

Specific Authority ~~120.53~~, 414.41, 414.45 FS. Law Implemented 24.115(4), 414.31, 414.41 FS. History--New 7-21-92, Amended 1-5-93, 9-5-93, Formerly 10C-1.900, Amended 7-9-98.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rodney McInnis, Management Review Specialist  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kim Shaver, Chief, Policy Bureau  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 30, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 26, 1999

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

**DEPARTMENT OF INSURANCE**

RULE NO.: 4-127  
RULE TITLE: Fees and Procedures Regarding Department Information and Services

**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 the Florida Administrative Weekly, Vol. 25, No. 15, on April 16, 1999.

The following was not included in the publication of this rule:  
NAME OF PERSON ORIGINATING PROPOSED RULE: Jamie Payne, Document Processing, Department of Insurance  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Nipper, Division of Administration, Department of Insurance  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 6, 1999  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 12, 1999

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE NO.: 5J-13.004  
RULE TITLE: Security Claims

**NOTICE OF CORRECTION**

The Florida Department of Agriculture and Consumer Services, Division of Consumer Services, announces a correction to the Notice of Proposed Rulemaking regarding Rule Chapter 5J-13 which appeared in the May 7, 1999, issue of the Florida Administrative Weekly, Vol. 25, No. 18. Specifically, the notice published in the May 7, 1999, issue indicates a hearing date of May 31, 1999. The correct hearing date is June 1, 1999, with no change in time.

**DEPARTMENT OF REVENUE**

**NOTICE OF CABINET AGENDA ON MAY 25, 1999**

The Governor and Cabinet, on May 25, 1999, sitting as head of the Department of Revenue, will consider approval of amendments to Rule 12-25.009, F.A.C., Performance of Audit Services, for adoption. The proposed rule amendments are needed to remove the requirement that contract auditors comply with any written or verbal directions issued by the Department, beyond those specifically authorized by statute or rule. The proposed amendments were originally noticed in the Florida Administrative Weekly of April 2, 1999, Vol. 25, No. 13, p. 1326. A public hearing on the proposed rule was held on April 27, 1999. No comments were received at the public hearing.

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

**NOTICE OF CABINET AGENDA ON MAY 25, 1999**

The Governor and Cabinet, on May 25, 1999, sitting as head of the Department of Revenue, will consider approval of amendments to Rule 12A-1.0091, F.A.C., Cleaning Services; Rule 12A-1.044, F.A.C., Vending Machines; Rule 12A-1.061, F.A.C., Rentals, Leases, and Licenses to Use Transient Accommodations, and Rule 12A-1.097, F.A.C., Public Use Forms; Rule 12A-1.064, F.A.C., Sales in Interstate and Foreign Commerce; Sales to Nonresident Dealers; Sales to Diplomats; Rule 12A-1.096, F.A.C., Industrial Machinery and Equipment for Use in a New or Expanding Business; and proposed repeal of Rule 12A-1.098, F.A.C., Itinerant Merchants, Flea Market Vendors and Other Retailers Without Permanent Places of Business, for adoption. The proposed amendments were originally noticed in the Florida Administrative Weekly of April 2, 1999, Vol. 25, No. 13, pp. 1326-1335. A public hearing on the proposed rule amendments and rule repeal was held on April 27, 1999. No comments were received at the public hearing.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

**NOTICE OF CABINET AGENDA ON MAY 25, 1999**

The Governor and Cabinet, on May 25, 1999, sitting as head of the Department of Revenue, will consider approval of amendments to Rule 12B-8.003, F.A.C., Tax Statement; Overpayments, for adoption. The proposed amendments incorporate updates to the annual return for the Florida Life and Health Guaranty Association Credit, and Police Officers' and Firefighters' Pension Trust Fund Schedules. The proposed amendments were originally noticed in the Florida Administrative Weekly of April 2, 1999, Vol. 25, No. 13, pp. 1337-1338. A public hearing on the proposed rule was held on April 27, 1999. No comments were received at the public hearing.

**DEPARTMENT OF REVENUE**

**Division of Ad Valorem Tax**

NOTICE OF CABINET AGENDA ON MAY 25, 1999

The Governor and Cabinet, on May 25, 1999, sitting as head of the Department of Revenue, will consider approval of amendments to Rule 12D-13.057, F.A.C., Cancellation of Void Tax Certificates and Tax Deeds; Procedure; Return of Payments, for adoption. The proposed amendments delete a rule provision requiring the Clerk of Court to provide information on erroneous tax deeds. The proposed amendments were originally noticed in the Florida Administrative Weekly of April 2, 1999, Vol. 25, No. 13, pp. 1338-1339. A public hearing on the proposed rule was held on April 27, 1999. No comments were received at the public hearing.

**DEPARTMENT OF CITRUS**

RULE CHAPTER NO.: 20-111  
 RULE NO.: 20-111.0021  
 RULE CHAPTER TITLE: Ownership and Use of "Made with Florida Citrus" Mark  
 RULE TITLE: Exclusive Category Rights

**NOTICE OF CHANGE**

SUMMARY OF CHANGE: In response to comments and information received from staff and members of the citrus industry, the rule is revised to read as follows:

20-111.0021 Exclusive Category Rights.

Upon request of the applicant, exclusive rights to use the "Made with Florida Citrus" mark in a specific food category shall be granted by the Department with the following restrictions.

(1) Exclusive rights shall be extended only to the first user of the mark in that specific food category.

(2) Such exclusive rights shall be granted ~~for a maximum of two years initially for up to three years~~ from the date license to use the mark is issued ~~and shall not be renewable, with no more than the initial year of which may be for the purpose of product and market development. If, during the period such rights are effective, Department determines that licensee has failed to comply with the provisions for use of the "Made With Florida Citrus" mark as set forth herein, such exclusive category rights shall be withdrawn. Thereafter, the license shall be exclusive from year to year provided the following events (exclusivity criteria) have occurred:~~

(a) The licensee shall introduce at least one (1) new product using Florida citrus products as an ingredient, or

(b) The licensee shall demonstrate a marketing-to-sales ratio for the product comparable to the licensee's primary business, and either

1. demonstrate significant volume or share growth of the products as compared to the previous year, or

2. have agreed with the Department to use Florida citrus products as an ingredient in product categories other than the original product, or

3. increase the breadth or depth of distribution of the products over the preceding year, including, but not limited to, distribution in additional channels of trade.

(3) If during the period such rights are effective, Department determines that licensee has failed to comply with the provisions for use of the "Made With Florida Citrus" mark as set forth herein, such exclusive category rights shall be withdrawn.

(4)(3) To qualify for exclusive category rights for salad dressings, sauces or marinades, the licensee must agree to utilize an estimated minimum of ~~638,000~~ 90,000 pounds of Florida citrus solids on an annual basis and shall furnish Department with records to substantiate use.

Specific Authority 601.10(1), 601.11, 601.15(10)(a) FS. Law Implemented 601.101 FS. History--New 4-28-98.

NOTE: Although this is a new rule, delete/add coding was used in this change notice to reflect changes from the originally proposed rule.

Notice of proposed rule was published in Florida Administrative Weekly, Vol. 25, No. 5, February 5, 1999.

**MARINE FISHERIES COMMISSION**

**NOTICE OF CABINET MEETING**

Proposed amendment of Rule 46-4.002, F.A.C., relating to gear definitions, as published in the January 22, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 3, with no changes, was deferred from the April 27, 1999 agenda of the Governor and Cabinet, sitting as the Board of Trustees of the Internal Improvement Trust Fund, and will be resubmitted to the Board of Trustees, pursuant to Section 370.027(3)(a), Florida Statutes, for approval or disapproval, at a public hearing to be held during a regular meeting of the Governor and Cabinet at the time, date, and place shown below.

TIME AND DATE: 9:00 a.m., or as soon thereafter as the item can be heard, on May 25, 1999

PLACE: The Jacksonville City Council Room, Jacksonville City Hall, 117 West Duval Street, Jacksonville, Florida

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE AGENCY WITH RESPECT TO ANY MATTER CONSIDERED AT THIS HEARING, HE WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, HE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED.

Information concerning Board of Trustees consideration of this item can be obtained by contacting the Marine Fisheries Commission, 2540 Executive Center Circle, West, Suite 106,

Tallahassee, Florida 32301, (850)487-0554. A copy of the Board of Trustees, Marine Fisheries Commission for the May 25, 1999 Cabinet meeting may be obtained by writing to Judy Brooks, Department of Environmental Protection, Room 1014, 3900 Commonwealth Blvd., Tallahassee, Florida 32399.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.231  
 RULE TITLE: Physician Assistant  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 25, No. 8, Florida Administrative Weekly, February 26, 1999. These changes are in response to comments received from the Joint Administrative Procedures Committee.

The following changes were made to the Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 1999, which is being incorporated by reference in the rule.

1. On page 1-4, we are correcting the reference from Chapter 61F6-17 to Chapter 64B8-30, F.A.C.; adding a reference to Chapter 458, F.S.; and deleting the reference to Chapter 61F6-19.

2. On page 1-4, we are adding 458, F.S. as the statutory cite for the provision that "A physician may supervise up to a maximum of four PAs."

3. On page 2-33, we are deleting the term "normally" and changing "including but not limited to" to "examples are."

We are adding the cite 458, F.S. to the Law Implemented.

Copies of the full text of the Florida Medicaid Physician Assistant Coverage and Limitations Handbook, January 1999, may be obtained by contacting Belinda McClellan, Medicaid Program Development, (850)488-4481.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

DOCKET NO.: 98-05R

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

**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 public hearings held on February 25, 1999 and April 29, 1999, both 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:

TIMES AND DATES: 9:00 a.m., Wednesday, May 26, 1999 and 9:00 a.m., Thursday, May 27, 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 ENVIRONMENTAL PROTECTION**

DOCKET NO.: 98-51R

RULE CHAPTER NO.: 62-672  
 RULE CHAPTER TITLE: Minimum Requirements for Earthen Dams Used In Phosphate Mining and Beneficiation Operations and For Dikes Used in Phosphogypsum Stack System Impoundments

RULE NOS.: 62-672.100  
 62-672.200  
 62-672.300  
 62-672.500  
 62-672.600  
 62-672.620  
 62-672.650  
 RULE TITLES: General Definitions Construction of New Dams Inspections Construction of New Perimeter Earthen Dikes Assessment of Existing Perimeter Earthen Dikes Operational Requirements for Perimeter Earthen Dikes

62-672.670 Inspection and Maintenance Requirements for Perimeter Earthen Dikes

62-672.720 Assessment of Existing Phosphogypsum Stacks

62-672.750 Procedures for Raising Phosphogypsum Stacks

62-672.760 Procedures for Decanting Process Water from Top of Phosphogypsum Stack

62-672.770 Phosphogypsum Stack Inspection and Maintenance

62-672.780 Phosphogypsum Stack System Operation Plans

62-672.870 Emergency Measures

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. 12, March 26, 1999, issue of the Florida Administrative Weekly:

62-672.100 General.

(1) Phosphate Mining and Beneficiation Operations. The provisions of rules 62-672.100(1) and 62-672.200 through 62-672.570 apply to phosphate mining and beneficiation operations in the manner and to the extent set forth therein. It is the conclusion of the Environmental Regulation Commission that the most common causes for past failures of earthen dams used for impoundment of liquid industrial wastes from phosphate mining and beneficiation operations have been insecure foundations, inadequate supervision of construction, poor routine inspections, and/or inadequate maintenance. It is the intent of the Environmental Regulation Commission to establish requirements which will eliminate or reduce failures of earthen dams to the greatest ~~lowest~~ possible extent. This rule, therefore, emphasizes an intensive surveillance program which is designed to expose critical conditions in dams sufficiently in advance of failure to permit corrective maintenance and avoidance of disaster. It shall be incumbent upon owners of earthen dams to construct and maintain them on the basis that these requirements are minimum safety standards which shall normally be exceeded to ensure that there shall be no discharge from said dams into the waters of the State of Florida other than that specifically authorized by the Department of Environmental Protection. All earthen dams for impounding, above natural ground elevation, liquid industrial wastes from phosphate mining and beneficiation operations shall be constructed in accordance with a design and set of detailed specifications prepared, sealed and signed by a professional engineer registered in Florida who is competent in the field of dam design, construction and maintenance. Results of field and laboratory tests from an adequate number of test borings and soil samples shall be the basis for computations pertaining to seepage and stability analyses. Construction

specifications contained in this rule shall apply to dams on which construction begins after the effective date of the rule. Inspection and maintenance specifications contained in this rule shall apply to all active and retired phosphate industry dams immediately upon the effective date of the rule.

(2) Phosphogypsum Stack Systems. The provisions of rules 62-672.100(2), 62-672.200, and 62-672.600 through 62-672.870 apply to phosphogypsum stack system impoundments in the manner and to the extent set forth therein. The purpose of these rules is to ensure the physical integrity of impoundments used to manage phosphogypsum and process water generated during the course of production of phosphate fertilizer. These rules establish minimum design, construction, operation, inspection and maintenance requirements to ensure that phosphogypsum stack system impoundments meet critical safety standards and do not cause unplanned releases to the environment. Owners of phosphogypsum stack systems are required to maintain inspection logs and to develop and maintain plans to respond to emergency conditions. All requirements of this rule shall apply upon effective date of this rule except as otherwise provided in specific provisions of this rule.

62-672.200 Definitions.

(1) through (5) No change.

(6) Backup power – A secondary ~~Two~~ sources of power not likely to fail simultaneously with the primary source.

(7) Beach or Delta – A gently sloping area of gypsum deposited within the settling compartment, above the process water level.

(8) Beneficiation – The processing of phosphate ore to separate the phosphate rock from the associated sand and clays.

(7) through (21) renumbered (9) through (23) No change.

~~(24)(22)~~ New perimeter earthen dike – A perimeter earthen dike which is the subject of a complete application for a department permit to construct or laterally expand a phosphogypsum stack system submitted to the department completed after [effective date of rule].

(23) through (32) renumbered (25) through (34) No change.

~~(35)(33)~~ Qualified Company Employee – An employee trained pursuant to rule section 62-672.800 specifically in the area of their job duties.

(34) through (41) renumbered as (36) through (43) No change.

62-672.300 Construction of New Dams.

(1) Design.

(a) No change.

(b) Soil testing-A program of soil sampling and testing adequate to determine the characteristics of the foundation material which will support the proposed dam and of the material to be used for construction of the dam shall be performed. Sampling shall include borings or ~~and/or~~ in-place

samples from the exposed excavation face. All borings shall be logged using a recognized engineering soil classification system, (such as Unified System) with location and depths of all samples recorded on the log. Tests such as the determination of in-place densities, shear-strength; and permeabilities of the foundation and embankment soils shall be performed. Tests on foundation soils shall be performed on either undisturbed samples or on the in-place soil. Tests on embankment soils shall be performed on samples remolded to the densities to be used in construction. ~~All soil test data used for design shall be derived from tests performed in compliance with the American Society of Testing Materials, American Association of State Highway Officials, or U.S. Army Corps of Engineers soil testing specifications and procedures.~~

(c) through (g) No change.

(2) through (5) No change.

(6) Documentation.

(a) After completion of construction and before the above-grade deposition of industrial waste behind the dam, the permittee shall contact the department to arrange for a department representative to inspect the facility in the company of the permittee. The owner of an earthen dam shall maintain in a permanent file the following construction records pertaining to said dam. The owner shall furnish a copy of the similar file and certification of completion of construction within 30 days after completion of the dam to the department ~~for approval. This approval shall constitute authorization to operate said dam.~~

1. through 8. No change.

62-672.500 Inspections.

(1) No change.

(2) Active dams shall be inspected weekly unless a defect has been disclosed, in which event the defective area of the dam shall be inspected daily until corrective maintenance has cured such defect. Inspections shall be made by ~~competent~~ employees of the owner of the dam who have been trained in accordance with rule 62-672.500(9). The findings on each inspection shall be recorded, signed by the inspector, and filed after any necessary corrective action is initiated by supervisory personnel. The inspector shall travel on foot, horseback, or wheeled vehicle suitable for traversing the terrain involved at slow speeds. Dams shall be inspected from the crest and from the toe through the use of all-weather toe roads or other means of direct inspection from the toe of the dam. Items to be noted on weekly (or daily) inspections shall include:

(a) through (f) No change.

(3) No change.

(a) through (d) No change.

(4) When a critical condition as listed in rule 62-672.500(7) is suspected during a weekly or monthly inspection, the inspector shall ensure that a ~~competent~~ technical representative of the dam owner is made aware of the

condition immediately. If the existence of the critical condition is confirmed, the department shall be notified immediately. A written report of the condition and the actions proposed for its correction shall be made to the department within seven (7) days from the time existence of the critical condition is confirmed.

(5) through (10) No change.

62-672.600 Construction of New Perimeter Earthen Dikes.

(1) through (4) No change.

(5) Methods of construction.

(a) Each new dike shall be constructed to meet or exceed the minimum safety requirements of the specifications and design for that dike. Appropriate earthmoving equipment shall be used to place materials in dike construction. The soil shall be compacted and density tests shall be performed to ensure that the designed densities are obtained. A ~~qualified~~ representative of the third-party engineer shall be present on the site during construction of the dike and liner, and during construction and installation of spillways and penetrations through the dike or liner. The department shall be advised of the date on which construction of a new dike will begin so that a department representative can inspect the site.

(b) No change.

(6) No change.

62-672.620 Assessment of Existing Perimeter Earthen Dikes.

(1) Within nine months of [the effective date this rule], the owner of a phosphogypsum stack system shall submit to the department documentation that existing perimeter earthen dikes have either been:

(a) and (b) No change.

(c) evaluated by a third-party engineer who certifies the safety and stability of the dikes ~~as being adequate.~~

(2) and (3) No change.

62-672.650 Operational Requirements for Perimeter Earthen Dikes.

(1) No change.

(2) Temporary Nonemergency Use of Design Freeboard.

(a) through (e) No change.

62-672.670 Inspection and Maintenance Requirements For Perimeter Earthen Dikes.

(1) and (2) No change.

(3) All perimeter earthen dikes and water control structures shall be inspected weekly unless a critical condition listed in rule 62-672.670(~~6~~)(~~5~~) has been disclosed, in which event the defective area of the dike shall be inspected daily until corrective maintenance has cured such defect. Water level elevations and freeboard compliance shall be determined at least every 12 hours. Piezometric water levels within the dike shall be measured quarterly if piezometers have been installed. The inspections shall be made by a qualified company

employee or contractor employed or retained by the owner of the dike which employee or contractor has been trained in accordance with rule 62-672.800. The findings of each inspection shall be recorded in a log which log shall be made available to the department upon request.

(4) When a critical condition listed in rule 62-672.670(6) is suspected during an inspection, the inspector shall ensure that a ~~competent~~ technical representative of the dike owner is made aware of the condition immediately. If the existence of the critical condition is confirmed, the department shall be notified immediately. A written report of the condition and the actions proposed for its correction shall be made to the department within seven (7) days from the time existence of the critical condition is confirmed.

(5) through (8) No change.

62-672.720 Assessment of Existing Phosphogypsum Stacks.

(1) Within nine months of [effective date] ~~the effective date of the new rule~~, the owner of an existing phosphogypsum stack for which a closure permit has not been issued shall provide to the department documentation that the stack has either been:

(a) No change.

(b) evaluated by a third-party engineer who certifies the safety and stability of the stack ~~as being adequate~~.

(2) No change.

62-672.750 Procedures For Raising Phosphogypsum Stacks.

Phosphogypsum stacks shall be raised in accordance with the following minimum standards:

(1) and (2) No change.

(3) The overall average exterior slope of the phosphogypsum stack shall be established based on the results of stability analyses previously performed by a third-party engineer to demonstrate or certify ~~that~~ the safety and stability of the stack ~~are adequate~~ throughout the life of the stack. The overall average exterior slope of the phosphogypsum stack shall be no steeper than two (2.0) horizontal to one (1.0) vertical for stacks greater than 50 feet in height.

(4) and (5) No change.

62-672.760 Procedures For Decanting Process Water From Top of a Phosphogypsum Stack.

The owner of a phosphogypsum stack system, including inactive stacks or temporarily inactive stacks, shall comply with the following requirements for decanting process water from the top of phosphogypsum stacks.

(1) One or more of the following three methods may be used to decant water from the top of ~~a an~~ active phosphogypsum stack:

(a) overflow broad crested weir dug in gypsum, such as controlled flow through an open cut;

(b) decant pipe placed in a backfilled cut; or

(c) siphon line or positive pressure line that does not penetrate the gypsum dike.

Any exception to the above shall be specifically recommended approved, on a case-by-case basis, by a third-party engineer and approved by the department upon a demonstration that such exception will maintain the integrity of the impoundment. Any exception to the requirements specified in rules 62-672.760(2)-(14) shall be specifically recommended approved, on a case-by-case basis, by a third-party engineer and the department shall be notified of the exception in a timely manner.

(2) through (10) No change.

(11) Backfilling operations shall incorporate one or more of the following construction steps or procedures, as applicable, or other methods certified as equivalent methods approved by a third-party engineer.

(a) through (d) No change.

(12) and (13) No change.

(14) All inspections shall be documented in writing and the findings shall be recorded, signed by the qualified company employee who ~~that~~ conducted the inspection and maintained at the facility for a period of not less than three years.

62-672.770 Phosphogypsum Stack Inspection And Maintenance.

(1) Personnel or agents of the department may accompany inspectors on any inspection required by this rule, or inspect starter dikes or gypsum dikes at any other time which is reasonable under the circumstances involved. They may also examine any inspection reports and shall be furnished copies thereof upon request.

(2) A completed new phosphogypsum stack system, including the starter dike, shall be thoroughly inspected prior to the deposition of process water in it. The liner, spillways and water level control structures shall be certified by the design third-party engineer as meeting all specifications of the design, and the degree of compaction of the fill shall also be certified. Legible photographs, either aerial or ground, may be used to document this initial inspection, but shall not in themselves constitute certification. A complete file describing the items inspected and their condition shall be maintained by the owner, and a copy shall be furnished to the department.

(3) All stack compartments, including any noted areas containing critical conditions as listed in rule 62-672.770~~(6)(5)~~ until corrected, shall be inspected daily. Stack slopes, collection ditches, and drain outlets shall be inspected weekly. Flow from drain outlets shall be checked quarterly. The total areal coverage of water on the stack shall be estimated each month and the total water inventory on top of the stack shall be estimated annually. ~~The then current height and elevation of the stack shall be measured and reported annually.~~ The required inspections and estimates shall be carried out by a qualified company employee or contractor employed or retained by the owner of the phosphogypsum stack which

employee or contractor has been trained in accordance with rule 62-672.800. The results of the required inspections and estimates shall be recorded in a log which shall be maintained by the owner of the phosphogypsum stack and made available to representatives of the department upon request.

(4) No change.

(5) Each phosphogypsum stack shall be inspected annually by a third-party engineer with experience in the field of construction and operation of phosphogypsum stacks at the same time that the annual inspection of the associated perimeter earthen dike occurs as required by rule 62-672.670. One copy of the report pertaining to such an inspection shall be furnished to the department, and the original report shall be retained by the owner. The report shall include an updated aerial photograph and shall state the area of the top of the stack and the current height ~~and~~ ~~or~~ elevation of the stack. The annual inspection report shall include recommendations and corrective measures taken. If corrective measures are not completed by the time of annual submittal, then follow up inspections shall be conducted by the third-party engineer on a quarterly basis with quarterly project reports submitted until completion of all corrective measures.

(6) through (8) No change.

62-672.780 Phosphogypsum Stack System Operation Plans.

(1) through (8) No change.

(9) The adequacy of the facility’s site-specific action plan and emergency measures shall be based on a five-year water balance analysis which shall be rechecked at five year intervals. The water balance calculations shall be performed for the 5-year period using input rainfall quantities which shall include the 100-year September rainfall, the 100-year annual rainfall, and multi-year rainfall events that have an equivalent probability for not being exceeded during the 5-year period. The annual rainfall quantities shall be distributed amongst the various months, where applicable, in proportion to the long term normal monthly rainfalls. For any facility that has been issued a department permit authorizing the discharge of process water to surface waters of the state and that cannot demonstrate that the storage volume will remain below the “must treat” trigger in such a water balance analysis, the owner shall provide reasonable assurance that treatment systems are in place that will operate at a rate that will avoid overtopping of the perimeter dike, provided, however, that for inactive or temporarily deactivated phosphogypsum stack systems, alternate methods to comply with the intent of this ~~rule recommendation~~ may be proposed for department approval. The department shall approve the alternate method for inactive or temporarily deactivated phosphogypsum stack systems upon a demonstration that such method will prevent overtopping of the perimeter dike. Any additional treatment capacity necessary to meet the terms of this ~~rule recommendation~~ shall

be installed within three years of the effective date of this rule or within 18 months of receipt by the owner of all necessary permits or other prior approvals whichever occurs later.

(10) No change.

62-672.870 Emergency Measures.

(1) Temporary use of the design freeboard.

(a) Temporary use of the design freeboard of a perimeter earthen dike ~~is shall be authorized when the water level is at the design freeboard during emergency water conditions if such use can occur safely and when such use~~ is necessary to prevent the release of untreated process water. Such use of the freeboard shall only be allowed when a third-party engineer has approved such use and when documentation demonstrating the continued safety and stability of the dike is submitted to the department. Such documentation shall include a listing of any operational limitations or constraints recommended by the third-party engineer as set forth in this section together with confirmation that the owner will comply with such recommendations. The third-party engineer shall base their recommendations on:

1. through 4. No change.

(b) The report by the third-party engineer shall specify conditions under which such use may be undertaken so as not to jeopardize the integrity of the dike ~~authorized~~, such as:

1. through 3. No change.

(c) No change.

(2) and (3) No change.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.:

RULE TITLE:

64B3-7.001

Licensure Examinations

**SECOND NOTICE OF CHANGE**

Notie 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, of the January 29, 1999, issue of the Florida Administrative Weekly. The first notice of change was published in the April 9, 1999, Florida Administrative Weekly. The Board, at its meeting of April 30, 1999, voted to make an additional change to the rule in response to comments received at the meeting. The change is as follows:

In subsection (6), a new section shall be added to read as follows, “(h) A candidate may choose to take one of the generalist medical technonogist examinations administered by the American Society of Clinical Pathologists (ASCP), the National Certification Agency for Medical Laboratory Personnel (NCA), or American Medical Technologists (AMT). Upon passage the applicant shall be licensed as a technologist in microbiology, serology/immunology, clinical chemistry, hematology and immunoematology.”

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

**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 WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 4, of the Florida Administrative Weekly on January 29, 1999, has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.:	RULE TITLE:
64B8-9.009	Standard of Care for Office Surgery

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Medicine hereby gives notice of an additional public hearing to be held on the above-referenced rule on June 3, 1999, at 6:00 p.m., at the Hyatt Regency Tampa, Two Tampa City Center, Tampa, Florida 33602. The Board may take action on this rule at its regularly scheduled meeting, to be held June 4-5, 1999, at the location set forth above. The rule was originally published in Vol. 25, No. 3, of the January 22, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 2020 Capital Circle, S. E., Bin #C03, Tallahassee, Florida 32399-3253

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**

**Board of Occupational Therapy**

RULE NO.:	RULE TITLE:
64B11-4.002	Occupational Therapy Aides and Other Unlicensed Personnel Involved in the Practice of Occupational Therapy

**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 staff of the Joint Administrative Procedures Committee. 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:
64B23-6	Discipline
RULE NOS.:	RULE TITLES:
64B23-6.001	Penalties
64B23-6.002	Aggravating and Mitigating Circumstances
64B23-6.003	Citations

**NOTICE OF CHANGE**

The Department of Health, Division of Medical Quality Assurance, announces changes to proposed rules 64B23-6.001 and 64B23-6.002, 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 and comments by staff. The proposed rules were changed to read as follows:

64B23-6.001 Penalties.

(2) Unless mitigating or aggravating factors are demonstrated when the Department finds an applicant or licensee whom it regulates under chapter 483, Part IV, Florida Statutes, has committed any of the acts set forth in section 483.901(6), Florida Statutes, it shall issue a final order imposing appropriate penalties based on the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) Attempting to obtain, obtaining or renewing a license to practice medical physics by bribery, by fraudulent misrepresentation, or through an error of the Department. In the case of an applicant, the Department shall deny the application. In the case of a licensee, the Department shall



~~revoke the license impose a penalty of a reprimand to revocation and a fine from \$500 to \$1,000, based on the severity of the offense.~~

(b) Having a license to practice medical physics revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country. In the case of a licensee, the Department shall impose a penalty ranging from reprimand to probation ~~revocation~~ and a fine from \$500 ~~250~~ to \$1,000, ~~depending upon the nature of the offense and the substantiating evidence.~~ In the case of an applicant, the Department shall deny the application.

(s) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform. The Department shall impose a penalty ranging from an administrative fine of \$1,000 and one year of probation, up to a maximum of revocation or denial of the license ~~reprimand to revocation and a fine from \$250 to \$1,000, depending on the severity of the offense.~~

~~(u) Violating any provision of chapters 483, Part IV, or 455, Part II, Florida Statutes, or any rule of the Department. The Department shall impose a penalty ranging from reprimand to revocation and a fine from \$250 to \$1,000, depending on the severity of the offense.~~

~~(u)(v) Conspiring with another licensee or with any other person to commit an act, or committing an act, which would tend to coerce, intimidate or preclude another licensee from lawfully advertising his services. The Department shall impose a penalty of reprimand to probation and a fine from \$250 to \$500.~~

~~(v)(w) Fraud, deceit, or misconduct in the practice of medical physics. The Department shall impose a penalty ranging from probation ~~reprimand~~ to revocation and a fine from \$500 ~~250~~ to \$1,000, ~~depending on the severity of the offense.~~~~

~~(x) Violating any provision of section 483, Part IV, Florida Statutes, or section 455.624, Florida Statutes. The Department shall impose a penalty within the ranges provided in paragraph (1) of this rule for any violation of section 483, Part IV, Florida Statutes, and a penalty within the range provided in section 455.624, Florida Statutes, for violations thereof.~~

~~(w) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. The Department shall impose a penalty ranging from probation to revocation and a fine from \$250 to \$500.~~

~~(x) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting ro performance of such responsibilities knows, or has reason to know, such person is not qulaified by training, experience, and authorization when~~

required to perform them. The Department shall impose a penalty of probation to revocation and a fine from \$500 to \$1000.

(y) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. The Department shall impose a penalty of reprimand to suspension and a fine from \$250 to \$500 dollars.

Specific Authority 455.627(1), 483.901(6)(a) FS. Law Implemented 455.624, 455.627, 483.901(6)(a) FS. History--New\_\_\_\_\_.

64B23-6.002 Aggravating and Mitigating Circumstances.

The Department will give consideration to aggravating and mitigating circumstances in determining the penalty to be imposed in any given case. The following factors will influence the Department's decision:

- ~~(1) The severity of the offense;~~
- ~~(1)(2) The danger to the public;~~
- ~~(3) The number of repetitions of offenses;~~
- ~~(2)(4) The length of time since the violation when no further complaints have been made against the licensee;~~
- ~~(5) The number of times the licensee has been previously disciplined by the Department;~~
- ~~(3)(6) The length of time licensee has practiced without having any disciplinary action taken;~~
- ~~(4)(7) The damage to the patient caused by the violation;~~
- ~~(5)(8) Any efforts of rehabilitation by the licensee;~~
- ~~(6)(9) The licensee's actual knowledge of the violation;~~
- ~~(7)(10) Attempts by the licensee to correct or stop the violation, or the refusal of the licensee to correct or stop the violation;~~
- ~~(8)(11) Related violations by the licensee in Florida or in another jurisdiction, including findings of guilty or innocence, penalties imposed and penalties service;~~
- ~~(9)(12) The degree to which the licensee was involved in the violation;~~
- ~~(10)(13) The degree to which the licensee benefited from the violation;~~
- ~~(11)(14) The cost of the disciplinary action.~~

Specific Authority 455.627(3), 483.901(6)(a) FS. Law Implemented 455.627(3), 483.901(6)(a) FS. History--New\_\_\_\_\_.

64B23-6.003 Citations.

(3) The following violation may be disposed of by the Department by citation with the specified penalty:

VIOLATIONS	PENALTY
<u>(c) Payment of fees with a bad check.</u>	<u>\$200 fine</u>

**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; Forms and Guidelines

## 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. 4, January 29, 1999 issue of the Florida Administrative Weekly, Notice of Change published in Vol. 25, No. 6, February 12, 1999 issue of the Florida Administrative Weekly, and Notice of Change published in Vol. 25, No. 13, April 2, 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 and Guidelines.

(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, ~~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 Certification Certificate of Immunization, which must be provided on DH ~~DOH~~ Form 680 Florida Certification of Immunization, Certificate of Immunization for K-12 Excluding 7th Grade Requirements (Part A-1), (Part A), and/or Certificate of Immunization Supplement for 7th Grade Requirement (Part A-2), incorporated by reference in 64D-3.011(5). DH Form 680, Florida Certification of Immunization, shall be completed per instructions for the appropriate school year provided in Immunization Guidelines Florida Schools and Child Care Facilities School Year 1998-99, or Immunization Guidelines Florida Schools and Child Care Facilities School Year 1999-2000, or Immunization Guidelines Florida Schools and Child Care Facilities Effective August 2000, as 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 Certification Certificate 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 DH ~~DOH~~ Form 680 Part A, the Florida Certification Certificate 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 Certification Certificate 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 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), Certificate of Exemption for medical or religious reasons or if he is a transfer student. Exemption forms noted shall be completed per instructions for the appropriate school year provided in immunization Guidelines Florida Schools and Child Care Facilities School Year 1998-99, or Immunization Guidelines Florida Schools And Child Care Facilities School Year 1999-2000, or Immunization Guidelines Florida Schools and Child Care Facilities Effective August 2000, as incorporated by reference in 64D-3.011(5).

1. Medical Exemptions – A child in attendance with a medical exemption must present or have on file the DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B), incorporated by reference in 64D-3.011(5), Medical Exemption, DOH form 680 (Part B), properly dated and signed or authorized by a physician licensed under provisions of Chapter 458, 459, or 460 or DH DOH 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. DH Form 680, Florida Certification of Immunization Temporary Medical Exemption (Part B) DOH Form 680 (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. DH Form 680, Florida Certification of Immunization Permanent Medical Exemption (Part C) DOH Form 680 (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 DH DOH 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 DH DOH Form 684 Immunization Annual Report of Compliance for Kindergarten and Seventh Grades, incorporated by reference in 64D-3.011(5), (Kindergarten Annual Report of Compliance). 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 DH DOH 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 and Guidelines Availability – Forms used to document compliance with section 232.032, F.S., and guidelines for completion of the forms are hereby incorporated by reference: available as indicated below:

FORM #	EFFECTIVE DATE	TITLE	FORMS AND GUIDELINES AVAILABILITY
<del>DH DOH 680A</del>	<del>(Aug 98) (Jan 93)</del>	<del>Florida Certification Certificate of Immunization</del>	DOH county health departments (DOH CHDs), physicians' offices
DH 680	(Aug 2000)	Florida Certification of Immunization	DOH CHDs, physicians' offices
<del>DOH 680B</del>	<del>(Jan 93)</del>	<del>Temporary Medical Exemption</del>	<del>DOH CHDs, physicians' offices</del>
<del>DOH 680C</del>	<del>(Jan 93)</del>	<del>Permanent Medical Exemption</del>	<del>DOH CHDs, physicians' offices</del>
<del>DH DOH 681</del>	<del>(May 99) (June 94)</del>	Religious Exemption From Immunization	DOH CHDs
<del>DH DOH 684</del>	<del>(Nov 96) (Aug 84)</del>	<del>Kindergarten Immunization Annual Report of Compliance for Kindergarten and Seventh Grade</del>	DOH CHDs
<del>DH DOH 685</del>	<del>(Nov 96) (Aug 84)</del>	Kindergarten and Seventh Grade Annual Report of Compliance County Summary	DOH CHDs
	(Aug 98)	Immunization Guidelines Florida Schools and Child Care Facilities School Year 1998-99	DOH CHDs
	(Aug 99)	Immunization Guidelines Florida Schools and Child Care Facilities School Year 1999-2000	DOH CHDs
	(Aug 2000)	Immunization Guidelines Florida Schools and Child Care Facilities Effective August 2000	DOH CHDs

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, Amended \_\_\_\_\_.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game 74 Specifics  
RULE NO.: 53ER99-22  
SUMMARY OF THE RULE: This emergency rule describes Instant Game 74, "HOT 7'S," for which the Department of the Lottery will start selling tickets on a date determined by the Secretary of the Department. The rule sets forth the specifics of the game, determination of prize winners and the number and size of prizes in the game.  
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-22 Instant Game 74 Specifics.

(1) Name of Game. Instant Game Number 74 "HOT 7'S."

(2) Price. HOT 7'S tickets sell for \$2.00 per ticket.

(3) HOT 7'S Lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a VIRN under the latex area on the ticket. To be a valid winning HOT 7'S Lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in Rule 53ER92-63(1)(a), F.A.C. In the event a dispute arises as to the validity of any HOT 7'S Lottery ticket, the VIRN number under the latex shall prevail over the bar code.

(4) In GAME 1 of HOT 7'S, the "LUCKY NUMBER" play symbols and captions are as follows:

ADD TABLE

(5) In GAME 1 of HOT 7'S, the "YOUR NUMBER" play symbols and play symbol captions are as follows:

ADD CHART

(6) In GAME 1 of HOT 7'S, the prize symbols and captions are as follows:

ADD CHART

(7) In GAME 2 of HOT 7'S, the play and prize symbol captions are as follows:

ADD CHART

(8) In GAME 3 of HOT 7'S, the play symbols and play symbol captions are as follows:

ADD CHART

(9) In GAME 3 of HOT 7'S, the prize symbols and prize symbol captions are as follows:

ADD CHART

(10) Determination of Prize Winners. There are three (3) games in HOT 7'S.

(a) Game 1.

1. The holder of a ticket having a number exposed in the "LUCKY NUMBER" play area that matches either of the numbers exposed in the "YOUR NUMBER" play area and a "TICKET" shown as the prize shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that total \$2.00

2. The holder of a ticket having a number exposed in the "LUCKY NUMBER" play area that matches either of the numbers exposed in the "YOUR NUMBER" play area shall be entitled to a prize of the amount shown for that number.

3. The holder of a ticket having a "7" symbol exposed in the "YOUR NUMBER" play area shall be entitled to a prize of the amount shown for the symbol.

4. Prize amounts which may appear in the play area are: \$2.00, \$3.00, \$4.00, \$5.00, \$7.00, \$10.00, \$50.00, \$70.00, \$700, \$1,000, \$7,000 and \$21,000.

(b) Game 2.

1. The holder of a ticket with three like amounts exposed in the play area or two like amounts and a "7" symbol exposed in the play area and a "TICKET" shown as the prize, shall be entitled to a prize of a \$2.00 instant ticket or any combination of instant and on-line tickets that total \$2.00.