

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-1.003 Miscellaneous Fees; Name Changes and Duplicate Licenses.

(1) A special unlicensed activity fee of \$5.00 per licensee shall be imposed on each initial license and each renewal of a license under Chapter 497, F.S. These funds shall be used by the Department to identify and combat unlicensed activity which violates the provisions of Chapter 497, F.S.

(2) The fee for a name change on a license is \$25. The original of the current license must be returned to the Department before a license in the changed name will be issued. A request for a name change for business entities shall be submitted to the Department on Form DFS-N1-1764, "Change of Name & Request for Revised License Certificate – Entities," effective 10/06. A request for a name change for individuals shall be submitted to the Department on Form DFS-N1-1765, "Change of Name & Request for Revised License Certificate – Individuals," effective 10/06. Both forms are incorporated by reference in Rule 69K-1.001, F.A.C.

(3) The fee for a duplicate license is \$25. A request for a duplicate license shall be submitted to the Department on Form DFS-N1-1766, "Request for Duplicate License," effective 10/06, which is incorporated by reference in Rule 69K-1.001, F.A.C.

(4) The fee for certification of public records is \$5.00.

Specific Authority 497.103(5)(b), 497.140(4), (5), 497.161(1)(d) FS. Law Implemented 497.140(4), (5), (6), 497.161(1)(d) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 2007

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.05271
RULE TITLE: Standards for the Use of Reasonable Force

NOTICE OF PUBLIC HEARING

The Department of Education announces an additional hearing regarding the above rule, as noticed in Vol. 34, No. 30, July 25, 2008 Florida Administrative Weekly.

DATE AND TIME: An additional public hearing will be held to accept public input on proposed Rule 6A-6.05271, F.A.C., as shown below. A conference call will be held on August 26, 2008, from 3:30 p.m. – 5:00 p.m., Conference Call number 1(888)808-6959, Conference Code 4617163. For persons in Tallahassee wishing to appear in person, the conference call will be conducted at: 325 West Gaines Street, Room 503, Tallahassee, FL. For information relating to the rule please contact: Marian Lambeth, Chief, Professional Practices Services, Department of Education, 325 West Gaines Street, Suite 224-E, Tallahassee, Florida 32399-0400, (850)245-0438. For additional information relating to the conference call please contact: Lynn Abbott, Office of the Commissioner, 325 West Gaines Street, Room 1514, Tallahassee, FL 32399-0400; (850)245-9661.

IN ADDITION: The rule will be continued from the August 19, 2008, State Board of Education meeting to the October 21, 2008 State Board of Education meeting.

PLACE: August 26, 2008 via conference call – conference call number 1(888)808-6959, Conference Code 4617163. For persons in Tallahassee wishing to appear in person, the conference call will be conducted at: 325 West Gaines Street, Room 503, Tallahassee, FL

The State Board of Education will meet on October 21, 2008 to consider the rule – location to be determined and advertised in a future edition of the Florida Administrative Weekly.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The full text of the proposed rule is:

6A-6.05271 Standards for the Use of Reasonable Force.

(1) Reasonable Force is defined as appropriate physical response necessary to maintain a safe and orderly learning environment. Reasonable Force should be limited to the minimal force necessary to prevent undue harm or injury to the student(s) or others or significant damage to property. Reasonable Force should not be used as an instrument for the educator’s anger or frustration with a situation or student(s) and if possible should be used in a way that does not unduly impugn the dignity of the student(s).

(2) The use of reasonable force on a student or students is permitted to protect the student(s) and others from:

- (a) Conditions harmful to learning,
- (b) Conditions harmful to students' mental health,
- (c) Conditions harmful to students' physical health,
- (d) Conditions harmful to safety,
- (e) Harm and/or injury, and/or
- (f) The significant damage of property.

(3) Reasonable Force should not be excessive, cruel, or unusual in nature. When administered, reasonable force should be used with consideration of the following:

- (a) Severity of offense(s) that elicited the use of force,
- (b) Size and physical abilities of all parties,
- (c) Mental and psychological abilities of the student(s),
- (d) Patterns of behavior exhibited by the student(s) that precipitated the use of force,
- (e) Potential dangers, physical and others, for using force,
- (f) Availability of assistance to control the situation without force, and

(g) Preventative or defusing action(s) taken prior to use of physical force.

(4) While use of reasonable physical force is permitted, alternatives should be attempted, if circumstances permit.

(5) Use of Reasonable Force should cease upon the restoration of a safe and orderly learning environment.

(6) Nothing in this rule should be construed as addressing state or local school board policy on corporal punishment.

(7) The use of force in an act or act(s) of self-defense should not be confused with the use of reasonable force as described herein.

(8) Restraint and seclusion techniques shall only be used when the student presents an imminent danger to himself or herself or others, or significant damage to property, and other less restrictive interventions have not or will not prevent danger or harm.

Specific Authority 1012.75(2) FS. Law Implemented 1003.32(1)(j), 1006.11(1), 1012.75(2) FS. History—New _____.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least days before the workshop/meeting by contacting: Lynn Abbott, Office of the Commissioner, 325 West Gaines Street, Room 1514, Tallahassee, FL 32399-0400; (850)245-9661. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:

- 12B-6.001
- 12B-6.0015
- 12B-6.005

RULE TITLES:

- Imposition of the Gross Receipts Tax
- Imposition of the Gross Receipts Tax
- Payment of Tax; Reports; Public Use Forms

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. 34, No. 20, May 16, 2008 issue of the Florida Administrative Weekly.

In response to public comment received at the rule hearing conducted on June 10, 2008, the Department has changed the proposed amendments to Rules 12B-6.001, 12B-6.0015, and 12B-6.005, F.A.C.

The Department has changed the proposed amendments to paragraph (f) of subsection (2) of Rule 12B-6.001, F.A.C., Scope; Definitions; Index Price. When adopted, that paragraph will read as follows:

(f) "Gross receipts" means the total payments received in money, goods, services, or other consideration from utility services.

The Department has changed the proposed amendments to subparagraph 3. of paragraph (b) of subsection (1) of Rule 12B-6.0015, F.A.C., Imposition of the Gross Receipts Tax. When adopted, that subparagraph will read as follows:

3.a. The sale or transportation to, or use of, natural or manufactured gas by any person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material. Possession by a seller of natural or manufactured gas or by any person providing transportation or delivery of natural or manufactured gas of a written certification by the purchaser, certifying the purchaser's entitlement to the exclusion permitted by this subparagraph, relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts. The Department shall look solely to the purchaser for recovery of such tax if the Department determines that the purchaser was not entitled to the exclusion. The certification must include an acknowledgment by the purchaser that it will be liable for tax pursuant to Section 203.01(1)(f), F.S., if the requirements for exclusion are not met. The following is a suggested format of a certification to be issued by a manufacturer to a natural or manufactured gas distribution company:

CERTIFICATION
NATURAL OR MANUFACTURED GAS PURCHASED
BY A PERSON ELIGIBLE FOR EXEMPTION UNDER
INDUSTRIAL CLASSIFICATIONS IN
SECTION 212.08(7)(ff)2., F.S.

This is to certify that I have purchased natural or manufactured gas for use as an energy source or raw material that is excluded from tax pursuant to Section 203.01(3)(d), Florida Statutes.

I certify that the applicable purchases were made by a company whose four-digit SIC Industry Number, as listed below, is classified under SIC Industry Major Group Number 10, 12 through 14, 20, or 22 through 39 or Group Number 212 in the Standard Industrial Classification (SIC) Manual, 1987, published by the Office of Management and Budget.

I acknowledge that I will be liable for tax pursuant to Section 203.01(1)(f), Florida Statutes, if the requirements for exclusion pursuant to Section 203.01(3)(d), F.S., are not satisfied.

I understand that if such purchases of natural or manufactured gas do not qualify for the exclusion as indicated on this certification, I must pay the applicable tax directly to the Department of Revenue.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

Federal Employer Identification Number (FEI No.)

b. The Standard Industrial Classification (SIC) Manual, 1987, published by the Office of Management and Budget, is provided by the U.S. Department of Labor at www.osha.gov. The Department has changed the proposed amendments to subsection (3) of Rule 12B-6.0015, F.A.C., Imposition of the Gross Receipts Tax. When adopted, that subsection will read as follows:

(3) SEPARATELY ITEMIZED CHARGES.

(a) A distribution company may wholly or partially separately itemize the gross receipts tax on the customer’s bill, invoice, statement, or other evidence of sale. However, the gross receipts tax is imposed on the privilege of doing business, and it is an item of cost to the distribution company. The distribution company remains fully and completely liable for the payment of the tax, even when the tax is wholly or partially separately itemized on the customer’s bill, invoice, statement, or other evidence of sale. When the tax is wholly or partially separately itemized, every person, including governmental units and charitable and religious organizations, is liable for the payment of the tax to the distribution company.

(b) Example: A distribution company bills its customer for both the electricity and the transportation of the electricity. Tax is imposed at the rate of 2.5 percent of the distribution company’s gross receipts for utility services. When the distribution company separately itemizes “Florida gross receipts tax” on a customer’s billing, the amount of gross receipts tax is calculated at the rate of 2.5 percent of the total amount billed for the electric services, including the amount separately itemized as “Florida gross receipts tax.”

Customer Billing:

<u>Electric service amount</u>	<u>\$100.00</u>
<u>Florida gross receipts tax</u>	<u>\$ 2.56*</u>
<u>Total amount of billing</u>	<u>\$102.56</u>

* Calculation of separately itemized “Florida gross receipts tax”:

<u>Total amount of billing</u>	<u>\$102.56</u>
<u>x Gross Receipts Tax Rate</u>	<u>2.5%</u>
<u>Total tax to be separately itemized</u>	<u>\$ 2.56</u>

The Department has changed the proposed amendments to paragraph (b) of subsection (1) of Rule 12B-6.005, F.A.C., Payment of Tax; Reports; Public Use Forms. When adopted, that paragraph will read as follows:

(b) Form DR-133, Gross Receipts Tax Return (R. 07/07, hereby incorporated by reference), is the return to be used to report the gross receipts tax imposed on utility services. Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department’s Internet site at www.myflorida.com/dor; or, 2) calling the Department at (800)352-3671, Monday through Friday, 8 a.m. to 7 p.m., Eastern Time; or, 3) visiting any local Department of Revenue Service Center; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304. Persons with hearing or speech impairments may call the Department’s TDD at (800)367-8331 or (850)922-1115.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**AGENCY FOR HEALTH CARE ADMINISTRATION
 Health Facility and Agency Licensing**

RULE NOS.: 59A-4.103 59A-4.106 59A-4.107 59A-4.1075 59A-4.108 59A-4.109	RULE TITLES: Licensure, Administration and Fiscal Management Facility Policies Physician Services Medical Director Nursing Services Resident Assessment and Care Plan
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59A-4.110	Dietary Services
59A-4.112	Pharmacy Services
59A-4.118	Medical Records
59A-4.122	Physical Environment
59A-4.123	Risk Management and Quality Assurance
59A-4.1235	Liability Claims
59A-4.126	Disaster Preparedness
59A-4.128	Evaluation of Nursing Homes and Licensure Status
59A-4.1285	Respite Care
59A-4.1288	Exception
59A-4.1295	Additional Standards for Homes That Admit Children 0 Through 20 Years of Age
59A-4.130	Fire Prevention, Fire Protection, and Life Safety
59A-4.133	Plans Submission and Review and Construction Standards
59A-4.134	Plans Submission and Fee Requirements
59A-4.150	Geriatric Outpatient Nurse Clinic
59A-4.165	Nursing Home Guide
59A-4.166	Nursing Home Consumer Satisfaction Survey

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 20, May 16, 2008 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-4.135	Nursing Home Design Concepts

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule development, as noticed in Vol. 34, No. 23, June 6, 2008 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.070	Durable Medical Equipment and Supplies

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. 34, No. 25, June 20, 2008 issue of the Florida Administrative Weekly.

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

The rule incorporates by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, July 2008. The following revisions were made to the handbook.

Page 1-5, Provider Qualifications and Enrollment, DME and Medical Supply Provider Qualifications for Enrollment and Re-enrollment. We clarified that the criteria in the third, sixth, and seventh bullets are effective January 1, 2009.

Page 1-12, Provider Qualifications and Enrollment, Fully-Operational at Time of Enrollment and Exceptions to Fully-Operational at Time of Enrollment. We clarified that the policies are effective January 1, 2009.

Page 1-14, Provider Qualifications and Enrollment, Surety Bond Submission Requirements and Exemptions. We added a new first sentence that reads, "Providers must comply with the surety bond requirements in Section 409.907(7), F.S." We added "Effective January 1, 2009, in accordance with 409.912(48)(b)," to the beginning of the next sentence.

Page 2-63, Oxygen and Oxygen-Related Equipment, Unsupervised Delivery and Set Up of Oxygen and Oxygen-Related Services. In the first sentence, we deleted, "Florida law and violates." The sentence now reads, "Providing oxygen and oxygen-related services without the required supervision of the employed or contracted, licensed professional is a violation of Florida Medicaid DME and Medical Supply Services Program policy."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.250	Prescribed Drug Services

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 21, May 23, 2008 issue of the Florida Administrative Weekly.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Agency for Health Care Administration.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.:	RULE TITLE:
61G16-5.004	Application Evaluations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 11, March 16, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NOS.:	RULE TITLES:
64D-4.002	Definitions
64D-4.003	Eligibility and Documentation Requirements
64D-4.005	Re-Determination and Continued Eligibility

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 27, July 3, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-2.001	Definitions
64E-2.002	Basic Life Support Service License – Ground
64E-2.003	Advanced Life Support Service License – Ground

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 24, June 13, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.:	RULE TITLES:
64E-14.002	Definitions
64E-14.003	Construction Procedures
64E-14.004	Permit, Standards, Inspections, Violations, Complaints and Retaliation
64E-14.006	Sites
64E-14.009	Garbage and Refuse Disposal
64E-14.016	Field Sanitation Facilities

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 29, July 20, 2007 issue of the Florida Administrative Weekly.

The changes are made in response to comments received from the Joint Administrative Procedures Committee, the public hearing, and comments received during the time period allowed for submission of materials.

Subsection 64E-14.002(3) has been changed so that when adopted it will read: "Department – For the purpose of this rule, the term "Department" has the same meaning as the definition that appears in Section 381.008(2), F.S."

Subsection 64E-14.002(5) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly, defined the term "Garbage disposal" which will now be defined in subsection 64E-14.002(6). Subsection 64E-14.002(5) will be changed to add a new definition so that when adopted it will read: "Field – A cultivated expanse of land, especially one devoted to a particular crop. For example, a farm producing wheat, rice, corn, soybeans, barley, beans, rye, sorghum, cotton, tobacco, potatoes, sugar crops, hay, peanuts, mint, hops, tomatoes, strawberries and other such crops."

The term "Garbage disposal" will now be defined in subsection 64E-14.002(6). That subsection has been changed so that when adopted it will read: "Garbage disposal – For the purpose of this rule, the term "Garbage disposal" has the same meaning as the definition that appears in Section 381.008(12), F.S."

Subsection 64E-14.002(9) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly, defined the term "Lighting." Because a new definition was added before this term, the term "Lighting" will now become subsections 64E-14.002(11) and 64E-14.002(9) has been changed so that when adopted it will read: "Hand tools – any hand-held implement used in agriculture by manual laborers to prep and plant field crops for harvest."

Subsection 64E-14.002(10) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly, defined the term "Major deficiency." Because a new definition was added before this term, this term "Major deficiency now becomes subsection 64E-14.002(12). Subsection 64E-14.002(10) has been changed so that when adopted it will read: "Incident of employment – Something that is contingent upon or related to being employed. For the purpose of this rule, this term shall also mean the same as condition of employment. Examples include housing provided by farm labor contractors or growers for the migrant and seasonal farmworkers they employ or that are employed by any other farm labor contractors."

Subsection 64E-14.002(11) has been changed so that when adopted it will read: "Lighting – For the purpose of this rule, the term "Lighting" has the same meaning as the definition that appears in Section 381.008(10), F.S."

Subsection 64E-14.002(12) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly, defined the term "Migrant labor camp." Because new definitions were added, this term now becomes subsection 64E-14.002(14). Subsection 64E-14.002(12) will be changed so that when adopted it will read: "Major deficiency – Non compliance of a standard or numerous violations of the standards of this chapter which solely or collectively cause an

imminent threat to public health or cause a high risk of injury. Examples of major deficiencies are untreated sewage on the ground, unsafe or deteriorated housing, contaminated water supply, holes in floors extending completely through the original designed exterior, unsafe stairs and flooring posing a risk of persons falling, unsafe ceiling with risk of imminent collapse, ceiling or roof leaks, gas leaks, exposed or cross connection of electrical wires, boarded windows where the 10 percent window area requirement is not met, boarded doorways providing egress or ingress.”

Subsection 64E-14.002(13) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly, defined the term “Personal hygiene facilities.” Because new definitions were added, this term “Personal hygiene facilities” is now defined in subsection 64E-14.002(15). Subsection 64E-14.002(13) will now define the term “Migrant farmworker.”

Subsection 64E-14.002(14) has been changed so that when adopted it will read: “Migrant labor camp” - For the purpose of this rule, the term “Migrant labor camp” has the same meaning as the definition that appears in Section 381.008(5), F.S.”

Subsection 64E-14.002(15) has been changed so that when adopted it will read: “Personal hygiene facilities – For the purpose of this rule, the term “Personal hygiene facilities” has the same meaning as the definition that appears in Section 381.008(9), F.S.”

Subsection 64E-14.002(16) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly defined the term “Residential migrant housing.” Because new definitions were added, this term will now become subsection 64E-14.002(18) and subsection 64E-14.002(16) will now define the term “Potable water”.

Subsection 64E-14.002(18) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly defined the term “Sewage disposal”, which will now be defined in subsection 64E-14.002(20). Because new definitions were added, subsection 64E-14.002(18) will now define the term “Residential migrant housing.” Subsection 64E-14.002(18) will be changed so that when adopted it will read: “Residential migrant housing – For the purpose of this rule, the term “Residential migrant housing” has the same meaning as the definition that appears in Section 381.008(8), F.S.”

Subsection 64E-14.002(19) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly defined the term “Single Family Residence”, which will now be defined in subsection 64E-14.002(21).

Subsection 64E-14.002(20) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly defined the term “Structure”, which will now be defined in subsection 64E-14.002(22). Because new definitions were added, subsection 64E-14.002(20) has been changed so that when adopted it will read: “Sewage disposal -

For the purpose of this rule, the term “Sewage disposal” has the same meaning as the definition that appears in Section 381.008(11), F.S. The standards by which a facility is “approved” for “satisfactory treatment and disposal of human excreta and liquid waste” are Chapter 64E-6 or Chapter 62-600, F.A.C. All facilities shall be constructed and maintained in compliance with the requirements established in these chapters, as appropriate, before receiving a permit.”

Subsection 64E-14.002(22) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly defined the term “Vermin”, which will now be defined in subsection 64E-14.002(24). Because new definitions were added, subsection 64E-14.002(22) has been changed so that when adopted it will read: “Structure – For the purpose of this chapter, the term shall mean any building or municipality approved housing which offers protection from the elements for migrant and seasonal farmworkers and includes family residential units, multi-family units, barracks, and rooming houses.”

Subsection 64E-14.002(23) in the proposed rule advertised in Vol. 33, No. 29 on July 20, 2007 of the Florida Administrative Weekly defined the term “Water closet”, which will now be defined in subsection 64E-14.002(25). Because new definitions were added, subsection 64E-14.002(23) now defines the term “Substantially renovated”.

Subsection 64E-14.003(5) has been changed so that when adopted it will read: “For the purpose of the rule, this subsection has the same meaning as Section 381.0086(6), F.S.” Section 64E-14.004 has been changed so that when adopted it will read: “Standards, Permits, Inspections, Violations, Complaints and Retaliation.

(1) Standards. Before any person establishes, operates, or allows occupancy of a migrant labor camp or residential migrant housing, the operator shall ensure that the camp or housing complies with the minimum standards of construction, sanitation, and equipment established in Sections 381.008 through 381.00897, Florida Statutes, the rules of this chapter, and the Occupational Safety and Health Act of 1970, 29 U.S.C. s. 655, or the Housing and Urban Development (HUD) Chapter 10 Housing Quality Standards as referenced in the Housing Choice Voucher Program Guidebook 7420.10G effective as of April 2001. The Occupational Safety and Health Administration (OSHA) standards for Temporary Labor Camps in 29 U.S.C. s. 655, and HUD’s Chapter 10 Housing Quality Standards in the Housing Choice Voucher Program Guidebook 7420.10G, are herein adopted and incorporated by reference. A copy of the OSHA Standards can be obtained at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9791 or U.S. Government Printing Office, 732 N Capital Street, Washington, DC, 20401. A copy of the Chapter 10 HUD Housing Quality Standards referenced in the Housing Choice Voucher Program Guidebook can be obtained at the U. S. Department of Housing

and Urban Development Office located at Brickell Plaza, 909 S.E. 1st Ave., Room #500, Miami, Florida 33131 or at <http://www.doh.state.fl.us/environment/community/migrant-labor/index.html>. Any housing that is furnished as a condition of employment so as to subject it to the requirements of OSHA shall only be inspected under the OSHA standards. This applies to migrant labor camps as that term is defined in subsection 64E-14.002(14). The HUD standards are applicable only to housing authority projects funded to house migrant and seasonal farmworkers. Mobile Home Parks that have 5 or more seasonal or migrant farmworkers as occupants of the park will be issued a revised Mobile Home/RV Park and Residential Migrant Housing Permit.”

Paragraph 64E-14.004(4)(c) has been changed so that when adopted it will read: “Migrant farmworker occupied mobile homes in a mobile home park meeting the 5 or more seasonal or migrant farmworker requirement, will be inspected and required to meet the migrant program standards when issued a revised Mobile Home/RV Park and Residential Migrant Housing Permit. Inspections shall be conducted using inspection form DOH 4060, 01/05, Migrant Labor Camp or Residential Migrant Housing Inspection Report, herein incorporated by reference, in accordance with this paragraph. The form may be obtained at the county health departments located in each county or at <http://www.doh.state.fl.us/environment/community/migrant-labor/index.html>.

Subsection 64E-14.006(1) has been changed so that when adopted it will read: All sites shall be well drained, free from standing water, and maintained to inhibit the breeding of mosquitoes. Natural sinkholes, swamps, pools, or other surface collections of water are not allowed within 200 feet of the periphery of the outermost building, unless such quiescent water surfaces can and will be subjected to mosquito control measures. A government created surface water diversion pool built within 200 feet of the outermost shelter after the origination of the housing shall not disqualify the housing from meeting this location standard.”

Subsection 64E-14.009(3) has been changed so that when adopted it will read: “(3) Provisions shall be made for disposing of the garbage, kitchen wastes and other refuse in accordance with Chapter 62-701, F.A.C. and local codes, as applicable.”

Subsection 64E-14.016(4) has been changed so that when adopted it will read:

“(4) Drinking water shall be potable and provided in containers constructed of smooth, impervious, corrosion resistant material. Hydrocoolers or water coolers constructed as such are acceptable for use. Potable water containers shall be maintained by sanitary methods. The interiors of potable water containers shall be cleaned and sanitized at least daily. The containers shall be marked with the words “Drinking Water”, in English and in the native language of the majority of the workers. Single service cups shall be provided unless

bottled water is provided or water is dispensed from a fountain equipped with an angled, protected jet outlet. Ice used for cooling drinking water shall be made from potable water. The water shall be suitably cool and in sufficient amounts, taking into account the air temperature, humidity and the nature of the work performed, to meet the needs of all employees. County health department staff, during the normal course of their work, shall take water samples at random to ensure the potability of the drinking water.”

Subsection 64E-14.016(5) has been changed so that when adopted it will read: “The owners, operators, crewleaders, or primary persons in charge shall ensure that sanitary facilities are available (handwashing receptacles, soap, water, etc.) to allow for washing of hands after working in the fields and before drinking, eating or smoking tobacco. Farmworkers shall be reminded not to eat unwashed produce from the field or use pesticide containers or other items from the field for food or drinking containers to prevent accidental ingestion of pesticide residues.”

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER08-49	Instant Game Number 763, \$50 GRAND

SUMMARY: This emergency rule describes Instant Game Number 763, “\$50 GRAND,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-49 Instant Game Number 763, \$50 GRAND.

(1) Name of Game. Instant Game Number 763, “\$50 GRAND.”

(2) Price. \$50 GRAND lottery tickets sell for \$5.00 per ticket.