.33b(b)(1)(i) and (b)(3)(i).

f. The emission limit for hydrogen chloride shall be the same as set forth in 40 CFR 60.33b(b)(2)(i) and (b)(3)(ii).

g. The emission limit for total mass dioxin/furans (tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans) shall be the same as set forth in 40 CFR 60.33b(c)(1)(i), ~~and (c)(1)(ii), and (c)(1)(iii).~~

h. The emission limit for nitrogen oxides shall be the same as set forth in 40 CFR 60, Subpart Cb, Table 1, or 40 CFR 60.33b(d)(3), as applicable ~~40 CFR 60.33b(d), (d)(1) and (d)(3). Emissions averaging pursuant to 40 CFR 60.33b(d)(1) shall be allowed.~~ 40 CFR 60.33b(d)(2) shall not apply.

i. The emission limit for carbon monoxide shall be the same as set forth in 40 CFR 60, Subpart Cb, Table 3 ~~40 CFR 60.33b(d).~~

4. through 6. No change.



7. Compliance and Performance Testing.

a. The compliance and performance testing requirements applicable to each municipal waste combustor unit subject to paragraph 62-204.800(9)(b), F.A.C., shall be the same as set forth in 40 CFR 60.58b, except as provided for under 40 CFR 60.24(b)(2) and sub-subparagraph 62-204.800(9)(b)7.b., F.A.C.

b. The alternative performance testing schedule for dioxins/furans specified in 40 CFR 60.58b(g)(5)(iii) shall apply to municipal waste combustor plants that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter, corrected to 7 percent oxygen.

8. No change.

(c) through (h) No change.

(10) through (25) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lawrence A. George, Administrator, Office of Policy Analysis and Program Management, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mimi Drew, Deputy Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2007

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-4.001 RULE TITLE: Acupuncture Program Requirements

PURPOSE AND EFFECT: To address legislative changes regarding the HIV/AIDS class requirement

SUMMARY: Eliminates the requirement of completion of HIV class, before licensure.

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

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

SPECIFIC AUTHORITY: 456.033, 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 456.033, 457.102, 457.105 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: Pam King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination or to be eligible for licensure by endorsement, the applicant must establish that he/she has met the following minimal requirements.

(1) No change.

(2) Applicants who apply for licensure on or after August 1, 2001 must have completed a core curriculum comparable to that of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) master’s level program in oriental medicine with a minimum of 2700 hours of supervised instruction:

(a) 15 hours of supervised instruction in universal precautions ~~and 3 hours of HIV/AIDS that complies with the requirements of Section 456.033, F.S.;~~ and

(b) 20 hours of supervised instruction in Florida Statutes and Rules, including Chapters 456 and 457, F.S., and this rule chapter.

(3) Applicants who apply for licensure on or after October 1, 2003 must have graduated from an ACAOM candidate or accredited 4-year master’s level program or foreign equivalent in oriental medicine with a minimum of 2700 hours of supervised instruction:

(a) 15 hours of supervised instruction in universal precautions ~~and 3 hours of HIV/AIDS that complies with the requirements of Section 456.033, F.S.;~~ and

(b) 20 hours of supervised instruction in Florida Statutes and Rules, including Chapters 456 and 457, F.S., and this rule chapter. For purposes of the Florida Statutes and Rules and HIV/Aids requirements imposed by this chapter for initial licensure, the term “supervised instruction” shall mean instruction in a Board approved continuing education program or in a program offered at an ACAOM accredited oriental medicine school.

(4) No change.

Specific Authority 456.033, 457.102, 457.104, 457.105 FS. Law Implemented 456.033, 457.102, 457.105 FS. History—New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-1-99, 6-21-00, 4-3-01, 5-24-04, 10-11-04, 10-24-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Acupuncture  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Acupuncture  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 9, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: November 3, 2006

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-7.001                      RULE TITLE: Biennial Renewal of License

PURPOSE AND EFFECT: To address legislative changes regarding the HIV/AIDS class requirement.

SUMMARY: Requires proof of and HIV class by the first biennium.

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

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

SPECIFIC AUTHORITY: 456.013, 456.033, 456.036, 457.104, 457.107, 457.108 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 457.107, 457.108 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: Pam King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-7.001 Biennial Renewal of License.

(1) No change.

(2) The application for renewal constitutes certification by the licensee that the licensee meets all the eligibility requirements for renewal, including the continuing education requirements of Rule 64B1-7.0015, F.A.C. Each licensee certifies by first renewal, completion of the HIV/AIDS requirements of section 456.033, F.S. and completion of course on prevention of medical errors. Each licensee certifies by subsequent renewal, completion of ~~a two (2) hour HIV/AIDS program or two (2) hour course on end-of-life care and palliative health care, as authorized by Rule 64B1-7.0015, F.A.C.,~~ a two (2) hour course on the prevention of medical errors as described in Section 456.013(7), F.S., and a program on Chapters 456 and 457, F.S., and Chapter 64B1, F.A.C.

(3) The Department shall not renew the license of any licensee unless the Board has received and recorded confirmation that the licensee has completed a 3-hour course that complies with the requirements of 456.033, F.S. and a course on the prevention of medical errors for the initial renewal; and for subsequent renewals, a two (2) hour HIV/AIDS education program or two (2) hour program on end-of-life care and palliative health care, as authorized by Rule 64B1-7.0015, F.A.C., the continuing education hours mandated for the prevention of medical errors; and a program on Chapters 456 and 457, F.S., and Chapter 64B1, F.A.C., as required under Rule 64B1-7.0015, F.A.C.

(4) through (6) No change.

Specific Authority 456.013, 456.033, 456.036, 457.104, 457.107, 457.108 FS. Law Implemented 456.013, 456.033, 456.036, 457.107, 457.108 FS. History—New 5-24-87, Formerly 21AA-7.001, 61F1-7.001, Amended 10-25-95, 1-16-97, Formerly 59M-7.001, Amended 10-15-97, 4-25-00, 1-7-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Acupuncture  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Acupuncture  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 9, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: November 3, 2006

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: 64B1-7.0015                      RULE TITLE: Continuing Education Requirement

PURPOSE AND EFFECT: To address legislative changes regarding the HIV/AIDS class requirement.

SUMMARY: Eliminate the HIV/AIDS requirement for subsequent bienniums.

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

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

SPECIFIC AUTHORITY: 456.013, 456.033, 457.107, 457.108, 457.1085 FS.

LAW IMPLEMENTED: 456.013, 456.033, 457.107, 457.108, 457.1085, 457.109 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: Pam King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-0750

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 9, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-7.0015 Continuing Education Requirement.

(1) As a condition of the biennial renewal of a license, each licensee shall complete a minimum of 20 credit hours per biennium of continuing education that meets the requirements of Chapter 457, F.S. Effective March 1, 2002, as a condition of the biennial renewal of a license, each licensee shall complete a minimum of 30 credit hours per biennium of continuing education that meets the requirements of Section 457.107, F.S. ~~Each biennium, the licensee shall complete a Board approved program awarding at least 2 hours of continuing education credit concerning HIV/AIDS, which shall comply with the requirements of Section 456.033(2), F.S.~~ Pursuant to Section 456.033(2), F.S., each licensee shall submit confirmation of having completed a 3 hour HIV/AIDS ~~said~~ course when submitting fees for the initial ~~each~~ biennial renewal. ~~In lieu of completing a course in HIV/AIDS as required above, the licensee may complete a course in end of life care and palliative health care, so long as the licensee completed an approved HIV/AIDS course in the immediately preceding biennium.~~ Each biennium, the licensee shall complete a program awarding at least 5 hours of continuing education credit concerning the use of laboratory test findings. Each biennium, the licensee shall complete a program awarding at least 3 hours of continuing education credit concerning the use of imaging findings. Each biennium, the licensee shall complete a program on Chapters 456 and 457, F.S., and Rule Chapter 64B1, F.A.C., consisting of at least 2 hours of study.

(2) No change.

(3) For the first renewal period after initial licensure, the licensee is exempt from the continuing education requirements of Rule 64B1-7.0015, F.A.C., except for the continuing education hours mandated for medical errors and the 3-hour HIV/AIDS course.

(4) through (7) No change.

Specific Authority 456.013, 456.033, 457.104, 457.107, 457.108, 457.1085 FS. Law Implemented 456.013, 456.033, 457.107, 457.108, 457.1085, 457.109 FS. History—New 3-18-97, Formerly 59M-7.0015, Amended 4-25-00, 4-3-01, 11-24-02, 5-18-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-13.005  
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase the fine for particular violations to the maximum allowed by statute.

SUMMARY: The rule amendment will increase the fine for particular violations to the maximum allowed by statute.

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

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

SPECIFIC AUTHORITY: 456.079(1) FS.

LAW IMPLEMENTED: 456.072(2), 456.079(1), 466.028 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-13.005 Disciplinary Guidelines.

(1) When the Board finds an applicant, licensee, or certificate holder whom it regulates under Chapter 466, F.S., has committed any of the acts set forth in Section 456.072(1) or 466.028, F.S., it shall issue a final order imposing appropriate penalties as recommended in these disciplinary guidelines. For any violation found that is for fraud or making a false or fraudulent representation, the Board will impose a fine of \$10,000.00 per count or offense. The use of terms to describe the offenses herein within the individual guidelines is intended to be only a generally descriptive use of the terms. For an accurate description of the actual offenses, the reader should refer to the statutory disciplinary provisions. The maximum penalties set forth in any individual offense guideline include all of the less severe penalties that would fall in between the maximum and the minimum penalties stated:

(a) through (w) No change.

(x) Being guilty of incompetence or negligence, including, but not limited to, being guilty of dental malpractice.

(466.028(1)(x))

First Offense	\$500 fine	Probation with conditions and \$108,000 fine
Second Offense	Probation with conditions and \$1,000 fine	Suspension and \$10,000 fine
Third Offense	\$2,500 fine	Revocation and \$10,000 fine

(y) through (ccc) No change.

(2) through (5) No change.

64B5-14.001 Definitions.

(1) through (11) No change.

Specific Authority 456.079(1) FS. Law Implemented 456.072(2), 456.079(1), 466.028 FS. History—New 12-31-86, Amended 2-21-88, 1-18-89, 12-24-91, Formerly 21G-13.005, 61F5-13.005, 59Q-13.005, Amended 4-2-02, 8-25-03, 2-27-06, 12-25-06, \_\_\_\_\_.

(12) Physician anesthesiologist – Any physician licensed pursuant to Section 458 or Section 459, Florida Statutes, who is currently board certified or board eligible by the American Board of Anesthesiology or the American Osteopathic Board of Anesthesiology, or is credentialed to administer anesthesia in a hospital or ambulatory surgical facility licensed by the Department of Health.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-7-86, Formerly 21G-14.01, Amended 12-31-86, 6-1-87, 9-1-87, 2-1-93, Formerly 21G-14.001, Amended 12-20-93, Formerly 61F5-14.001, Amended 8-8-96, Formerly 59Q-14.001, Amended 3-9-03, 11-4-03, 7-3-06, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-14.001  
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment to add the definition to clarify “physician anesthesiologist”.

SUMMARY: The rule amendment will add the definition to clarify “physician anesthesiologist”.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-14.003  
RULE TITLE: Training, Education, Certification, and Requirements for Issuance of Permits

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify circumstances in which it is permissible for a dentist to treat patients when anesthetics are administered by a physician anesthesiologist.

SUMMARY: The rule amendment will clarify circumstances in which it is permissible for a dentist to treat patients when anesthetics are administered by a physician anesthesiologist.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

(1) General Anesthesia Permit.

(a) through (e) No change.

(f) A dentist who has not met the requirements specified in paragraph (1)(a) of this rule may treat patients under deep/general anesthesia as defined in subsections 64B5-14.001(2) and (3), F.A.C., in his practice if a physician anesthesiologist, as defined in subsection 64B5-14.001(12), F.A.C., is present and is responsible for the administration of the anesthetic and if the conditions as set forth in both 1. and 2. below are met. Failure to comply with these conditions may result in disciplinary action against the dentist.

1. The dentist is a holder of a valid sedation permit.

2. The dentist complies with the requirements for the appropriate equipment, supplies and facilities, as set forth in Rule 64B5-14.008, F.A.C., when the physician anesthesiologist is administering anesthesia/sedation in the dentist's office.

(2) through (4) No change.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, 11-4-03, 6-23-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-14.005  
 RULE TITLE: Application for Permit

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the requirements to obtain an anesthesia permit.

SUMMARY: The rule amendment will clarify the requirements to obtain an anesthesia permit.

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

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

SPECIFIC AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.005 Application for Permit.

(1) No dentist shall administer, supervise or permit another health care practitioner, as defined in Section 456.001, F.S., to perform the administration of general anesthesia, deep sedation, conscious sedation or pediatric conscious sedation in a dental office for dental patients, unless such dentist possesses a permit issued by the Board. A permit is required even when another health care practitioner, as defined in Section 456.001, F.S., administers general anesthesia, deep sedation, conscious sedation, or pediatric conscious sedation in a dental office for a dental patient. The dentist holding such a permit shall be subject to review and such permit must be renewed biennially. ~~Nothing herein shall be read to authorize the administration of any anesthesia by a health care practitioner who is permitted to administer anesthesia pursuant to their own professional license.~~ All dentists in a practice who perform the administration of general anesthesia, deep sedation, conscious sedation or pediatric conscious sedation shall each possess an individual permit. Nothing in this paragraph shall be construed to prohibit administration of anesthetics as part of a program authorized by Rule 64B4-14.003, F.A.C., ~~or~~ any other educational program authorized by Board rule, for training in the anesthetic being administered, or pursuant to a demonstration for inspectors pursuant to Rule 64B5-14.007, F.A.C.

(2) An applicant for any type of anesthesia permit must demonstrate both:

(a) No change.

(b) Documentation of actual clinical administration of anesthetics to 20 patients within two (2) years prior to application of the particular type of anesthetics for the permit applied for.

(3) Prior to the issuance of such permit, ~~the Board may, at its discretion, require~~ an on-site inspection of the facility, equipment and personnel will be conducted pursuant to Rule 64B5-14.007, F.A.C., to determine if the requirements of this chapter have been met.

(4) through (8) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History—New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended 12-12-00, 11-4-03, 6-23-04, 2-22-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: February 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:

64B5-14.007

RULE TITLE:

Inspection of Facilities and  
Demonstration of Sedation  
Technique

PURPOSE AND EFFECT: The Board proposes the rule amendment to add a requirement for demonstration of sedation technique to board appointed consultant inspectors prior to issuance of a permit.

SUMMARY: The rule amendment will add a requirement for demonstration of sedation technique to board appointed consultant inspectors prior to issuance of a permit.

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

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

SPECIFIC AUTHORITY: 466.017(3) FS.

LAW IMPLEMENTED: 120.60(8), 466.017(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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-14.007 Inspection of Facilities and Demonstration of Sedation Technique.

(1) No change.

(2) Prior to issuance of a general anesthesia permit, conscious sedation permit, or pediatric conscious sedation permit, the applicant must demonstrate that he or she has knowledge of the use of the required equipment and drugs as follows:

(a) Demonstration of General Anesthesia/Deep Sedation. A dental procedure utilizing general anesthesia/deep sedation must be observed and evaluated. Any general anesthesia/deep sedation technique that is routinely employed may be demonstrated. The patient shall be monitored while sedated and during recovery. Furthermore, the dentist and his or her team must physically demonstrate by simulation an appropriate response to the following emergencies:

1. Airway obstruction
2. Bronchospasm
3. Aspiration of foreign object
4. Angina pectoris
5. Myocardial infarction
6. Hypotension
7. Hypertension
8. Cardiac arrest
9. Allergic reaction
10. Convulsions
11. Hypoglycemia
12. Syncope
13. Respiratory depression.

(b) Demonstration of Conscious Sedation. A dental procedure utilizing conscious sedation must be observed and evaluated. Any conscious sedation technique that is routinely employed may be demonstrated. The patient shall be monitored while sedated and during recovery. Futhermore, the dentist and his or her team must physically demonstrate by simulation an appropriate response to the following emergencies:

1. Airway obstruction
2. Bronchospasm
3. Aspiration of foreign object
4. Angina pectoris
5. Myocardial infarction
6. Hypotension
7. Hypertension
8. Cardiac arrest

- 9. Allergic reaction
- 10. Convulsions
- 11. Hypoglycemia
- 12. Syncope
- 13. Respiratory depression.

(c) Demonstration of Pediatric Conscious Sedation. A dental procedure utilizing pediatric conscious sedation must be observed and evaluated. Any pediatric conscious sedation technique that is routinely employed may be demonstrated. The patient shall be monitored while sedated and during recovery. Furthermore, the dentist and his or her team must physically demonstrate by simulation an appropriate response to the following emergencies:

- 1. Airway obstruction
- 2. Bronchospasm
- 3. Aspiration of foreign object
- 4. Angina pectoris
- 5. Myocardial infarction
- 6. Hypotension
- 7. Hypertension
- 8. Cardiac arrest
- 9. Allergic reaction
- 10. Convulsions
- 11. Hypoglycemia
- 12. Syncope
- 13. Respiratory depression.

(2) through (9) renumbered (3) through (10) No change.

Specific Authority 466.017(3) FS. Law Implemented 120.60(8), 466.017(3) FS. History–New 10-24-88, Amended 3-27-90, 11-8-90, 4-24-91, 2-1-93, Formerly 21G-14.007, Amended 12-20-93, Formerly 61F5-14.007, Amended 8-8-96, Formerly 59Q-14.007, Amended 11-4-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:                   RULE TITLE:  
64B5-15.006                Licensure and Renewal Fees  
PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce dental hygiene fees for licensure renewal.  
SUMMARY: The rule amendment will reduce dental hygiene fees for licensure renewal.

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

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

SPECIFIC AUTHORITY: 456.013, 456.023, 466.013 FS.

LAW IMPLEMENTED: 456.013, 456.023, 466.013 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.006 Licensure and Renewal Fees.

(1) The fee for biennial renewal of a dental license shall be \$300, and for a dental hygiene license, the renewal fee shall be ~~\$100~~**\$35**.

(2) No change.

Specific Authority 456.013, 456.023, 466.013 FS. Law Implemented 456.013, 456.023, 466.013 FS. History–New 4-1-80, Amended 1-25-82, 10-3-83, Formerly 21G-15.06, Amended 11-16-89, 8-13-92, Formerly 21G-15.006, 61F5-15.006, Amended 5-6-96, Formerly 59Q-15.006, Amended 8-2-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.:                   RULE TITLE:  
64B5-15.008                Fee for Renewal of Inactive License  
PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce dental hygiene fees for renewal of inactive licenses.  
SUMMARY: The rule amendment will reduce dental hygiene fees for renewal of inactive licenses.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 466.004, 466.015 FS.

LAW IMPLEMENTED: 466.015 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.008 Fee for Renewal of Inactive License.

The fee for renewal of an inactive license shall be \$300. The fee for renewal of an inactive dental hygiene license shall be \$~~100~~<sup>135</sup>.

Specific Authority 466.004, 466.015 FS. Law Implemented 466.015 FS. History–New 4-2-84, Formerly 21G-15.08, Amended 1-18-87, 11-16-89, 8-13-92, Formerly 21G-15.008, 61F5-15.008, Amended 5-6-96, Formerly 59Q-15.008, Amended 9-27-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-15.009  
 RULE TITLE: Fee for Reactivation of Inactive License

PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce dental hygiene fees for reactivation of inactive licenses.

SUMMARY: The rule amendment will reduce dental hygiene fees for reactivation of inactive licenses.

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

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

SPECIFIC AUTHORITY: 466.004, 466.015 FS.

LAW IMPLEMENTED: 466.015 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.009 Fee for Reactivation of Inactive Licensure.

The fee reactivation of an inactive license shall be \$300. The fee for reactivation of an inactive dental hygiene license shall be \$~~100~~<sup>135</sup>.

Specific Authority 466.004, 466.015 FS. Law Implemented 466.015 FS. History–New 4-2-84, Formerly 21G-15.09, Amended 1-18-87, 11-16-89, 8-13-92, Formerly 21G-15.009, 61F5-15.009, Amended 5-6-96, Formerly 59Q-15.009, Amended 9-27-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-15.012  
 RULE TITLE: Change of Status Processing Fee

PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce dental hygiene fees for change of status processing.

SUMMARY: The rule amendment will reduce dental hygiene fees for change of status processing.

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

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

SPECIFIC AUTHORITY: 456.036, 466.004(4) FS.

LAW IMPLEMENTED: 456.036 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258



THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.012 Change of Status Processing Fee.

The fee for processing a licensee's request to change status at any time other than at the beginning of a licensure cycle shall be \$300 for a dental license and \$100+35 for a dental hygiene license.

Specific Authority 456.036, 466.004(4) FS. Law Implemented 456.036 FS. History--New 7-12-95, Amended 5-6-96, Formerly 59Q-15.012, Amended 9-27-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-15.0121 RULE TITLE: Change of Status Processing Fee for Retired Status

PURPOSE AND EFFECT: The Board proposes the rule amendment to reduce dental hygiene fees for change of status processing fees for retired status licenses.

SUMMARY: The rule amendment will reduce dental hygiene fees for change of status processing fees for retired status licenses.

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

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

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.0121 Change of Status Processing Fee for Retired Status.

The fee for changing to retired status at any time other than at license renewal shall be \$300-00 for a dental license and \$100+35 for a dental hygiene license.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History--New 2-14-06, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-15.015 RULE TITLE: Fee for Certification as a Dental Radiographer

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase fees for certification as a Dental Radiographer.

SUMMARY: The rule amendment will increase fees for certification as a Dental Radiographer.

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

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

SPECIFIC AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 466.017(5) 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.015 Fee For Certification as a Dental Radiographer.

The fee for certification as a dental radiographer pursuant to Rule 64B5-9.011, F.A.C., shall be \$35 twenty dollars (\$20.00).

Specific Authority 466.004(4) FS. Law Implemented 466.017(5) FS. History--New 1-18-87, Formerly 21G-15.015, 61F5-15.015, 59Q-15.015, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 2, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-15.022  
RULE TITLE: Fees for Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to increase fees for continuing education providers.

SUMMARY: The rule amendment will increase fees for continuing education providers.

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

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

SPECIFIC AUTHORITY: 456.025(2) FS.

LAW IMPLEMENTED: 456.025(2), 466.014 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-15.022 Fees for Continuing Education Providers.

(1) The initial fee for approval as a continuing education provider shall be \$~~200~~425.

(2) The biennial renewal fee for an approved continuing education provider shall be \$~~200~~425.

Specific Authority 456.025(2) FS. Law Implemented 456.025(2), 466.014 FS. History—New 5-2-91, Formerly 21G15.022, 61F5-15.002, 59Q-15.022, Amended\_\_\_\_\_.

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

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: February 2, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-16.007  
RULE TITLE: Levels of Supervision for Dental Hygienists

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove oral hygiene instruction from general supervision.

SUMMARY: The rule amendment will remove oral hygiene instruction from general supervision.

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

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

SPECIFIC AUTHORITY: 466.004, 466.023, 466.024 FS.

LAW IMPLEMENTED: 466.023, 466.024(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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.007 Levels of Supervision for Dental Hygienists. By virtue of their training and licensure, dental hygienists are authorized to perform the following remediable tasks without additional training as defined in Chapter 64B5-16, F.A.C., under the following levels of supervision:

(1) through (2)(b) No change.

(3) General Supervision:

(a) through (b) No change.

~~(e) Instructing patients in oral hygiene care and supervising patient oral hygiene care.~~

(4) Without Supervision: Provide educational programs, faculty or staff training programs, authorized fluoride rinse programs, instruct patients in oral hygiene care and supervising patient oral hygiene care and other services which do not involve diagnosis or treatment of dental conditions.

Specific Authority 466.004, 466.023, 466.024 FS. Law Implemented 466.023, 466.024(3) FS. History—New 1-18-89, Formerly 21G-16.007, 61F5-16.007, Amended 9-27-95, 6-12-97, Formerly 59Q-16.007, Amended 1-8-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-16.0075
RULE TITLE: Dental Charting by Dental Hygienists

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the signature requirement to just an acknowledgment and to clarify medical clearance requirement.
SUMMARY: The rule amendment will change the signature requirement to just an acknowledgment and to clarify medical clearance requirement.

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

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

SPECIFIC AUTHORITY: 466.004(4), 466.0235 FS.
LAW IMPLEMENTED: 466.0235 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-16.0075 Dental Charting by Dental Hygienists.

(1) No change.

(2) Each person who receives a dental charting, or the parent or legal guardian of the person receiving dental charting, by a dental hygienist pursuant to Section 466.0235, F.S., and this rule shall receive a dental charting form that contains the following information and the patient shall acknowledge by signature the following information before receiving the dental charting procedure:

(a) through (i) No change.

(j) Before performing periodontal probing as part of a dental charting, if the dental hygienist will be performing a periodontal probe, then the dental hygienists shall include a

written statement on the dental charting form that the patient he or she has received medical clearance from a physician or dentist.

(3) through (5) No change.

Specific Authority 466.004(4), 466.0235 FS. Law Implemented 466.0235 FS. History--New 12-26-06, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-17.011
RULE TITLE: Financial Responsibility

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify financial responsibility requirement for dental hygienists who perform unsupervised charting.

SUMMARY: The rule amendment will clarify financial responsibility requirement for dental hygienists who perform unsupervised charting.

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

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

SPECIFIC AUTHORITY: 466.004(4) FS.
LAW IMPLEMENTED: 456.048 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/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-17.011 Financial Responsibility.

As a prerequisite for licensure or license renewal every dentist is required to maintain medical malpractice insurance or provide proof of financial responsibility as set forth herein:

(1) through (3)(e) No change.

(4) Every dentist complying with these requirements pursuant to either subsection (1) or (2) above shall ensure that such insurance or proof covers liability for actions of any dental hygienist supervised by the dentist. Dental hygienists working unsupervised pursuant to Section 466.0235, F.S., shall be required to maintain medical malpractice insurance or provide proof of financial responsibility if he or she is not a volunteer under Section 110.501(1), F.S.

Specific Authority 466.004(4) FS. Law Implemented 456.048 FS. History–New 11-22-93, Amended 3-31-94, Formerly 61F5-17.011, 59Q-17.011, Amended 12-20-98, 3-19-02,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Dentistry  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2007

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-31.012  
RULE TITLE: Fees Regarding Anesthesiologist Assistants

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth fees for retired status with regard to anesthesiologist assistants.

SUMMARY: The proposed rule amendments set forth a fee of \$50 for a retired status fee. The fee for reactivation of a retired status license shall be \$100.

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

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

SPECIFIC AUTHORITY: 456.036(5), (7), 458.309, 458.3475 FS.

LAW IMPLEMENTED: 456.036(5), (7), 458.3475 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:

64B8-31.012 Fees Regarding Anesthesiologist Assistants. The following fees are prescribed by the Board:

(1) through (3) No change.

(4) The reactivation fee for an inactive or retired status anesthesiologist assistant licensure pursuant to Section 458.3475, F.S., shall be \$100. Reactivation shall require payment of the \$500 renewal fee and the \$100 reactivation fee.

(5) The retired status fee shall be \$ 50.00.

~~(6)(5)~~ The duplicate license ~~licensure~~ fee shall be \$25.00.

~~(7)(6)~~ Any licensed anesthesiologist assistant who fails to renew his/her licensure by the end of the biennium shall pay a delinquent fee of \$100.00 upon application for either active or inactive status.

~~(8)(7)~~ The unlicensed activity fee for initial licensure and licensure renewal shall be \$5.00.

Specific Authority 456.036(5), (7), 458.309, 458.3475 FS. Law Implemented 456.036(5), (7), 458.3475 FS. History–New 8-2-05, Amended\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anesthesiologist Assistant Committee  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-2.011  
RULE TITLE: Definition of Supervised Fieldwork Experience

PURPOSE AND EFFECT: The Board proposes the rule amendment to refer to the correct and more applicable statute and to clarify that this rule applies to occupational therapists.

SUMMARY: The rule amendment will refer to the correct and more applicable statute and to clarify that this rule applies to occupational therapists.

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

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

SPECIFIC AUTHORITY: 468.204 FS.

LAW IMPLEMENTED: 468.209 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.011 Definition of Supervised Fieldwork Experience.

The term "supervised fieldwork experience" as provided for in Section 468.209(1)(c)(2), Florida Statutes, shall mean experience at an occupational therapist level occurring in a clinical setting affiliated with an educational institution in occupational therapy for a minimum of at least 6 months, with the fieldwork experience supervised by a licensed occupational therapist. Supervision, for purposes of this rule, shall mean that the occupational therapisty assistant has daily direct contact at the worksite with his or her supervisor.

Specific Authority 468.204 FS. Law Implemented 468.209 FS. History--New 12-4-95, Amended 12-11-96, Formerly 59R-61.015, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2007

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-3.010  
RULE TITLE: Definition of Supervised Fieldwork Experience Requirements

PURPOSE AND EFFECT: The Board proposes the promulgation and adoption of the new rule to create a corresponding rule for occupational therapy assistants to clarify definition of fieldwork experience requirements for Section 468.209(1)(c), Florida Statutes.

SUMMARY: The promulgation and adoption of the new rule will create a corresponding rule for occupational therapy assistants to clarify definition of fieldwork experience requirements for Section 468.209(1)(c), Florida Statutes.

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

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

SPECIFIC AUTHORITY: 468.204 FS.

LAW IMPLEMENTED: 468.204, 468.207, 468.209(1)(c) 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.010 Definition of Supervised Fieldwork Experience.

The term "supervised fieldwork experience" as provided for in Section 468.209(1)(c), Florida Statutes, shall mean experience at an occupational therapy assistant level occurring in a clinical setting affiliated with an educational institution in occupational therapy for a minimum of at least 2 months, with the fieldwork experience supervised by a licensed occupational therapist. Supervision, for purposes of this rule, shall mean that the occupational therapy assistant has daily direct contact at the worksite with his or her supervisor.

Specific Authority 468.204 FS. Law Implemented 468.204, 468.207, 468.209(1)(c) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2007

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-5.001  
RULE TITLE: Requirements for License Renewal of an Active License; Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to clear up discrepancy and confusion in applicability of requirements of Section 456.033, Florida Statutes, for applicants certified in second half of biennium.

SUMMARY: The rule amendment will clear up discrepancy and confusion in applicability of requirements of Section 456.033, Florida Statutes, for applicants certified in second half of biennium.

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

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

SPECIFIC AUTHORITY: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.001 Requirements for License Renewal of an Active License; Continuing Education.

Continuing education includes attendance and participation as required at a live presentation such as workshop, seminar, conference, or in-service educational programs. It may also include participation in other continuing education activities that require a formal assessment of learning. Examples include, but are not limited to, electronic or web-based courses, formalized self-study courses and continuing education articles. An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) through (7) No change.

(8) Exemption – Those persons certified for licensure in the second half of the biennium are exempt from the continuing education requirements for that biennium, except for the two (2) hour prevention of medical errors course requirement referenced above and required by Section 456.013, F.S., and the one (1) hour of HIV/AIDS education required no later than upon first renewal, as set forth in Section 456.033, F.S.

(9) through (15) No change.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.013, 456.033, 456.036, 468.219 FS. History—New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, 6-25-02, 5-7-03, 3-28-04, 10-24-04, 8-30-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2007

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.:	RULE TITLE:
64B15-7.012	Fees Regarding Anesthesiologist Assistants

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth fees for retired status with regard to anesthesiologist assistants.

SUMMARY: The proposed rule amendments set forth a fee of \$50 for a retired status fee. The fee for reactivation of a retired status license shall be \$100.

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

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

SPECIFIC AUTHORITY: 456.036(5), (7), 458.309, 458.3475, 459.005, 459.023 FS.

LAW IMPLEMENTED: 456.036(5), (7), 458.3475, 459.023 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-7.012 Fees Regarding Anesthesiologist Assistants.

The following fees are prescribed by the Board:

(1) through (3) No change.

(4) The reactivation fee for an inactive or retired status anesthesiologist assistant licensure pursuant to Section 458.3475 or 459.023, F.S., shall be \$100.00. Reactivation shall require payment of the \$500.00 renewal fee and the \$100.00 reactivation fee.

(5) The retired status fee shall be \$50.00.

~~(6)(5)~~ The duplicate license ~~licensure~~ fee shall be \$25.00.

~~(7)(6)~~ Any licensed anesthesiologist assistant who fails to renew his/her licensure by the end of the biennium shall pay a delinquent fee of \$100.00 upon application for either active or inactive status.

~~(8)(7)~~ The unlicensed activity fee for initial licensure and licensure renewal shall be \$5.00.

Specific Authority 456.036(5), (7), 458.309, 458.3475, 459.005, 459.023 FS. Law Implemented 456.036(5), (7), 458.3475, 459.023 FS. History--New 8-2-05, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Anesthesiologist Assistant Committee  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 23, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-19.009  
RULE TITLE: Submission of Malpractice Record  
PURPOSE AND EFFECT: The purpose and effect of this rule promulgation is to establish rules for compliance with new legislation in Section 456.50(2), F.S.

SUMMARY: Rules are established for compliance with new legislation in Section 456.50(2), F.S.

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

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

SPECIFIC AUTHORITY: 456.50(2), 459.005 FS.

LAW IMPLEMENTED: 456.50(2) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.009 Submission of Malpractice Record.

(1) All physicians licensed pursuant to Chapter 459, F.S., shall provide the Board of Osteopathic Medicine a copy of the record of any finding of medical malpractice resulting from a civil or administrative proceeding, entered against the licensee in any jurisdiction on or after November 2, 2004 within 60 days of entry of the final judgment or order. The record shall be sent to the Board of Osteopathic Medicine, 4052 Bald Cypress Way, BIN-CO6, Tallahassee, Florida 32399.

(2) The record shall include the official transcript of the civil or administrative proceeding resulting in a finding of medical malpractice, all evidence admitted, those matters officially recognized by the civil or administrative tribunal, and the final order or judgment reported or issued by the tribunal.

(3) The record shall be provided to the Board on a read only CD ROM disc in portable document format (.pdf) or tagged image file format (.tif).

Specific Authority 456.50(2), 459.005 FS. Law Implemented 456.50(2) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Osteopathic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 6, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

RULE NO.: 69L-6.032  
RULE TITLE: Contractor Requirements For Obtaining Evidence That Subcontractors Possess Workers' Compensation Insurance or Otherwise Comply with Chapter 440, Florida Statutes

PURPOSE AND EFFECT: The purpose of the proposed rule is to set forth procedures whereby contractors may fulfill the requirements and obligations associated with obtaining evidence that subcontractors engaged by them possess workers' compensation insurance or that corporate officers of the subcontractors have been issued a Certificate of Election to Be Exempt by the Department. The effect of the proposed rule is to promote contractor compliance with the obligations associated with obtaining evidence confirming that subcontractors so engaged possess workers' compensation insurance or otherwise are in compliance with Chapter 440, Florida Statutes.

SUMMARY: Provides guidelines regarding procedures that apply to those contractors not securing compensation regarding their ongoing obligation to obtain evidence that subcontractors they engage possess workers' compensation insurance or a Certificate of Election to Be Exempt.

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

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

SPECIFIC AUTHORITY: 440.05(10), 440.107(5), 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.05(10), 440.10(1), 440.107(3), 440.107(7), 440.38(1) 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: Monday, April 30, 2007, 2:00 p.m.

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, S.E., 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 Andrew Sabolic, (850)413-1600. 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: Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, phone (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.032 Contractor Requirements For Obtaining Evidence That Subcontractors Possess Workers' Compensation Insurance or Otherwise Comply with Chapter 440, Florida Statutes.

(1) In order for a contractor who is not securing the payment of compensation pursuant to Section 440.38(1)(a), F.S. to satisfy its obligation to obtain evidence of workers' compensation insurance or a Certificate of Election to Be Exempt from a subcontractor pursuant to Section 440.10(1)(c), F.S., such contractor shall obtain and provide to the Department, when requested, the evidence specified in Sections (2), (3), (4) or (5) herein.

(2) If a workers' compensation insurance policy has been issued to the subcontractor, the contractor may obtain one of the following documents as evidence of workers' compensation insurance for a subcontractor:

(a) A copy of the "Information Page" of the subcontractor's workers' compensation insurance policy;

(b) A screen print from the Division of Workers' Compensation, Proof of Coverage database confirming that workers' compensation coverage is in effect for the subcontractor. The Proof of Coverage database can be accessed from the Division's website at: [www.fldfs.com/WC/](http://www.fldfs.com/WC/); or

(c) A Certificate of Liability Insurance and written documentation obtained either from the producer or carrier confirming that workers' compensation coverage is in effect

for the subcontractor. Written documentation may include a screen print from the Division of Workers' Compensation, Proof of Coverage database. The Certificate of Liability Insurance shall include the following information and documentation in order to be considered valid evidence of workers' compensation insurance for purposes of this rule:

1. The producer section lists the producer's name, address, and phone number;

2. The Insurers Affording Coverage section lists the name of the carrier that is providing workers' compensation insurance;

3. The name of the subcontractor is listed as the insured;

4. The proper policy number is provided for the Workers' Compensation and Employers' Liability Insurance, or binder number if the policy has not been issued as of the date of the issuance of the Certificate of Liability Insurance;

5. The dollar limits of coverage are listed for the Workers' Compensation and Employers' Liability Insurance;

6. An authorized representative has signed the Certificate of Liability Insurance;

7. The issue date of the Certificate of Liability Insurance precedes the date the subcontractor commenced work on each project for which the contractor sublet any part or parts of his or her contract work to the subcontractor; and

8. The date(s) the work is being performed by the subcontractor for the contractor falls within the Policy Effective and Policy Expiration dates listed on the Certificate of Liability Insurance.

(3) If a subcontractor is a client company of an employee leasing company licensed pursuant to Part XI, Chapter 468, F.S., the evidence of workers' compensation insurance from a subcontractor shall be a Certificate of Liability Insurance and a list of the employees leased to the subcontractor obtained from the professional employer organization or employee leasing company as of the date the subcontractor commenced work for the contractor on each project. The Certificate of Liability Insurance shall include the following information and documentation in order to be considered valid evidence of workers' compensation insurance:

(a) The producer section lists the producer's name, address, and phone number;

(b) The Insurers Affording Coverage section lists the name of the carrier that is providing workers' compensation insurance;

(c) The professional employer organization or employee leasing company name is listed as the insured;

(d) The proper policy number is listed for the Workers' Compensation and Employers' Liability Insurance;

(e) The dollar limits of coverage are listed for Workers' Compensation and Employers' Liability Insurance;

(f) An authorized representative has signed the Certificate of Liability Insurance;



(g) The date the Certificate of Liability Insurance is issued precedes the date the subcontractor commenced work on each project for which the contractor sublet any part or parts of his or her contract work to the subcontractor;

(h) The date(s) the work is performed by the subcontractor for the contractor falls within the Policy Effective and Policy Expiration dates listed on the Certificate of Liability Insurance; and

(i) The Description of Operations identifies the name of the subcontractor and states that only the leased employees of the subcontractor are afforded workers' compensation coverage.

(4) If a corporate officer of the subcontractor has elected to be exempt from the workers' compensation coverage requirements of Chapter 440, F.S., the contractor shall obtain from the subcontractor a copy of the corporate officer's Certificate of Election to Be Exempt issued by the Department. In lieu of a copy of the Certificate of Election to Be Exempt, a contractor may obtain a screen print from the Division of Workers' Compensation, Proof of Coverage database confirming that a Certificate of Election to Be Exempt is in effect for the corporate officer of the subcontractor. The Proof of Coverage database can be accessed from the Division's website at: [www.fldfs.com/WC/](http://www.fldfs.com/WC/). The Certificate of Election to Be Exempt shall include the following information and documentation in order to be considered evidence of a valid Certificate of Election to be Exempt:

(a) The State Seal of Florida;

(b) "State of Florida, Department of Financial Services, Division of Workers' Compensation, Certificate of Exemption from Florida Workers' Compensation Law" is listed;

(c) The person named on the Certificate of Election to Be Exempt is designated as a corporate officer of the subcontractor;

(d) The date the work is performed by the corporate officer named on the Certificate of Election to be Exempt falls within the Effective and Expiration dates listed on the Certificate of Election to Be Exempt; and

(e) The corporate officer named on the Certificate of Election to Be Exempt must perform on behalf of the contractor the type of work that is listed on the Certificate of Election to be Exempt.

(5) If a subcontractor employs a corporate officer that has been issued Certificate of Election to Be Exempt and also employs non-exempt employees for whom the subcontractor is required to secure the payment of compensation, the contractor must obtain evidence of workers' compensation insurance pursuant to subsections (2) or (3) of this rule for such employees and further must obtain evidence of each and every valid Certificate of Election to Be Exempt pursuant to subsection (4) of this rule.

(6) If a contractor fails to obtain evidence of workers' compensation insurance or evidence of a valid Certificate of Election to Be Exempt as required herein and the subcontractor has failed to secure the payment of compensation pursuant to Chapter 440, F.S., the contractor shall be liable for, and shall secure the payment of compensation for all the employees of the subcontractor pursuant to Section 440.10(1)(b), F.S., and if the contractor has failed to secure the payment of compensation pursuant to Chapter 440, F.S., the contractor will be issued a Stop-Work Order and a penalty will be assessed against the contractor pursuant to Section 440.107(7)(d)1., F.S. For penalty calculation purposes, the payroll for the contractor shall also include the payroll of all uninsured subcontractors and their employees. If the subcontractor is required to secure the payment of compensation and fails to secure the payment of compensation for its employees, the subcontractor will also be issued a Stop-Work Order and a penalty will be assessed against the subcontractor pursuant to Section 440.107(7)(d)1., F.S.

(7) If a contractor obtains all required evidence of workers' compensation insurance or evidence of a valid Certificate of Election to Be Exempt as specified in this rule and the subcontractor fails to secure the payment of compensation pursuant to Chapter 440, F.S., the subcontractor will be issued a Stop-Work Order and a penalty will be assessed against the subcontractor pursuant to Section 440.107(7)(d)1., F.S., and the contractor will not be issued a Stop-Work Order unless it has failed to secure the payment of compensation for its employees other than the employees of the subcontractor.

(8) If the work being performed by the subcontractor for the contractor continues beyond the Policy Expiration date listed on the Certificate of Liability Insurance, the "Information Page", the screen print from the Division of Workers' Compensation, Proof of Coverage database, or the expiration date of the Certificate of Election to Be Exempt, the contractor shall obtain new evidence of workers' compensation insurance as specified in subsections (2), (3), (4) or (5) herein.

(9) For the purposes of compliance with this rule, a subcontractor becomes a contractor when such subcontractor sublets any part or parts of his or her subcontract work to another subcontractor.

Specific Authority 440.05(10), 440.107(5), 440.107(9), 440.591 FS. Law Implemented 440.05(10), 440.10(1), 440.107(3), 440.107(7), 440.38(1) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Andrew Sabolic, Bureau Chief, Bureau of Compliance  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Tanner Holloman, Director,  
Division of Workers' Compensation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF REVENUE**

**Division of Child Support Enforcement**

RULE NO.: 12E-1.032                      RULE TITLE: Electronic Remittance of Support Payments

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 52, December 29, 2006 issue of the Florida Administrative Weekly.

These changes are in accordance with subparagraph 120.54(3)(d)1., F.S., and in response to comments received from the Joint Administrative Procedures Committee.

Subsection (7) of Rule 12E-1.032, F.A.C., has been changed, so that, when adopted, the subsection will read as follows:

(7) Waiver From Electronic Filing Requirements. The Department is authorized to waive the requirement that an employer or employer’s processor pay support and provide associated case data through electronic means, if the employer or employer’s processor is issued a waiver by the Department from the requirement to electronically file tax returns under Section 213.755, F.S., or Section 443.163, F.S. To request a waiver the employer or employer’s processor must establish in writing the basis under which such waiver is requested. In this written request, the employer or employer’s processor must explain how one or more of the factors discussed in paragraph (a) of this subsection affect the ability to file electronically. After the Department verifies the explanation submitted by the employer or employer’s processor, it will respond in writing regarding the decision to grant or deny such waiver.

(a) Grounds for approving a request for a waiver include, but are not limited to:

1. Any of the circumstances specified in Section 213.755(9)(a) or (b), F.S.; or,
2. The employer or the employer’s processor does not have a modem; or,
3. The employer or the employer’s processor does not have access to the Internet.

(b) A waiver shall be valid for up to two years and the issuance of a subsequent waiver shall be contingent on the employer or the employer’s processor working with the Department during the current waiver period to address the issues that originally necessitated the issuance of the waiver.

The requirement to work with the Department to address the issues that necessitated a waiver means the employer or the employer’s processor will: discuss existing computer capabilities with the Department; consider any assistance, recommendations, or training the Department offers; and, implement any Department recommendation that enables the employer or employer’s processor to remit support payments and associated case data by electronic means, unless the employer or employer’s processor can establish that the circumstances or reasons as set forth in section 213.755, F.S., continue to apply.

**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.: 33-404.102                      RULE TITLE: Provision of Mental Health Services

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 12, March 23, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-5.020                      RULE TITLE: Provider Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 8, February 23, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

The rule incorporates by reference the Florida Medicaid Provider General Handbook, January 2007. The handbook requires providers who render services at more than one service address under a single license or certification to submit an AHCA Form 2200-0004, Declaration of Service Address, January 2007, to identify each separate physical address where services are provided. We added the following first sentence to subsection 59G-5.020(2), F.A.C. “The following form is incorporated by reference: AHCA Form 2200-0004, January 2007, Declaration of Service Address, one page. The form is available from the Medicaid fiscal agent’s website at <http://floridamedicaid.asc-inc.com>. Click on Provider Support, and then on Enrollment. The form may also be obtained from the Medicaid fiscal agent by calling Provider Enrollment at (800)377-8216.”