and Family Services, Developmental Services Program Office, 1317 Winewood Blvd., Building 3, Room 303, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

65B-5.003 Authority to Loan; Provisions and Determination of Eligibility.

(1) Eligible Expenses – ~~The funds provided by the Group Living Home~~ Trust Funds ~~under this chapter~~ are for the purpose of granting loans to eligible programs ~~group living homes~~. Initial costs of development are those permissible costs for establishment of new programs and those permissible costs necessary for an already established program to initiate the accommodation of hard to place clients. Cost of development may include structural modification, purchase of equipment and fire and other safety devices, and the purchase of insurance. Cost of structural modification shall include only those changes required for compliance with building, fire safety and health codes and those changes necessary for the implementation of the intended program. Purchase of equipment shall include only those basic furnishings, equipment, and appliances necessary to furnish, equip, and maintain the premises and considered essential to the operation of the intended program. Such cost shall not include the actual construction, lease or any other costs of acquisition of the program ~~group living home~~.

(2) Amounts of Loans – An eligible program ~~group living home~~ may receive a lump sum loan in one payment, not to exceed the approved ~~CRPP~~ rate for providing two months of residential or non residential service ~~care and maintenance~~ to each developmental services client ~~mentally retarded, autistic, or developmentally disabled person~~ to be placed in the program ~~home~~ by the Department. Loans granted to programs ~~group living homes~~ shall not be in lieu of payment for residential or non-residential service ~~maintenance~~ and care provided, but shall stand separate and distinct. The amount of the monthly care and maintenance payment shall be determined by the appropriate rate or rate formula for the category of client.

(3) Terms of the Loan – Any loan granted through the Trust Fund ~~under the Group Home Loan Program~~ shall be repaid in five equal annual installments without interest.

(4) A program ~~group living home~~ receiving a loan under the act and operating as a nonprofit corporation meeting the requirements of Section 501(c)3. of the Internal Revenue Code shall submit to the Department a report setting forth the ~~residential~~ service it has provided during the year and upon approval of each such annual statement, the Department shall forgive 20 per cent of the principal of such loan. The report shall include:

(a) A brief narrative description of the facility and programs;

(b) The age, functioning level and handicapping conditions of the client served;

(c) Client-staff ratio;

(d) The average number of clients served per month for the previous 12 months;

(e) A list of actual loan expenditures;

(f) A report by Developmental Services Program Office staff who have surveyed the operation of the facility;

(g) Proof of compliance with health, fire, building and zoning regulations;

(h) Proof of compliance with section 501(c)3. of the Internal Revenue Code; and

(i) A recommendation from the District Administrator that the loan be forgiven.

(5) In the event the borrower ceases to accept and provide care and maintenance to persons placed in the ~~home~~ program by the Department, or the borrower files papers of bankruptcy, at that point, the loan shall become an interest bearing loan at the rate of 5% per annum on the entire amount of the initial loan which shall be repaid within a one year period from the date at which the home ceases to provide care or files papers in bankruptcy and the amount of the loan due plus interest shall constitute a lien in favor of the State of Florida against all real and personal property of the borrower.

Specific Authority 393.15 FS. Law Implemented 393.15 FS. History–New 3-31-76, Amended 1-1-77, Formerly 10F-5.03, 10F-5.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: George Gill

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Bill Wendt

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 1998

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.:	RULE TITLE:
1T-1.001	Division of Cultural Affairs

NOTICE OF CHANGE

Notice of Change is hereby given to the above referenced rule based upon comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 25, No. 15, of the April 16, 1999 issue of the Florida Administrative Weekly.

When changed, Rule 1T-1.001(6) will read as follows:

(6), Grant awards through the Cultural Facilities Program shall be made through Grant Award Agreement Form #CA2E028, eff. _____ ~~8/98~~, and use Grant ~~Award~~ Amendment Form #CA2E047 and Report Form #CA2E048, both eff. _____ ~~7/96~~. Grant awards through the Cultural Endowment Program shall be made through Grant Award Agreement Form #CA2E039, eff. _____ ~~8/98~~. Grant Award agreements shall specify the grants management requirements.

Other chages involve clarification of language in incorporated documents.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Linda Downey, Chief, Bureau of Grant Services, Division of Cultural Affairs, The Capitol, Tallahassee, Florida 32399-0250

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.:	RULE TITLE:
6D-5.003	Other Personnel

NOTICE OF CHANGE

The Florida School for the Deaf and the Blind hereby gives notice of change to the above proposed rule published in the Florida Administrative Weekly, Vol. 25, No. 17, April 30, 1999. These changes are in response to comments received from the Bureau of Instructional Support and Community Service and comments received from public hearing held on Thursday, June 3, 1999.

Subsection (13) Specialist – Speech Language Pathologist/ Intake Specialist.

A master's degree or higher with a graduate major in speech-language pathology, valid certificate of clinical competence issued by the American Speech-Language Hearing Association and ~~or~~ valid license in speech-language pathology issued pursuant to Chapter 468, Part 1, Florida Statutes.

Subsection (14) Specialist – Speech Language Pathologist.

A master's degree or higher with a graduate major in speech-language pathology, valid certificate of clinical competence issued by the American Speech-Language Hearing Association and ~~or~~ valid license in speech-language pathology issued pursuant to Chapter 468, Part 1, Florida Statutes.

Subsection (34)~~(33)~~ Clinical Social Worker. Licensure by the State Department of Professional Regulation, and certification by the Academy of Certified Social Workers, and nine (9) semester hours in Hearing Impaired or Visually Impaired.

Specific Authority 242.331(3) FS. Law Implemented 242.331(4) FS. History–New 12-19-74, Amended 10-9-84, 12-6-92, 10-26-94, 7-10-95, 2-22-97, 2-24-98,_____.

DEPARTMENT OF TRANSPORTATION

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

NOTICE OF CHANGE

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

In response to a review from the Joint Administrative Procedures Committee, the Clear Zone references in 14-43.001(2)(b) are changed to refer back to the reference in 14-43.001(2)(a), which incorporates specific tables instead of the manual. The revised 14-43.001(2)(b) will read as follows:

"(b) Within municipalities where there is no curb and gutter construction, provided the sign or canopy, including attachments and supports, does not extend more than six feet (1.8 meters) over the right of way; does not extend closer than 12 feet (3.7 meters) from the edge of the driving lane; has a vertical clearance of at least ten feet (3 meters); and the entire structure complies with the Department's clear zone requirements as set forth in the tables identified and incorporated by reference in 14-43.001(2)(a) above."

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-84	Discrimination and Sexual Harassment Complaints
RULE NO.:	RULE TITLE:
14-84.0011	Discrimination and Sexual Harassment Complaints

NOTICE OF CHANGE

SUMMARY OF CHANGE: The rule amendment as proposed is changed in response to questions from the Joint Administrative Procedures Committee. Notice of Rulemaking was published in Florida Administrative Weekly, Vol. 25, No. 12, dated March 26, 1999. The changes are summarized as follows:

1. The definition of "Discrimination" in 14-84.0011(2)(b) is changed to read as follows:

(b) "Discrimination" means any unlawful employment practice as described in 42 U.S.C. Sections 2000e-2 and 2000e-3, which are incorporated herein by reference, and ~~made unlawful by~~ Chapter 760, ~~of the~~ Florida Statutes.

2. The definition of "Sexual Harassment" in 14-84.0011(2)(h) is changed to read as follows:

(h) "Sexual Harassment" has the meaning set forth in Chapter 60L-28, F.A.C.

3. 14-84.0011(3)(c) is changed to read as follows:

(c) The Department shall provide relief to any complainant who has been or may have been a victim of an act of discrimination or sexual harassment as authorized by Chapter 760, Florida Statutes, or Chapter 60L-28, F.A.C. ~~by taking any action allowed by the Laws of Florida and the Florida Administrative Code.~~

4. In 14-84.0011(6)(d), the sentence "Any informal inquiry based upon such complaints shall be conducted according to the Department procedures." is deleted in its entirety.

5. In 14-84.0011(7)(d)2., the word "sworn" is deleted so that it reads as follows:

2. Written investigative questionnaires, statements, or position statements by any party or witness;

6. In Form 275-010-01, the affirmation at the end of Page 2 of 2 is modified to read:

I affirm that the information contained in this complaint is true to the best of my knowledge and verify by my signature that I have been informed that my filing a complaint with the Department does not preclude my filing a complaint on the same matter with the Florida Commission on Human Relations (FCHR) or the Equal Employment Opportunity Commission (EEOC). I understand that I have the right to file a complaint with the FCHR within 365 days of the incident in question, or with the EEOC within 300 days of the incident in question as described in Rule Section 14-84.0011(5), F.A.C.

7. The Specific Authority citations are changed as follows:

Specific Authority ~~20.05(5), 110.201(2),~~ 334.044(2), 339.05 FS.

GAME AND FRESH WATER FISH COMMISSION

RULE NO.:	RULE TITLE:
39-13.008	Hunting Regulations for Migratory Birds other than Ducks and Coots

NOTICE OF WITHDRAWAL

Notice is hereby given that the above proposed rule amendment regarding migratory birds other than ducks and coots, published in Florida Administrative Weekly, Vol. 25, No. 15, April 16, 1999, has been withdrawn.

MARINE FISHERIES COMMISSION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
46-4	Gear Specifications and Prohibited Gear
RULE NO.:	RULE TITLE:
46-4.002	Gear Definitions

NOTICE OF WITHDRAWAL OF PROPOSED RULES

The Marine Fisheries Commission announces withdrawal of proposed amendment to Rule 46-4.002, FAC, relating to gear definitions, which rule amendment was proposed and published in the January 22, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 3.

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53-16.009	Administrative Leave

NOTICE OF CORRECTION

The Department of the Lottery notices the following correction. The Notice of Proposed Rulemaking for Chapter 53-16.009, FAC published in the May 28, 1999, edition of the Florida Administrative Weekly, incorrectly lists April 23, 1999, as the date the Notice of Proposed Rule Development was published in the Florida Administrative Weekly. April 30, 1999, is the correct date the Notice of Proposed Rule Development for Chapter 53-16.009 appeared in the Florida Administrative Weekly.

INTERLOCAL AGENCIES

Lake Apopka Natural Gas District

RULE NO.:	RULE TITLE:
54C-1.001	Tariff

NOTICE OF CHANGE

Notice is hereby given that the following changes (in response to proposed objections of the Joint Administrative Procedures Committee) have been made, in accordance with subparagraph 120.54(3)(d)1., F.S., to the proposed rule published in Vol. 24, No. 43, October 23, 1998, issue of the Florida Administrative Weekly.

Section 2.06 of ARTICLE II: INITIATION OF SERVICE, on Original Sheet 2, shall be modified as follows:

2.06 DISCONTINUANCE OF GAS SERVICE FOR UNAUTHORIZED USE OF GAS. District will discontinue Gas Service without notice in the event of tampering with regulators, valves, meters or other facilities furnished and owned by District, or other unauthorized or fraudulent use of Gas Service. Whenever Gas Service is discontinued for unauthorized or fraudulent use thereof, the District, before restoring Gas Service, will ~~may~~ require Customer to make, at Customer's expense, all changes in piping or equipment necessary to eliminate the unauthorized or fraudulent use, and to pay an amount reasonably estimated as the deficiency in District's revenue and all costs incurred by District resulting from such unauthorized or fraudulent use.

Section 2.07 of ARTICLE II: INITIATION OF SERVICE, on Original Sheet 2, shall be modified as follows:

2.07 LIMITATION OF USE. Gas delivered to a Customer shall be for such Customer's own use and shall not be resold by such Customer, either by submetering or otherwise~~, unless such resale has been authorized by the District~~. In case of any unauthorized submetering, sale, or disposition of Gas by a Customer, Gas Service to such Customer may be discontinued and, if discontinued, such Gas Service will not be restored until such unauthorized activities have ceased and all bills outstanding have been paid in full. Billings for Gas sold or disposed of by the Customer may be recalculated under appropriate rate schedules and, in addition, a bill will ~~may~~ be

rendered to the Customer for all expenses incurred by the District for clerical work, testing, and inspections in connection with such recalculation.

Section 3.01 of ARTICLE III: CUSTOMER'S INSTALLATION, on Original Sheet 3, shall be modified as follows:

3.01 GENERAL. Customer's Installation shall be constructed, installed and maintained, at Customer's expense, in accordance with standard practice as determined by ~~the American Gas Association, the Standard Gas Code by Southern Building Code Congress International, the National Fuel Gas Code by the National Fire Protection Association,~~ State and local governmental codes and ordinances applicable thereto, these Rules and Regulations and other applicable governmental requirements.

Section 3.02 of ARTICLE III: CUSTOMER'S INSTALLATION, on Original Sheet 3, shall be modified as follows:

3.02 INSPECTION OF CUSTOMER'S INSTALLATION. Where governmental inspection of a Customer's Installation is required, District will not supply Gas Service to such installation until all governmental authorities having jurisdiction have inspected and approved the Customer's Installation and the District has been authorized to furnish Gas Service. The District will discontinue Gas Service to a Customer whenever the Customer's Installation, or any part thereof, is in violation of a code, ordinance, regulation or statute governing the Customer's Installation and Gas Service will be restored only when the noncomplying condition has been corrected. ~~District may also inspect the Customer's Installation prior to rendering Gas Service, and from time to time thereafter, but assumes no responsibility whatsoever on account of having made such inspection.~~

Section 3.08 of ARTICLE III: CUSTOMER'S INSTALLATION, on Original Sheet 3, shall be modified as follows:

3.08 OPERATION OF DISTRICT'S FACILITIES. No Customer or other person shall~~, unless authorized by District to do so,~~ operate, change or tamper with any of the District's facilities.

Section 4.01 of ARTICLE IV: DEPOSITS, on Original Sheet 4, shall be modified as follows:

4.01 ESTABLISHMENT OF CREDIT. Each prospective Customer shall establish credit prior to the commencement of Gas Service by District as follows:

(1) Residential Customers shall establish credit by mak~~e~~ing a cash deposit in the sum of $50.00; provided, however, if Gas Service to a residential Customer has been discontinued for non-payment of bills rendered by the District, the deposit requirement for restoration of Gas Service shall be $100.00.

(2) All non-residential ~~other~~ Customers shall establish credit by making a cash deposit with the District equal to two times the estimated average monthly bill to be rendered by the District during periods of peak Gas usage. ~~One of the following methods:~~

(3) As an alternative to making a cash deposit, a non-residential Customer shall have the option of establishing credit by one of the following methods:

~~(a) Making a cash deposit with District equal to two times the estimated average monthly bill to be rendered by District during periods of peak Gas usage.~~

(a)~~(b)~~ Furnishing an irrevocable letter of credit from a bank, or a surety bond, issued by a company with an A.M. Best Rating Service rating of B/VI or higher for bonds up to $50,000 in amount and a rating of A-/VII or higher for bonds over $50,000 in amount. The amount of such deposit, letter of credit or surety bond shall be equal to two times the estimated average monthly bill during periods of peak Gas usage.

(b)~~(c)~~ By possessing and maintaining a Standard & Poor's Long Term Debt Rating of A-,or better, or by possessing and maintaining a Moody's rating of A3 or better. Comparable ratings will ~~may~~ be considered from other nationally recognized rating organizations acceptable to the District.

(c)~~(d)~~ If the Customer's debt is not rated and the Customer's aggregate annual usage is 500,000 Therms or more, credit may be established by demonstrating adequate financial strength and stability. Upon request of a Customer whose annual usage is 500,000 Therms or more, the District will evaluate the Customer's creditworthiness by reviewing the Customer's audited financial statements for at least the two most recently completed fiscal years. These audited financial statements must be furnished by the Customer and must be accompanied by the opinion of independent certified public accountants or chartered accountants of recognized national or regional standing. In evaluating the Customer's creditworthiness, the District will consider the following financial factors: the Customer's tangible net worth, the interest coverage ratio, the ratio of long term debt to tangible net worth, and the Customer's net cash flow. In evaluating the Customer's credit-worthiness, the District may also consider other known factors relating to the Customer's creditworthiness. Accounts for which credit is established pursuant to this section (3)~~(4)~~ are subject to periodic review by the District to assure that no material changes adversely affecting the Customer's credit-worthiness have occurred. Each Customer for whom credit is established pursuant to this section (3)~~(4)~~ shall

annually furnish audited financial statements, together with the opinion of independent certified public accountants or chartered accountants of recognized national or regional standing, to the District within 90 days following the conclusion of the Customer's fiscal year. In the event (I)~~(1)~~ the debt rating or audited financial statements are unacceptable to the District, or become unacceptable, or (ii) the Customer pays with a check dishonored by a bank, or (iii) the Customer fails to comply with the District's Rules and Regulations, credit may be established by either a cash deposit, a letter of credit or a surety bond.

(4)~~(5)~~ A parent company may serve as a guarantor for a subsidiary company to secure the payment of bills for Gas Service provided the parent company can meet the requirements for establishing credit as stated in subsections (2)~~(3)~~ or (3)~~(4)~~, above.

Section 4.02 of ARTICLE IV: DEPOSITS, on Original Sheet 4, shall be modified as follows:

4.02 NEW OR ADDITIONAL DEPOSITS. Whenever a non-residential Customer's Gas usage increases for reasons likely to recur (such as, for instance, installation of additional gas appliances or increased work schedules) to the extent that the actual or estimated charges for Gas Service for two peak Gas usage Billing Periods will exceed the amount of the cash deposit, or other security, made or furnished by the Customer, the District will require, upon thirty (30) days written notice delivered to Customer separate and apart from any bill for Gas Service, an additional or new cash deposit, or, at the Customer's option, other security in accordance with Section 4.01, above, so that the amount of the cash deposit, or other security, is equal to the then current actual or estimated charges for Gas Service for two peak Gas usage Billing Periods. ~~District may require, upon thirty (30) days written notice delivered to Customer separate and apart from any bill for Gas Service, a new cash deposit, guaranty, letter of credit or surety bond (where previously waived or returned), or an additional cash deposit (or increase in the amount of a guaranty, letter of credit or surety bond), in order to secure payment of current bills; provided, however, that the total amount of the required cash deposit or other security shall not exceed an amount equal to the average actual or estimated charges for Gas Service for two peak Gas usage Billing Periods.~~ If Customer has received Gas Service continuously during the 12 month period immediately prior to the date of notice, actual Gas consumption shall be used. If Customer has received Gas Service for less than 12 months, then District will base the amount of the new or additional cash deposit, or other security, upon estimated Gas usage when actual Gas usage is not available. The 30 day notice shall not apply when Gas Service is being reestablished after discontinuance of service for non-payment.

Section 4.07 of ARTICLE IV: DEPOSITS, on Original Sheet 4, shall be modified as follows:

4.07 DISHONORED CHECKS. Customer shall pay a service charge of $20 or 5 per cent of the amount of the check, whichever is greater, for each check delivered to the District which is dishonored by the bank upon which it is drawn. Gas Service will ~~may~~ be terminated for failure to pay such dishonored check charge.

Section 5.08 of ARTICLE V: BILLING, on Original Sheet 5, shall be modified as follows:

5.08 DISCONTINUANCE OF SERVICE FOR NON-PAYMENT OF BILLS. Gas Service will be discontinued for non-payment of bills but only after District has made a diligent attempt to have the Customer make payment, including at least five (5) business days' written notice to Customer, such notice being separate and apart from any bill for Gas Service, unless the controversy over the nonpayment has been resolved through mutual agreement, or successfully disputed by Customer. ~~Notwithstanding any other provision of this rule, District shall not discontinue Gas Service to a residential Customer if such discontinuance will cause or severely aggravate a medical emergency of the Customer, a member of the Customer's family or other permanent resident of the premises where Gas Service is rendered provided that the Customer conforms to the procedures described in paragraph 5.09, below.~~

Section 5.09 of ARTICLE V: BILLING, on Original Sheet 5, shall be modified by being deleted as follows:

~~5.09 MEDICAL EMERGENCY. As used in this section, "medical emergency" means that the discontinuance of Gas Service would require hospitalization as certified by a medical doctor. District will postpone the discontinuance of Gas Service for a period of seven days to enable the Customer to arrange for payment, if the Customer produces a licensed Florida physician's statement or notice from a public health or social services official which identifies the medical emergency and specifies the period of time during which discontinuance will aggravate the medical condition. Thereafter, District may discontinue Gas Service unless the Customer demonstrates by affidavit that:~~

~~(1) neither the Customer nor any other permanent resident of the premises where Gas Service is rendered is able to make payment of the bill; or~~

~~(2) that the Customer has sought available public assistance funds and will apply a reasonable portion of any payments of public funds or other income available to the Customer to the amount due; or~~

~~(3) that the medical condition for which disconnection of gas service was postponed continues to exist. Failure to submit the affidavit, failure to apply a reasonable portion of any public assistance funds or other income of the Customer to the amount owed to District, or failure to respond to reasonable inquiries regarding the continued validity of the facts stated in the affidavit shall permit District to discontinue Gas Service.~~

~~During the period that Gas Service is continued under the provisions of this section, the Customer shall continue to be responsible for the cost of the residential Gas Service.~~

Section 5.10 of ARTICLE V: BILLING, on Original Sheet 5, shall be modified as follows:

5.09 ~~5.10~~ ADJUSTMENT OF BILLS FOR METER ERROR. If a Meter is found to be in error, bills will be adjusted in the following manner:

(1) Whenever a Meter is found to have an average error of more than two percent (2%) fast (in District's favor), District will refund to Customer the amount billed in error for one half the period since the last meter test. This one half period will not exceed twelve (12) months unless it can be shown that the error was due to some cause, the date of which can be fixed, in which case the overcharge shall be computed back to, but not beyond, such date based on available records. If the Meter has not been tested, the period for which it has been in service beyond the regular test period will be added to the twelve (12) months in computing the refund. The refund will not include any part of any customer charge.

(2) Whenever a Meter tested is found to have an average error of more than two-percent (2%) slow (in Customer's favor), District will ~~may~~ bill Customer an amount equal to the unbilled error. If District has required a meter test deposit, Customer will ~~may~~ be billed only for the portion of the unbilled error which is in excess of the deposit retained by District.

(3) District will ~~may~~ back bill Customer if a Meter is found to be slow, non-registering or partially registering. District will ~~may~~ not back bill for any period greater than twelve (12) months from the date it removes the meter of a Customer, which Meter is later found by District to be slow, non-registering or partially registering. If it can be ascertained that the Meter was slow, nonregistering or partially registering for less than twelve (12) months prior to removal, then District will ~~may~~ back bill only for the lesser period of time. Customer may extend the payments of the back bill over the same amount of time for which District issued the back bill.

(4) In the event of a non-registering or a partially-registering Meter, Customer will ~~may~~ be billed on an estimate based on previous bills for similar usage. When a Meter is found to be in error in excess of the prescribed limits of two percent (2%) fast or slow, the figure to be used for calculating the amount of refund or charge shall be that percentage of error as determined by the test.

(5) In the event of unauthorized use, Customer will ~~may~~ be billed on an ~~a reasonable~~ estimate of the Gas consumed. The estimate shall be made by the District based upon the Customer's historical Gas usage, the Btu capacity of the Customer's Gas appliances, weather conditions and other facts and circumstances known to the District which would directly affect the Customer's Gas usage during the period of unauthorized use.

Section 6.04 of ARTICLE VI: MEASUREMENT, on Original Sheet 6, shall be modified as follows:

6.04 METER TEST BY REQUEST. Customer may request the Meter be tested pursuant to the following conditions and provisions:

(1) Upon written request of a Customer, District shall, without charge, make a test of the accuracy of the Meter in use at Customer's premises; provided (I)~~(1)~~ that the Meter has not been tested by District within 12 (twelve) months previous to such request and (ii) that Customer agrees to accept the results of such test as the basis for the adjustment of disputed charges.

(2) Should Customer request a meter test more frequently than once a year, District will ~~may~~ require a deposit to defray the cost of testing not to exceed $100.00 for each test. If the Meter is found to be more than two percent (2%) fast, the deposit shall be refunded, but if below this accuracy limit the deposit will ~~may~~ be retained by District as a service charge for conducting the test.

(3) Customer may witness the Meter test. A written report, giving the results of the test, shall be furnished to Customer upon request.

Section 7.04 of ARTICLE VII: MAIN AND SERVICE EXTENSIONS, on Original Sheet 7, shall be modified as follows:

7.04 MAIN AND SERVICE EXTENSIONS AMORTIZATION SURCHARGE. In cases where (I)~~(1)~~ the estimated actual cost of extending necessary Main and Service facilities exceeds the MACC; (ii) the District, in its reasonable discretion, determines that there is a reasonable likelihood that such extension will produce sufficient revenue to justify the necessary investment in such facilities; and (iii) the District determines that the credit-worthiness of the party or parties requesting the extension is satisfactory to assure recovery of the additional investment above the MACC, the District will only ~~may~~ provide the facilities subject to a Main and Service Extension Agreement. In such cases, in lieu of a Construction Deposit Agreement, the party or parties requesting an extension shall enter into a Main and Service Extension Agreement ~~an agreement~~ with the District by which said party or parties guarantee, by payment or otherwise, that the District will recover the costs in excess of the MACC.

Section 9.01 of ARTICLE IX: END USE CURTAILMENT OR INTERRUPTION PLAN, on Original Sheet 9, shall be modified as follows:

9.01 APPLICATION. This curtailment/interruption plan is applicable to all Gas Service and will be invoked by the District in the event of a supply or a capacity constraint to insure system integrity is maintained and the priority of service requirements set forth below are met. Prior to or in conjunction with curtailment, the District will request ~~may call for~~ voluntary usage reductions on the part of industrial and commercial Customers.

Section 9.04 of ARTICLE IX: END USE CURTAILMENT OR INTERRUPTION PLAN, on Original Sheet 9, shall be modified as follows:

9.04 CURTAILMENT OF CUSTOMER-OWNED GAS. If adequate supply to priority essential human needs customers is threatened in the District's judgement, Customer-owned transportation gas will ~~may~~ be curtailed in addition to system supply and in same order of priorities. In the event that Customer-owned gas is diverted for use by higher priority customers, the District will reimburse the Customer by paying the cost of the Customers alternative fuel; or, if the Customer has no alternative fuel, reimbursement will be for the delivered cost of the Gas at the District's receipt point. ~~In lieu of this provision, the District may enter into contractual or informal arrangements with transportation Customers or any other parties to obtain supplies to avoid curtailments.~~

Section 9.07 of ARTICLE IX: END USE CURTAILMENT OR INTERRUPTION PLAN, on Original Sheet 9, shall be modified as follows:

9.07 WITHHOLDING OF GAS SERVICE. If a Customer fails to voluntarily comply with a complete or partial curtailment or interruption order, and it is deemed necessary by the District to insure compliance, the District will ~~may~~ withhold the Customer's Gas Service altogether during all or part of the curtailment or interruption period.

Paragraph I.D. of the TRANSPORTATION SERVICE RATE SCHEDULE, on Original Sheet 25, shall be modified as follows:

D. A balancing service from the District's system supply is also part of this tariff. This service is interruptible and is mandatory to all Customers on this tariff. Under this service, the District~~, at its option,~~ will sell Gas to the Customer, if available from system supply, when under-deliveries of Gas occur and will buy Gas from the Customer when over-deliveries of Gas occur, as the terms over-delivery and under-delivery are defined herein, in accordance with the provisions of Section VII, hereof.

Section 8.02 of ARTICLE VIII: DEPOSITS AND ESTABLISHMENT OF CREDIT of the GAS TRANSPORTATION SERVICE AGREEMENT of the PRO FORMA CONTRACTS, on Original Sheet No.70, shall be modified as follows:

8.02 Continuation of Creditworthiness. Shipper shall maintain its creditworthiness, and may be required to provide a new or additional cash deposit, or alternatively, at Shipper's option, a guaranty, letter of credit or surety bond in accordance with the provisions of Article IV of the District's Tariff.

The SPECIFIC AUTHORITY for this rulemaking is Section 12 of Chapter 59-556, Laws of Florida, 1959.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid Program Development Office

RULE NO.:	RULE TITLE:
59G-4.231	Physician Assistant

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; and a Notice of Change as published in Vol. 25, No. 19, Florida Administrative Weekly, May 14, 1999. This change is in response to comments received from the Florida Osteopathic Medical Association.

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

On page 1-4, under Physician Supervision, we are adding references to Chapter 64B15-6, F.A.C., and Chapter 459, F.S., which authorizes Osteopathic Physicians to supervise physician assistants.

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 BUSINESS AND PROFESSIONAL REGULATION

State Athletic Commission

RULE NOS.:	RULE TITLES:
61K1-1.001	Purpose, Applicability and Scope of Rules
61K1-1.002	Definitions
61K1-1.0023	Commission, Commission Employees, Duties and Responsibilities; Deputy Commissioners
61K1-1.0024	Medical Advisory Council, Duties and Responsibilities
61K1-1.0025	Executive Secretary, Assistant Executive Secretary, Duties and Responsibilities
61K1-1.0027	Commission Representatives, Duties and Responsibilities
61K1-1.0028	Chief Inspector, Inspectors, Duties and Responsibilities
61K1-1.003	License, Permits; Requirement, Procedure and Period, Fee
61K1-1.0035	Insurance
61K1-1.004	Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee
61K1-1.0043	Drugs and Foreign Substances; Penalties

61K1-1.005	Promoter and Matchmaker; Licensing and Bond; Duties and Conduct
61K1-1.006	Arena Equipment; Ring Requirements; Floor Plan and Apron Seating; Emergency Medical and Other Equipment and Services
61K1-1.007	Participants' Apparel and Appearance
61K1-1.008	Bandages and Handwraps
61K1-1.009	Gloves and Mouthpieces
61K1-1.010	Physician; License and Duties; Authority
61K1-1.011	Manager; License; Contract Between Manager and Participant
61K1-1.012	Participant; License; Conduct and Other Requirements
61K1-1.013	Judge; License and Duties
61K1-1.017	Timekeeper or Knockdown Timekeeper; License and Duties
61K1-1.018	Second; License and Duties
61K1-1.019	Referee; License and Duties
61K1-1.023	Trainer; License and Conduct
61K1-1.030	Rounds
61K1-1.035	Scoring System; Scoring, Criteria; Knockdowns; Fouls; Determination of Win or Draw; Decision Final, Exceptions
61K1-1.037	Post-Match Physical Requirements; Suspensions
61K1-1.040	Post-Match Reports Required to be Filed; Penalty for Late Filing
61K1-1.042	Closed Circuit Telecasts; Requirements; Penalty for Late Filing
61K1-1.070	Administrative Complaints
61K1-1.080	Forms

NOTICE OF PUBLIC HEARING

The State Athletic Commission hereby gives notice of a public hearing to be held on the above-referenced rules on July 1, 1999, at 1:00 p.m., at the offices of Aleida Ors Waldman, P.A., 440 South Andrews Avenue, Fort Lauderdale, Florida 33301. The rules were originally published in Vol. 25, No. 1, of the January 8, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Tom Thomas, Chief Attorney, 1940 North Monroe Street, Tallahassee, Florida 32399-0792

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact Shelly Bradshaw, Assistant Executive Director, (850)488-8448, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 98-05R

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 24, No. 52, December 24, 1998, Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF HEALTH

Board of Medicine

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

SECOND NOTICE OF CHANGE

The Board of Medicine hereby gives notice of changes made to the above-referenced rule based upon comments received at an additional public hearing on the rule. The rule was originally published in Vol. 25, No. 3, of the January 22, 1999, Florida Administrative Weekly. The Board held this additional public hearing on June 3, 1999, in Tampa, Florida. At the Board's meeting held on June 4, 1999, at the same location, the Board voted to make changes to the rule. Any changes which conflict with the previous Notice of Change published in the April 23, 1999, FAW, are superseded by the changes set forth below.

The changes are as follows:

1. Subsection (1)(a) shall be changed to read as follows: "Surgery. For the purpose of this rule, surgery is defined as any operative procedure, including the use of lasers, performed upon the body of a living human being for the purposes of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defects, prolonging life, relieving suffering, or any elective procedure for aesthetic**,** reconstructive or cosmetic purposes, to include, but not be limited to: incision or curettage of tissue or an organ; suture or other repair of tissue or organ, including a closed as well as an open reduction of a fracture; extraction of tissue including premature extraction of the products of conception from the uterus; insertion of natural or artificial implants; or an endoscopic procedure with use of local or general anesthetic."

2. Subsection (1)(e) shall be reworded to read, "Nationally recognized accrediting agencies include the American Association of Ambulatory Surgery Facilities (AAAASF),

Accreditation Association for Ambulatory Health Care (AAAHC), and Joint Commission on Accreditation of Healthcare Organizations (JCAHO)."

3. Subsection (2)(b) shall be reworded to read: "The surgeon must maintain complete records of each surgical procedure, including anesthesia records, when applicable and the records shall contain written informed consent from the patient reflecting the patient's knowledge of identified risks, consent to the procedure, type of anesthesia and anesthesia provider, and that a choice of anesthesia provider exists, i.e., anesthesiologist, certified registered nurse anesthetist, or physician assistant qualified as set forth in rule 64B8-30.012(2)(b)6., Florida Administrative Code."

4. A new subsection (2)(c) shall be added to read, "The surgeon must maintain a log of all Level II and Level III surgical procedures performed, which must include a confidential patient identifier, the type of procedure, the type of anesthesia used, the duration of the procedure, the type of post-operative care, and any adverse incidents, as identified in Section 197, Chapter 99-__, Laws of Florida (HB 2125). The log and all surgical records shall be provided to investigators of the Department of Health upon request."

5. The subsections numbered (2)(c) through (2)(h) shall be renumbered as (2)(d) through (2)(j) and shall read as follows:

"(d) In any liposuction procedure, the surgeon is responsible for determining the appropriate amount of supernatant fat to be removed from a particular patient. A maximum of 4000 cc supernatant fat may be removed by liposuction in the office setting. A maximum of 50mg/kg of Lidocaine can be injected for tumescent liposuction in the office setting.

(e) The maximum planned duration of all surgical procedures combined must not exceed 8 hours. The patient must be discharged within 24 hours of presenting to the office for surgery. An overnight stay is permitted in the office provided the total time the patient is at the office does not exceed 23 hours and 59 minutes including the surgery time.

(f) The surgeon must assure that the post-operative care arrangements made for the patient are adequate to the procedure being performed as set forth in Rule 64B8-9.007, F.A.C. Management of post surgical care is the responsibility of the operating surgeon and may be delegated only as set forth in Rule 64B8-9.007(3), F.A.C. If an overnight stay at the office in relation to any surgical procedure is necessary:

1. The office must provide at least two (2) monitors and maintain a monitor to patient ratio of at least 1 monitor to 2 patients. Both monitors must be certified in Advanced Cardiac Life Support. The full and current crash cart required below must be present in the office and immediately accessible for the monitors.

2. The surgeon must be reachable by telephone and readily available to return to the office if needed. For purposes of this subsection, "readily available" means capable of returning to the office within 15 minutes of receiving a call.

(g) A policy and procedure manual must be maintained in the office and updated annually. The policy and procedure manual must contain the following: duties and responsibilities of all personnel, cleaning and infection control, and emergency procedures. This shall not apply to offices that limit surgery to Level I procedures.

(h) The surgeon shall report to the Department of Health any adverse incidents that occur within the office surgical setting. This report shall be made within 15 days after the occurrence of an incident as required by section 197, Chapter 99-__, Laws of Florida (HB 2125).

(i) Any licensee performing Level II procedures lasting more than (5) minutes or any Level III office surgery shall be required to register with the Department of Health, unless such facility is licensed pursuant to Chapter 395, F.S. Such registration shall include each address at which Level II or Level III office surgery is performed; identification of the accrediting agency that accredits each location; and a statement of compliance with these accreditation results.

(j) A sign must be prominently posted in the office which states that the office is a doctor's office regulated pursuant to the rules of the Board of Medicine as set forth in Rule Chapter 64B8, F.A.C. This notice must also appear prominently within the required patient informed consent."

6. Subsection (3)(a) shall be reworded to read:

"(a) Scope. Level I office surgery includes the following:

1. Minor procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient.

2. Liposuction involving the removal of less than 4000cc supernatant fat is permitted.

3. Incision and drainage of superficial abscesses, limited endoscopies such as proctoscopies, skin biopsies, arthrocentesis, thoracentesis, paracentesis, dilation of urethra, cysto-scopic procedures, and closed reduction of simple fractures or small joint dislocations (i.e., finger and toe joints).

4. Pre-operative medications not required or used other than minimal pre-operative tranquilization of the patient; anesthesia is local, topical, or none. No drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient is permitted in Level I Office Surgery.

5. Chances of complication requiring hospitalization are remote."

7. Subsection (3)(c) shall be deleted.

8. Subsection (4) shall be reworded to read:

"(4) Level II Office Surgery.

(a) Scope.

1. Level II Office Surgery is that in which peri-operative medication and sedation are used intravenously, intramuscularly, or rectally, thus making intra and post-operative monitoring necessary. Such procedures shall include, but not be limited to: hemorrhoidectomy, hernia repair, reduction of simple fractures, large joint dislocations, breast biopsies, colonoscopy, and liposuction involving the removal of up to 4000 cc supernatant fat.

2. Level II Office surgery includes any surgery in which the patient is placed in a state which allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal command and/or tactile stimulation. Patients whose only response is reflex withdrawal from a painful stimulus are sedated to a greater degree than encompassed by this definition.

(b) Standards for Level II Office Surgery.

1. Transfer Protocol Required. If the surgeon does not have staff privileges to perform the same procedure as that being performed in the office setting at a licensed hospital, the surgeon must have a written transfer protocol that insures continuity of appropriate treatment at a licensed hospital within reasonable proximity.

2. Training Required. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Board of Medical Specialties or any other board approved by the Board of Medicine or must be able to establish comparable background, training, and experience. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support or have a qualified anesthesia provider practicing within the scope of the provider's license manage the anesthesia.

3. Equipment and Supplies Required.

a. Full and current crash cart at the location the anesthetizing is being carried out. The crash cart must include, at a minimum, the following resuscitative medications:

(I) adrenalin (epinephrine) 1:10,000 dilution; 10ml

(II) adrenalin (epinephrine) 1:1000 dilution; 1ml

(III) atropine 0.1mg/ml; 5ml

(IV) benadryl (diphenhydramine)

(V) calcium chloride 10%; 10ml

(VI) dextrose 50%;

(VII) dilantin (phentoin)

(VIII) dopamine

(IX) heparin

(X) inderal (propranolol)

(XI) isuprel

(XII) lanoxin (digoxin)

(XIII) lasix (furosemide)

(XIV) xylocaine (lidocaine)

(XV) magnesium sulfate 50%

(XVI) narcan (naloxone)

(XVII) pronestyl (procainamide)

(XVIII) sodium bicarbonate 50mEq/50ml

(XIX) solu-medrol (methylprednisolone)

(XX) verapamil hydrochloride

(XXI) mazicon

b. Suction devices, endotracheal tubes, laryngoscopes, etc.

c. Positive pressure ventilation device (e.g., Ambu) plus oxygen supply.

d. Double tourniquet for the Bier block procedure.

e. Monitors for blood pressure/EKG/Oxygen saturation.

f. Emergency intubation equipment.

g. Adequate operating room lighting.

h. Emergency power source able to produce adequate power to run required equipment for a minimum of two (2) hours.

i. Appropriate sterilization equipment.

j. IV solution and IV equipment.

4. Assistance of Other Personnel Required. An Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B8-30.012(2)(b)6., Florida Administrative Code, to provide anesthesia. The anesthesia provider cannot function in any other capacity during the procedure. Additional assistance may be required by specific procedure or patient circumstances. A physician licensed under Chapter 458 or 459, a licensed physician assistant, a licensed registered nurse with post-anesthesia care unit experience or the equivalent, credentialed in Advanced Cardiac Life Support or, in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia."

9. A new subsection (5) shall be inserted to read:

"(5) Level IIA Office Surgery.

(a) Scope. Level IIA office surgeries are those Level II office surgeries with a maximum planned duration of 5 minutes or less and in which chances of complications requiring hospitalization are remote.

(b) Standards for Level IIA Office Surgery.

1. The standards set forth in 64B8-9.009(4)(b), must be met except for the requirements set forth in section 64B8-9.009(4)(b)4., regarding assistance of other personnel.

2. Assistance of Other Personnel Required. During the procedure, the surgeon must be assisted by a physician or physician assistant who is licensed pursuant to Chapter 458 or 459, F.S., or by a licensed registered nurse or a licensed practical nurse. Additional assistance may be required by

specific procedure or patient circumstances. Following the procedure, a physician or physician assistant who is licensed pursuant to Chapter 458 or 459, F.S., or a licensed registered nurse must be available to monitor the patient in the recovery room until the patient is recovered from anesthesia. The monitor must be certified in Advanced Cardiac Life Support, or, in the case of pediatric patients, Pediatric Advanced Life Support."

10. The subsection numbered (5) shall be renumbered as (6) and shall read as follows:

"(6) Level III Office Surgery.

(a) Scope.

1. Level III Office Surgery is that surgery which requires, or reasonably should require, the use of a general anesthesia or major conduction anesthesia and pre-operative sedation. This includes the use of:

a. Intravenous sedation beyond that defined for Level II office surgery;

b. General Anesthesia: loss of consciousness and loss of vital reflexes with probable requirement of external support of pulmonary or cardiac functions; or

c. Major Conduction anesthesia.

2. Only patients classified under the American Society of Anesthesiologist's (ASA) risk classification criteria as Class I, II, or III are appropriate candidates for Level III office surgery. For ASA Class III patients, the surgeon must document in the patient's record the justification and precautions that make the office an appropriate forum for the particular procedure to be performed.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. Training Required.

a. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Board of Medical Specialties or any other board approved by the Board of Medicine or must be able to establish comparable background, training, and experience. In addition, the surgeon must have knowledge of the principles of general anesthesia.

b. The surgeon and one assistant must be currently certified in Basic Life Support and the surgeon or at least one assistant must be currently certified in Advanced Cardiac Life Support or have a qualified anesthesia provider practicing within the scope of the provider's license manage the anesthesia.

c. Emergency procedures related to serious anesthesia complications should be formulated, periodically reviewed, practiced, updated, and posted in a conspicuous location.

2. Equipment and Supplies Required.

a. Equipment, medication, including at least 36 ampules of dantrolene on site, and monitored post-anesthesia recovery must be available in the office.

b. The office, in terms of general preparation, equipment, and supplies, must be comparable to a free standing ambulatory surgical center, including, but not limited to, recovery capability, and must have provisions for proper recordkeeping.

c. Blood pressure monitoring equipment; EKG; end tidal CO2 monitor; pulse oximeter, precordial or esophageal stethoscope, emergency intubation equipment and a temperature monitoring device.

d. Table capable of trendelenburg and other positions necessary to facilitate the surgical procedure.

e. IV solutions and IV equipment.

3. Assistance of Other Personnel Required. An Anesthesiologist, Certified Registered Nurse Anesthetist, or Physician Assistant qualified as set forth in Rule 64B8-30.012(2)(b)6., Florida Administrative Code, must administer the general or regional anesthesia and an M.D., D.O., Registered Nurse, Licensed Practical Nurse, Physician Assistant, or Operating Room Technician must assist with the surgery. The anesthesia provider cannot function in any other capacity during the procedure. A physician licensed under chapter 458 or 459, a physician assistant, or a licensed registered nurse with post-anesthesia care unit experience or the equivalent, and credentialed in Advanced Cardiac Life Support, or in the case of pediatric patients, Pediatric Advanced Life Support, must be available to monitor the patient in the recovery room until the patient has recovered from anesthesia."

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.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program Office

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

NOTICE OF CHANGE

Notice is hereby given that changes are being made to the rule identified above as published in Vol. 24, No. 48, Florida Administrative Weekly, on November 25, 1998. That original rule text has been amended previously by notices of change published in Vol. 25, No. 5, Florida Administrative Weekly, on February 5, 1999 and in Vol. 25, No. 16, Florida Administrative Weekly, on April 23, 1999. The changes contained in this notice are the result of comments received at a noticed public hearing held on May 21, 1999.

The specific changes are as follows:

In sub-paragraph (3)(b)2., the first line, following "CF-ES 2274,", insert "May 99" and delete "~~Dec 98~~".

In paragraph (4), the first sentence following "submit to a drug test", delete the words, "~~as provided in accordance with Chapter 59A-24, Florida Administrative Code~~."

In sub-paragraph (4)(a), the first sentence, following "and analyzed under proper procedures,", delete "~~as specified in Chapter 59A-24,~~".

Amend the second paragraph of sub-paragraph (4)(a) to read as follows: When the ~~The MRO shall process~~ applicant requests ~~for~~ a retest of the original specimen following a positive drug test result, the MRO shall contact the original laboratory to initiate the retest within 30 ~~180~~ days of ~~notice of the positive test result at another licensed laboratory selected by~~ the applicant's request. The applicant shall be required to pay for the costs of the retest, including handling and shipping expenses. ~~The MRO shall contact the original laboratory to initiate the retest.~~

In sub-paragraph (4)(d)2., the first sentence, following, "Within" insert "90" and delete "~~180~~", and following "the applicant shall be permitted to" insert "request and".

In sub-paragraph (4)(f), change the title as follows, "Notification of Drug Testing Rights and Notification of Results of Drug Testing." In the same sub-paragraph, add a new sentence following the single sentence, "Notification of retest or new test results will be through form CF-ES 2285, Notification of Drug Test Results and Treatment Availability, June 99 (incorporated by reference)."

Add a new paragraph (5), "(5) Approval Prior to Results of a Drug Test. Assistance for the applicant may be approved pending results of testing when: drug testing results have not been received by the sixth day after the test is conducted; the applicant has completed all drug screening and testing requirements; and, all other eligibility requirements are met."

Re-number existing paragraphs (5) through (11) as paragraphs (6) through (12).

In paragraph (6), Appeals Hearings, in the first sentence, following "Hearings" insert, "about decisions on eligibility". In the same paragraph, insert a second sentence to read, "There is no right to appeal a denial based on failure of an unannounced drug test following treatment."

In paragraph (7), Agreement to Seek Treatment and Consent to Release Confidential Information, the first sentence, following, "Applicants who", delete "~~fail a drug test and who".~~

In the same paragraph, the fifth sentence, following "CF-ES 2276" insert "May 99", and delete "~~Dec 98~~".

In paragraph (12), Forms Availability, in the second sentence, following "CF-ES 2276" insert a ",", delete "~~and~~", and following "CF-ES 2281" insert "and CF-ES 2285".

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-13.001	Definitions
65C-13.003	Pre-Service and In-Service Training
65C-13.005	Changes During the Licensed Year
65C-13.009	Parent Preparation
65C-13.011	Minimum Standards for Licensure of Family Foster Homes, Family Emergency Shelter Homes and Family Group Homes
65C-13.012	Substitute Family Records

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. 18, May 7, 1999, issue of the Florida Administrative Weekly:

65C-13.001 Definitions.

The following definitions describe the types of care that are addressed in this chapter.

(10) "Child Resource Record" (CRR) means a standardized record which contains the basic legal, demographic and known medical information pertaining to a specific child. This folder is to be kept with the child and shall accompany the child to every health care encounter so that medical information may be shared with the provider and updated ~~as appropriate~~. The information includes~~, but is not limited to,~~ medical/psychological information; immunization record; Medicaid card; service agreement; school information and records; name, telephone number and address of the child's parent (s) or significant other person(s); names and telephone numbers of the Family Service Counselor and the Family Service Counselor Supervisor; the emergency contact person and the way such person can be contacted; dates and duration of Family Service Counselor visits with the family; and any other information pertinent to the child's care and well being.

65C-13.003 Pre-Service and In-Service Training.

Section 409.175(13)(a),(b), F.S., requires the department to provide or cause to provide pre-service and in-service training for foster and emergency shelter parents who are licensed and supervised by the department as a condition of licensure.

(1) Pre-Service Training. Substitute care parents are required to complete a minimum of 21 hours of training. The department shall consider the pre-service training uniform statewide if the training and the curriculum, at a minimum, addresses the topics found in s. 409.175(13)(b). ~~Districts shall require additional pre-service training in other topic areas in order to enhance the skills of the foster parents who will be caring for children with special needs.~~ The pre-service training schedule may be flexible to accommodate the participants, such as day time, evenings and weekend hours and can be scheduled more than once during the week, i.e. a weeknight and all day Saturday.

65C-13.005 Changes During the Licensed Year.

(1) If the district establishes that the substitute care parents violated the standards found in s. 409.175, F.S., or in the current Administrative Rule 65C-13 or any successor rule or have been found to have abused or neglected children as defined in Chapter 39, F.S., the department has the authority to discontinue the use of the home or revoke the license. The reasons for such action must be discussed with the substitute care parents and they must be advised that they have the right to appeal the department's decision under Section 120.57, F.S. If any administrative action is required, the administrative complaint must be reviewed and signed by the district administrator or his designated representative in accordance with the Administrative Procedures Act. ~~When a district makes the decision to suspend or revoke the license prior to expiration, proceedings must be in accordance with Section 120.57, F.S.~~ Both the license and the form Closing of Substitute Care Home for Dependent Children, CF-FSP 5026, which is hereby incorporated by reference, must be sent to the district office where the license will be canceled. A copy of form 5026 may be obtained from the Department of Children and Families, 1317 Winewood Boulevard, Building 8, Tallahassee, FL, 32399-0700. If the substitute care parents voluntarily surrender the license and agree with the decision to terminate as substitute care parents, but then change their mind within 30 days of surrendering their license, they have a right to request an administrative hearing and must be so advised.

65C-13.009 Parent Preparation.

(2) The requirements for prospective substitute parents are:

(f) Sign permission for a yearly foster home evaluation which includes feedback surveys from school teachers, biological parents, Family Safety and Preservation staff, foster children and any other service providers~~, if applicable~~.

65C-13.011 Minimum Standards for Licensure of Family Foster Homes, Family Emergency Shelter Homes and Family Group Homes.

Section 409.175(11)(a)2., F.S., makes it unlawful for any person to make a willful or intentional misstatement on any license application or other document required to be filed in connection with an application for a license. Such a violation is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Applicants who make such willful or intentional misstatements will have their license denied or revoked. Any exceptions to the following standards must be for good cause and must be approved in writing by the district program office of Family Safety and Preservation prior to the exceptions being implemented. Exceptions to the maximum capacity of five children may only be granted in the case of sibling groups, children who have previously been in the home, and mothers and their babies.

(8) Screening. Substitute care parents must meet the screening requirements as stated in Chapter 435, F.S., and be void of any other Florida Abuse Hotline Information System or criminal offenses that may negatively impact their ability to be a foster parent as stated in paragraph 65C-13.009(6)(b) of this chapter.

(17) Transportation Safety.

(a) Substitute parents are required to transport foster children in a safe manner. Transportation in the back of a pickup truck ~~or on a motorcycle~~ is forbidden at all times. All vehicles used to transport children must be equipped with seat belts and have approved car seats for children under the age of four years as required in s. 316.215 through 316.614, F.S. Each child being transported must have his own seat belt or car seat.

65C-13.012 Substitute Family Records.

A record must be maintained for each substitute care home. Except for confidential information on abuse or neglect reports, the substitute care home record is a public record and can be reviewed by the substitute parent. Subsection 409.175(15), F.S. provides an exemption from the public records law for all identifying information, except name, in the foster home licensing file regarding foster parents, including those who became adoptive parents, their spouses and their children, unless otherwise ordered by a court. All other substantive information is available to the public. The exempted information includes: the home, business, work, child care, or school addresses; telephone numbers; social security numbers; birth dates; photographs of licensees, their family and other adult household members; identifying information about such persons in neighbor references; the floor plan of the foster home; and any identifying information about such persons contained in similar sensitive, personal information that is provided to the department. Records are filed in a central place alphabetically under three headings: Pending in the study process, Approved, and Closed. A unit file must also be established for all approved substitute care homes which must contain all of the completed items listed below:

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

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