

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 2, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 31, 1998

Section III

Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-43
RULE CHAPTER TITLE: Regulation of Encroachments Over State Rights of Way
RULE NO.: 14-43.001
RULE TITLE: Regulation of Encroachments Over State Rights of Way

NOTICE OF CHANGE

SUMMARY OF CHANGE: Notice is hereby given that the following changes have been made to the proposed amendments to rule 14-43.001 in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of rulemaking was published in Vol. 24, No. 12, March 26, 1999, issue of the Florida Administrative Weekly.

1. Move the last sentence of 14-43.001(3)(j)2.c. to a new 14-43.001(3)(i).
2. Renumber the propose 14-43.001(3)(i) to 14-43.001(3)(j).
3. Delete the previously proposed 14-43.001(3)(j), including 1. and 2.
4. Revise 14-43.001(3)(k) as to read as follows:

“(j)(~~k~~) In addition to the conditions identified in Subsections (3)(a) through (i) above, the following conditions apply to ~~On~~ the Interstate Highway System, Florida’s Turnpike, and limited access roadways:

1. Pole banners will only be permitted for display for a duration not to exceed 60 consecutive days and only for events of national or international significance, provided the municipality has not hosted the event within the preceding 12 months. The following are examples of events for which pole banners may be permitted on the Interstate Highway System, Florida’s Turnpike, and limited access roadways:

- a. ~~1.~~ The World Cup
- b. ~~2.~~ The Super Bowl
- c. ~~3.~~ The Stanley Cup
- d. ~~4.~~ The World Series
- e. ~~5.~~ Summit of the Americas
- f. ~~6.~~ The Olympic Games”

5. Move 14-43.001(3)(i)2.a., b., and c. (first sentence only) to 14-43.001(3)(k)2., 3., and 4.

6. Revise 14-43.001(4)(b)8. as follows:

“8. Load rating analysis by a registered professional engineer, if required by subsection (3)(~~i~~)(~~j~~)2-e.”

NOTE: Delete/add coding is used to show changes from the language proposed in the rule amendment.

These revisions are to clarify the special restrictions relating to the Interstate Highway System, Florida’s Turnpike, and limited access roadways.

A revised text of the rule amendment will be available from: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-111
RULE CHAPTER TITLE: Ownership and Use of “Made With Florida Citrus” Certification Mark
RULE NO.: 20-111.0021
RULE TITLE: Exclusive Category Rights

NOTICE OF CONTINUANCE

The Department of Citrus announces a continuation of the public hearing for the above proposed rule section which was published in Vol. 25, No. 5, of the Florida Administrative Weekly, February 5, 1999.

ADDITIONAL HEARING DATE AND TIME: 10:30 a.m., April 21, 1999

PLACE: Department of Citrus Building, 1115 E. Memorial Blvd., Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joan B. Martin, Administrative Assistant, Department of Citrus, Legal Department, P. O. Box 148, Lakeland, Florida 33802

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-3.002
RULE TITLE: Care of Inmates
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. 25, No. 7, February 19, 1999, issue of the Florida Administrative Weekly:

33-3.002 Care of Inmates.

(1) through (16) No change.

(17) Inmates who are unable to handle or read written material due to physical impairment (this includes those who are visually impaired, paraplegic or quadriplegic, or severely affected with arthritis) and who receive assistance from the Bureau of Braille and Talking Book Library Services shall be allowed to possess a tape player or record player from the Bureau. Any alteration of equipment provided by the Bureau shall result in confiscation of the equipment and suspension of those privileges. A tape recorder shall be available for inmate use at a location determined by the superintendent which

allows for supervision of use and which does not unduly restrict access. Inmates shall obtain approval from the chief health officer to utilize the tape recorder in lieu of pen and paper for correspondence purposes. Any material or equipment that an inmate receives from the Bureau of Braille and Talking Book Library Services remains the Bureau's property and must be returned to the Bureau if an inmate loses the use of this material or equipment for disciplinary reasons.

GAME AND FRESH WATER FISH COMMISSION

RULE NO.: 39-9.004
 RULE TITLE: Permits for Hunting or Other Recreational Use on Type I Wildlife Management Areas

NOTICE OF CHANGE

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule (which was published in Vol. 25, No. 6, Florida Administrative Weekly, February 12, 1999) to delete all proposed regulations and fees for the Flint Rock user-pay area, so that when adopted, it will read as follows:

(1) In addition to other licenses, permits and stamps required by law, stamp requirements for hunting, camping, fishing, or other recreational uses on lands owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission shall be as provided by s. 372.57(4)(b), F.S.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by s. 372.57(4)(b)2., F.S., shall be:

3. San Pedro Bay WMA – \$225

4. Moore's Pasture WMA – \$99

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to s. 372.57(4)(b)2., F.S., shall be:

3. San Pedro Bay WMA – 300

4. Moore's Pasture WMA – 500

GAME AND FRESH WATER FISH COMMISSION

RULE NO.: 39-14.002
 RULE TITLE: Establishment of Type I Wildlife Management Areas

NOTICE OF CHANGE

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to proposed rule 39-14.002 (which was published in Vol. 25, No. 6, Florida Administrative Weekly, February 12, 1999) to delete reference to Flint Rock WMA, so that when adopted, it will read as follows:

(2) Northeast Region:

(b) and (u) proposed amendment withdrawn
 renumber (v) to (u) San Pedro Bay Order WMAI 99-3).

(3) Northwest Region

(i) Point Washington (Order WMAI 99-1).

(m) Moore's Pasture (Order WMAI 99-2).

GAME AND FRESH WATER FISH COMMISSION

RULE NO.: 39-15.005
 RULE TITLE: Quota Permits; Antlerless Deer Permits

NOTICE OF CHANGE

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Vol. 25, No. 6, Florida Administrative Weekly, February 12, 1999, so that when adopted, it will read as follows:

39-15.005 Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits.

(1) No change.

(a) No change.

(b) Northeast Region

12. Lake Butler, general gun (first nine days) – ~~350~~ 400 by regular quota application.

37. Big Shoals, muzzleloading gun (each hunt) – 30 by special hunt application (no exemptions).

~~38. Big Shoals, general gun – 30 by regular quota application (no exemptions).~~

39. through 59. renumbered 38. through 58.

(c) through (e) No change.

GAME AND FRESH WATER FISH COMMISSION

RULE NO.: 39-15.061
 RULE TITLE: Specific Regulations for Type I Wildlife Management Areas – South Region

NOTICE OF CHANGE

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to the Green Swamp West area of this proposed rule which was published in Vol. 25, No. 6, Florida Administrative Weekly, February 12, 1999, so that when adopted, it will read as follows:

(1) through (2) No change.

(3) Green Swamp Wildlife Management Area – West Unit

(a) Open season:

1. through 3. No change.

4. Special-opportunity hog-still – February 11-13.

5. through 8. No change.

(b) Legal to take: All legal game and wild hogs. Turkeys may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. One antlered deer may be taken per special-opportunity deer hunt

permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. Bag limit on wild hogs, two per permit. Fish and frogs throughout the year.

(c) No change.

(d) General regulations:

3. through 4. No change.

6. Only shotguns may be used during the special-opportunity spring turkey hunts.

7. No change.

(4) through (16) No change.

GAME AND FRESH WATER FISH COMMISSION

RULE NO.:

RULE TITLE:

39-15.062

Specific Regulations for Type I
Wildlife Management Areas –
Northeast Region

NOTICE OF CHANGE

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Vol. 25, No. 6, Florida Administrative Weekly, February 12, 1999, as a result of the withdrawal of the Flint Rock Wildlife Management Area and a reduction in acreage to the Lake Butler Wildlife Management Area, so that when adopted, it will read as follows:

(1) through (3) No change.

(4) Lake Butler Wildlife Management Area

(a) No change.

(d) General regulations:

1. Hunting with dogs other than bird dogs is prohibited in that portion of the area lying south of Road 32.

2. and 4. No change.

5. During the general gun season, hunting as specified by s. 39-24.002(2)(b), F.A.C., is permitted except south of Road 32.

6. Taking of wildlife by use of a gun on or from rights-of-way of Possum Trot Road and Elijah Dobson Road is prohibited as provided by Rule 39-4.008, F.A.C.

(5) through (11) No change.

(12) Aucilla Wildlife Management Area

(a) Open season:

1. General gun – November 13 through January 9.

2. Small game – January 10 through March 5.

3. Spring turkey – March 18 through April 23.

4. Archery – September 25 through October 24.

5. Early duck – In the September season established by Rule 39-13.003, F.A.C. except south of U.S. 98 and west of the Aucilla River.

6. Duck and coot – During the duck and coot season established by Rule 39-13.003, F.A.C., except that in the portion of the area south of U.S. 98 and west of the Aucilla River where ducks and coots may only be taken during that part of the duck and coot season established by Rule 39-13.003 that coincide with open seasons for this area.

7. Fishing and frogging – Throughout the year except on those portions of the area closed to public access during specified periods. Fishing and frogging in those areas are permitted only when they are open to public access.

8. Trapping – January 10 through March 1 except in those portions of Jefferson and Wakulla counties located south of U.S. 98.

(b) Legal to take: All legal game, fish, frogs and furbearers. Wild hogs may be taken only during the archery season and the first 23 days of general gun season. Antlerless deer may not be taken during the archery season north of U.S. 98.

(c) Camping: Prohibited.

(d) General regulations:

1. The taking of wild hogs by the use of dogs is prohibited.

2. Hunting with dogs other than bird dogs and waterfowl retrievers is prohibited south of U.S. 98.

3. Hunters entering the area via the Western Sloughs check station must possess a daily hunt permit (available at the check station) and shall check all game taken. Hunters shall check in and out at a check station when entering and exiting that portion of the area south of U.S. 98 in Jefferson, Wakulla, and Taylor counties, and shall check all game taken during the archery, general gun, and spring turkey seasons.

4. Public access is prohibited north of U.S. Highway 98 and west of the Wacissa River, other than during periods when public hunting is allowed, and seven days before each open hunting season except that portion of the area bounded on the west by Firebreak 14, on the east by the Wacissa River, on the north and west by the southern boundary of Section 11, the western boundary of Sections 12 and 1, and the northern boundary of Section 1, Township 3 South, Range 3 East, and on the south by the western and northern boundaries of Section 12, the eastern boundary of Section 1, Township 4 South, Range 3 East, and the northern boundary of Section 6, Township 4 South, Range 4 East, which will be open for public access throughout the year. Public access is prohibited south of U.S. Highway 98 and west of C.R. 14, except during periods open to hunting and 7 days before each open hunting season.

5. Vehicles may be operated only on designated roads.

6. During the general gun and small game seasons, hunting as specified by ~~Rule 39-24.002(2)(b)~~, F.A.C., is permitted except south of U.S. 98 and west of C.R. 14.

7. Entry or exit by vehicle in that portion of the area south of U.S. 98 in Jefferson and Wakulla counties shall be only on a road upon which a check station is maintained, whether or not such check station is manned.

8. Taking of wildlife by use of a gun on or from the rights-of-way of U.S. 98 and County Road 14 is prohibited as provided by Rule 39-4.008, F.A.C.

9. Hunting, fishing and frogging in that portion of Jefferson and Wakulla counties south of U.S. 98 is permitted only during the archery, general gun and spring turkey seasons.

10. Fires are prohibited.

11. The use of all-terrain vehicles (ATVs) is prohibited.

12. Shotguns are permitted on the area during the early experimental duck season established by Rule 39-13.003, F.A.C.

13. During the archery, general gun and spring turkey seasons a daily hunt permit, issued at the check stations, is required upon entering that portion of the area south of U.S. 98 and must be in possession while on the area.

14. Hunting with dogs is prohibited during the archery season, except that waterfowl retrievers may be used during the early duck season.

(13) through (24) No change.

proposed (25) Flint Rock WMA withdrawn

renumber remainder of proposed rule, No changes.

GAME AND FRESH WATER FISH COMMISSION

RULE NO.:

39-15.065

RULE TITLE:

Specific Regulations for Type I
Wildlife Management Areas –
Central Region

NOTICE OF CHANGE

Notice is hereby given that the following changes, in accordance with subparagraph 120.54(3)(d)1., F.S., have been made to this proposed rule which was published in Vol. 24, No. 6, Florida Administrative Weekly, February 12, 1998, so that when adopted, it will read as follows:

(1) through (23) No change.

(24) Flying Eagle Wildlife Management Area

(a) through (c) No change.

(d) General regulations:

5. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. The use of horses is prohibited during periods when hunting is allowed. During periods when the area is closed to hunting, horses may be ridden only on designated roads and marked trails.

(25) through (28) No change.

(29) Lake Panasoffkee Wildlife Management Area

(a) No change.

(b) Legal to take: All legal game and wild hogs. Turkeys may be taken only during the special-opportunity turkey hunts. The bag limit for turkey shall be one gobbler (or bearded turkey) per special-opportunity turkey hunt permit. One antlered deer may be taken per special-opportunity deer hunt permit. Antlerless deer (except spotted fawns) may be taken by antlerless deer permit only. Taking of antlered deer not having at least one antler with four or more points is prohibited. Bag limit on wild hogs, two per permit. Fish and frogs throughout the year.

(c) No change.

(d) General regulations:

3. The use of tracked vehicles, motorcycles, bicycles or all-terrain vehicles is prohibited. The use of horses is prohibited during the special-opportunity hunts.

4. No change.

7. Only shotguns may be used during the special opportunity spring turkey hunts.

10. No change.

(30) Potts Wildlife Management Area

(a) through (c) No change.

(d) General regulations:

2. No change.

3. The use of tracked vehicles, motorcycles or all-terrain vehicles is prohibited. During periods when the area is closed to hunting, horses may be ridden only on designated roads and designated trails.

5. and 8. No change.

(31) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.:

61B-60.001

61B-60.002

61B-60.003

61B-60.004

61B-60.005

61B-60.006

RULE TITLES:

Definitions and Scope

General Provisions; Forms and Fees

Application for and Renewal of
Broker or Salesman License

Bond and Irrevocable Letter of
Credit

Principal Place of Business;
Broker's Branch Office License
Application and Branch Office
License Renewal

Escrow Depository; Closing
Transactions

61B-60.008 Standards of Conduct; Penalties
NOTICE OF WITHDRAWAL
Notice is hereby given that the above rule amendments, as noticed in Vol. 24, No. 33, of the August 14, 1998, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:

61G4-18.002 Definitions
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., Florida Statutes, published in Vol. 24, No. 53, December 31, 1998, issue of the Florida Administrative Weekly.

The following changes are made to address comments received by Daytona Beach Community College:

Paragraph (2) of the proposed rule shall now read as follows:

(2) "Course" means any course, seminar or other program of instruction which has been approved by the board for the purpose of complying with continuing education requirements for contractors. "Course" also means any successfully completed core curriculum, construction or business related, course in an accredited two-year or four-year college program leading to a construction or business related degree.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: RULE TITLE:
61G5-29.014 Continuing Education

NOTICE OF WITHDRAWAL

The Board of Cosmetology hereby withdraws the above-proposed rule, which originally was noticed in Vol. 24, No. 40, of the Florida Administrative Weekly on October 2, 1998.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Athletic Commission

RULE NOS.: RULE TITLES:
61K1-1.001 Purpose, Applicability and Scope of Rules
61K1-1.002 Definitions

61K1-1.0023

61K1-1.0024

61K1-1.0025

61K1-1.0027

61K1-1.0028

61K1-1.003

61K1-1.0035

61K1-1.004

61K1-1.0043

61K1-1.005

61K1-1.006

61K1-1.007

61K1-1.008

61K1-1.009

61K1-1.010

61K1-1.011

61K1-1.012

61K1-1.013

61K1-1.017

61K1-1.018

61K1-1.019

61K1-1.023

61K1-1.030

61K1-1.035

61K1-1.037

Commission, Commission
Employees, Duties and
Responsibilities; Deputy
Commissioners
Medical Advisory Council, Duties
and Responsibilities
Executive Secretary, Assistant
Executive Secretary, Duties and
Responsibilities
Commission Representatives,
Duties and Responsibilities
Chief Inspector, Inspectors, Duties
and Responsibilities
License, Permits; Requirement,
Procedure and Period, Fee
Insurance
Weight Classes; Weigh-In;
Pre-Match Physical of
Participant and Referee
Drugs and Foreign Substances;
Penalties
Promoter and Matchmaker;
Licensing and Bond; Duties and
Conduct
Arena Equipment; Ring
Requirements; Floor Plan and
Apron Seating; Emergency
Medical and Other Equipment
and Services
Participants' Apparel and
Appearance
Bandages and Handwraps
Gloves and Mouthpieces
Physician; License and Duties;
Authority
Manager; License; Contract
Between Manager and
Participant
Participant; License; Conduct and
Other Requirements
Judge; License and Duties
Timekeeper or Knockdown
Timekeeper; License and Duties
Second; License and Duties
Referee; License and Duties
Trainer; License and Conduct
Rounds
Scoring System; Scoring, Criteria;
Knockdowns; Fouls;
Determination of Win or Draw;
Decision Final, Exceptions
Post-Match Physical Requirements;
Suspensions

- 61K1-1.040 Post-Match Reports Required to be Filed; Penalty for Late Filing
 61K1-1.042 Closed Circuit Telecasts; Requirements; Penalty for Late Filing
 61K1-1.070 Administrative Complaints
 61K1-1.080 Forms

NOTICE OF PUBLIC HEARING

The State Athletic Commission hereby gives notice of a public hearing to be held on the above-referenced rules on May 10, 1999, at 10:00 a.m., at the Collins Building, Room 163, 107 West Gaines Street, Tallahassee, Florida 32301. The rules were originally published in Vol. 25, No. 1, of the January 8, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Shelley Bradshaw, Assistant Executive Secretary, 1313 North Tampa Street, Suite 510, Tampa, Florida 33602-3329

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-05R

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 62-302 Surface Water Quality Standards
 RULE NO.: RULE TITLE:
 62-302.700 Special Protection, Outstanding
 Florida Waters, Outstanding
 National Resource Waters

NOTICE OF CONTINUATION OF PUBLIC HEARING ON PROPOSED RULEMAKING

The Department of Environmental Protection announces the continuation of a public hearing to adopt proposed changes to Chapter 62-302 of the Florida Administrative Code that are intended to update the listing of state and federally managed areas (e.g., state aquatic preserves, state forests) which are designated as Outstanding Florida Waters. The original notice of proposed rulemaking, published in the December 24, 1998 issue of the Florida Administrative Weekly, Vol. 24, No. 52, pages 6956-6958, stated that the proposed rule amendments were scheduled for consideration and possible approval for adoption by the Florida Environmental Regulation Commission on January 28, 1999 at 9:00 a.m. Adoption proceedings were opened by the Florida Environmental Regulation Commission at the January 28 meeting, but were continued to a public hearing that was held on February 25, 1999 at 9:00 a.m. in Tallahassee. These adoption proceedings

have been further continued to another public hearing of the Florida Environmental Regulation Commission scheduled at the time, date, and place shown below:

TIME AND DATE: 9:00 a.m., Thursday, April 29, 1999

PLACE: Florida Department of Environmental Protection, Room 609, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel at (850)488-2996 or 800-955-8771 (TDD), at least seven days before the meeting.

The Department regrets any inconvenience this rulemaking continuation may have caused.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OR THE PROPOSED RULE IS: Eric Shaw, Division of Water Facilities, Mail Station 3575, Florida Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9929, Suncom 291-9929, FAX: (850)921-5655

DEPARTMENT OF HEALTH**Board of Clinical Laboratory Personnel**

RULE NO.: RULE TITLE:
 64B3-8.002 Inactive Status and Reactivation
 of Inactive Clinical Laboratory
 Personnel License.

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Clinical Laboratory Personnel hereby gives notice of an additional public hearing on the above-referenced rule.

DATE AND TIME: April 30, 1999, 9:00 a.m., or as soon thereafter as can be heard

PLACE: Sheraton, Ft. Lauderdale Airport, 1825 Griffin Road, Ft. Lauderdale, Florida 33004

The rule was originally published in Vol. 25, No. 4, of the January 29, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 2020 Capital Circle, S. E., Bin #C07, Tallahassee, Florida 32399-3257

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH**Division of Disease Control**

RULE NO.: RULE TITLE:

64D-3.011 Control of Communicable
Diseases, Public and Nonpublic
Schools, Grades Preschool, and
Kindergarten Through 12

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. 25, No. 4, January 29, 1999 issue of the Florida Administrative Weekly:

64D-3.011 Control of Communicable Diseases, Public and Nonpublic Schools, Grades Preschool, and Kindergarten Through 12; Forms.

(1) Immunization Requirements – The school board of each district and the governing authority of each nonpublic school shall establish and enforce as policy that prior to admittance or attendance in a public or nonpublic school, grades preschool and kindergarten through 12, each child shall present or have on file with said school a completed DH Form 680, Florida Certification of Immunization, as incorporated by reference in 64D-3.011(5) for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, and mumps. In addition, documentation of the following immunizations are also required on the Florida Certification of Immunization:

(a) prior to admittance, attendance or transfer to a preschool, completion of Haemophilus influenzae type b vaccination,

(b) effective for the 1997/98 school year, prior to admittance, attendance or transfer to 7th grade, completion of the hepatitis B series, a second dose of measles vaccine (preferably MMR) and a tetanus-diphtheria booster,

(c) effective for the 1998/99 school year, prior to admittance, attendance or transfer to kindergarten, completion of the hepatitis B series,

(d) effective for the 2001/2002 school year, completion of the hepatitis B series prior to admittance, attendance or transfer to preschool, and

(e) effective with the 2001/2002 school year, prior to admittance, attendance, or transfer to a preschool or kindergarten, completion of varicella vaccination, or a Certificate of Exemption. Prior to admittance or attendance in preschool, children shall also be vaccinated for Haemophilus influenzae type b with documentation on the Certification of Immunization. The manner and frequency of administration of the immunization shall conform to recognized standards of medical practice. Effective with the 1998/99 school year, in addition to the immunizations listed above, children shall complete the hepatitis B vaccine series prior to entry, attendance or transfer to kindergarten in Florida schools. Each subsequent year thereafter the next highest grade will be included in the requirement so that students transferring into Florida schools are added to the immunized cohort, with the exception of Haemophilus influenzae type b required only prior to admittance, attendance or transfer to a Florida

preschool. Effective with the 1997/98 school year, children entering, attending or transferring to seventh grade in Florida schools will be required to complete, vaccination against hepatitis B, a second dose of measles vaccine (preferably MMR), and a tetanus-diphtheria booster prior to admittance or attendance. Each subsequent year thereafter the next highest grade will be included in the requirement so that students transferring into Florida schools are added to the immunized cohort. The manner and frequency of administration of the immunizations shall conform to recognized standards of medical practice. Each child whose documented immunizations fall short of all requirements listed above shall present a completed DH Form 680 Florida Certification of Immunization Temporary Medical Exemption (Part B), or a completed DH Form 680 Florida Certification of Immunization Permanent Medical Exemption (Part C), incorporated by reference in 64D-3.011(5); Part C listing the exemption for specific immunization(s), or a completed DH Form 681, Religious Exemption from Immunization, as incorporated by reference in 64D-3.011(5), to be filed with said Florida public or nonpublic school, grades preschool and kindergarten through 12.

(2) Documentation Requirements

(a) Certification of Immunization – Only fully immunized children shall be issued a Florida Certificate Certification of Immunization, which must be provided on ~~DOH~~ DH Form 680 (Part A)-, Florida Certification of Immunization, Certificate of Immunization for K-12 Excluding 7th Grade Requirements (Part A-1), and/or Certificate of Immunization Supplement for 7th Grade Requirement (Part A-2), incorporated by reference in 64D-3.011(5). A child may attend school only after an authorized school official has examined the certificate for validity. A valid Florida Certificate Certification of Immunization shall be properly dated and signed or authorized by a physician. Data elements transferred through the Florida Automated System for Transferring Education Records (FASTER) will include all antigen doses by dates of immunization. The original paper ~~DOH~~ DH Form 680 Part A, the Florida Certificate Certification of Immunization, shall remain in the student's cumulative health record.

(b) ~~Certificate of Exemptions~~ – A child may attend school without a valid DH Form 680, Florida Certificate Certification of Immunization, Certificate of Immunization for K-12 Excluding 7th Grade Requirements (Part A-1) and/or Certificate of Immunization Supplement for 7th Grade Requirement (Part A-2) only if he presents a Certificate of Exemption for medical or religious reasons completed DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), Permanent Medical Exemption (Part C), or completed Form DH 681, Religious Exemption From Immunization, incorporated by reference in 64D-3.011(5), or if he is a transfer student.

1. Medical Exemptions – A child in attendance with a medical exemption must present or have on file the ~~Medical Exemption, DOH form 680 (Part B);~~ DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), incorporated by reference in 64D-3.011(5), properly dated and signed or authorized by a physician licensed under provisions of Chapter 458, 459, or 460 or ~~DOH DH Form 680, (Part C)~~ Florida Certification of Immunization Permanent Medical Exemption (Part C), incorporated by reference in 64D-3.011(5), properly dated and signed by a physician licensed under provisions of chapter 458 or 459. The original paper temporary or permanent medical exemption shall be transferred for follow-up in addition to the electronic transfer of these records. ~~DOH Form 680 (Part B)~~ DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B) is a ~~Temporary Medical Exemption~~ temporary medical exemption which must indicate an expiration date. A child attending under such an exemption is not fully immunized. The expiration date indicated is to be fifteen (15) days after each child's next scheduled appointment to receive additional vaccine appropriate to the child's age. ~~DOH Form 680 (Part C)~~ DH Form 680, Florida Certification of Immunization Permanent Medical Exemption (Part C) is a ~~Permanent Medical Exemption~~ permanent medical exemption which indicates the child is not fully immunized and cannot receive any more of a particular vaccine due to medical reasons. Medical reasons must be stated for each vaccine that is contraindicated as described above.

2. Religious Exemptions – Religious Exemption requests must be presented on ~~DOH DH Form 681, Religious Exemption From Immunization, incorporated by reference in 64D-3.011(5),~~ which is to be issued only by county health departments.

3. Special Exemptions – Exemption from the measles immunization requirement based on past history of measles disease can be granted based on either a written statement by a physician on his stationery which states that the child requesting exemption has had an illness comprised of a generalized rash lasting three (3) or more days, a fever of 101 degrees Fahrenheit or greater, a cough, and/or coryza, and/or conjunctivitis and, in the physician's opinion, has had the ten-day measles (rubeola) or serologic evidence of immunity to measles. Exemption from the varicella immunization requirement based on past history of varicella disease can be granted based on either physician documentation or parental history.

(3) Compliance Reporting

(a) Each public and nonpublic school with a kindergarten and/or seventh grade (effective with the 1997/1998 school year) shall submit an annual compliance report. The report shall be completed on ~~DOH DH Form 684 (Kindergarten Annual Report of Compliance).~~ Immunization Annual Report of Compliance for Kindergarten and Seventh Grades,

incorporated by reference in 64D-3.011(5). The report shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the county health department director/administrator no later than October 1 of each school year where the data will be compiled on ~~DOH DH Form 685, the Kindergarten and Seventh Grade Annual Report of Compliance County Summary, as incorporated by reference in 64D-3.011(5),~~ or electronically generated by the Department of Education. ~~Effective with the 1997/98 school year, each public and nonpublic school with a seventh grade shall submit an annual compliance report. The report shall be completed on DOH Form 684 to be renamed the Immunization Annual Report of Compliance for Kindergarten and Seventh Grades and shall include the immunization status of all children who were attending kindergarten and seventh grades at the beginning of the school year. The report shall be forwarded to the county health department director/administrator no later than October 1 of each school year.~~

(b) After consultation with the Department of Education, the Department of Health shall require compliance reports from public and nonpublic schools and preschools for selected grades (K-12 and preschool) in special situations of vaccine preventable disease outbreak control or identified need for monitoring through surveys for immunization compliance levels. Such reports shall include the status of all children who were attending school at the beginning of the school year. Reports shall be forwarded to the county health department director/administrator within a specified period as determined by the department.

(4) Exclusionary Provisions – Any student not in compliance with the stipulations of these sections (64D-3.011(1) or (2)) shall be excluded temporarily from school until such time as the appropriate immunization documentation is presented and entered into his school record.

(5) Forms ~~Availability~~ – Forms used to document compliance with section 232.032, F.S., are ~~available as indicated below:~~ hereby incorporated by reference:

FORM #	EFFECTIVE DATE	TITLE	FORMS AVAILABILITY
DOH DH 680A	(Jan-93) (May 99)	Florida Certificate of Immunization	DOH county health departments
DOH 680B	(Jan-93)	Temporary Medical Exemption	DOH CHDs; physicians' offices
DOH 680C	(Jan-93)	Permanent Medical Exemption	DOH CHDs; physicians' offices
DOH DH 681	(June-94) (May 99)	Religious Exemption From Immunization	DOH CHDs
DOH DH 684	(Aug-84) (Nov 96)	Kindergarten Immunization Annual Report of	DOH CHDs

Compliance for
Kindergarten and
Seventh Grade
~~DOH~~ DH 685 (~~Aug 84~~) (Nov 96) Kindergarten and DOH CHDs
Seventh Grade Annual
 Report of Compliance
 County Summary

(6) Adult Education Classes – Students under 21 years of age attending adult education classes will provide acceptable proof of immunization as specified in 64D-3.011(1).

Specific Authority 232.032(1),(10), 381.0011(13), 381.003(2), 381.005(2) FS. Law Implemented 232.032(1), 381.0011(4), 381.003(1), 381.005(1)(i), 458, 459, 460 FS. History–New 12-29-77, Amended 6-7-82, 11-6-85, Formerly 10D-3.88, Amended 2-26-92, 9-20-94, 9-21-95, 4-7-96, Formerly 10D-3.088.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

RULE NO.: RULE TITLE:
 65A-4.100 Relocation Assistance

Notice is hereby given that changes are being made to the rule identified above as published in Vol. 25, No. 1, Florida Administrative Weekly, on January 8, 1998. These changes are the result of potential objections made by the Joint Administrative Procedures Committee (JAPC) in a letter dated February 23, 1999. The JAPC's potential objections require amendment of the published text. The specific changes are as follows:

Paragraph 65A-4.100(1), the third sentence, following "CF-ES 2279" is amended to read, "Feb 99 Dec 98 (incorporated by reference)." Paragraph 65A-4.100(3), the first sentence is amended by removing "~~any~~" following "is defined as" and following the words "false imprisonment, or" by inserting "a" and deleting "~~any~~". Paragraph 65A-4.100(3) is further amended by inserting a new first sentence to read: "The signed agreement not to apply for temporary cash assistance for six months is not required from an individual needing relocation assistance because of domestic violence."

Paragraph 65A-4.100(4) is amended by deleting the words "~~domestic violence~~" following the words "acceptable emergencies:". In the same paragraph and sentence, the following phrase is amended as indicated: "resulting in ~~the a significant~~ loss of at least one month's income or loss of employment". Paragraph 65A-4.100(4) is further amended by inserting a new first sentence to read: "If the individual demonstrates an emergency to the department, the individual is not bound by the agreement not to apply for temporary cash assistance for six months following the receipt of relocation assistance." Published paragraph 65A-4.100(2) is renumbered paragraph 65A-4.100(4) and published paragraph 65A-4.100(4) is re-numbered paragraph 65A-4.100(2). Paragraph 65A-4.100(5) is amended by deleting the first sentence, "~~An individual is eligible for relocation assistance~~

~~payments one time in a five year period except that individuals receiving relocation assistance because of domestic violence have no limit on the number of times they can receive this assistance.~~" In the same paragraph, the last sentence, following, "a copy of form CF-ES" is changed to read, "2278 2078, Feb 99 Dec 98".

Insert a new paragraph as follows, "(7) Copies of forms CF-ES 2278 and CF-ES 2279 may be obtained from the Department of Children and Family Services, Economic Self-Sufficiency Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Division of Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-5.001	Definitions
65C-5.002	Health Care Screening/Treatment
65C-5.003	Assessment, Case Planning and Service Provision
65C-5.004	Child Safety and Well-Being in Substitute Care Placements
65C-5.005	Dispute Resolution
65C-5.006	Permanency Planning for Children
65C-5.007	Reunification
65C-5.008	Human Immunodeficiency Virus Infected Children
65C-5.009	Administrative Fines for False Reporting
65C-5.010	Collecting Information on Clients in the Programs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 23, No. 32, August 8, 1997 and Vol. 24, No. 16, April 17, 1998, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Division of Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-10.001	Definitions
65C-10.002	Reports of Child Abuse and Neglect
65C-10.003	Child Protective Investigations
65C-10.004	Medical Screening and Medical Examination of Children Alleged to be Abused or Neglected
65C-10.005	Institutional Child Abuse Investigations
65C-10.006	Criminal and Abuse History Checks

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 23, No. 32, August 8, 1997, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Division of Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-11.001	Definitions
65C-11.002	Ongoing Assessment and Documentation
65C-11.003	Relative Placements
65C-11.004	Non-Relative Placements
65C-11.005	Termination of Supervision

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 23, No. 32, August 8, 1997, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Division of Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-12.001	Definitions
65C-12.002	Health Screenings and Assessments
65C-12.003	Medical Treatment
65C-12.004	Ongoing Health Care
65C-12.005	Medicaid Eligibility Procedures
65C-12.006	Mental Health and Substance Abuse Services for Children
65C-12.007	Placement Procedures
65C-12.008	Case Supervision Responsibilities
65C-12.009	Voluntary Placements
65C-12.010	Central Placement Authority
65C-12.011	Shelter Audits
65C-12.012	Monitoring of Emergency Shelter

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 23, No. 32, August 8, 1997, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Division of Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-13.013	Definitions and Glossary
65C-13.014	Entry into Foster Care
65C-13.015	The Prevention and Management of Sexual Assault in Foster Care
65C-13.016	Health Care
65C-13.017	Services for HIV Infected Children
65C-13.018	Services to Parents of Children in Foster Care

65C-13.019	Administrative Review
65C-13.020	Permanency Staffings
65C-13.021	Post-Placement and Protective Supervision

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 23, No. 32, August 8, 1997, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Division of Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-24.003	Home Study Requirements
65C-24.004	Relative Caregiver Program Benefit Payments

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Volume 25, No. 7, February 19, 1999, issue of the Florida Administrative Weekly:

65C-24.003 Home Study Requirements.

(1) Relative caregivers who receive assistance under the Relative Caregiver Program must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care, and must assure that the children's well-being is met, including, ~~but not limited to,~~ the provision of immunizations, education, and mental health services ~~as needed~~.

65C-24.004 Relative Caregiver Program Benefit Payments.

(4) Relative caregiver payments shall be reviewed every six months and adjusted to reflect changed circumstances. If the review demonstrates that the payment should be lowered, the relative caregiver shall be notified of his or her right to a fair hearing. Examples of "changed circumstances" are shall be defined to include the following:

(a) The child begins receiving supplemental security income.

(b) The child begins receiving unearned income such as social security benefits or court-ordered child support.

(c) The child is no longer living in the home with the relative caregiver.

(d) The child's age category changes.

~~(e) Other changed circumstances as approved in writing by the district Family Safety and Preservation Program Administrator.~~

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN THAT on November 5, 1998, the Florida Department of Transportation issued an order granting the petition of Florida Power Corporation for a variance from the provisions of Rule 14-46.001, Florida Administrative Code. Florida Administrative Code Rule 14-46.001 prohibits new utilities from locating longitudinal within limited access right-of-way. The Department received the petition on July 24, 1998. The Department published its notice of receipt of the petition in the August 7, 1998, edition of the Florida Administrative Weekly. On September 21, 1998, the Department issued a request for additional information and clarification of its variance request. Florida Power Corporation responded with additional information on October 5, 1998. The petition for variance requested permission to construct, maintain, and operate approximately twenty (20) miles of overhead electric transmission lines within the right-of-way in and around Segment C of the Western Beltway, which is a limited access right-of-way, in Orange and Osceola counties. The Department's order, issued in DOT Case No.: 98-0154, granted the petition for variance and Florida Power Corporation subsequently submitted a written acceptance. A copy of the Department's Order and Florida Power Corporation's written acceptance may be obtained from the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458. For additional information, contact Andrea V. Nelson at (850)414-5264.

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT the South Florida Water Management District (SFWMD) received a petition for variance from the Florida Department of Transportation on March 3, 1999 for a project known as SR-5 (US-1) Pompano Beach Municipal Golf Course. The petition seeks relief from Section 7.4(D), Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091(1)(a), Fla. Admin. Code, pertaining to dimensional/side slope criteria. The SFWMD will accept comments concerning the petition for 14 days from the date of

publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn: District Clerk.

To request a copy of the petition, contact Penelope Bell at the above address, or telephone (561)682-6320, or e-mail: penelope.bell@sfwmd.gov.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

On March 19, 1999, The Renfrew Center of Florida filed a petition for waiver or variance of rule 65E-4.016, Florida Administrative Code, Mental Health Residential Treatment Facilities licensing requirements.

A copy of the Petition may be obtained by contacting: Agency Clerk, 1317 Winewood Blvd., Bldg. 2, Rm. 204-X, Tallahassee, FL 32399-0700.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Department of Veterans' Affairs
Information Resource Commission
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Department of Education
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection

DATE AND TIME: April 13, 1999, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

PURPOSE: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to