Rulemaking Specific Authority 456.025, 483.805(4), 483.807(1) FS.
Law Implemented 456.025, 483.807 FS. History–New 12-7-93,
Formerly 61F3-9.002, 59O-9.002, Amended 6-10-99, 4-7-02.

64B3-9.004 Active Status Renewal Licensure Fee.
(1) Director – $130 450.
(2) Supervisor – $110 440.
(3) Technologist – $90 410.
(4) Technician – $50 75.
(5) through (6) No change.

Rulemaking Specific Authority 456.025(4), 456.036, 483.807(1) FS.
Law Implemented 456.025(4), 456.036, 483.807 FS. History–New
12-7-93, Formerly 61F3-9.004, Amended 12-26-94, Formerly
59O-9.004, Amended 5-26-98, 3-9-00, 5-16-02, 5-25-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Clinical Laboratory Personnel
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 9, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 31, 2009

DEPARTMENT OF HEALTH
Board of Clinical Social Work, Marriage and Family
Therapy and Mental Health Counseling

RULE NO.: 64B4-3.006
RULE TITLE: Security and Monitoring Procedures
for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule repeal
due to the fact that the department no longer conducts the
licensing exam.

SUMMARY: The Department no longer conducts the licensing
exam, causing the rule to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED
REGULATORY COSTS: No Statement of Estimated
Regulatory Cost was prepared. The Board determined the
proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.017, 491.004(5) FS.
LAW IMPLEMENTED: 456.017 FS.
IF REQUESTED WITHIN 21 DAYS OF THE DATE OF
THIS NOTICE, A HEARING WILL BE SCHEDULED AND
ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE
PROPOSED RULE IS: Sue Foster, Executive Director, Board
of Clinical Social Work, Marriage and Family Therapy and
Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin
#C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.006 Security and Monitoring Procedures for
Licensure Examination.

The Board adopts by reference Rule 64B-1.010, F.A.C., of the
Department of Health as its rule governing licensure
examination security and monitoring.

Rulemaking Specific Authority 456.017, 491.004(5) FS. Law
Implemented 456.017 FS. History–New 8-18-93, Formerly
61F4-3.006, 59P-3.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy
and Mental Health Counseling
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Clinical Social Work, Marriage
and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 9, 2010

DEPARTMENT OF EDUCATION
State Board of Education

RULE NO.: 6A-6.030121
RULE TITLE: Exceptional Education Eligibility for
Students with Language Impairments

NOTICE OF CHANGE
Notice is hereby given that the following changes have been
made to the proposed rule in accordance with subparagraph
120.54(3)(d)1., F.S., published in Vol. 36, No. 6, February 12,
2010 issue of the Florida Administrative Weekly.

Subparagraph (6)(a)2. of Rule 6A-6.030121 has been amended
to read:

2. Prior to obtaining consent for evaluation, intensive
interventions are demonstrated to be effective but require
sustained and substantial effort that may include the provision
of exceptional student education; or and
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board Acupuncture
RULE NO.: 64B1-6.005
RULE TITLE: Standards for Approval of Continuing Education Credit

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No.21, of the May 29, 2009, issue and the Notice of Change published in Vol. 35, No. 51, of the December 24, 2009 issue of the Florida Administrative Weekly. The change is in response to stated comments from the public at the rule hearing on February 5, 2010.

64B1-6.005(6) shall read as:

(6) Continuing education programs related to laboratory test or imaging findings shall be designed to provide course content on the clinical relevance of laboratory and diagnostic test and procedures as well as biomedical sciences physical examination findings and to advance, extend or enhance the licensee’s skills and knowledge in biomedical sciences related to the safe and beneficial use of laboratory test and imaging findings.

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel
RULE NO.: 64B3-9.001, 64B3-9.002, 64B3-9.004
RULE TITLES: Application Fees, Initial Licensure Fees, Active Status Renewal Licensure Fee

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Dentistry
RULE NO.: 64B5-2.0151
RULE TITLE: Review Procedure And Methodology For Certification of Foreign Dental Education Programs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 39, September 26, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Optometry
RULE NO.: 64B13-5.002
RULE TITLE: Criteria for Approval

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology
RULE NO.: 64B20-2.001
RULE TITLE: Licensure by Certification of Credentials

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.
The change is in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated January 27, 2010 and the language voted on by the Board at its meeting on December 3, 2009. The change is as follows:

64B20-2.001(1) shall read as:

“Any person desiring to be licensed as a speech-language pathologist….. can be obtained from the Board of Speech-Langauge Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or on the Board’s website at http://www.doh.state.fl.us/mqa/speech/index.html.
The Department shall…..”

Form DH-SPA-1, Page 9, question 5. shall read as:

F. In the last five years, have you been treated for or had a recurrence of a diagnosed addictive disorder?

F. No change.

G. No change.

H. No change.

Form DH-SPA-1, Page 11

Reference to “Title 42 USCS subsection 666(a)(13)” is being corrected to “Title 42 USCA subsection 666(a)(13)”.

Reference to “Title 42 USCS subsection 666(a)(13)” is being corrected to “Title 42 USCA subsection 666(a)(13)”.

Reference to “Title 42 USCS subsection 666(a)(13)” is being corrected to “Title 42 USCA subsection 666(a)(13)”.

Reference to “Title 42 USCS subsection 666(a)(13)” is being corrected to “Title 42 USCA subsection 666(a)(13)”.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.003
RULE TITLE: Provisional License; Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly. The change is in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated February 9, 2009 and to the language voted on by the Board at its meeting on December 3, 2009. The change is as follows:

64B20-2.003(2) shall read as:

“(2) Any person desiring to receive a provisional license…..and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or on the Board’s website at http://www.doh.state.fl.us/mqa/speech/idex.html.

The Department ....”

Form DH-SPA-2 Page 7, question 5. shall read as:

F. In the last five years, have you been treated for or had a recurrence of a diagnosed addictive disorder?

F. No change.

G. No change.

H. No change.

Form DH-SPA-3, Page 10

Reference to “Title 42 USCS subsection 666(a)(13)” is being corrected to “Title 42 USCA subsection 666(a)(13)”.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-35.001
RULE TITLE: Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly. subsection 65C-35.001(15), F.A.C., makes reference to the “Medical Report” form CF-FSP5339 dated October 2009, which is incorporated by reference. The form date is incorrect and should read January 2010.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE TITLES: Tier Waivers

NOTICE OF CHANGE

The change is in response concerns stated by the Joint Administrative Procedures Committee in a letter dated January 27, 2010 and to the language voted on by the Board at its meeting on December 3, 2009. The change is as follows:

64B20-4.001(1) shall read as:

“(1) Any person desiring to be certified as a speech-language pathology assistant or audiology assistant….., and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or at the Board’s website at http://www.doh.state.fl.us/mqa/speech/index.html. Such application and.....”

Form DH-SPA-3 Page 8, question 5. shall read as:

F. In the last five years, have you been treated for or had a recurrence of a diagnosed addictive disorder?

F. No change.

G. No change.

H. No change.

Form DH-SPA-3, Page 10

Reference to “Title 42 USCS subsection 666(a)(13)” is being corrected to “Title 42 USCA subsection 666(a)(13)”.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-35.001
RULE TITLE: Definitions

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE TITLES: Tier Waivers

NOTICE OF CHANGE

The change is in response concerns stated by the Joint Administrative Procedures Committee in a letter dated January 27, 2010 and to the language voted on by the Board at its meeting on December 3, 2009. The change is as follows:

64B20-4.001(1) shall read as:

“(1) Any person desiring to be certified as a speech-language pathology assistant or audiology assistant….., and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or at the Board’s website at http://www.doh.state.fl.us/mqa/speech/index.html. Such application and.....”

Form DH-SPA-3 Page 8, question 5. shall read as:

F. In the last five years, have you been treated for or had a recurrence of a diagnosed addictive disorder?

F. No change.

G. No change.

H. No change.

Form DH-SPA-3, Page 10

Reference to “Title 42 USCS subsection 666(a)(13)” is being corrected to “Title 42 USCA subsection 666(a)(13)”.

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-35.001
RULE TITLE: Definitions

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Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly. subsection 65C-35.001(15), F.A.C., makes reference to the “Medical Report” form CF-FSP5339 dated October 2009, which is incorporated by reference. The form date is incorrect and should read January 2010.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE TITLES: Tier Waivers

NOTICE OF CHANGE

The change is in response concerns stated by the Joint Administrative Procedures Committee in a letter dated January 27, 2010 and to the language voted on by the Board at its meeting on December 3, 2009. The change is as follows:

64B20-4.001(1) shall read as:

“(1) Any person desiring to be certified as a speech-language pathology assistant or audiology assistant….., and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or at the Board’s website at http://www.doh.state.fl.us/mqa/speech/index.html. Such application and.....”

Form DH-SPA-3 Page 8, question 5. shall read as:

F. In the last five years, have you been treated for or had a recurrence of a diagnosed addictive disorder?

F. No change.

G. No change.

H. No change.

Form DH-SPA-3, Page 10

Reference to “Title 42 USCS subsection 666(a)(13)” is being corrected to “Title 42 USCA subsection 666(a)(13)”.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256
NOTICE OF CORRECTION
Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.
The proposed rules were renumbered as follows:
65G-4.0021 renumbered 65G-4.0026
65G-4.0022 renumbered 65G-4.0027
65G-4.0023 renumbered 65G-4.0028
65G-4.0024 renumbered 65G-4.0029
65G-4.0025 renumbered 65G-4.00291

Section IV
Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND
Notices for the Board of Trustees of the Internal Improvement
Trust Fund between December 28, 2001 and June 30, 2006, go
to http://www.dep.state.fl.us/ under the link or button titled
“Official Notices.”

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Notices for the Department of Environmental Protection
between December 28, 2001 and June 30, 2006, go to
http://www.dep.state.fl.us/ under the link or button titled
“Official Notices.”

DEPARTMENT OF CHILDREN AND FAMILY
SERVICES
Family Safety and Preservation Program
RULE NO.: RULE TITLE:
65CER10-1 Substitute Care of Children
SPECIFIC REASONS FOR FINDING AN IMMEDIATE
DANGER TO THE PUBLIC HEALTH, SAFETY OR
WELFARE: Currently, Chapter 65C-13, Florida
Administrative Code, does not have measurement standards for
food holding temperatures, vermin control, water supply,
garbage and rubbish disposal or sewage. Due to the lack of
standards to define satisfactory in the above-mentioned areas,
Department of Health will immediately cease to inspect these
areas in family foster homes. The intent of this emergency rule
revision is to create the necessary verbiage that will
appropriately reflect standards for the inspection of these vital
areas and ensure the continued safety and well-being of the
children served by Department of Children and Families. This
emergency rule revision will allow the Department of Health to
create a form, specifically for the inspection of family foster
homes; the inspection form will include all areas of health and
safety previously mentioned in this statement.
REASON FOR CONCLUDING THAT THE PROCEDURE
IS FAIR UNDER THE CIRCUMSTANCES: Chapter 65C-13,
Florida Administrative Code is the most efficient means of
providing guidance to protect the health, safety, and welfare of
children found to be dependent as defined by Chapter 39, F.S.,
and who have been placed in licensed out-of-home care.
SUMMARY: The new rule provides standards for the
measurement of food holding temperatures, vermin control,
water supply, sewage, and garbage.
THE PERSON TO BE CONTACTED REGARDING THE
EMERGENCY RULE IS: Stacey Cleveland, Family Safety
Program Office, 1317 Winewood Boulevard, Building 1,
Room 301T, Tallahassee, Florida 32399. Phone:
(850)921-8833 Email: Stacey_Cleveland@dcf.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

65CER10-01 (65C-13.030) Substitute Care of Children
Standards for Licensed Out-of-Home Caregivers.

(1) General Requirements.
(a) Generally, there should be no more than five children
in a licensed home, including the family’s own children.
(b) There shall be no more than two children under the age
of two years in a home, including the licensed out-of-home
caregiver’s children.
(c) Therapeutic foster homes are limited to the placement
of two children.
(d) Serving as a licensed out-of-home caregiver is a
privilege and public trust. Applicants do not have an inherent
right to a license as an out-of-home caregiver.
(e) Each licensed out-of-home caregiver applicant shall
sign a Bilateral Service Agreement as defined in subsection
65C-30.001(11), F.A.C. The agreement shall be reviewed, and
discussed with a licensing counselor prior to initial licensure
and again at each re-licensure. The document must be signed
by a representative from the supervising agency and the
potential or licensed out-of-home caregiver.

(2) Utilization of Foster Home.
(a) Placement of a child in a home licensed by the Agency
for Persons with Disabilities shall be approved by the Agency
for Persons with Disabilities prior to placement. A home
licensed by the Agency for Persons with Disabilities may be
utilized for placement of children eligible for both programs
without obtaining a separate license if the child is receiving
Supplemental Security Income (SSI).
(b) Licensed Out-of-Home Caregivers Wishing To Offer
Child Care.

1. Licensed out-of-home caregivers that have contracted
with a lead agency are authorized by Section 409.1671(5)(b),
F.S., to provide child care as a Licensed Family Day Care
Home, as defined in Section 402.302(7), F.S., if they choose to
do so and meet the requirements for licensing. A dually
licensed foster home cannot provide care for more than five
children, including biological, foster, and adopted children.
Therapeutic or Medical Foster Homes can not be dually
licensed.