

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: George H. Sheldon
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: March 23, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: February 12, 2010

Performance Evaluation form CJSTC-4 CMS was revised to delete the requirement to shoot with a rifle or carbine in the “4 and 5 zone” of the B-29 reduced police silhouette target.

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 ELDER AFFAIRS

Community Care for the Elderly

RULE NO.: 58C-1.0031
RULE TITLE: Lead Agency Dispute Resolution
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. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly.

This is the second notice of change. The first notice of change was published in Vol. 36, No. 2, January 15, 2010 issue of the Florida Administrative Weekly.

58C-1.0031 Lead Agency Dispute Resolution.

(1) through (5) No change.

(6) DISPUTE RESOLUTION.

(a) through (b) No change.

(c) The decisionmaker must render a written decision within 30 calendar days after the hearing if no transcript of the proceedings is requested, or within 30 days after receipt of the hearing transcript by the decisionmaker. If the 30th day falls on a weekend or state holiday, the deadline shall be the next business day. The provisions of this paragraph may be waived only upon stipulation by all parties.

1. No change.

2. If rejecting the AAA’s intended award, the decisionmaker must simultaneously issue a recommendation to the AAA supported by findings of fact and conclusions of law. If the decisionmaker rejects the AAA’s intended award, the AAA must award the designation of lead agency to the next highest scoring party.

3. If a timely request for a review of the decisionmaker’s recommendation is not made pursuant to subsection (7) of this rule, the AAA may either accept or reject the decisionmaker’s recommendation. If the AAA rejects the decisionmaker’s recommendation, the AAA must notify all parties in writing within 10 calendar days after the recommendation is received, outlining the reason or reasons for rejecting the recommendation; and the AAA must either start the procurement process again or make an award consistent with its reason or reasons for rejecting the decisionmaker’s

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-1.023
RULE TITLE: Procedures for Landowners and Leaseholders to Submit a Notice of Intent to Implement Nitrogen Best Management Practices (BMPs)

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

The Notice of Proposed Rulemaking published in The Florida Administrative Weekly on December 24, 2009 stated the Notice of Rule Development was published in The Florida Administrative Weekly on December 6, 2009. This was an error and the correct date of publication is November 6, 2009.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: 11B-35.0024
RULE TITLE: Student Performance in Commission-approved High-Liability Basic Recruit Training Courses and Instructor Training Courses Requiring Proficiency Demonstration

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

This is to advise that the rule number for “Rule 11B-35.0024, F.A.C.,” was inadvertently left off the list of rule sections on the Bureau of Administrative Code’s electronic form when filing the proposed rule; however, the text for Rule 11B-35.0024, F.A.C. was filed and the only revision was the date Form CJSTC-4 CMS was revised. The CMS Firearms

~~recommendation. If the decisionmaker finds that the procurement was flawed only by scoring errors, the AAA must correct such errors.~~

~~4. If a timely request for a review of the decisionmaker's recommendation is made pursuant to subsection (7) of this rule, the AAA shall proceed under subsection (7) instead of subparagraph (c)3. of this subsection. If the decisionmaker finds that the entire procurement was fundamentally flawed and that no intent to award is appropriate, the AAA must reject all bids and begin the procurement process again.~~

(d) through (f) No change.

(7) REVIEW OF DECISION.

(a) through (d) No change.

(e) The written decision of the reviewer must be made within 30 calendar days after the request for review, unless the 30th day falls on a weekend or state holiday, in which case the deadline shall be the next business day. ~~The decision shall be binding upon all parties.~~

1. The written decision must include findings of fact and conclusions of law. Based on these findings and conclusions, the reviewer may affirm or reject the decisionmaker's recommendation.

2. If affirming the decisionmaker's recommendation, the reviewer must make such a statement in its recommendation to the AAA.

3. If rejecting the decisionmaker's recommendation, the reviewer must issue a recommendation to the AAA, supported by findings of fact and conclusions of law.

(f) The AAA may either accept or reject the reviewer's recommendation. If the AAA rejects the reviewer's recommendation, the AAA must notify all parties in writing within 10 calendar days after the recommendation is received, outlining the reason or reasons for not accepting the recommendation; and the AAA must either start the procurement process again or make an award consistent with its reason or reasons for rejecting the reviewer's recommendation.

Rulemaking Authority 430.203(9)(a) FS. Law Implemented 430.203(9)(a) FS. History--New_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.340
 RULE TITLE: Visual Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 5, February 5, 2010 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will have an impact on small business. A SERC has been prepared by the Agency. Changes mandated by the 2009

Florida Legislature resulted in reductions to visual services to adults. Enrolled visual services providers, and recipients ages 21 and older requiring medically necessary eyeglass frames and lenses will be affected by the rule. It is estimated there will be no cost to the Agency, and no transactional costs are likely to be incurred by individuals and local government entities. The impact on small business will be a result of the reduction in services for businesses enrolled as Visual Services providers that provide services to adult recipients.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.083
 RULE TITLE: Developmental Disabilities Waiver Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 9, March 5, 2010 issue of the Florida Administrative Weekly.

Statement of Estimated Regulatory Costs:

The Statement of Estimated Regulatory Costs under section A.2. is corrected as follows:

A general description of the types of individuals likely to be affected by the rule. There are approximately 10,000 providers of Developmental Disabilities Home and Community-Based Waiver that will be required to comply with the changes in the Coverage and Limitations Handbook that is incorporated by reference.

The changes are the result of recommendations made by a work group of advocates, waiver service providers, and staff from the Agency for Persons with Disabilities and the Agency for Health Care Administration. The changes will benefit effected providers by reducing the reporting requirements by service.

DEPARTMENT OF MANAGEMENT SERVICES

Personnel Management System

RULE NOS.:	RULE TITLES:
60L-39.0015	Definitions
60L-39.003	Statewide Steering Committee
60L-39.004	Eligibility Criteria for Participation by Charitable Organizations
60L-39.0041	Eligibility Criteria for the Receipt of Tier One Undesignated Funds
60L-39.005	Application Procedures
60L-39.006	Duties and Responsibilities of the Fiscal Agent
60L-39.007	Appeals
60L-39.008	Local Steering Committees
60L-39.009	Campaign Supported Activities

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. 35, No. 39, October 2, 2009 issue of the Florida Administrative Weekly.

Rules 60L-39.0015, 60L-39.002, 60L-39.003, 60L-39.004, 60L-39.0041, 60L-39.005, 60L-39.006, 60L-39.007, 60L-39.008, 60L-39.009, F.A.C., have been amended as follows.

60L-39.0015 Definitions.

(1)(a) through (c) No change.

(d) Campaign Cycle. A time period that begins with the March 1 Form DMS-ADM-100 (rev. 03/10) application deadline for participation in a given fundraising drive and concludes at the end of the following calendar year once all payroll deductions have been ~~are~~ collected and distributed for that drive.

(e) No change.

(f) Completed Application. A Form DMS-ADM-100 (rev. 03/10 9/09) or Form DMS-ADM-102 (rev. 03/10 9/09) on which charitable organizations have provided the requested information for every applicable question and data field, including the required supporting documentation.

(g) No change.

(h) Direct services. ~~Identifiable and Sspecific activities performed by services of~~ a charitable organization ~~made available by the performance of specific activities in a~~ at least one local fiscal agent's area that provide an identifiable benefit to one or more residents within the fiscal agent area or to an entity that provides identifiable benefits to the residents of that fiscal agent area.

(i) Fiscal Agent. An ~~nonprofit charitable organization participating in the FSECC or a business~~ entity selected by the Department of Management Services through the competitive procurement process and placed under contract to administer the receipt of, accounting for and distribution of the charitable contributions to the participating charitable organizations and to perform other appropriate administrative services as negotiated through contract.

(j) Fiscal Agent Area. A geographic region of the state as designated in Form DMS-ADM-102 (rev. 03/10 9/09) for administrative convenience and used to administer the contracted services through local fiscal agents.

(k) through (l) No change.

(m) Independent ~~U~~unaffiliated Agency. A charitable organization which is not an umbrella group or a member of any umbrella group.

(n) No change.

(o) Local Fiscal Agent. An entity or entities with which the Fiscal Agent may contract to manage the campaign and receive, account for and distribute charitable contributions among participating charitable organizations in a specific fiscal agent area.

~~(p)(6)~~ National Agency. An umbrella group or an affiliated member of an umbrella group serving basic human or environmental needs inside the United States ~~charitable organization with programs that provide services outside of Florida but within the United States. This definition excludes any charitable organization that is a member or affiliate of the United Way of Florida, Inc.~~

(p) through (w) renumbered (q) through (x) No change.

(2) No change.

60L-39.003 Statewide Steering Committee.

(1) through (3) No change.

(4) The Statewide Steering Committee shall approve the statewide calendar of events and ~~the training and~~ marketing materials proposed by either the Department or the fiscal agent.

(5) The Statewide Steering Committee shall review all Form DMS-ADM-100 (rev. 03/10) applications before June 1 of each campaign cycle and recommend approval or denial on the basis of compliance with the established criteria, completeness and timely submission.

(6) The Statewide Steering Committee shall review all Form DMS-ADM-102 (rev. 03/10) applications for receipt of Tier One undesignated funds before January 31 of each campaign cycle and recommend approval or denial on the basis of compliance with the established criteria, completeness, and timely submission.

(7) If needed for purposes of recommending an action to the Department determining eligibility, the Statewide Steering Committee may request clarification of any information provided by a charitable organization which has filed a completed application. If requested, umbrella groups shall provide contact information for member organizations with whom the Statewide Steering Committee may wish to correspond directly. In order to be considered, the requested clarification shall be submitted to the Department within five business days of the receipt of the Committee's request. Submitted means electronically submitted or postmarked no later than 11:59 p.m. on the fifth business day.

(8) The Statewide Steering Committee shall recommend to the Department approval or denial of any reviewed Form DMS-ADM-100 (rev. 03/10) application and Form DMS-ADM-102 (rev. 03/10) application.

~~(9) Except for the campaign materials approved by the Statewide Steering Committee, charitable organizations shall not permit, plan, or conduct distribution of any materials, solicitation, or services within State facilities as part of the campaign. Charitable organizations are encouraged, however, to publicize their activities and solicit employee participation~~

~~in the FSECC through the news media or other private outlets outside State facilities. Charitable organizations shall not contact employees at the work place for any purpose. However, the fiscal agent may contact employees for express purpose of requesting clarifying information regarding authorized payroll deduction information from the agency FSECC coordinators.~~

~~(9)(10) The Statewide Steering Committee shall ensure that campaign brochures and materials, whether produced by the Department or the fiscal agent, treat all participating charitable organizations equally and fairly and conform to the following: Campaign brochures shall provide the same type, size, and color print for all participating charitable organizations.~~

~~(a) Campaign brochures shall provide the same type, size, and color print for all participating charitable organizations.~~

~~(a) through (b) renumbered (b) though (c) No change.~~

~~(c) Similarly named charitable organizations shall not be listed, unless the Statewide Steering Committee determines they do not deliver services to overlapping or identical geographical areas.~~

~~(d) No change.~~

~~(e) Campaign brochures shall be uniform in structure as determined by the Statewide Steering Committee and shall include the words Florida State Employees' Charitable Campaign and the official FSECC logo on the front cover. Campaign brochures shall exclude any local fiscal agent logo and slogan. Fiscal agent or local fiscal agent name may be used only as contact information within the brochure.~~

~~(f) Campaign brochures shall exclude any local fiscal agent logo and slogan that is not unique to the campaign. The local fiscal agents shall be identified in their respective campaign brochures only by their designated fiscal agent code, the counties they serve or both.~~

60L-39.004 Eligibility Criteria for Participation in the Campaign.

(1)(a) through (c) No change.

(d) Organizations which are required to register pursuant to the Solicitation of Contributions Act, Chapter 496, F.S., shall have a registration number that is valid on March 1, of the application year. ~~Organizations which are not required to register shall be deemed in compliance with Section 110.181(1)(h)4., F.S., with proper documentation.~~

(e) through (2)(a) No change.

(b) Filing an application to participate in the FSECC that contains false or ~~intentionally~~ misleading information that is material to the applicant's eligibility.

(3) Pursuant to federal law, participating charitable organizations shall not be on the list of persons and entities designated under Executive Order 13224, the United States Treasury Department's "master list" of specially designated nationals and blocked persons, and the United States State

Department's list of foreign terrorist organizations. In addition, participating charitable organizations shall certify that they are in compliance with all statutes (including prohibitions against terrorism as defined in 18 U.S.C. §2331), Executive orders, and regulations restricting or prohibiting U.S. persons from engaging in transactions and dealings with countries, entities, or individuals subject to economic sanctions administered by the U.S. Department of the Treasury's Office of Foreign Assets Control ~~protect against fraud with respect to the provision of financial, technical, in-kind or other material support or resources to persons or organizations on such lists, and ensure that they do not knowingly provide financial, technical, in-kind or other material support or resources to any individual or entity that they know beforehand is supporting or funding terrorism.~~

(4) An Independent Unaffiliated Agencies ~~shall be deemed to be providing services throughout the year and throughout the state in accordance with Section 110.181(1)(d), F.S., if they demonstrate that their services were provided every month of the calendar year and in every fiscal agent area.~~

60L-39.0041 Eligibility Criteria for Receipt of Tier One Undesignated Funds.

(1) In order to be eligible for Tier One undesignated funds ~~to be awarded by the Statewide Steering Committee~~, the charitable organization must be approved for participation in the current campaign cycle and, in accordance with Section 110.181(2)(e), F.S., must have provided direct services ~~in a local fiscal agent's area~~ in the preceding calendar year.

(2) No change.

(a) Providing family, foster care or ~~and~~ adult/child care;

(b) through (d) No change.

(e) Providing emergency shelter care or ~~and~~ relief services;

(f) Providing safety or protective services for adults ~~and/or~~ children;

(g) Providing neighborhood or community health and welfare, care, grants, ~~and/or~~ recreation services;

(h) No change.

(i) Providing health education, or ~~and~~ patient services/support;

(j) Providing social adjustment, counseling, rehabilitation, or ~~and~~ job training;

(k) through (l) No change.

(m) Providing individual or ~~and~~ family legal counseling for the indigent;

(n) No change.

(o) Any other well-defined substantial, direct, ~~or~~ hands-on specific act performed in the specific fiscal agent area in which the charitable organization is applying.

(3) No change.

(a) Maintaining, defending or settling any legal proceeding, except as provided in paragraph (2)(m);

- (b) through (c) No change.
- (d) Fundraising; whether in person, via telephone, etc.
- (e) Distributing unsolicited informational materials;
- (f) Operating internet websites; toll-free numbers, etc.
- (g) through (i) No change.

(j) Marketing activities, such as billboards and public service announcements ~~Conducting corporate affairs in interstate commerce.~~

(4)(a) No change.

(b) Filing an application to participate in the FSECC that contains false or ~~intentionally~~ misleading information.

60L-39.005 Application Procedures.

(1) Application for annual participation in the FSECC shall be submitted no later than March 1 of each year on Form DMS-ADM-100 (rev. 03/10), Application for Participation in the Florida State Employees' Charitable Campaign, effective mm-dd-yyyy, which is hereby incorporated by reference. This form shall be available on the Department's website: http://dms.myflorida.com/human_resource_support/human_resource_management/for_state_personnel_system_employees/state_employees_charitable_campaign and ~~or~~ upon request.

(a) Electronic applications shall be submitted to the electronic address specified by the Department on the application form by 11:59 p.m., eastern ~~standard~~ time, on March 1.

(b) through (c) No change.

(d) Each charitable organization shall document administrative expenses, fundraising expenses and total revenue, as follows:

1. Each charitable organization required to file IRS Form 990 shall submit a copy of the applicable pages of its most recently filed IRS Form 990, in accordance with the instructions for completing Form DMS-ADM-100 (rev. 03/10), provided that such 990 ~~is~~ is for a fiscal period ending not more than 24 months prior to March 1.

2. Charitable organizations which are not required to file an IRS Form 990 or which file an IRS Form 990 EZ or an IRS Form 990 PF shall submit a copy of ~~document~~ administrative expenses, fundraising expenses, and total revenue ~~on~~ the applicable pages of an IRS Form 990 and shall submit these pages with their application, in accordance with instructions on the Form DMS-ADM-100 (rev. 03/10 9/09).

~~(e) Charitable organizations that are exempt from registering with the Department of Agriculture and Consumer Services, pursuant to Section 496.406, F.S., shall provide a copy of an exemption letter from the Department of Agriculture and Consumer Services as part of their application. Failure to do so will result in an incomplete application.~~

~~(f) Applications from charitable organizations that have an automatic exclusion from the registration requirements pursuant to Section 496.403, F.S., shall include a letter from~~

~~the Department of Agriculture and Consumer Services concurring with that exclusion in order to be considered a completed application.~~

~~(g) In the event a charitable organization submits a Form DMS-ADM-100 that is missing required information or documentation, the organization shall have five business days from the date they receive a certified, written notice by the Department, to submit the required information or documentation to the Department. Such documentation or information shall be submitted to the electronic address specified by the Department by 11:59 p.m., eastern standard time, on the fifth business day or, if submitted on paper, it must be postmarked no later than the fifth business day.~~

(2) Application for Receipt of Tier One Undesignated Funds, pursuant to Section 110.181(2)(e), F.S., shall be made on Form DMS-ADM-102 (rev. 03/10 9/09), Direct Local Services Certification Form, effective mm-dd-yyyy, which is hereby incorporated by reference. This form shall be available on the Department's official website: http://dms.myflorida.com/human_resource_support/human_resource_management/for_state_personnel_system_employees/state_employees_charitable_campaign and ~~or~~ upon request.

(a) In order to be considered for the receipt of Tier One undesignated funds, umbrella groups, on behalf of their member agencies, and all independent unaffiliated agencies shall annually submit completed Form DMS-ADM-102 (rev. 03/10) applications to the electronic address specified by the Department on the application form by 11:59 p.m., eastern ~~standard~~ time, on October 1 of the ~~same calendar year in which their DMS-ADM-100 (rev. 9/09) application was approved~~ campaign year for which they have been approved to participate.

(b) In the event the application and ~~or~~ any applicable supporting documentation are ~~is~~ submitted as a paper package, the submission must be postmarked by October 1.

~~(c) Local United Way organizations are by definition providing direct services in a local fiscal agent area and are presumed to meet the statutory criteria for the receipt of Tier One undesignated funds. Therefore, such charitable organizations are exempt from this application requirement.~~

(3) No change.

60L-39.006 Department Duties and Responsibilities.

(1) The Department shall be responsible for effectively and efficiently administering the Campaign by procuring, through the competitive bid process, a fiscal agent who, in accordance with a service contract that, shall:

(a) No change.

(b) Select, train and partner with ~~manage~~ local steering committees composed of state employees in the fiscal agent area to assist in conducting the campaign and to direct the distribution of Tier Two undesignated funds. ~~Members of the local steering committees shall be selected from among recommendations provided by interested participating~~

charitable organizations, if any, with the approval of the Statewide Steering Committee. Charitable organizations shall submit the names of potential steering committee members, if any, to the local fiscal agent by July 1 of each year;

(c) through (e) No change.

(f) Respond in a timely and appropriate manner to inquiries from employees, participating charitable organizations, umbrella groups or the Statewide or Local Steering Committees;

~~(g) Provide all participating charitable organizations with the names and contact information of the local steering committee chairpersons and provide timely notification of the date, time and location of all local steering committee meetings;~~

~~(h) Provide a minimum of a two week notice to umbrella groups for meetings during which Tier One or Tier Two undesignated funds will be discussed.~~

(i) through (l) renumbered (g) through (j) No change.

~~(k)(m) In cases where the local fiscal agents host events on behalf of the campaign, ensure that an invitation to attend opportunity to participate is extended to all charitable organizations approved for participation in the campaign. Local fiscal agents may invite charitable organizations that are members of an umbrella group by extending the invitation to their respective umbrella group in the applicable fiscal agent area, regardless of the umbrella group if any, with which they are affiliated;~~

(n) renumbered (l) No change.

(2) No change.

~~(3) The Department shall send notice by certified mail to any charitable organizations that submitted Form DMS-ADM-100 (rev. 9/09) or DMS-ADM-102 (rev. 9/09) by the respective deadline, but whose submission is missing required information or documentation.~~

~~(a) Such notice shall provide 5 business days from receipt of the notice for the charitable organization to provide the required information or documentation.~~

~~(b) Charitable organizations shall respond within the prescribed period in order for their submission to be considered a completed application.~~

(3)(4) Upon conclusion of the Statewide Steering Committee's review of all applications, the Department shall document their final recommendations, pursuant to subsection 60L-39.003(8), F.A.C., and forward them to the Secretary, who will make the final determinations. The Department shall then notify all applicant charitable organizations and their umbrella group, if applicable, of their approval or denial and their appeal rights. The Department shall notify all applicant charitable organizations and their umbrella group, if applicable, of all determinations of the Statewide Steering Committee. Denied charitable organizations shall be notified by certified letter and advised of their appeal rights.

60L-39.007 Appeals.

(1) A charitable organizations that have been notified of their ineligibility declared ineligible by the Statewide Steering Committee to participate in the campaign or to receive pro rata Tier One undesignated funds may appeal within seven working days after the receipt of the notice of ineligibility.

(2) through (3) No change.

60L-39.008 Local Steering Committees.

(1) By May 1 of each year, the fiscal agent shall forward to the Statewide Steering Committee for approval a list of the names, employing agencies and recommending entities of all state employees nominated for local steering committee membership. If, in the assessment of the fiscal agent, the total number of recommendations in a particular fiscal agent area would make the size of the local steering committee unmanageable, the fiscal agent shall advise the Statewide Steering Committee which of the total number of recommended state employees it wishes to select for local steering committee membership;

(a) If, after the above referenced list has been approved, a local steering committee wishes to add or substitute state employees to carry out its responsibilities, the fiscal agent shall forward to the Statewide Steering Committee such changes for their review and approval.

(b) Resignations of state employees from the local steering committees do not require the approval of the Statewide Steering Committee.

(1) renumbered (2) No change.

(3)(2) When practicable, charitable organizations seeking a distribution of Tier Two undesignated funds may submit written materials in support of their request to the local steering committee in advance of any meeting at which distribution of Tier Two undesignated funds will be determined. All charitable organizations approved for participation in the current year's campaign are eligible for consideration for the receipt of Tier Two undesignated funds. Charitable organizations seeking a distribution of Tier Two undesignated funds from the local steering committee shall submit any written materials in support of the request to the local fiscal agent and the local steering committee no later than 48 hours in advance of any meeting at which distribution of Tier Two undesignated funds will be discussed. The local steering committee may accept written materials submitted within less than 48 hours in advance of said meetings upon a finding that such late submissions will not prejudice the deliberations of the local steering committee.

(4)(3) Upon determination of the charitable organizations that will receive Tier Two undesignated funds and the respective amounts to be distributed, each local steering committee shall document the charitable organizations selected, the amount awarded to them and the rationale for those decisions. In distributing Tier Two undesignated funds,

~~each local steering committee shall address in a written recommendation the following subjects, as applicable under the facts pertaining to each fiscal agent area:~~

~~(a) Natural disasters or emergencies in the fiscal agent area requiring care or relief services;~~

~~(b) Needs of special groups or populations in the fiscal agent area;~~

~~(c) Special conservation or environmental needs in the fiscal agent area;~~

~~(d) The substance of specific presentations, if any, made in person or in writing by the charitable organization seeking a distribution of Tier Two undesignated funds from the local steering committee; and~~

~~(e) The history of any charitable organization in providing well defined and substantial services in the specific fiscal agent area in which the charitable organization is requesting to receive Tier Two undesignated funds.~~

~~(5)(4) Any local steering committee member shall disclose any affiliation with a participating charitable organization at the onset of any meeting during which distribution of prior to voting on Tier Two undesignated funds will be discussed.~~

~~(6)(5) The decisions of local steering committees regarding distribution of Tier Two undesignated funds may be reviewed by the Statewide Steering Committee for abuse of discretion within the time frames set forth in Rule 60L-39.007, Florida Administrative Code. Any charitable organization that wishes to request a review by the Statewide Steering Committee shall submit a request in writing to the Department, which outlines the factual basis for review, within seven business days of the local steering committee's determination. The Statewide Steering Committee shall convene to consider any request for review and shall recommend appropriate action to the Department.~~

60L-39.009 Campaign Supported Activities.

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

~~(c) Before determining whether participation in a workplace event shall constitute work time, or shall require the use of accrued leave or leave without pay, in accordance with Rule 60L-34, F.A.C., take into consideration the duration of the employees' absence from their work station, whether or not travel outside of the workplace facilities is necessary, and any significant potential for injury are considered before determining whether participation in a workplace event shall constitute work time, or shall require the use of accrued leave or leave without pay, in accordance with Chapter 60L-34, F.A.C.~~

(3) through (4) No change.

~~(5) Participating charities may attend any workplace campaign event; however, charitable organizations shall not permit, plan, or conduct distribution or display of any materials, solicitation, or services of any specific charity within State facilities as part of the campaign.~~

(6) Charitable organizations are permitted to publicize their activities and solicit employee participation in the FSECC through the news media or other private outlets outside State facilities. Charitable organizations seeking to raise funds shall not contact employees at the work place for any purpose related to fundraising. However, the fiscal agent may contact employees or distribute approved campaign materials solely for the purpose of performing fiscal agent duties.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Erin Thoresen, HR Consultant, Department of Management Services, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399, phone: (850)922-1274

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.:
61C-4.0161

RULE TITLE:
Mobile Food Dispensing Vehicles
and Theme Park Food Carts

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. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

61C-4.0161 Mobile Food Dispensing Vehicles and Theme Park Food Carts.

(1) No change.

(2) Mobile food dispensing vehicles shall meet the following additional requirements:

(a) through (d) No change.

(e) The owner of each mobile food dispensing vehicle shall notify the division of each commissary they intend to utilize for support services before using the commissary by submitting DBPR HR-7022, COMMISSARY NOTIFICATION, incorporated herein by reference and effective 2009 January 1. Instructions for filling in DBPR HR-7022 are provided in DBPR HR-7022i, INSTRUCTIONS FOR COMPLETING COMMISSARY NOTIFICATION, incorporated herein by reference and effective 2009 January 1.

(3) through (8) No change.

Rulemaking Authority 509.032, 509.221, FS. Law Implemented 509.032, 509.101, 509.211, 509.215, 509.221 FS. History--New 2-21-91, Formerly 10D-13.0291, 7C-4.0161, Amended 3-31-94, 9-25-96, 5-11-98, 7-2-98, 2-12-08, 8-12-08, _____.

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

<p>RULE NOS.: 62-550.310</p> <p>62-550.500</p>	<p>RULE TITLES: Primary Drinking Water Standards: Maximum Contaminant Levels and Maximum Residual Disinfectant Levels</p> <p>General Monitoring and Compliance Measurement Requirements for Contaminants and Disinfectant Residuals</p>
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NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 10, March 12, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Massage

<p>RULE NO.: 64B7-25.001</p>	<p>RULE TITLE: Examination Requirements</p>
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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. 36, No. 1, January 8, 2010 issue of the Florida Administrative Weekly.

The changes are in response to letters from the Joint Administrative Procedures Committee and to address language that was inadvertently omitted from the rule notice. The changes are as follows:

1. Section 10 in Form 1115 shall be deleted.
2. A new subparagraph (3) which was approved by the Board in October, 2009, shall be added to read as follows
“(3) Any Board-approved examination may be offered in the Spanish language.”
3. The law implemented citation of 456.017(1)(c) shall be changed to 456.017(1)(c), (5).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Pharmacy

<p>RULE NO.: 64B16-26.103</p>	<p>RULE TITLE: Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal</p>
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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. 36, No. 2, January 15, 2010 issue of the Florida Administrative Weekly.

The change is in response to a vote by the Board at the meeting held February 9 and 10, 2010. The changes are as follows:

1. Subsection (1)(c) shall now read as follows:
(c) Prior to renewal a licensee must complete, within the 24 month period prior to the expiration date of the license, a two-hour continuing education course approved in advance by the Board on medication errors that covers the study of root-cause analysis, error reduction and prevention, and patient safety. Hours obtained pursuant to this section may be applied by the licensee to the requirements of subsection (1).

2. Subsection (1)(k) shall now read as follows:
(k) All programs approved by the ACPE for continuing education for pharmacists are deemed approved by the Board for general continuing education hours for pharmacists. Any course necessary to meet the continuing education requirement for HIV/AIDS, medication errors, or consultant pharmacist license renewal shall be Board approved.

3. Subsection (4)(e) shall now read as follows:
(e) Prior to renewal a licensee must complete, within the 24 month period prior to the expiration date of the license, a two-hour continuing education course approved in advance by the Board on medication errors that covers the study of root-cause analysis, error reduction and prevention, and patient safety. Hours obtained pursuant to the section may be applied by the licensee to the requirements of subsection (1).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

<p>RULE NOS.: 64J-1.001 64J-1.004 64J-1.020 64J-1.0202</p>	<p>RULE TITLES: Definitions Medical Direction Training Programs EMS Recertification Training Programs</p>
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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. 35, No. 52, December 31, 2009 issue of the Florida Administrative Weekly.

- 64J-1.001 Definitions.
In addition to the definitions provided in Sections 395.401, 395.4001, 401.107, and 401.23, F.S., the following definitions apply to these rules:
Change (20) to read as follows:

(20) “Skills Practice” means the practice of psychomotor skills and techniques by a student in the skill laboratory and clinical environment until the EMT student is proficient in basic life support techniques and a paramedic student is proficient in advanced life support techniques. The skills laboratory shall precede the clinical environment for each skill and technique.

Change (21) to read as follows:

(21) “Trained emergency medical technician or paramedic” means an emergency medical technician who has successfully completed training in accordance with the United States Department of Transportation 1994 emergency medical technician National Standard Curriculum or a paramedic who has successfully completed training in accordance with the United States Department of Transportation 1998 National Standard Curriculum (which training may have occurred in any state or territory of the United States, including Florida).

Rulemaking Authority 381.0011(13), 395.401, 395.4025(13), 395.405, 401.121, 401.35 FS. Law Implemented 381.0011, 395.4001, 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.404, 395.4045, 395.405, 401.121, 401.211, 401.23, 401.25, 401.35, 401.435 FS. History–New 4-26-84, Amended 3-11-85, Formerly 10D-66.485, Amended 11-2-86, 4-12-88, 8-3-88, 8-7-89, 6-6-90, 12-10-92, 11-30-93, 10-2-94, 1-26-97, Formerly 10D-66.0485, Amended 8-4-98, 7-14-99, 2-20-00, 11-3-02, 6-9-05, 10-24-05, 4-22-07, Formerly 64E-2.001, Amended 1-12-09, 11-5-09,_____.

64J-1.004 Medical Direction.

Change (1)(1)8. to read as follows:

8. The training program shall provide written documentation to the Department that confirms the Medical Director has reviewed and approved all student testing procedures, evaluators and assessment tools used for each comprehensive final written (cognitive) and practical examination (psychomotor skills) for EMT and paramedic students. The Medical Director shall review each student’s performance on the comprehensive final written (cognitive) and practical examination (psychomotor skills) before certifying a student has successfully completed all phase of the educational program and EMTs are proficient in basic life support techniques and paramedics are proficient in advanced life support techniques.

Rulemaking Specific Authority 381.0011, 395.405, 401.265, 401.272, 401.35, 499.05 FS. Law Implemented 401.23, 401.24, 401.25, 401.26, 401.265, 401.27, 401.281, 401.2915, 401.30, 401.34, 401.35, 401.41, 401.411, 499.005 FS. History–New 8-7-89, Amended 6-6-90, 12-10-92, 1-26-97, Formerly 10D-66.0505, Amended 8-4-98, 1-3-99, 2-20-00, 4-15-01, 11-19-01, 10-24-05, 12-18-06, Formerly 64E-2.004, Amended_____.

64J-1.020 Training Programs.

Removed “is incorporated by reference” and added the rule number to the form.

Change (8) to read as follows:

(8) Training Programs shall adhere to the Department of Education’s Emergency Medical Technician and Paramedic July 2009 Curriculum Frameworks, which are incorporated by reference and available by contacting the Department of Education at (850)245-9018.

64J-1.0202 EMS Recertification Training Programs.

Change (1)(c)1.a. to read as follows:

a. Describe expected learner outcomes in terms that can be evaluated, are obtainable and are relevant to the 1996 U.S. DOT EMT-Basic National Standard Refresher Curriculum referenced in Rule 64J-1.008, F.A.C. and to the 1998 U.S. DOT EMT-Paramedic (EMT-P) National Standard Curriculum referenced in Rule 64J-1.009, F.A.C.

Rulemaking Specific Authority 401.27, 401.2715 FS. Law Implemented 401.27, 401.2715 FS. History–New 9-3-00, Amended 4-15-01, 4-21-02, 11-3-02, 12-18-06, 10-16-07, Formerly 64E-2.036, Amended_____.

Section IV Emergency 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.”

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.”

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN THAT on March 12, 2010, the Criminal Justice Standards and Training Commission, received a petition for a temporary waiver of paragraph 11B-21.005(8)(a), F.A.C., from Director William Wall and the Sarasota Criminal Justice Academy. The Petitioner wishes to waive that requirement of rule which mandates that training schools operate on a 12-month calendar for all full-time instructional positions. The Petitioner operates under the umbrella of the Sarasota County Technical Institute. The Institute has made budget cuts in compliance with the reduction of workforce education training monies. These