

Department of Children and Families, 1317 Winewood Boulevard, Building 8, Tallahassee, FL 32399-0700.)
Telephone Inquiry;

(10) Documentation regarding the initial inquiry about becoming substitute care parents; Personnel References;

(11) Personnel References; Substitute Care School References;

(12) Written reference from the school the substitute care parents school age child(ren) attend, if applicable

(13)(42) EPSDT Agreement, fully executed;

(14)(43) Agency Reference Sample Letter;

(15)(44) Confidentiality Statement;

(16)(45) Consent to Law Enforcement and Abuse Registry Record Check, signed;

(17)(46) Executed and sworn to Affidavit of for Good Moral Character;

(18)(47) Delinquency Checks, if appropriate;

(19)(48) Health Certificate Sample Letter, if appropriate;

(20)(49) Participant Evaluation;

(20) Agreement to Provide Substitute Care for Dependent Children;

(21) Identification Cards for Substitute Care Parents

(22) Family Profile which is signed, dated and notarized. Control Cards;

(23) All materials from the pre-service training including home visits and neighbors information; Certificate of License Sample;

(24) Incident Reports. Client Risk Prevention reports which pertain to proposed confirmed or confirmed abuse, neglect or abandonment are confidential. These reports must be placed in an envelope or file marked confidential and will not be considered as part of the public licensing record. These records must be kept separate from the licensing file. Substitute Care Home Ledger;

(25) Family Profile which is signed, dated and notarized.

(26) All GPS MAPP materials from the pre-service training including home visits and neighbors information.

(27) Incident Reports. Client Risk Prevention reports which pertain to proposed confirmed or confirmed abuse, neglect or abandonment are confidential. These reports must be placed in an envelope or file marked confidential and should not be considered as part of the public licensing record. These records must be kept separate from the licensing file.

Specific Authority 409.175 FS. Law Implemented 409.175 FS. History—New 5-27-92, Formerly 10M-6.028, Amended _____.

65C-13.013 through 65C-13.021 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Amy West, Specialist, 1317 Winewood Blvd. Building 8,
Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Mary Allegretti, Chief, 1317
Winewood Blvd. Building 8, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 3, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 31, 1999

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.: RULE CHAPTER TITLE:

9B-43 Florida Small Cities Community
Development Block Grant
Program

RULE NOS.: RULE TITLES:
9B-43.003 Definitions
9B-43.004 Eligible Applicants
9B-43.006 Application Procedures for all
Categories
9B-43.007 Scoring System
9B-43.009 Program Requirements for Housing
9B-43.014 General Grant Administration for
all Categories

SECOND 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. 5, February 5, 1999, issue of the Florida Administrative Weekly. Minor typographical, spelling or syntax errors were corrected throughout these documents. Changes were made at the request of the Joint Administrative Procedures Committee as follows:

9B-43.003

(8) “Authorized signature” means the original signature of the Chief Elected Official or the signature of a person who is designated by charter, resolution, code, ordinance or other official action of the local government to sign CDBG related documents. If a signature other than the Chief Elected Official is submitted, a copy of that document must accompany that signature.

9B-43.004 Sections (2) and (3) were revised as follows:

(1) No change.

(2)(a) No change.

(a)(b) Pursuant to 24 C.F.R. 570.486(b), an eligible individual applicant may apply to undertake a portion of an eligible Neighborhood Revitalization activity in an otherwise eligible location outside its jurisdiction or service areas, if it can provide written documentation that the activities are

required by an Engineer or required by a state or federal agency having regulatory authority over the activities in order to meet the needs of the beneficiaries of the activities undertaken within its jurisdiction or service area. Any benefit to persons outside the jurisdiction or service area must not be a Direct Benefit and may only be incidental to the like activity undertaken within the jurisdiction or service area. Indirect benefit to persons outside the jurisdiction or service area shall not be used to establish activity eligibility or for scoring purposes. All service area residents shall reside within the jurisdiction of the local government submitting the individual application. If an eligible applicant proposes a Housing activity outside its jurisdiction, it shall document in the application that the activity relates to other community development activities being proposed, and that the beneficiaries of each activity are low and moderate income persons. All beneficiaries shall reside within the jurisdiction of the local government submitting the individual application.

(b)(e) An eligible individual applicant may apply to undertake Economic Development infrastructure activity outside its jurisdiction, if it can provide written documentation that the infrastructure activities outside its jurisdiction are necessary to meet the needs of a job-creating Participating Party, pursuant to Section 290.046(2)(b), F.S. If an eligible applicant proposes a Neighborhood Revitalization activity outside its jurisdiction or the service area, it shall document in the application that the activity relates to other community development activities being proposed within the service area and that the only beneficiaries of each activity are residents of the service area. All service area residents shall reside within the jurisdiction of the local government submitting the individual application.

1. The job creation location shall either be within the jurisdiction of the applying local government connecting to infrastructure outside its jurisdiction owned and operated by another public or private entity, or

2. The job creation location shall be outside the jurisdiction of the applying local government if that local government owns the necessary infrastructure for treatment, production, or storage to be connected to the job creation location on behalf of the Participating Party.

3. In either case, liability for CDBG performance and compliance with all applicable rules and regulations rests with the applying local government.

(c) No change.

1. A written Interlocal Agreement shall be executed by all local governments in whose jurisdictions the CDBG activities are to be undertaken. The Interlocal Agreement must authorize the applying local government to undertake the activities outside its jurisdiction, giving the concurrence of the other local government(s) with the activity and committing resources

by one or both local governments to maintain the activity. Such an Interlocal Agreement must be submitted with the application for funding.

2. Each local government signing an Interlocal Agreement shall affirm that all activities, project areas, service areas, and job creation locations are not inconsistent with that local government's comprehensive plan.

3. The application shall contain excerpts of the comprehensive plans of all local governments in whose jurisdiction activities will take place documenting that all activities, project areas, service areas, and job creation locations are not inconsistent with that local government's comprehensive plan.

(3)(2) Joint Applicants.

(a) No change.

(a)(b) No change.

(c) Each local government signing an Interlocal Agreement shall affirm that all activities, project areas, service areas, and job creation locations are not inconsistent with that local government's comprehensive plan;

(d) The joint application shall contain excerpts of the comprehensive plans of all local governments in whose jurisdiction activities will take place documenting that all activities, project areas, service areas, and job creation locations are not inconsistent with that local government's comprehensive plan;

(e) through (f) No change.

(8) No change.

(9) The Department shall notify the local government within 45 days of the Department's receipt of a closeout package from the local government as to whether it is administratively closed out for the purpose of eligibility. Notification shall be effective upon mailing by certified first class mail. Notification shall be either of (1) administrative closeout or (2) Notice of Outstanding Closeout Issues (NOCISS). The NOCISS letter shall identify any recognizable impediments to closeout which the recipient must resolve before the review of the closeout will proceed by the Department. Issuance of a NOCISS letter shall terminate the 45 day review period. A local government's response to a NOCISS letter must be received at least ten days before the application deadline date in order for the local government to be eligible for the next funding cycle. For all NOCISS responses received at least ten days prior to application deadline, eligibility will be established if the response satisfies the deficiencies set forth in the NOCISS letter, even though the Department's notification has not yet been mailed. A local government is not eligible to apply for a grant until any cost determined to be ineligible by the Department on a prior CDBG grant has been repaid.

9B-43.006 The changes in the Application Forms referenced in this section are addressed at the end of this summary. The following changes were made:

(6) Past Performance for All Categories.

(a) No change.

1. If the Department has not received an audit report or attestation statement by April 30 that meets the requirements of OMB Circular A-133 and Section 216.349(c), Florida Statutes, a 15 point penalty will be assessed against future grant applications. If the local government has not responded to an audit findings letter issued by the Department within the time frame prescribed by the Department, the Department shall not execute a new contract or shall withhold funding from an existing contract until a satisfactory response is received which satisfies the requirements set forth in federal OMB Circular A-133, Subpart B, Section .225. ~~a 15 point penalty will be assessed against future grant applications for each outstanding finding.~~ These assessments of penalty points shall apply to all audits due after the effective date of this rule amendment including any audits that are required to be submitted for any administratively-closed CDBG Grants. These penalties expire two years from the date of the clearance of the audit or audits involved. Audit penalties accrued from any prior year audit due before the effective date of this rule will also expire two years from the date of the clearance. Audit penalties will be nullified upon successful competition for CDBG funding.

2. If a required ~~an annual local government~~ audit or attestation statement from a local government with an open or administratively closed grant is not received and/or all audit findings cleared in writing by the Department within 12 months of the end of any audit period, prior to application deadline, a 251 point penalty will be assessed at application deadline against the total Project Impact score of any application received by the Department. This penalty shall continue until such time as the audit and all audit findings are brought in compliance with federal OMB Circular A-133, Subpart B, Section .225, that applying local government. Once this late audit penalty is assessed against a CDBG application, the penalty levied against that application shall not be abrogated by subsequent submission of the audit after the application due date.

(8) Consistency ~~Conformance~~ with Local Comprehensive Plan.

(a) The application shall include affirmations from all jurisdictions in which activities will take place ~~a certification~~ that the proposed activities are not inconsistent ~~in conformance~~ with the applicable elements of the adopted local comprehensive plan.

(b) If the Department determines that an application is inconsistent ~~not in conformance~~ with the adopted local comprehensive plan, the applicant shall be advised of that determination in the completeness review letter. If after review

of the applicant's response the Department reaffirms its determination of inconsistency ~~non-conformity~~, the application shall be rejected.

(11) Documenting LMI Service Area Benefit

(a) HUD Census Data – LMI benefit may be documented by using HUD-provided “CDBG Program Listing from 1990 Census Special Tab Tape, Percent of Low and Moderate Income Persons, State of Florida” ~~census data~~ where the service area geographically corresponds with block groups, census tracts, or local government geographical limits. This tape may be obtained from the Department at 2555 Shumard Oak Boulevard, Tallahassee, Florida, 32399-2100.

9B-43.007 No changes.

9B-43.009 No changes.

9B-43.014 No change.

Changes incorporated in each Application Manual were as follows:

Form CDBG – H, the draft Housing Application Manual, The term “A certification” was replaced with the term “An affirmation” in the last paragraph of page 3 of the instructions.

Form CDBG – N, the draft Neighborhood Revitalization Application Manual, the term “A certification” was replaced with the term “An affirmation” in paragraph 1 of page 4 of the instructions.

Form CDBG – C, the draft Commercial Revitalization Application Manual, the term “A certification” was replaced with the term “An affirmation” in the second paragraph from the bottom of page 6 of the instructions.

Form CDBG – E, the draft Economic Development Application Manual, the term “certify” was replaced with the term “affirm” in paragraph 1 of page 34.

For further information, contact Dr. Susan M. Cook, Community Program Administrator, at 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or call (850)487-3644.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Community Planning

RULE NO.:

RULE TITLE:

9J-9.012

Approval of Polk County
Ordinances 95-10 and 95-11
amending the Comprehensive
Plan

NOTICE OF WITHDRAWAL

Notice is hereby given that Rule 9J-9.012 which appeared August 4, 1995 in Vol. 21, No. 31 edition of the Florida Administrative Weekly has been withdrawn. This rule was entitled Approval of Polk County Ordinances 95-10 and 95-11 Amending the Comprehensive Plan.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-63
 RULE CHAPTER TITLE: Building Moving Permit Regulations

RULE NO.: 14-63.011
 RULE TITLE: Non-Compliance

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule amendment in accordance with subparagraph 120.54(3)(d)1., Florida Statutes. Notice of rulemaking was published in Vol. 25, No. 7, February 19, 1999, issue of the Florida Administrative Weekly. The change is in response to comments provided by the Joint Administrative Procedures Committee.

14-63.011(1)(a) is changed to read as follows:

(a) Failure by the permittee or his agents to comply with the regulations of this rule chapter or the requirements of Chapter 316, Florida Statutes.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-78
 RULE CHAPTER TITLE: Participation by Socially and Economically Disadvantaged Individuals in Department of Transportation Contracts

RULE NOS.: 14-78.007, 14-78.0071, 14-78.008
 RULE TITLES: Procedure for Certification, Challenge Procedure, Suspension or Revocation

WITHDRAWAL NOTICE

The Department hereby withdraws the notice of rulemaking to amend rules 14-78.007, 14-78.0071, and 14-78.008. The notice of rulemaking was published in Vol. 25, No. 12, March 26, 1999, issue of the Florida Administrative Weekly.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-2
 RULE CHAPTER TITLE: Identification When Transporting Citrus Fruit and Records to be Kept on Citrus Fruit Received; Bond Disclaimer

RULE NO.: 20-2.005
 RULE TITLE: Record of Fruit Received

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 24, No. 45, November 6, 1998 has been withdrawn.

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: 20-35
 RULE CHAPTER TITLE: Florida Grade and Quality Standards for Fresh Fruit

RULE NO.: 20-35.005
 RULE TITLE: Grapefruit – Florida Grades and Standard

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment published in the Florida Administrative Weekly, Vol. 25 No. 9, March 5, 1999 has been withdrawn.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.: 40B-3.011, 40B-3.035, 40B-3.037, 40B-3.201, 40B-3.525
 RULE TITLES: Policy and Purpose, Publications and Agreements Incorporated by Reference, Water Well Contractor Licensing Permit Fees, Explosives

NOTICE OF CHANGE

Notice is hereby given that proposed amendments to Rule 40B-3, F.A.C., as originally published in the Florida Administrative Weekly, Vol. 24, No. 52, on December 24, 1998, with a notice of change published in the Florida Administrative Weekly, Vol. 25, No. 8, on February 26, 1999, has been changed to reflect comments received from the Joint Administrative Procedures Committee.

When changed, section 40B-3.011, F.A.C., shall read as follows:

40B-3.011 Policy and Purpose.

(1) through (3) No change.

(4) Minimum standards for the location, construction, repair, and abandonment of water wells shall be in accordance with Chapter 62-532, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103(1), 373.306, 373.308, 373.309, 373.313, 373.314, 373.316, 373.323(2), 373.326, 373.329, 373.333, 373.342 FS. History–New 1-31-83, Amended 7-1-85, 8-15-89,_____.

When changed, section 40B-3.035, F.A.C., shall read as follows:

40B-3.035 Publications and Agreements Incorporated by Reference.

The Governing Board hereby adopts by reference:

(4) Memorandum of Understanding between the Suwannee River Water Management District and the Department of Environmental Protection concerning procedures for handling:

(a) through (c) No change.

~~(2) Chapter 62-532, F.A.C., which establishes the minimum standards for the location, construction, repair, and abandonment of water wells.~~

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.308, 373.309 FS. History–New 7-1-85, Amended_____.

When changed, section 40B-3.037, F.A.C., shall read as follows:

40B-3.037 Water Well Contractor Licensing.

Minimum standards for licensing water well contractors shall be in accordance with Chapter 62-531, F.A.C., which also, which requires the licensing of water well contractors and includes the Water Well Contractor Disciplinary Guidelines and Procedures Manual, effective September 1992, is hereby adopted by reference and made part of this rule. The licensing program shall be administered and enforced by the District under the authority delegated to it by the Department.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.308, 373.309, 373.323 FS. History—New 7-1-85, Amended 8-15-89, _____.

When changed, section 40B-3.201, F.A.C., shall read as follows:

40B-3.201 Permit Fees.

(1) through (5) No change.

TABLE 1 SCHEDULE OF WATER WELL PERMIT FEES

Water Well Contractor Licenses per <u>section Rule 40B-3.037, F.A.C.</u>	\$150
Renewal	\$50
Re-issuance of Inactive License	\$125
Public Water Supply Wells per <u>section Rule 40B-3.041, F.A.C.</u>	\$275
Modification or Renewal	\$140
Transfer	\$10
Well Construction Permits in Delineated Areas per <u>Chapter Rule 62-524, F.A.C.</u> , of rules of Florida Department of Environmental Protection	
Public Supply Wells	\$500
Private Supply Wells	\$275
Modification or Renewal	\$140
Transfer	\$10
All other wells falling under <u>section 40B-3.041, F.A.C.</u>	\$40
Modification or Renewal	\$10
Transfer	\$10
Class V Air Conditioning or Heating Return Wells per <u>sub-subparagraph Rule 62-28.130(1)(e)1.a., F.A.C.</u> , of rules of Florida Department of Environmental Protection as adopted by reference in <u>section Rule 40B-5.011, F.A.C.</u>	\$40
Modification or Renewal	\$10
Transfer	\$10

Specific Authority 373.044, 373.113, 373.171, ~~373.409, 373.418~~ FS. Law Implemented 373.109, 373.308, 373.309, 373.313, 218.075 FS. History—New 4-15-81, Amended 9-15-81, 1-31-83, 7-1-85, 6-16-88, _____.

When changed, section 40B-3.525, F.A.C., shall read as follows:

40B-3.525 Explosives.

The use of explosives in well construction or development is prohibited unless specifically approved pursuant to section Rule 40B-3.0511, F.A.C.

Specific Authority 373.044, 373.309, 373.171 FS. Law Implemented 373.306, 373.308, 373.309, 373.113 FS. History—New 7-1-85, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-10.0011
RULE TITLE: Annual Financial Statements

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. 9, March 5, 1999, issue of the Florida Administrative Weekly. When change, the rule shall read as follow:

61G7-10.0011 Annual Financial Statements.

Each employee leasing company shall submit, not later than 120 days after their fiscal year end, a copy of their current fiscal year end financial statements, prepared in accordance with generally accepted accounting principles, which shall include statement of income and retained earnings, balance sheet, statement of changes in financial position (cash flows), and applicable footnotes. This information shall be submitted on the Standard Financial Statement Form, DPR/EL-006, herein incorporated by reference and effective 7-1-93, copies of which can be obtained from the Board office. The financial statements are to reflect positive working capital and positive accounting net worth, as required in s. 468.525(3). Financial statements which are not audited must be accompanied by a completed form DPR/EL-003, as required in rule 61G7-5.003, F.A.C.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Marine Resources

RULE NO.: 62R-7
RULE TITLE: The Comprehensive Shellfish Control Code

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. 5, dated February 5, 1999, and Vol. 25, No. 12, dated March 26, 1999 issues of the Florida Administrative Weekly.

The Department has made changes to the proposed rule which appeared in the Florida Administrative Weekly, Volume 25, Number 5, dated February 5, 1999, pages 450-452, and Volume 25, Number 12, dated March 26, 1999, page 1243. Changes were made to the regulation in response to comments

from staff of the Joint Administrative Procedures Committee. Changes are included as strike out for deletions, and underline for additions.

62R-7.003

(18) HACCP-Hazard Analysis and Critical Control Points-A system of inspection, control, and monitoring measures initiated by a certified dealer ~~conducted by a processor~~ to identify microbiological, chemical, or physical food safety hazards which are likely to occur in shellfish products produced by the firm processor. ~~Upon identification of hazards the processor shall implement control points in the process to prevent, reduce, or eliminate the hazards.~~

62R-7.007

(7) Each applicant for a shellfish certification license shall have conducted a Hazard Analysis of the shellfish products produced at the location listed on DEP form 34-006, Shellfish Processing Plant Certification License Application. Each certified dealer shall prepare a written HACCP plan ~~to control at a minimum the food safety hazards of receiving shellfish from an unapproved source, and bacterial growth due to temperature abuse of shellfish. If due to the unique nature of the product produced, the process, facility, or source of shellfish used, other food safety hazards such as natural toxins, microbiological contamination, chemical contamination, pesticides, drug residues, parasites, unapproved use of direct or indirect food or color additives; and physical hazards, are identified, they shall also be controlled through the HACCP plan.~~ The HACCP plan shall incorporate critical control points that in the shellfish process which will eliminate, or prevent, or control the hazards identified in the hazard analysis. Critical control points shall have established critical limits for parameters to ensure when exceeded the dealer takes appropriate corrective actions. The HACCP plan shall include the procedures, and frequency thereof that will be used to monitor each of the critical control points to ensure compliance with the critical limits. The HACCP plan shall provide for a recordkeeping system that documents the monitoring of the critical control points. The records shall contain the actual values and observations obtained during monitoring. The plan shall be signed and dated by the owner or corporate officers responsible management of the firm at the time of its implementation, and after any modification, ~~and upon verification of the plan.~~

(8) Each owner or corporate officer who is a certified dealer processor shall verify that the HACCP plan is adequate to control food safety hazards that are reasonably likely to occur, and that the plan is being effectively implemented. Verification shall include at a minimum:

(a) Reassessment of the HACCP plan on an annual basis, or when changes occur that could affect the hazard analysis; and

(b) Ongoing verification including a review of any consumer complaints received by the processor to determine whether they relate to the performance of critical control points or reveal the existence of unidentified critical control points, the calibration of process-monitoring instruments.

62R-7.016 Plant Operation.

(1) The plant shall operate in accordance with the HACCP plan designed and approved by the owner or corporate officers management of the firm.

(11) Monitoring records of HACCP plan critical control points shall be maintained and reviewed as specified in the firm's HACCP plan. Records shall be reviewed to ensure that the records are complete and to verify that they document values that are within the critical limits. The review shall occur within one week of the day that the records are made. The records shall be signed and dated by an individual who is in a supervisory position in the firm and is knowledgeable of has received HACCP training.

(13) Whenever a deviation from a critical limit occurs, a certified dealer processor shall take corrective action either by following a corrective action that is appropriate for the particular deviation, or by segregating and holding the affected product until a review can ~~to~~ determine the acceptability of the affected product for distribution ~~has been made. The review shall be performed by an individual or individuals who have adequate training or experience to perform such a review. Corrective actions include, when necessary, reconditioning, seizure, or destruction of affected product. Take corrective action, when necessary, with respect to the affected product to ensure that no product enters commerce that is either injurious to health or is otherwise adulterated as a result of the deviation. Corrective actions also include, Take corrective action, when necessary, correcting to correct the cause of the deviation. All corrective actions shall be documented in writing. Document all actions taken in accordance with corrective actions~~

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: RULE TITLE:

64B7-25.004 Endorsements

NOTICE OF CHANGE

Notice is hereby given that in response to written comments by the Joint Administrative Procedures Committee, 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.11, March 19, 1999, issue of the Florida Administrative Weekly. In subsection(1)(e), the language within should be deleted.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill Buckhalt, Executive Director, Board of Massage Therapy, 2020 Capital Circle, S. E., Bin #C09, Tallahassee, Florida 32399-3259

DEPARTMENT OF HEALTH**Board of Occupational Therapy**

RULE NO.: RULE TITLE:
64B11-4.001 Use of Prescription Devices

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Occupational Therapy hereby gives notice of an additional public hearing on the above-referenced rule to be held on June 14, 1999 at 9:00 a.m., or shortly thereafter, at the Nova Southeastern University, Health Professions Division, Hall Auditorium, 3200 S. University Drive, Ft. Lauderdale, Florida. This additional public hearing is being held in response to comments received from the Board members at a Board of Occupational Therapy meeting held on April 12, 1999. The rule was originally published in Vol. 25, No. 14, of the April 9, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Occupational Therapy/MQA, 2020 Capital Circle, S. E., Bin #C05, Tallahassee, Florida 32399-3255

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**Council of Medical Physicists**

RULE CHAPTER NO.: RULE CHAPTER TITLE:
64B23-4 Continuing Education
RULE NOS.: RULE TITLES:
64B23-4.001 Continuing Education Providers
64B23-4.002 Approval of Continuing Education Programs

NOTICE OF CHANGE

The Department of Health, Division of Medical Quality Assurance, announces changes to proposed rules 64B23-4.001 and 64B23-4.002, F.A.C., published in the February 5, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 3. The changes are in response to written comments received from the Joint Administrative Procedures Committee. The specific changes are as follows:

64B23-4.001 Continuing Education Requirements.

(1) For the purpose of renewing or reactivating a license, the licensee must demonstrate to the Department that he or she participated in at least twenty-four (24) hours of approved continuing education, of which twelve (12) hours must be in the specialty in which the license is held.

~~(2) Those persons initially licensed during the second year of a biennium are exempt from the continuing education requirements for their first renewal. Continuing education requirements must be met for each biennium thereafter.~~

~~(2)(3)~~ The licensee must retain certificates of attendance to document completion of the appropriate continuing education for each biennium for a period of not less than four (4) years from the date of the offering. The Department will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met. Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action pursuant to Section 483.901(6)(g), Florida Statutes.

~~(3)(4)~~ Individual physicists licensed by the State of Florida can claim a one-time credit per program for an approved program of which they are the presenter.

Specific Authority ~~455.564(7)~~, 483.901(6)(a) FS. Law Implemented ~~455.564(7)~~, 483.901(6)(a) FS. History—New _____.

64B23-4.002 Approval of Continuing Education Programs.

(2) All other providers seeking approval shall:

(a) Make application on Form DH 1273, Continuing Education Program Application, hereby incorporated by reference, which shall be effective as of XX-XX-XX and provided by the Department and submit the following:

Specific Authority ~~455.564(7)~~, 483.901(6)(a) FS. Law Implemented ~~455.587(3)~~ ~~455.564(7)~~, 483.901(6)(a) FS. History—New _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES**Economic Self Sufficiency Program**

RULE NO.: RULE TITLE:
65A-4.301 Drug Screening and Testing of
Temporary Cash Assistance
Applicants

NOTICE OF ADDITIONAL PUBLIC HEARING

The Department of Children and Family Services announces a public hearing to which all persons are invited.

TIME AND DATE: 10:00 a.m., May 21, 1999

PLACE: 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700

PURPOSE: To discuss the department's intent to further amend proposed administrative rule 65A-4.301, FAC, concerning drug screening and testing of temporary cash assistance applicants and recipients.

This rule was previously scheduled for hearings on December 21, 1998 and April 6, 1999. These hearings were respectively scheduled by a notice of proposed rulemaking in the Florida Administrative Weekly, Vol. 24, No. 48, November 25, 1998, and by a notice of public hearing in the Florida Administrative Weekly, Vol. 25, No. 10, March 12, 1999. Notices of change were published in the Florida Administrative Weekly, Vol. 25, No. 5, February 5, 1999 and Vol. 25, No. 16, April 23, 1999.

Any person desiring special accommodations under the Americans with Disabilities Act or desiring a copy of the agenda for this hearing should contact Audrey Mitchell, Program Administrator, Economic Self-Sufficiency Program, Building 3, Room 412D, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or telephone (850)488-3090. If special accommodations are required, please make the contact at least 24 hours prior to the hearing.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

IN RE:

PETITION BY GRAEBEL/

TAMPA BAY MOVERS, INC.

FOR VARIANCE FROM RULE 5F-5.001

WHICH ADOPTS BY REFERENCE

SECTION U.R.2.6.1 OF NIST HANDBOOK 44:

Petitioner seeks a variance from the requirement of Section U.R.2.6.1 of NIST Handbook 44 to the extent that it requires a down slope of one-half the distance from the exit edge of a vehicle scale. Petitioner asks that this requirement be substituted by an engineered drainage system which will prevent drainage into the scale, based on unique facts showing hardship to Petitioner. Comments concerning the proposed variance should be directed to the attention of Linton Eason, Florida Department of Agriculture and Consumer Services, Mayo Building, Room 515, 407 South Calhoun Street, Tallahassee, Florida 32399-0800.

DEPARTMENT OF LAW ENFORCEMENT

AMENDED NOTICE: Notice is hereby given that the Florida Department of Law Enforcement, Criminal Justice Professionalism Program, has received from Debra Gale, on April 13, 1999, a petition for Waiver of Rule 11B-27.002(2). The Jupiter Inlet Colony Police Department would like to employ Debra Gale without further training.

PURPOSE: Comments on this Petition should be filed with the Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida

32302-1489, Attention: Assistant General Counsel Karen D. Simmons. A copy of the Petition may be obtained by contacting Assistant General Counsel Karen D. Simmons at the above address, or by calling (850)410-7676.

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that on April 1, 1999, the Florida Public Service Commission received a Petition from BellSouth Public Communications, Inc. (Docket No. 990480-TC), seeking waiver of Rule 25-24.515(13), Florida Administrative Code. The rule requires that all pay telephone stations allow incoming calls to be received. The location of the pay telephone stations is as follows: Lil' Champ Store #197, 5098 Minton Road, N. W., Palm Bay, Florida. Comments on this Petition should be filed with the Commission's Division of Records and Reporting, Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0863, within 14 days of publication of this notice. A copy of the Petition may be obtained from the Commission's Division of Records and Reporting, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0850, or by calling (850)413-6770.

For additional information, contact: Diana Caldwell, Division of Legal Services, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0862, or telephone (850)413-6175.

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Public Communications, Inc.'s petition for waiver of Rule 25-24.515(8), Florida Administrative Code, filed January 26, 1999, in Docket No. 990096-TC, was approved by the Commission at its March 30, 1999 Agenda Conference. Order No. PSC-99-0831-FOF-TC, issued April 22, 1999 memorialized the decision. The rule requires pay telephone stations to allow incoming calls to be received. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on February 12, 1999. A copy of the Order can be obtained from the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770.

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), Florida Administrative Code, pertaining to