

2. The NAIC's Quarterly and Annual Statement Instructions/Life, Accident and Health, 2004 2003; and

3. The NAIC's Quarterly and Annual Statement Instructions/Health, 2004 2003; and

4. The NAIC's Accounting Practices and Procedures Manual, as of March 2004 2003.

(b) No change.

Specific Authority 624.307, 624.308(1) FS. Law Implemented 624.307(1), 624.424(1) FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended.

NAME OF PERSON ORIGINATING RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Department of Insurance

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 8, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2004

DEPARTMENT OF FINANCIAL SERVICES

Office of Insurance Regulation

RULE TITLE: NAIC Financial Examiners Handbook Adopted
 RULE NO.: 690-138.001
 PURPOSE, EFFECT, AND SUMMARY: To adopt 2004 NAIC manuals.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1) FS.

LAW IMPLEMENTED: 624.307(1), 624.316(1)(c) FS.

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

TIME AND DATE: 10:00 a.m., August 3, 2004

PLACE: Room 143, 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 program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Office of Insurance Regulation, e-mail: krantz@dfs.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Examiners Handbook Adopted.

(1) The National Association of Insurance Commissioners Financial Condition Examiners Handbook Volume I (2004 2003) is hereby adopted and incorporated by reference.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316(1)(c) FS. History--New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended.

NAME OF PERSON ORIGINATING RULE: Kerry Krantz, Bureau of Life and Health Insurer Solvency, Division of Insurer Services, Department of Insurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jovita Ashton, Bureau Chief, Bureau of Life and Health Insurer Solvency, Department of Insurance

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

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NO.: 3D-40.0271
 RULE TITLE: Continuing Education Requirements for Mortgage Brokers, Loan Originators and Principal Representatives

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 31, August 1, 2003, has been withdrawn.

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NO.: 3D-40.043
 RULE TITLE: Mortgage Broker License Renewal and Reactivation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 31, August 1, 2003, has been withdrawn.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE NO.: 60A-1.005 RULE TITLE: Eligible Users

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., originally published in Vol. 30, No. 10, March 5, 2004 issue of the Florida Administrative Weekly and subsequently corrected in Vol. 30, No. 15, April 9, 2004 issue of the Florida Administrative Weekly. These changes are made in response to comments received at a public hearing on this rule held on June 28, 2004.

PROPOSED RULE 60A-1.005 IS CHANGED TO READ AS FOLLOWS:

60A-1.005 Eligible Users.

The following entities are eligible users:

(1) All governmental agencies, as defined in Section 163.3164, F.S., which have a physical presence within the State of Florida are eligible users of state term contracts subject to Section 287.056(1), F.S.

(2) Any independent, nonprofit college or university which is located within the State of Florida and is accredited by the Southern Association of Colleges and Schools.

Specific Authority 287.042(12) FS. Law Implemented 287.012(12) FS. History—New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, FL, 32399, (850)488-3049, Fax (850)414-6122, e-mail: brownr2@dms.state.fl.us.

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE NO.: 60DD-3.002 RULE TITLE: Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1, F.S., published in the Vol. 30, No. 12, March 19, 2004 and Vol. 30, No. 22, May 28, 2004 issues of the Florida Administrative Weekly:

60DD-3.002 Definitions.

For the purposes of Rules 60DD-3.001-.005, Florida Administrative Code, the following terms shall be defined as set forth herein:

(1) “Business day” means 7:00 a.m. through 6:00 p.m. Eastern Standard Time EST, Monday through Friday, excluding Sstate holidays.

(2) “Case” means a unique End User problem requiring ETSD Services.

(3) “Closed Cease” means all Tier 0 or Tier 1 cases that have been resolved through the ETSD and all cases escalated to Tiers 2 and above, ~~3 or 4~~ that have either been resolved or which have been withdrawn.

(4) “Customer Relationship Manager” means an employee of the State Technology Office assigned to manage the portfolio of one or more Eligible Users.

(5) “Eligible User” means an entity or organization authorized to utilize ETSD Services.

(6) “End User” or “Eligible Entity” means individuals authorized by an Eligible User to received and use ETSD Services.

(7) “Enterprise Technology Services Desk Services” or “ETSD Services” means those services provided to Eligible Users via the ETSD as agreed by contract between the State Technology Office and the ETSD Service Provider and in Service Level Agreements between State Technology Office and Eligible Users.

(8) “Enterprise Technology Services Desk” or “ETSD” means the system through which information technology services are provided to Eligible Users, as described in Rules 60DD-3.001-3.005, Florida Administrative Code

(9) “Enterprise Technology Services Desk Provider” or “ETSD Service Provider” means the entity that operates the Enterprise Technology Services Desk.

(10) “Help Desk Professional” or “ETSD Professional” means an ETSD worker individual who opens, attempts to resolve, tracks escalated cases, and closes ~~Tier 1~~ cases.

(11) “Knowledge base” means repository of information in an organized and structured format populated with solutions to problems or questions posed by Eligible Users.

(12) “Knowledge Manager” means a process owner for knowledge management within all Tier levels and oversees the success of effective deployment of knowledge management processes ~~means an individual who provides support for the resolution of Tier 2 through Tier 4 cases.~~

(13) “Product Manager” means an individual employed by the State Technology Office who is responsible for providing input on contract management, oversight, strategic direction, and decision making regarding Enterprise Technology Services Desk Services.

(14) "Self Service ePortal" or "Self Service Portal" or "Help Desk eSupport" means web-enabled support services that provide for the resolution of cases without human interaction.

(15) "Service Level Agreement" means a written agreement, executed by the State Technology Office and the User or End User that describes the ETSD Services that will be provided to the User or End User and the specific responsibilities of the State Technology Office, the ETSD Provider, and the User or End User.

(16) "Tier" means the level of designation for cases assignment, as with those levels being Tier 0 through Tier 4, being self-resolved without with Tier 0 indicating those Cases resolved without the necessity of human interaction; Tier 1 being between the End User and Tier 1-resolved with human interaction at the ETSD level only; and Tier 2 and above indicating those Cases that require human support and escalation to more specialized personnel within the Eligible User agency but can be resolved without the input of a Knowledge Manager. Tiers 2 through 4 refer to increasing levels of input and support from the Knowledge Manager in order to resolve the Case.

(17) "User" means an Eligible User that elects to use ETSD Services and that enters into a Service Level Agreement.

Specific Authority 282.102(16), 282.23(2), 287.057(24)(d) FS. Law Implemented 282.102(3)-(10),(17), 282.23, 282.3032, 287.57(24) FS. History-New _____.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE IS: Julie Madden, Chief, Enterprise Technologies, State Technology Office, Department of Management Services, 4030 Esplanade Way, Suite 115M, Tallahassee, Florida 32399-0950, (850)488-1320, Julie.Madden@MyFlorida.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-17.001	Professional Fees and Penalties for Architects

NOTICE OF CORRECTION

The above-proposed rule was published in the June 25, 2004 issue of the Florida Administrative Weekly, Vol. 30, No. 26, on page 2580.

Subsection (2) of the rule has a typographical error in the amount of the fee. The correct amount of the fee is \$125.00 as was correctly stated in the Summary of the Rule Notice and also in the Rule Development previously published in the June 4, 2004 Florida Administrative Weekly, Vol. 30, No. 23.

The foregoing change does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 N. Monroe Street, Tallahassee, FL 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS:	RULE TITLES:
65C-20.008	Application
65C-20.009	Staffing Requirements
65C-20.010	Health Related Requirements
65C-20.011	Health Records
65C-20.012	Enforcement
65C-20.013	Large Family Child Care Homes

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. 30, No. 17 April 17, 2004, issue of the Florida Administrative Weekly.

65C-20.008 Application.

(1) Application for a license or for renewal of a license to operate a family day care home shall be made on CF-FSP Form 5133, Feb. 2004, Application for a License to Operate a Family Day Care Home, which is incorporated herein by reference, can be obtained from the licensing authority or by going to the Department of Children and Families child care services website at www.myflorida.com/childcare/information at the Department of Children and Families local child care licensing office or the local licensing agency.

(2) For the purpose of issuing a license, any out-of-state criminal offence, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

(3)(2) A completed application for renewal of an annual license must be submitted to the licensing authority department or local child care licensing agency at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the licensing authority local child care licensing office.

(4)(3) An application will not be considered complete until the licensing authority office receives proof of background screening clearance on the operator/applicant of the family day care home/applicant and the operator/applicant provides proof to the licensing authority office, that the screening materials

have been submitted on all other household members who are subject to background screening. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, the operator/applicant must be re-screened following a break in operation of the family day care home which exceeds 90 days. A person in this category must undergo the same level of screening which was required at the time of initial operation of the family day care home. If operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, which must include at least the last three jobs, is also required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Sept. 03, which is incorporated by reference, must be completed annually for all operators/applicants. CF-FSP 1649 may be obtained from the licensing authority or by accessing the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/information.

Specific Authority ~~402.281~~, 402.313 FS. Law Implemented ~~402.281~~, 402.313 FS. History—New 7-2-98, Amended 7-13-03, _____.

65C-20.009 Staffing Requirements.

(1) Personnel.

(a) The family day care home license shall be issued in the name of the operator who must be at least 18 years of age and a resident of the family home. The operator of a family day care home may not work out of the home during the hours when the family day care home is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) Substitutes. There shall be a written plan to provide at least one other competent adult, who must be at least 18 years of age, to be available to substitute for the operator on a temporary or emergency basis. This plan shall include the name, address and telephone number of the designated substitute. Substitutes may not work over 40 hours per month on average during a twelve month period in any single home for which they have been identified as the designated substitute.

(c) No person while using, or who is under the influence of narcotics, alcohol, or other drugs, which impair their ability to provide supervision and safe child care, shall be an operator or substitute.

(2) Staff Training.

(a) Prior to licensure, all family day care home operators must successfully complete the Department of Children and Family Services department's 30-clock-hour Family Child Care Home training, as evidenced by passage of a competency based examination with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative Training Coordinating Agency. Prior to attending the training, Family Day Care Home operators have one opportunity, if they choose, to exempt from the Department of Children and Family Services department's 30-clock-hour Family Child Care Home training module by successfully completing competency examinations with a score of seventy (70) or better. All family day care home operators who have successfully completed the mandatory 30-clock-hour Family Child Care Home training prior to the availability of the competency examinations will not be required to complete the competency based testing.

(b) In addition to the training above, all family day care homes licensed on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Family Day Care Homes licensed on or after January 1, 2005, prior to licensure, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than 5 hours in duration. In order to meet this requirement, family day care home operators must select a training course from the Department of Children and Families list of approved literacy training programs, which may be accessed by going to www.myflorida.com/childcare/training or by contacting the licensing authority ~~complete a single class or course that is no less than 5 hours in duration.~~ Literacy training that was between July 1, 1999 and July 1, 2004 taken within the past five (5) years will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above. ~~It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.~~

(c) Documentation. Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. The 30-clock-hour Family Child Care Home training successfully completed after July 1, 2004 will be documented on the child care training transcript only. Training successfully completed prior to July 1, 2004 may be documented either on CF-FSP Form 5267, May 2003, ~~or~~ and the Department of Children and Family Services department's child care training transcript.

(d) Family day care home substitutes who work 40 hours or more a month on average during a 12 month period must successfully complete the 30-clock-hour Family Child Care Home training, prior to caring for children, as evidenced by passage of a competency based examination with a score of seventy (70) or better, documented on the Department of Children and Families department's CF-FSP Form 5267, May 2003, or and the Department of Children and Families department's child care training transcript. All family day care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. Prior to attending the training, Family Day Care Home substitutes have one opportunity, if they choose, to exempt from the Department of Children and Families department's 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Families or its designated representative. Training Coordinating Agency. In addition to the 30-clock-hour Family Child Care Home training, all substitutes hired on or before December 31, 2004, who work 40 hours or more a month on average during a 12 month period, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must select a course from the Department of Children and Families list of approved literacy training programs, which may be accessed by going to www.myflorida.com/childcare/training or by contacting the licensing authority complete a single class or course that is no less than 5 hours in duration. Literacy training that was between July 1, 1999 and July 1, 2004 taken within the past five (5) years will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(e) Family day care home substitutes who work less than 40 hours a month on average during a 12 month period shall complete the Department of Children and Family Services department's 3-clock-hour Fundamentals of Child Care training prior to caring for children as documented on the Department of Children and Family Services department's CF-FSP Form 5267, May 2003, or and the Department of Children and Family Services department's child care training

transcript. Family day care home substitutes who have successfully completed the 30-clock-hour Family Child Care Home training will not be required to complete the 3-clock-hour Fundamentals of Child Care training.

(f) The operator of the family day care home must sign a statement attesting to the number of hours that the substitute works in the operators' their home. The statement must which will be placed in the substitute's file.

(g) No change.

(3) Annual In-Service Training.

(a) through (b) No change.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-Service Training Record, which is incorporated herein by reference, and maintained at the family day care home. CF-FSP Form 5268 may be obtained from the licensing authority or by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training. A new in-service training record is required each fiscal year. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) fiscal years must also be maintained at the family day care home for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(4) Supervision.

(a) through (b) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 5-21-00, 7-13-03, _____.

65C-20.010 Health Related Requirements.

(1) General Requirements.

(a) Animals, pets or fowl must have current immunizations, if immunizations are available for the type of animal, pet or fowl, and be free of disease. Parents must be informed in writing of any and all animals on the premises of the home. Such information may be provided by way of a parent flier, a notification statement, or a statement included in the child's enrollment form.

(b) through (e) No change.

(f) Family day care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits. For all other family day care homes, including those providing evening care, the outdoor space shall be fenced, a minimum of 4 feet in height, if the family day care home property borders any of the following:

1. through 4. No change.

All in-ground swimming pools and above-ground swimming pools, more than one foot deep, shall have either a fence or barrier on all four sides, a minimum of 4 feet in height,

separating the home from the swimming pool, or a pool alarm that is operable at all times when children are in care. The fence or barrier may not have any gaps or openings that could allow a young child to crawl under, squeeze through, or climb over the barrier. All spas and hot tubs must meet the same barrier requirements for in ground and above ground swimming pools, or instead, spas and hot tubs may be covered with a safety cover, as defined in Section 515.25(1), F.S., that complies with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas) at all times when children are in care. All spas and hot tubs must be covered with a safety cover that complies with ASTM F1346-91 (Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas) at all times when children are in care. The exterior wall of the home, if it has ingress and egress, does not constitute a fence or barrier. All doors or gates in the fence or barrier shall be locked at all times when children are in care and when the pool is not being used by the children in care. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool, spa, or hot tub area remain locked at all times while children are in care. Barriers may be temporary in nature but must be sturdy and meet all the above requirements and be in place during all times when children are in care. The wall of an aboveground swimming pool may be used as its barrier; however, such structure must be at least 4 feet in height. In addition, any ladder or steps that are the means of access to an aboveground pool must be removed at all times while children are in care and when the pool is not being used by the children in care.

(g) through (n) No change.

(o) All parts of the home, both indoors and outdoors, including the furnishings, equipment, and plumbing shall be kept clean and sanitary, free of hazards, in an orderly condition and in good repair at all times. The family day care home shall have an operable smoke detector and fire extinguisher with a current certificate, at least one operable corded a-working telephone, and lighting that allows for safe movement and egress for children in care. At all times and appropriate for the activity, lighting in family day care homes must be sufficient enough to allow the operator to visually observe and supervise children in care. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

(p) No change.

(2) Hygiene and Sanitation.

(a) through (d) No change.

(e) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. The diaper changing area shall be in a separate area from the feeding and

food service area not be in or near the food service area. Children must be attended at all times when being diapered or when changing clothes.

(3) First Aid Kit and Emergency Procedures.

(a) through (b) No change.

(4) Communicable Disease Control.

(a) through (b) No change.

(c) A child who has head lice will not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement signature by a parent or legal guardian, that complete treatment has occurred.

(d) No change.

(5) Medication.

(a) through (e) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 1-04-01, 7-13-03, _____.

65C-20.011 Health Records.

(1) Immunizations. The family day care home provider is responsible for obtaining, from the parent or legal guardian, a current and completed DH Form 680, Florida Certification of Immunization, Part A-1, B, and or C, (July), or, DH Form 681, Religious Exemption from Immunization (May 1999), for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home, which are incorporated by reference in subsection 64D-3.011(9), F.A.C. DH Forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certification of Immunization for K-12 Excluding 7th Grade Requirements or Part B, Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, Florida Statutes and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Haemophilus influenzae type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemptions, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(2) Children's Student Health Examination.

(a) The family day care home provider is responsible for obtaining from the parent or legal guardian, a current and Within 30 days of enrollment, each child must have on file a completed DH Form 3040, (June 02), Student Health Examination, for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home. DH Form 3040, which is incorporated by reference, can be obtained from the and copies of which are available from the local county health department or the child's pediatrician. The student health examination shall be

completed by a person given statutory authority to perform health examinations. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, June 02, OR a signed statement by an authorized professional that indicates the results of the components included in the health examination.

- (b) No change.
- (3) Immunization and Health Records.
- (a) through (b) No change.
- (4) Enrollment and Medical Authorization.
- (a) through (b) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended 5-21-00, 7-13-03, _____.

65C-20.012 Enforcement.

- (1) through (2) No change.

(3) The family day care operator must allow access to the entire premises of the family day care home to inspect for compliance with family day care home minimum standards.

Access to the family day care home also includes ~~parental~~ access by the parent, legal guardian, and/or custodian, to their child(ren) while in care.

Specific Authority 402.313 FS. Law Implemented 402.313, 402.319(5) FS. History--New 7-2-98, 7-13-03, _____.

65C-20.013 Large Family Child Care Homes (LFCCH).

- (1) No change.
- (2) Definitions:
- (a) through (e) No change.
- (3) License.
- (a) through (b) No change.
- (4) LFCCH Personnel:
- (a) through (b) No change.

(c) No person while using who uses, or who is under the influence of, narcotics, alcohol, or other drugs, which impair their ability to provide supervision and safe child care, shall be an operator, substitute, or employee.

(5) LFCCH Staff Training:

(a) In addition to the successful completion of the 30-clock-hour Family Child Care Home training completed prior to caring for children, large family child care home operators must successfully complete training as evidenced by passage of a competency examination with a score of seventy (70) or better in 10-clock-hours of specialized training from the Department of Children and Families department's specialized training modules within six (6) months of licensure:

- 1. through 5. No change.
- 6. Computer Technology for Child Care Professionals (5 ~~40~~ hours web based); and
- 7. No change.

(b) Large family child care home operators shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age by June 30, 2005, as documented on the certificate of course completion, classroom transcript, or diploma. Literacy training must be a single class or course that is no less than 5 hours in duration. In order to meet this requirement, large family child care home operators must select a training course from the Department of Children and Families list of approved training programs, which can be accessed by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training, or by contacting the licensing authority Literacy training that was taken between July 1, 1999 and July 1, 2004 will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above ~~complete a single class or course that is no less than 5 hours in duration within the past five (5) years.~~

(c) Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative Training Coordinating Agency. Prior to attending the training, Large Family Child Care Home operators have one opportunity, if they choose, to exempt from the 10-clock-hour specialized training modules by successfully completing competency examinations with a score of seventy (70) or better. The 10-hour specialized training must be documented on CF-FSP Form 5267, May 2003, or and the Department of Children and Family Services department's child care training transcript. Examination exemptions are not available for the Department of Children and Family Services departments' web based Part II specialized training modules.

- (d) No change.

(e) Employees in a large family child care home shall be at least 18 years of age and within 90 days of employment within the child care field, shall begin the 30-clock-hour Family Child Care Home training. Prior to attending the training, employees in a large family child care home have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. The training shall be successfully completed within one year of the date on which the training began, as evidenced by the passage of a competency examination with a score of seventy (70) or better. The Family Child Care Home training must be documented on the Department of Children and Family Services department's CF-FSP Form 5267, May 2003, or and the Department of Children and Family Services department's child care training transcript. In addition to the 30-clock-hour Family Child Care Home training, all employees in a large family child care home, hired on or before December 31, 2004,

shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Employees hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than five (5) hours in duration. In order to meet this requirement, employees substitutes must select a training course from the Department of Children and Families list of approved literacy training programs, which can be accessed by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training, or by contacting the licensing authority ~~complete a single class or course that is no less than 5 hours in duration.~~ Literacy training that was taken ~~between July 1, 1999 and July 1, 2004~~ within the past five (5) years will be accepted by the licensing authority until January 1, 2005, ~~if it meets all the required components stated above.~~ ~~It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.~~

(f) Prior to taking care of children, substitutes for the operator of large family child care homes shall be at least 18 years of age and shall have successfully completed the 30-clock-hour Family Child Care Home training, as evidenced by the passage of a competency examination with a score of seventy (70) or better. Prior to attending the training, substitutes for the operator have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Department of Children and Family Services or its designated representative Training Coordinating Agency. Completion of the 30 hour Family Child Care Home training shall be documented on the Department of Children and Family Services department's CF-FSP Form 5267, May 2003, or and the Department of Children and Family Services department's child care training transcript. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for the operator of the large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes for the operator: hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of

training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than five (5) hours in duration. In order to meet this requirement, substitutes for the operator must select a training course from the Department of Children and Families list of approved literacy training programs, which can be accessed by going to the Department of Children and Families child care services website at www.myflorida.com/childcare/training, or by contacting the licensing authority. Literacy training that was taken between July 1, 1999 and July 1, 2004, will be accepted by the licensing authority until July 1, 2005, if it meets all the required components stated above ~~complete a single class or course that is no less than 5 hours in duration within the past five (5) years.~~ It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(g) No change.

(h) Prior to taking care of children, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period, shall successfully complete the 30-clock-hour Family Child Care Home training, as demonstrated through passage of a competency examination with a score of seventy (70) or better, documented on the form or ~~and~~ transcript referenced above. Prior to attending the training, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. All large family child care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for an employee of a large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes for the employee: hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. Literacy training must be a single class or course that is no less than five (5) hour in duration. In order to meet this requirement, substitutes for the employee must select a training course from the Department of Children and Families list of approved literacy training programs, which can be accessed by

~~going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training or by contacting the licensing authority complete a single class or course that is no less than 5 hours in duration.~~ Literacy training that was taken ~~between July 1, 1999 and July 1, 2004 within the past five (5) years~~ will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above ~~and it is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.~~

(6) Annual In-Service Training.

(a) through (b) No change.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-Service Training Record, which is incorporated by reference in paragraph 65C-20.009(3)(c), F.A.C., and maintained at the large family child care home. CF-FSP Form 5268 may be obtained by contacting the licensing authority or by going to the Department of Children and Families Child Care Services website at www.myflorida.com/childcare/training. A new in-service training record is required each fiscal year. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two fiscal years must also be maintained at the large family child care home for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(7) LFCCH Supervision.

(a) No change.

(b) Additional Supervision Requirements.

1. through 2. No change.

(8) Transportation.

(a) through (g) No change.

(9) Planned and Unplanned Activities.

(a) through (b) No change.

(10) Child Discipline.

(a) through (c) No change.

(11) LFCCH General Requirements.

(a) through (d) No change.

(12) No change.

Specific Authority 402.3131 FS. Law Implemented 402.3131, 402.302, 402.305 FS. History--New 5-21-00, Amended 1-04-01, 7-13-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd. Building 6, Room 392, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd. Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS:	RULE TITLES:
65C-22.001	General Information
65C-22.002	Physical Environment
65C-22.003	Training
65C-22.004	Health Related Requirements
65C-22.005	Food and Nutrition
65C-22.006	Record Keeping
65C-22.007	Evening Child Care
65C-22.008	School Age Child Care

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. 30, No. 17, April 23, 2004, issue of the Florida Administrative Weekly.

65C-22.001 General Information.

(1) Application.

(a) Application must be made on CF-FSP Form 5017, Feb. 2004, Application For A License To Operate A Child Care Facility, which is incorporated by reference. An application may be obtained from the licensing authority or by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/information.

(b) through (c) No change.

(d) For the purpose of issuing a license, any out-of-state criminal offence, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

~~(e)(d)~~ A completed application for renewal of an annual license must be submitted to the licensing authority department or local child care licensing agency at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the licensing authority local child care licensing office.

~~(f)(e)~~ In order to operate as an urban child care facility, the child care facility must provide documentation at the time of application that the outdoor play space requirement cannot be met, and must receive approval from the licensing authority. An urban child care facility will not be approved if outdoor space is found by the licensing authority department or local licensing agency to be available.

(2) License.

- (a) through (b) No change.
- (3) No change.
- (4) Ratios.
- (a) through (b) No change.
- (5) Supervision.

(a) Direct supervision means watching and directing children’s activities within the same room or designated outdoor play area and responding to each child’s need. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times. When caring for school age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups.

(b) During nap time, supervision means sufficient staff in close proximity, within sight and hearing of all the children. All other staff to meet the required staff-to-children ratio shall be within the same building on the same floor and be readily accessible and available to be summoned to ensure the safety of the children. Nap time supervision as described in this section, does not include supervision of children infants up to 24 42 months of age, who must be directly supervised at all times.

(c) No person while using who uses, or who is under the influence of, narcotics, alcohol, or other impairing drugs, which affects their ability to provide supervision and safe child care, shall be an operator, owner, or employee in a child care facility.

(d) Additional Supervision Requirements.

1. through 3. No change.

(6) Transportation.

(a) No change.

(b) All child care facilities must comply with the inspection responsibilities and insurance requirements found in Section 316.615, F.S.

(c) All vehicles regularly used to transport children shall be inspected annually, by a mechanic, to ensure proper working order and shall be equipped as required by subparagraphs 1. through 6. of Section 316.615(2)(a), F.S. Documentation by the mechanic shall be maintained in the vehicle.

(d) through (f) No change.

(7) Planned Activities.

(a) through (b) No change.

(8) Child Discipline.

(a) through (c) No change.

(9) No change.

Specific Authority 402.305, 402.281 FS. Law Implemented 402.281 , 402.305, 402.3055, 402.308 FS. History–New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, _____.

65C-22.002 Physical Environment.

(1) General Requirements.

(a) through (b) No change.

(c) Animals must be properly immunized, free of disease, and clean. Parents must be informed in writing of any and all animals on the premises. Such information may be provided by way of conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form.

(d) through (h) No change.

(2) Rooms Occupied by Children.

(a) All rooms must have and maintain lighting the equivalent of 20 foot candles at three feet from the floor to allow for supervision and for safe methods of entering and exiting each room. In reading, painting, and other close work areas, lighting must be equivalent to 50 foot candles on the work surface. At all times lighting must be sufficient to visually observe and supervise children, including during naptime.

(b) through (d) No change.

(3) Indoor Floor Space.

(a) through (d) No change.

(4) Outdoor Play Area.

(a) through (g) No change.

(5) Napping and Sleeping Space.

(a) through (g) No change.

(6) Toilet and Bath Facilities.

(a) through (g) No change.

(7) Fire Safety.

(a) Unless statutorily exempted, all child care facilities shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the licensing authority department or local licensing agency.

(b) through (c) No change.

(8) Health and Sanitation.

(a) through (b) No change.

(9) Equipment and Furnishings.

(a) through (b) No change.

Specific Authority 402.301, 402.305 FS. Law Implemented 402.305 FS. History–New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, _____.

65C-22.003 Training.

(1) Definitions.

~~(a) “Training Coordinating Agencies” are authorized contract providers, designated by the department and responsible for the coordination of child care personnel training at the district/regional level.~~

~~(a)(b) No change.~~

(b)(e) "State Approved CDA Equivalency" is a training program that has been approved by the Department of Children and Family Services department as meeting or exceeding the criteria established for an equivalency program.

(c)(d) No change.

(d)(e) "Director Credential" means a comprehensive credentialing program consisting of two levels of education and experiential requirements as outlined in subsection 65C-22.003(8)(7), F.A.C.

(f) through (g) renumbered (e) through (f) No change.

(g)(h) "Training Transcript" is the official electronic documentation for statutorily mandated training and staff credentialing requirements of all child care personnel. Training transcripts certificates can be downloaded and printed by the individual if desired or will be issued to the individual if requested.

(2) Training Requirements.

(a) The 40 hour Introductory Child Care Training requirement is divided into two parts. Part I is comprised of 30 hours of training, consisting of the Department of Children and Family Services' department's training modules, identified below:

1. through 5. No change.

(b) Part II is comprised of 10 hours of training, consisting of a selection from the Department of Children and Family Services' department's specialized training modules, identified below:

1. through 5. No change.

6. Computer Technology for Child Care Professionals (5~~10~~ hours web based); and

7. No change.

(c) Child care personnel hired on or after October 1, 1992, must successfully complete Part I and Part II of the Department of Children and Family Services' department's 40 hour Introductory Child Care Training requirement. Successful completion of the 40 hour training requirement is evidenced by passage of competency examinations with a score of seventy (70) or better. Child care personnel who have completed the mandatory 40 hour Introductory Child Care Training prior to the availability of the competency examinations will not be required to complete the competency based testing.

(d) All child care personnel employed on or before December 31, 2004 shall complete 5-clock-hours or .5 documented continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. All child care personnel hired on or after January 1, 2005, shall complete this training within 12 months of date of employment. Literacy training must be a single class or course that is no less than five (5) hours in duration. In order to meet this requirement, child care personnel must select a training course from the Department of Children and Family Services'

list of approved literacy training programs, which can be accessed by contacting the licensing authority or by going to www.myflorida.com/childcare/training complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken between July 1, 1999 and July 1, 2004 within the past five (5) years will be accepted by the licensing authority until January 1, 2005, if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(e) Training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. Competency examinations will be offered by the Department of Children and Family Services or its designated representative Training Coordinating Agency.

1. The successful completion of Part I and Part II modules will be documented on either CF-FSP Form 5267, May 2003, or and the department's child care training transcript.

2. No change.

(3) Exemptions from the Introductory Child Care Training.

(a) Examination Exemptions.

Prior to attending the training, child care personnel have one opportunity, if they choose, to exempt from any of the 40 hour Introductory Child Care Training modules by successfully completing competency examinations with a score of seventy (70) or better. Examination exemptions are not available for the Department of Children and Family Services' departments' web based Part II specialized training modules.

(b) Educational Exemptions.

1. The Department of Children and Family Services or its designated representative Training coordinating agencies shall exempt child care personnel with one of the following educational qualifications, from the Health, Safety and Nutrition, Child Growth and Development and Behavioral Observation and Screening Modules:

a. through b. No change.

2. The Department of Children and Family Services or its designated representative Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices module and Preschool Appropriate Practices module.

3. The Department of Children and Family Services or its designated representative Training coordinating agencies shall exempt child care personnel with a B.A, B.S. or advanced degree in Elementary Education from the School-Age Appropriate Practices module.

4. The Department of Children and Family Services or its designated representative Training coordinating agencies shall exempt child care personnel with a B.A., B.S or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices module.

(4) No change.

(5) Trainer Qualifications. Qualified child care professionals approved to teach the Department of Children and Family Services' department's child care training modules at a minimum must meet the following qualifications:

(a) No change.

(b) Complete the 6-clock-hour Train-the-Trainer course developed by the Department of Children and Family Services department.

(c) Meet one of the following educational experiential credentials verified by the Department of Children and Family Services or its designated representative training coordinating agency:

1. through 2. No change.

(d) No change.

(e) The Department of Children and Family Services or its designated representative Training Coordinating Agencies may require a trainer to attend a specific child care training module prior to being approved.

(6) Annual In-service Training.

(a) through (b) No change.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-service Training Record, which is incorporated by reference, and included in the child care facilities' personnel records. CF-FSP 5268 may be obtained from the licensing authority or by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training. A new in-service training record is required each fiscal year. In addition to maintaining the training record for the current fiscal year, the in-service training records for the previous two (2) fiscal years must also be maintained at the child care facility for review by the licensing authority. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(7) Staff Credentials.

(a) No change.

1. No change.

2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, Feb. 04, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference. CF-FSP Form 5211 may be

obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training.

3. No change.

a. Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, Feb. 04, Application for CDA Equivalency for Training Programs, which is incorporated by reference, to the Department of Children and Family Services for approval. CF-FSP Form 5191 may be obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training.

b. The criterion for programs wishing to be recognized as a state approved CDA equivalency is determined by the Department of Children and Family Services and is outlined on the Application for CDA Equivalency for Training Programs.

4. No change.

a. through b. No change.

5. No change.

a. Early Childhood Education Training organizations seeking to provide the Florida School-Age Certification Training Program, must utilize the Florida School-Age Certification Training Program as approved by the Department of Children and Family Services Child Care Service Program. Organizations seeking to provide the Florida School-Age Certification Training Program, must apply for approval on CF-FSP Form 5257, July 02, Application to Provide the Florida School-Age Certification Training Program, which is incorporated by reference. CF-FSP Form 5257 may be obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training.

b. In order to receive the Florida School-Age Certification, a candidate must have completed the Department of Children and Family Services Florida School-Age Certification Training Program, which consists of the following:

(I) A total of 120 hours of training consisting of the successful completion of Part I of the Introductory Child Care Training, and the Department of Children and Family Services approved School-Age Appropriate Practices training module, as evidenced by passage of competency examinations with a score of seventy (70) or better; and a minimum of 80-clock-hours of training using the Departmentally of Children and Family Services approved curriculum, which focuses on the following six competency areas:

(A) through (F) No change.

(II) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the Department of Children and Family Services Florida School-Age

Certification Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.

(III) No change.

(IV) No change.

c. through d. No change.

e. Early Childhood Education Training organizations that provide the Florida School-Age Certification Training Program must complete CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Certification Training Program, which is incorporated by reference, for each graduate. The Early Childhood Education Training Organizations must submit the completed CF-FSP Form 5259 for each graduate, to the Department of Children and Family Services or its designated representative local training coordinating agency for processing upon completion of all components of the Florida School-Age Certification Training Program.

f. The Department of Children and Family Services or its designated representative will update the child care training transcript to document the successful completion of the training coordinating agency must issue CF-FSP Form 5267, May 2003, Florida School-Age Certification Training Program Certificate, which is incorporated by reference, to all graduates of the Florida School-Age Certification Training Program.

g. To maintain a valid Florida School-Age Certification, candidates must complete and document the satisfactory completion of 4.5 Continuing Education Units (CEUs) or one three-hour college-credit course in any school-age child care curriculum area, every five years. Coursework completed to renew a State of Florida Teaching Certificate satisfies the coursework requirement for renewal of the Florida School-Age Certification. This documentation must be submitted to the Department of Children and Family Services or its designated representative local training coordinating agency to verify completion of the required coursework. The Department of Children and Family Services or its designated representative local training coordinating agency will issue a new Florida School-Age Certification Training Program Certificate upon verification of the documentation.

(b) ~~For those providers choosing to participate in Universal Pre-Kindergarten A CDA or Child Development Associate Equivalency (CDAE) may be renewed as specified in subparagraph 1.-3. below, the following Child Development Associate Equivalency (CDAE) renewal process applies.~~ However, for the purpose of meeting the staff credentialing requirement for every 20 children in care, as mandated in Section 402.305(3), F.S., a renewal is not required, but is encouraged and appropriate if the individual chooses.

1. Florida CDAE Renewals. To maintain a Florida CDAE, every 5 years a candidates must complete and provide documentation of the following criteria, along with the Florida CDAE Renewal Application, CF-FSP 5273, Feb. 2004, which

can be obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training, incorporated herein by reference:

a. through e. No change.

f. Three (3) completed Parent Opinion Questionnaires (within current year), documented on CF-FSP 5271, Feb. 2004, which can be obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training, or an equivalent form that contains all the information required by the Department's of Children and Family Services' form.

g. The renewal fee for the Florida CDAE shall ~~be not~~ be ~~exceed~~ \$65.00.

2. No change.

3. The State of Florida CDAE program will renew and issue a CDAE renewal to individuals holding an inactive National CDA upon submission of the renewal documents specified in paragraph 65C-22.003(7)(b), F.A.C., above. This renewal option will be available through June 30, 2005. The Florida CDAE renewal will be documented on CF-FSP 5270, Feb. 2004, Florida CDA Equivalency Certificate of Renewal. CF-FSP 5270 may be obtained by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/training.

(c) No change.

(d) No change.

1. Child care personnel seeking satisfaction of the staff credentialing requirement, in subparagraphs (a)1.-5. of this section, are responsible for completing and submitting to the Department of Children and Family Services or its designated representative their local Training Coordinating Agency, CF-FSP Form 5211, Feb. 04, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation.

2. Upon receipt and approval of the completed forms, the individual's training transcripts will be updated to reflect the staff credential verification. From the individual's child care training transcript, they may print CF-FSP Form 5206, Feb. 04, Child Care Personnel Professional Development Confirmation Form, which is incorporated by reference, for the individual's records. The individual may also request a copy of CF-FSP Form 5206, from the Department of Children and Family Services or its designated representative TCA, for a nominal fee determined by the Department of Children and Family Services TCA.

3. No change.

(e) No change.

1. through 3. No change.

4. The licensing authority department will calculate the number of credentialed personnel required based on daily attendance.

5. through 6. No change.

(8) Director Credential.

(a) No change.

1. Child care facility owners must notify the licensing authority within five (5) working days of when the facility loses a credentialed director or when there is a change of director. The licensing authority will then issue a provisional license for a period not to exceed six (6) months. The provisional license will have an effective date of the first day the facility was without a credentialed director.

~~2.1.~~ No change.

~~3.2.~~ Each child care facility must have a director that is on site a majority of hours that the facility is in operation; except where facilities operate 24 hours, a credentialed director is not required during the hours of evening care from 6:00 p.m. – 7:00 a.m.

~~4.3.~~ No change.

(b) 1. through 2. No change.

(c) No change.

1. No change.

2. The ~~Department's~~ of Children and Family Services' 30-clock-hour Introductory Child Care Training (Part I); and The ~~Department's~~ of Children and Family Services' Special Needs Appropriate Practices module or a minimum of 8 hours of in-service training in serving children with disabilities; and

4. through 6. No change.

(d) No change.

1. through 6. No change.

(e) All applications and documentation will be verified and credentials issued by the Department of Children and Family Services ~~or its designated representative.~~

(f) Exceptions: For the foundational level, Directors who have attained another state's approved Director Credential shall receive credit towards the, "Overview of Child Care Management", educational component of the credential. For the advanced level credential only, an educational exception will be granted to individuals who meet subparagraphs 65C-22.003(8)(7)(c)1.-4. and 6., F.A.C., and any of the following:

1. through 4. No change.

(g) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development or the three credit hour course requirement in administration, or both. This process will require the candidate to complete a written test, developed and approved by the Department of Children and Family Services department, ~~at a local community college~~ with a minimum score of 70 percent.

(h) Renewal.

1. To maintain a valid temporary Director Credential or Director Credential at either level, every 5 years, candidates must complete and document 4.5 Continuing Education Units (CEUs) or one three-hour college credit course in any one of the curriculum areas listed in subparagraph 65C-22.003(8)(7)(c)5., F.A.C. Coursework completed to renew a State of Florida Teaching Certificate also satisfies this coursework requirement for renewal of a Director Credential. Candidates must also demonstrate professional contributions in the field through any one of the following.

a. through i. No change.

2. No change.

(i) No change.

1. The ~~Department of Children and Family Services~~ is responsible for reviewing existing and developing coursework, offered through vocational-technical schools, community colleges and universities, to determine if it meets the requirements for the Director Credential. Vocational-technical schools, community colleges and universities shall submit CF/FSP Form 5247 for course review and approval, hereby incorporated by reference. Course work will be reviewed and approved according to the guidelines found in "Florida Child Care and Education Program Director Credential, Curriculum Areas," hereby incorporated by reference, and copies of which can be obtained from the Department of Children and Family Services Florida Children's Forum.

2. A list of approved courses must be maintained and will be available through the Department of Children and Family Services Florida Children's Forum.

(j) No change.

1. No change.

a. through b. No change.

c. In counties where the public school district has included 4-year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve 4-year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraph 65C-22.003(7)(6)(a), F.A.C., in order to accommodate the 4-year old's children.

2. No change.

a. No change.

b. Have completed the ~~department-~~approved 40-clock-hour Introductory Child Care Training (Parts I and II) approved by the Department of Children and Family Services, and

c. Have completed the Department of Children and Family Services department's basic training in serving children with special needs, by completing the Part II, specialized training module, Special Needs Appropriate Practices or through completion of a minimum of 8 hours of in-service training in serving children with disabilities, or

d. Have completed the Department of Children and Family Services' department's School Age Appropriate Practices, specialized training module.

Specific Authority 402.305 FS. Law Implemented 402.302, 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, _____.

65C-22.004 Health Related Requirements.

(1) Communicable Disease Control.

(a) Children in care shall be observed on a daily basis for signs of communicable disease. Any child, child care personnel or other person in the child care facility suspected of having a communicable disease shall be removed from the facility or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. With a child, the condition shall be reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

1. through 10. No change.

(b) A child who has head lice shall not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signed statement signature by a parent that treatment has occurred.

(c) through (d) No change.

(2) No change.

(a) through (b) No change.

(c) At least one first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid". The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must at a minimum, include:

1. through 11. No change.

(d) No change.

1. through 3. No change.

4. After a fire or natural disaster, the operator must notify the licensing authority agency within 24 hours, in order for the licensing authority department or local licensing agency to ensure health standards are being met for continued operation.

(3) No change.

(a) through (c) No change.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03, _____.

65C-22.005 Food and Nutrition.

(1) Nutrition.

(a) If a facility chooses to supply food, they shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, incorporated

by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Copies of the USDA Food Guide Pyramid for Young Children may be obtained from the licensing authority or the local county health department district child care licensing office or local licensing agency. Using the USDA Food Guide Pyramid for Young Children; breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups and snacks shall consist of at least two different food groups.

(b) through (d) No change.

(2) through (3) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, _____.

65C-22.006 Record Keeping.

(1) No change.

(a) through (b) No change.

(2) Children's Health Requirements.

(a) The child care facility is responsible for obtaining a current and Within 30 days of enrollment, unless statutorily exempted, each child shall have on file at the facility a completed DH Form 3040, June 2002, Student Health Examination for each child in care, within 30 days of enrollment and maintaining a current copy on file while the child is enrolled at the facility, which is incorporated by reference. DH Form 3040, which is incorporated by reference, can be obtained from the local county health department. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, OR a signed statement by authorized professionals that indicates the results of the components included in the health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(b) No change.

(c) The child care facility is responsible for obtaining a current and completed DH Form 680, Florida Certification of Immunization Part A-1, B, or C (July 2001), or DH Form 681, Religious Exemption from Immunization (May1999), for each child in care, within 30 days of enrollment, and maintaining a current copy on file while the child is enrolled at the facility. DH forms 680 and 681, which are incorporated by reference in subsection 65D-3.011(9), F.A.C., can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certificate of Immunization for K-12 Excluding 7th Grade Requirements or Part B Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, F.S., and shall

document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, and Haemophilus influenza type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemption, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, F.S. Immunizations received out of state are acceptable, however, immunizations must be documented on DH Form 680 and signed by a practicing physician in the State of Florida.

(d) School-aged children attending public or non-public schools are not required to have student health examination and immunization records on file at the child care facility as such records are on file at the school where the child is enrolled.

~~(e)(4)~~ Medical records are the property of the custodial parent or legal guardian when the child withdraws from the facility and are transferable if the child attends another facility.

(3) No change.

(a) through (b) No change.

(4) Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Dec. 02, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the Department of Children and Family Services department's form. CF-FSP Form 5219 may be obtained from the licensing authority or by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/information.

(a) through (b) No change.

(c) There shall be signed statements that the child care facility has provided the following information to parents:

1. The Department of Children and Family Services department's child care facility brochure, CF/PI 175-24, March 2002, Know Your Child Care Center, which is incorporated by reference. This brochure may be obtained from the licensing authority or by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/information. Local licensing agencies may use an equivalent brochure approved by the Department of Children and Family Services, department's district licensing office containing all the information required by the Department of Children and Family Services department.

2. No change.

(5) No change.

(a) through (c) No change.

(d) Level 2 screening information documented on CF-FSP Form 5131, Feb. 04, Background Screening and Personnel File Requirements. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must

be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, child care personnel must be re-screened following a break in employment in the child care industry which exceeds 90 days. A person in this category must undergo the same level of screening which was required upon initial employment. If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, which must include at least the ~~of~~ last three jobs, is required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Sept. 03, must be completed annually for all child care personnel. CF-FSP 1649 may be obtained from the licensing authority or by going to the Department of Children and Family Services Child Care Services website at www.myflorida.com/childcare/information.

(e) through (f) No change.

(6) No change.

(a) through (h) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 1-4-01, 7-13-03, _____.

65C-22.007 Evening Child Care.

(1) through (2) No change.

(3) No change.

(a) through (b) No change.

(c) Director credentialed staff is not required of Evening Child Care as defined in subsection 65C-22.007(1), F.A.C.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 7-2-98, Amended _____.

65C-22.008 School Age Child Care.

(1) Definitions.

(a) "School Age Child" – means a child who is at least five years of age by September 1st of the beginning of the school year and who is attending kindergarten through grade 5.

(b) "School Age Child Care Program" – means before and after school programs that are licensed as child care defined in Section 402.302, F.S., and serve only school age children as defined in paragraph 65C-22.008(1)(a), F.A.C., above.

(c) "An After School Program (Serving School Age Children)" as defined below is not required to be licensed if the program meets one of the following criteria:

1. Programs located on public/nonpublic school sites, operated and staffed directly by that school or through a written or formal agreement contract between the school and a provider to serve school age children attending the school.

These programs ~~are exclusively serve to only~~ those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district's official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or

2. Programs that provide activities to all children, regardless of age, that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional, and tutorial/academic, and extracurricular activities of that program, ~~do not provide any transportation,~~ and do not serve or prepare meals or snacks. However, the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to computer class, ballet, karate, gymnastics, baseball, and other sports; or

3. After school programs that meets all the following criteria:

a. through b. No change.

c. Do not provide any transportation, directly or through a contract or agreement with an outside entity, for the purpose of field trips, during the hours of operation; and

d. No change.

4. Programs providing after school care exclusively for children in grades 6 and above.

(2) Licensure Requirements.

(a) A program that meets the definition of "An After School Program Serving School Age Children" is not required to be licensed.

~~(b)(d) An after school program~~ After school programs exempted under subparagraph 65C-22.008(1)(c)1. ~~or and 3.,~~ F.A.C., may become be licensed if they choose to meet all of the applicable licensing standards in subsection 65C-22.008(3)(2), F.A.C.

~~(c)(e)~~ After school programs that choose to expand their program beyond the parameters in subparagraph (1)(c)1. through 4., above, must be assessed to determine if licensure is required. Any of the after school programs accepting children under the age of the school age child as defined in paragraph 65C-22.008(1)(a). F.A.C., above must be licensed.

~~(3)(2)~~ School Age Child Care Standards. The following For the purposes of this section, school age child care standards apply to "School Age Child Care Programs" as defined in paragraph 65C-22.008(1)(b), F.A.C. These programs must meet the following licensing standards:

(a) through (b) No change.

(c) All provisions under subsections 65C-22.001(b)-(e)(d), (3), (5)(c)-(d), (6), (8), and (9), F.A.C.

(d) through (e) No change.

(f) All provisions under paragraphs 65C-22.002(1), (2)(b) through (d), (5)(a), (6)(a),(b),(c),(f), and (g), F.A.C., are required of school age child care programs, except a bath facility ~~except a bath facility is not required of school age child care programs.~~

(g) Indoor Floor Space and Outdoor Play Area. School age child care programs must meet all provisions under paragraphs 65C-22.002(3)(a) through (c) and 65C-22.002(4)(a) through (e), F.A.C. However, the program may choose to request in writing, permission from the licensing authority, to operate under an exception to either usable indoor floor space as specified in subsection 65C-22.002(3), F.A.C., or outdoor play area as specified in subsection 65C-22.002(4),F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan to accommodate instances of inclement weather for those programs requesting an exception to the usable indoor floor space and a plan for inclusion of fine and gross motor skills opportunities for those programs requesting an exception to the outdoor play area.

(h) No change.

1. No change.

2. In addition to the established staff to children ratios, for the purpose of safety, an additional staff member is present, at ~~during~~ all times during ~~of~~ outdoor activities, to assist in providing direct supervision;

3. The outdoor play area is bordered by a road or street open to travel by the public with a posted or unposted speed limit of no more than 25 miles per hour, or where the posted or unposted speed limit is no greater than 35 miles per hour and the playground is a minimum of 30 feet from the edge of the road not located adjacent to a congested, heavily trafficked location or near any major intersections, crowded business areas, or water hazards; and

4. The licensing authority ~~department or local licensing agency~~ has provided written authorization to the program to operate without a fence.

(i) No change.

(j) Health and Sanitation. All provisions under subparagraphs 65C-22.002(8)(a)1. through 3., F.A.C., must be met. In addition, school age child care programs may seek an exemption to environmental health standards. The written exemption request, which must include a plan to ensure the health safety of children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(k) through (l) No change.

(m) All provisions under subsections 65C-22.005(1), (2), (3)(a) and (c), F.A.C, as it pertains to age appropriate food and heated food only, and paragraph ~~65C-22.005(3)(e).~~ School age child care programs may seek an exemption from the environmental health standards as it pertains to the food preparation area specified in subsection 65C-22.005(2), F.A.C.

The written exemption request, which must include a plan to ensure safe and sanitary food preparation for children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(n) No change.

~~(4)(3) School Age Child Care Personnel Training Requirements Child Care Personnel (Serving School Age children) Training Requirements.~~

(a) Child care personnel must complete 40 hours of child care training by completing the following 20 hours of the Department of Children and Family Services' departmental training as evidenced by passage of a competency examination with a score of seventy (70) or better:

1. State & Local Rules and Regulation;
2. Health, Safety, and Nutrition;
3. Identifying and Reporting Child Abuse & Neglect; and
4. School Age Appropriate Practices.

(b) The remaining 20 hours must be met by successfully completing other Department of Children and Family Services' departmental training identified in paragraphs 65C-22.003(2)(a) and (b), F.A.C., or by completing 20 hours of specialized school age training, provided by a national organization or its affiliates that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).

(c) Child care personnel are exempt from the training requirement of 5-clock-hour early literacy and language development of children from birth to 5 years of age, under 65C-22.003(2)(d).

(d) Child care personnel may choose to meet the training exemptions under subsection 65C-22.003(3), F.A.C.

(e) All provisions under subsection 65C-22.003(6)(5), F.A.C., must be met.

(f) School age child care programs are exempt from the staff credentialing requirement in subsection 65C-22.003(7)(6), F.A.C.

(g) No change.

Specific Authority 402.302, 402.305 F.S. Law implemented 402.302, 402.305 F.S. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vikki Griffin, Management Analyst, 1317 Winewood Blvd. Building 6, Room 387, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd. Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 22, 2003

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NOS.:	RULE TITLES:
69B-221.051	Actively Engaged in Business; Place Suitably Designated; Accessible to Public
69B-221.060	Notice of Change of Address

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 30, No. 15, April 9, 2004, of the Florida Administrative Weekly, has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE TITLE:	RULE NO.:
Florida Motor Fuel Tax Relief Act of 2004	12BER04-6

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: Chapter 2004-73, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the Florida Motor Fuel Tax Relief Act of 2004. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate means that: (1) during the period from 12:01 a.m., August 1, 2004, through 12:00 p.m. August 31, 2004, the per gallon motor fuel sales tax levied on motor fuel will be reduced by 8 cents per gallon; (2) licensed terminal suppliers, wholesalers, and importers of motor fuel are required to charge and collect the reduced rate of tax on sales of motor fuel to retail dealers located in this state; (3) terminal suppliers, wholesalers, importers, resellers, and retail dealers of motor fuel are prohibited from retaining any part of the tax reduction or from interfering with providing the full benefit of the tax reduction to the retail purchaser of motor fuel; (4) retail dealers of motor fuel should manage their inventory of motor fuel in a manner to avoid selling more gasoline at the reduced rate than the amount for which they can recoup the loss; (5) any person violating the provisions of the Florida Motor Fuel Tax Relief Act of 2004 commits a felony of the third degree, punishable as provided in Sections 775.082 or 775.083, F.S.; and (6) the Office of Statewide Prosecution may investigate and prosecute any violation of the provisions of the Florida Motor Fuel Tax Relief Act of 2004.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule to administer the provisions of Sections 3 through 11, Chapter 2004-73, Laws of Florida, which that, during the period from 12:01 a.m. August 1, 2004, through