

65A-1.519 Child Care.

(1) through (2) No change.

(3) Transitional Child Care.

(a) Transitional child care is defined as child care for families whose WAGES cash assistance has ceased due to an increase in employment hours or earnings or due to increased child support when child care is needed to accept, maintain, or actively seek employment or who opts not to receive temporary cash assistance, the elimination of the child care disregard in the WAGES cash assistance budget. The individual must have received cash assistance for three of the preceding six months to be eligible for up to 24 months of transitional child care. Individuals who receive temporary cash assistance for less than three out of the preceding six months, who have earnings or child support income and are either ineligible for temporary cash assistance due to the earnings or child support or opt not to receive temporary cash assistance are eligible to receive up to three months of transitional child care. Once the three month period has expired, they may continue to receive transitional child care for up to 24 months subject to available funding. Assistance received as an up-front diversion recipient is not included in the time frame for determining eligibility for transitional child care.

(b) No change.

~~(c) Former WAGES unemployed parent participants who have regained employment are not eligible for transitional child care unless both parents become employed, or one parent becomes employed and the other parent is engaged in a WAGES employment and training program activity. If the former WAGES unemployed parent family is receiving transitional child care and one parent ceases employment or the unemployed parent ceases to participate in the WAGES employment and training program or to actively seek employment, the transitional child care benefits will be terminated.~~

(4) No change.

(5) Recipient Notification.

(a) The recipient will be informed as to about availability of and qualifications for child care services by and will receive a Child Care Rights and Responsibilities Form, HRS-ES-2693, October 1994, hereby incorporated by reference, from the eligibility specialist, WAGES coalitions or their contracted providers employment services staff, or the community child care coordinating agency.

(b) The eligibility specialist will notify the recipient of a referral for child care services, potential eligibility and will indicate the end of the transitional child care benefit period, if applicable, using the Family Support Act Child Care Referral, CF-ES Form 2692, Notice of Case Action, HRS-ES Form 2601, August 1990, hereby incorporated by reference in rule 65A-1.400.

Specific Authority 414.45 FS. Law Implemented 414.095(16) FS. History—New 3-5-95, Formerly 10C-1.519, Amended 8-18-97, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Rodney McInnis, Management Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: September 15, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: July 9, 1999

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

#### DEPARTMENT OF EDUCATION

##### Board of Regents

RULE NO.:

6C-8.009

RULE TITLE:

Definition and Process for

Establishing Educational Sites

#### NOTICE OF CHANGE

Notice is hereby given that additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., first published in Vol. 25, No. 24, June 18, 1999, and again in Vol. 25, No. 30, July 30, 1999, issues of the Florida Administrative Weekly. The rule has been further amended in Paragraph (1)(a) to include a review process, if requested, by a member of the State Board of Education. No change was made to Paragraph (1)(b) of the rule. Rule 6C-8.009(1)(a) is revised to read, as follows:

6C-8.009 Definition and Process for Establishing Educational Sites.

(1) The following definitions and processes for establishment shall apply to educational locations of public universities within the state:

(a) Main campus is defined as the focal point of university educational and administrative activities, authorized by Section 240.2011, F.S. Lower-division courses are offered only on the main campus of each university unless the university receives specific Board of Regents approval to offer lower-division courses at a branch campus, center or site. Approval will be based on a consideration of the following: the university's mission; an assessment of student demand; availability of necessary facilities, equipment and faculty; discussion with the educational institutions impacted by the proposed course offerings; and PEPC's review of those course offerings. The Board of Regents approval is subject to review and action by the State Board of Education if the request for review and action occurs within 30 days of the Board of Regents decision. If no request for review is made by a member of the State Board of Education, then the Board of Regents determination shall automatically become effective 30 days from the date of the Board of Regents decision to approve.

Specific Authority 240.209(1),(3)(o)(~~g~~) FS. Law Implemented 240.209(1),(3)(o), 240.2011 FS. History—New 4-9-87, Amended 6-8-92, 2-15-94,\_\_\_\_\_.

## DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-114	Ownership and Use of “Wintersweet” Certification Mark
RULE NOS.:	RULE TITLES:
20-114.001	Ownership
20-114.002	Permission Required for Use
20-114.003	General Restrictions and Standards on the Use of “Wintersweet” Mark
20-114.004	Use on Fruit, Containers and Merchandise
20-114.005	Definitions
20-114.006	Withdrawal of License of Permission

### NOTICE OF POSTPONEMENT

The Department of Citrus announces the postponement of a public hearing for the above proposed rule sections which was published in Vol. 25, No. 30, of the Florida Administrative Weekly, July 30, 1999.

NEW HEARING DATE AND TIME: October 27, 1999, 10:30 a.m.,

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

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

## AGENCY FOR HEALTH CARE ADMINISTRATION

### Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-3.081	Physical Plant Requirements for General, Rehabilitation and Psychiatric Hospitals

### NOTICE OF CHANGE

Proposed amendments to the above referenced rule are being changed to address comments agreed to during a Public Hearing on June 18, 1999. These and other additions were agreed to also in the Settlement Stipulation and Agreement among Naples Community Hospital, Inc., Petitioner, Baptist Health Systems of South Florida, Intervenor, and the Agency for Health Care Administration, Respondent. The proposed amendments were originally published in Volume 25, Number 21, Florida Administrative Weekly, May 28, 1999.

Among the changes are incorporating by reference applicable standards of the Federal Emergency Management Agency; code section 7-95 of the American Society of Civil Engineers; section 2315 of the South Florida Building Code, Dade edition,

1994; and code section 10, 1998 edition of the National Fire Protection Association (NFPA) and code section 13, 1996 edition of the NFPA. Criteria of the Office of Plans and Construction governing approval of fire watch plans as referenced in (b)10.a.(II), and criteria governing pre-approval of other methods of External Emergency Communications Standards referred to in (b)11. have been made part of the rule.

### THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.081 Physical Plant Requirements for General, Rehabilitation and Psychiatric Hospitals.

(55) Physical Plant Requirements for Disaster Preparedness of New Hospital Construction.

(a) Definitions. The following definitions shall apply specifically to all new facilities as used in rule 59A-3.081(55):

1. “New facility” means a hospital, or an addition of a wing or floor to an existing hospital, which is not in operation or has not received a Stage II Preliminary Plan approval pursuant to Chapter 59A-3, F.A.C., prior to the effective date of this rule. Interior renovation, refurbishing, modifications or conversions inside of an existing structure licensed as a hospital, shall not have to meet the standards contained in this paragraph.

2. “Net square footage” means the clear floor space of an area excluding cabinetry and other fixed furniture or equipment;

3. “During and immediately following” means a period of 72 hours following the loss of normal support utilities to the facility;

4. “Occupied patient area(s)” means the ~~protected~~ location of patients inside of the new facility or in the addition of a wing or floor to an existing facility during and immediately following a disaster;

5. “~~Applicable~~ Building code” means the building codes as described in section 553.73, F.S. the building code enforced by the building official with local jurisdictional authority.

6. “Patient support area(s)” means the ~~those~~ area(s) required to ensure the health, and safety and well-being of patients during and immediately following a disaster, such as a nursing station, clean and soiled utility areas, food preparation area, and other areas as determined by the facility.

7. “On-site” means either in, immediately adjacent to, or on the campus of the facility, or addition of a wing or floor to an existing facility.

(b) New Facility Construction Standards. The following construction standards are in addition to the physical plant requirements described in subsections 079 through 081 of Chapter 59A-3.079 through Chapter 59A-3.081133(17), F.A.C. These minimum standards are intended to increase the ability of the new facility, or new floor or new wing added to an existing facility to be structurally capable of serving as a

shelter for patients, staff and the family of patients and staff (~~as determined by the facility~~) and equipped to be self-supporting during and immediately following a disaster:

1. Space Standards.

a. For planning purposes, as estimated by the facility, each new facility shall provide a minimum of 30 net square feet per patient served in the occupied patient area(s).

b. As determined by the facility, ~~adequate~~ space for administrative and support activities shall be provided for use by facility staff to allow for care of patients in the occupied patient area(s).

c. As determined by the facility, ~~adequate~~ space shall be provided for ~~all additional~~ staff and family members of patients and staff.

2. Site standards.

a. All new facilities and additions to existing facilities shall be located above the 100-year flood plain or hurricane Category 3 (Saffir-Simpson scale) hurricane surge inundation elevation, whichever requires the highest elevation, ~~or~~

b. ~~The~~ floor elevation of all new occupied patient ~~use~~ area(s) and all patient support area(s) and patient support utilities, including mechanical, electrical except as noted in (55)9.b.(1), and food services shall be located above the 100-year flood plain or hurricane Category 3 (Saffir-Simpson scale) hurricane surge inundation elevations, whichever requires the highest elevation, or

c.b. ~~At a minimum~~, New additions or floors added to existing facilities, as determined by their site locations, shall be so designed and constructed as to be in compliance with the current standards of the National Flood Insurance Program of the Federal Emergency Management Agency, incorporated by reference and available from Federal Emergency Management Agency, Federal Insurance Administration, Attn. Publications, P. O. Box 70274, Washington, D.C. 20024.

d.e. Where an off-site public access route is available to the new facility at or above the 100-year flood plain, a minimum of one on-site emergency access route shall be provided that is located at the same elevation as the public access route;

e.f. New landscaping elements shall be located so if damaged they will not block the on-site emergency access route to the facility. Outdoor signs and their foundations shall be designed to meet the wind load criteria of the applicable building code;

f.e. New light standards and their foundations used for lighting the on-site emergency access route shall be designed to meet the wind load criteria of the American Society of Civil Engineers (ASCE 7-95), fifty-year recurrence interval of wind velocity with appropriate exposure category dependent on site location, incorporated by reference and available from the American Society of Civil Engineers, United Engineering

Center, 345 East 47<sup>th</sup> Street, New York, NY 10017-2398 ~~applicable building code with a minimum wind load factor of 140 miles per hour.~~

3. Structural Standards. Wind load design of the building structure and exterior envelope including exterior wall systems shall be designed in accordance with the ~~applicable~~ building code.

4. Roofing Standards.

a. Roofing membrane material shall resist the uplift forces specified in the ~~applicable~~ building code. Roof coverings shall be installed according to the specifications provided by the manufacturer.

b. Loose-laid ballasted roofs shall not be permitted;

c. All new roof appendages such as ducts, tanks, ventilators, receivers, dx condensing units and decorative mansard roofs and their attachment systems shall be structurally engineered to meet the wind load requirements of the applicable building code. All of these attachment systems shall be connected directly to the underlying roof structure or roof support structure.

5. Exterior Unit Standards.

a. All exterior window units, skylights, exterior louvers and exterior door units including vision panels and their anchoring systems shall be designed to resist the wind load requirements of the building code and the debris impact requirements as specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~the applicable building code.~~

b. Permanently attached protective systems such as shutters and baffling shall be designed to meet the wind load requirements and the debris impact requirements as specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~the applicable building code;~~

c. Removable protective systems designed to intricately fit with the wall/window system of the facility and stored on-site at the facility and that meet the wind load requirements of the building code, and the debris impact requirements specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~the applicable building code~~ may be utilized to protect the exterior units;

d. All anchoring and attachment to the building of both the permanently attached and removable protective systems shall be designed to meet wind load requirements of the building code, and the impact requirements specified by Section 2315 of the South Florida Building Code, Dade edition 1994,

incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~the applicable building code~~. These designs shall be signed, sealed and dated by a Florida registered structural engineer;

e. The glazed openings inside or outside of the protective systems shall meet the cyclical loading requirements specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~the applicable building code~~;

f. All of the exterior impact protective systems shall be designed and installed so that they do not come in contact with the glazing under uniform, impact or cyclic pressure loading;

g. ~~When not being utilized to protect the windows, the~~ No protective system shall not restrict the operability of the windows in the occupied patient bedrooms.

h. ~~When not being utilized to protect the windows, the~~ No protective systems shall not reduce the clear window opening below 8% of the gross square footage of the patient room.

#### 6. Heating, Ventilation and Air Conditioning (HVAC) Standards.

a. Air moving equipment, dx condensing units, through-wall units and other HVAC equipment located outside of or on the roof of the new facility or wing or floor addition to an existing facility and providing service to the new facility or wing or floor addition to an existing facility shall be permitted only when either of the following are met:

(I) They are located inside a penthouse designed to meet the wind load requirements of the ~~applicable~~ building code, or;

(II) Their fastening systems are designed to meet the wind load requirements of the ~~applicable~~ building code and they are protected from impact as specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~the applicable building code~~.

b. All occupied patient areas and patient support areas shall be supplied with sufficient HVAC as determined by the facility to ensure the health, safety and well being of all patients and staff during and immediately following a disaster.

c. As determined by the facility these selected systems providing HVAC systems and their associated support equipment such as a control air compressor essential to the maintenance of the occupied patient and patient support area(s) shall receive their power from the emergency power supply system(s).

d. Ventilation air change rates in occupied patient areas shall be maintained as specified in Chapter 59A-3, F.A.C., during and immediately following a disaster.

e. Auxiliary equipment and specialties such as hydronic supply piping and pneumatic control piping shall be located, ~~and~~ and routed and protected in such a manner as determined by the facility to ensure the equipment receiving the services will not be interrupted.

#### 7. Plumbing Standards.

a. There shall be an independent on-site supply (i.e., water well) or on-site storage capability of potable water ~~tested and approved in accordance with the applicable building code~~ at a minimum quantity of 3 gallons per in-patient served in the new facility or wing or floor addition to an existing facility per day during and immediately following a disaster. For planning purposes the number of patients shall be estimated by the facility.

b. There shall be an independent on-site supply or storage capability of potable water ~~tested and approved in accordance with the applicable building code~~ at a minimum quantity of 1 gallon per facility staff, and other personnel in the new facility or wing or floor addition to an existing facility per day during and immediately following a disaster. For planning purposes, the number of these personnel shall be estimated by the facility.

c. The facility shall determine what ~~There shall be an independent on-site supply or storage capability of sufficient amount of non-potable water will be sufficient~~ to provide for ~~all~~ patient services, and shall maintain an on-site supply or on-site storage of the determined amount such as bathing, washing and flushing and support utilities during and immediately following a disaster.

d. When utilized to meet the minimum requirements of this rule used, selected system appurtenances such as water pressure maintenance house pumps, and emergency water supply well pumps shall take power from the emergency power supply system(s).

8. Medical Gas Systems Standards. The storage, distribution piping system and appurtenances serving the occupied patient area(s) shall be contained within a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 ~~the applicable building code~~.

#### 9. Emergency Electrical Generator and Essential Electrical System Standards.

a. There shall be an on-site Level I emergency electrical generator system designed to support the ~~all~~ occupied patient area (s) and patient support area (s) with at least the following support services:

(I) Ice making equipment to produce ~~sufficient~~ ice for the patients served, or freezer storage equipment for the storage of ice for the patients served;

(II) Refrigerator unit(s) and food service equipment if required by the emergency food plan;

(II) Life safety and critical branch lighting and systems as required by Chapter 59A-3.081, F.A.C.;

(IV) Selected HVAC systems as determined by the facility and other systems ~~as~~ required by this rule;

b. The emergency generator system shall be fueled by a fuel supply stored on-site sized to fuel the generator for 100 percent load for ~~64~~ 48 hours or 72 hours for actual demand load of the occupied patient area (s) and patient support area(s) and patient support utilities during and immediately following a disaster, whichever is greater.

(I) The fuel supply shall either be located below ground or contained within a protected area that is designed and constructed to meet the structural and debris impact requirements as specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 the applicable building code. If an underground system is utilized, it shall be designed so as to exclude the entrance of any foreign solids or liquids ~~and have approval from the Environmental Protection Agency (EPA);~~

(II) All fuel lines supporting the generator system(s) ~~for the~~ occupied patient area(s) and patient support area(s) shall be protected also with a method designed and constructed to meet the structural and debris impact requirements as specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 the applicable building code.

(III) All panel boards, transfer switches, disconnect switches, enclosed circuit breakers or emergency system raceway systems required to support the occupied patient area(s), patient support area(s) or support utilities shall be contained within a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 the applicable building code, and shall not rely on systems or devices outside of this protected area(s) for their reliability or continuation of service.

(IV) The emergency generator(s) shall be air or self-contained liquid cooled and it and other essential electrical equipment shall be installed in a protected area(s) designed and constructed to meet the structural and debris impact requirements as specified by Section 2315 of the South Florida Building Code, Dade edition 1994, incorporated by reference

and available from the Metropolitan Dade County Building Code Compliance Department, 140 West Flagler Street, Suite 1603, Miami, FL 33130 the applicable building code.

10. Fire Protection Standards.

a. If the facility requires fire sprinklers as part of its fire protection, either of the following shall be met:

(I) ~~On sufficient on-site water storage capacity to continue sprinkler coverage, in accordance with the requirements of NFPA 13, 1996 edition, incorporated by reference and available from NFPA, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9101; or,~~

(II) If the facility ~~A plans to provide a Fire Watch, it shall use the following procedure as approved by the Office of Plans and Construction agency~~ for all areas of the facility ~~that are~~ without sprinkler coverage due to interrupted water flow.

(A) Notify the local fire department and document instructions.

(B) Notify the Agency through the Area Office.

(C) Assess the extent of the condition and effect corrective action, with a documented time frame. If the corrective action will take more than four (4) hours, do the following items:

I. Implement a contingency plan to the facility fire plan containing: a description of the problem, specifically what the system is not doing that it normally does, and the projected correction time frame. All staff on shifts involved shall have documented in-servicing and drilling for the contingency.

II. Begin a documented firewatch, until the system is restored. Persons used for firewatch must be trained in what to look for, what to do, and be able to expeditiously contact the fire department. For a firewatch, a facility can use only: public safety persons (i.e., fire service), a guard service, or staff (e.g., a nurse, maintenance, drill or safety coordinator); if the persons are:

A. Off duty from their regular position; in compliance with current state staffing ratios and personnel policies (i.e., not in a condition that would impair performance);

B. Trained and competent in what to look for and what to do;

C. Have a provision for priority communication (i.e., a radio or special telephone).

D. Notify Agency and local authorities, if the time-frame changes or system is restored.

b. If the facility provides a Fire Watch in lieu of sprinkler on-site water or water storage, then one 4-A type fire extinguisher or equivalent shall be provided for every 3 or less 2-A fire extinguishers required by NFPA 10, 1998 edition, incorporated by reference and available from NFPA, 1 Batterymarch Park, P. O. Box 9101, Quincy, MA 02269-9101, for the area served. These additional extinguishers shall be equally distributed throughout the area they are protecting. If sprinkler coverage is adversely affected by interrupted water flow, the facility shall provide for additional fire extinguishers in the patient occupied area.

11. External Emergency Communications Standards. ~~In conjunction with the County Emergency Management Agency, Each new facility shall provide for external an alternative form of electronic communication not dependent on terrestrial telephone lines, cellular, radio or microwave towers, such as on-site radio transmitter, satellite communication systems or a written agreement with an amateur radio operator volunteer group(s). This agreement shall provide for a volunteer operator and communication equipment to be re-located into the facility in the event of a disaster until communications are restored. Other methods which can be shown to maintain uninterrupted electronic communications not dependent on land-based transmission shall be pre-approved by the Office of Plans and Construction agency.~~

Specific Authority 400.23 FS. Law Implemented 400.23, 553.73, 633.022 FS. History—New 1-1-77, Formerly 10D-28.81, Amended 1-16-87, 11-23-88 Formerly 10D-28.081, Amended 9-3-92, 6-29-97, 3-18-98, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
James (Skip) Gregory, Chief, Bureau of Plans and Construction, Agency for Health Care Administration, Building #1, Room 145, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)487-0713

## DEPARTMENT OF MANAGEMENT SERVICES

### Division of Retirement

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60R-1	Practice and Procedure Before the State Retirement Commission
RULE NO.:	RULE TITLE:
60R-1.0021	Definitions

### NOTICE OF WITHDRAWAL

Pursuant to Section 120.54(3)(d)1., Florida Statutes, notice is hereby given that the above proposed rule amendment, as notified in Vol. 24, No. 51, December 18, 1998, issue of the Florida Administrative Weekly, has been withdrawn in compliance with Chapter 99-255, Laws of Florida.

## DEPARTMENT OF HEALTH

### Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.:	RULE TITLE:
64B4-3.0035	Demonstrating Knowledge of Law and Rules for Licensure

### NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling hereby gives notice of an additional public hearing on the above-referenced rule to be held on October 21, 1999, 9:00 a.m., The Naples Beach and Golf Resort, 851 Gulf Shore Boulevard, North, Naples, Florida 34102. This additional public hearing is being held in response to comments provided by the Joint Administrative Procedures Committee. The rule was originally published in Vol. 25, No. 32, of the August 13, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 2020 Capital Circle, S. E., Bin #C08, Tallahassee, Florida 32399-3258.

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 Nursing Home Administrators

RULE NO.:	RULE TITLE:
64B10-15.0021	Approved Providers

### 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. 11, March 19, 1999, issue of the Florida Administrative Weekly. The changes are in response to comments received from the staff of the Joint Administrative Procedures Committee and comments received at the August 13, 1999 additional public hearing held in Tallahassee, Florida. The rule has been changed and shall now read as follows:

64B10-15.0021 Approved Providers.

(1) Continuing education provider status shall be approved by the Board prior to presenting continuing education programs or courses. Continuing education programs or courses offered prior to obtaining approved provider status shall not be granted continuing education credit.

(2) The Board approves those courses approved as continuing education for nursing home administrators by the National Continuing Education Review Service of the National Association of Boards of Examiners of Nursing Home Administrators, Inc., when attendance is certified by the program provider.

(3) Those seeking approved provider status shall submit to the Board a sample continuing education program along with an outline of the content of the program or course on Form DOH/NHA/019(9/20/99), entitled "Florida Board of Nursing Home Administrator Approval As A Provider Of Continuing Education Application," which is hereby incorporated by reference, effective \_\_\_\_\_, a copy of which may be obtained from the Board office upon request. Said outline must provide the following information:

- (a) Date and location of the initial course offering;
- (b) Course learning objectives;
- (c) The applicable Domain(s) of Practice covered by the course or program;

- (d) Number of continuing education hours that will be earned;
  - (e) Sample program evaluation form;
  - (f) Method of presentation;
  - (g) Sample certificate of attendance;
  - (h) Explanation of how the provider intends to maintain a roster of course attendees; and
  - (i) Curriculum vitae of the course speakers or instructors.
- (4) Those applying for approved provider status shall pay an initial approval fee of \$100.00. A provider seeking to renew approved provider status, shall pay a biannual renewal fee of \$100.00.

(5) All approved providers shall furnish to each licensee attending a course a certificate of attendance.

(6) The Board shall deny continuing education provider status to any applicant who submits false, misleading or deceptive information or documentation to the Board or whose proposed sample program fails to comply with all the provisions of Rule 64B10-15.002, F.A.C.

(7) The Board shall monitor and review continuing education programs and shall rescind the provider status or reject individual programs offered by a provider if the provider disseminates any false or misleading information in connection with the continuing education programs, fails to conform to rules of the Board, or if the provider or its faculty member(s) are found to be in violation of any of the provisions of Chapters 491 or 455, F.S.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Taylor, Executive Director, Board of Nursing Home Administrators/MQA, 2020 Capital Circle, S. E., Bin #4, Tallahassee, Florida 32399-3254

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

### Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-1.001	Purpose of the Home Care Program
65C-1.002	Definitions
65C-1.003	Application
65C-1.004	Eligibility
65C-1.005	Financial Determination
65C-1.006	Provider Requirements
65C-1.014	Confidentiality of Information

### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 32, August 13, 1999, Florida Administrative Weekly has been withdrawn.

## FLORIDA HOUSING FINANCE CORPORATION

RULE NO.:	RULE TITLE:
67-21.003	Application and Selection Process for Loans

### NOTICE OF CHANGE

Notice is hereby given that in response to recommendations made by the Joint Administrative Procedures Committee, the following changes in addition to non-published technical corrections/clarifications have been made to Rule 67-21, Florida Administrative Code as published in Volume 25, Number 27 of the Florida Administrative Weekly on July 9, 1999 and the Notice of Change as published in Volume 25, Number 35 of the Florida Administrative Weekly.

#### 67-21.003 Application and Selection Process for Loans.

(2) An Application may be submitted at any time; however, priority in reviewing and ranking Applications for award of State Bond Allocation for a calendar year shall be given to Applications received by Florida Housing by the deadline specified in the Notice of Funding Availability published in the Florida Administrative Weekly and which received a satisfactory CTC based upon the initial Application. Any Applications received after the noticed deadline shall not be processed, reviewed, or ranked in any way until such time as the list of Applications received by the noticed deadline has been exhausted. ~~As set forth in said notice,~~ Florida Housing shall set forth in said notice any election may elect to reserve up to 10% a portion of its private activity bond allocation for multifamily revenue bonds for use solely for Demonstration Developments pursuant to rule promulgated by Florida Housing or in connection with HUD multifamily developments. Developments wholly owned by not-for-profit corporations qualifying under Section 501(c)(3) of the Code which are not requesting State Bond Allocation are governed by Rule 67-21.019, F.A.C.

(7) Based on the order of the ranked Applications and the availability of State Bond Allocation, the Board shall designate those Applications to be offered the opportunity to enter final Credit Underwriting. Notwithstanding the rankings, a portion of the State Bond Allocation, at a minimum, equal to the amount of allocation requested in any Applicant's Program Application, ~~(including Applications in a previous cycle,)~~ shall ~~may~~ be reserved by the Board for future allocation necessary to resolve administrative proceedings or legal proceedings with respect to Program private activity bond allocations. In the event any such administrative proceedings or legal proceedings remain outstanding on June 1 of any year, allocation authority subject to any such prior reservation shall be released for application to the current ranked list of Applicants and a new reservation shall be made from the next available allocation authority. In the event any such administrative proceedings or legal proceedings remain outstanding on November 15 of any year, allocation authority subject to any such prior reservation shall be released for application to the current ranked list of Applicants and a new reservation shall be made from the next available allocation authority. The Board may invite up to an additional five Developments into Credit Underwriting beyond what is expected to be funded with the available State Bond

Allocation. Applicants shall be notified in writing of the opportunity to enter final Credit Underwriting. A detailed timeline for submitting required fees and information to the Credit Underwriter shall be included. Failure to meet the deadlines established by such timeline shall result in the immediate termination of Credit Underwriting activities and the Application shall be moved to the bottom of the ranked list. Applicants electing to proceed to final Credit Underwriting do so at their own risk. Any Applicant which declines invitation to final Credit Underwriting shall be removed from the ranked list.

(14) Florida Housing shall notify the Applicant, in writing, of the Board's determination related to approval of the final Credit Underwriting Report and require that the Applicant submit one-half of the Good Faith Deposit within 7 calendar days. Developments designated for a portion of the current year's State Bond Allocation shall be required to close at such time as set forth in such designation. In the event the loan does not close within the designated time frame for reasons other than acts of God, acts of war, riot or insurrection or other matters beyond the control of due to the fault of the Developer or Applicant and the closing date is not extended in writing by FHFC, then the State Bond Allocation shall be forfeited.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

#### RULE TITLE:

Procedure for Procurement of Merchandise  
to be Awarded as Prizes

#### RULE NO.:

53ER99-37

SUMMARY OF THE RULE: The rule replaces previously adopted rule 53ER97-41. Changes were made in response to comments received from the Joint Administrative Procedures Committee. The rule provides a procedure to contract for merchandise in an open, fair, and competitive process.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Office of the General Counsel, Florida Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

#### THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-37 Procedure for Procurement of Merchandise to be Awarded as Prizes.

(1) The purpose of this rule is to implement the provisions of Section 24.105(14), Fla. Stat., and to provide a mechanism for purchasing merchandise to be awarded as prizes in games conducted by the Lottery. The Lottery specifically finds that, due to the unique nature of selecting merchandise to be awarded as prizes, strict compliance with Chapter 287, Fla. Stat., and rules adopted thereunder, would impair or impede the effective and efficient operation of the lottery. Therefore,

the Lottery is promulgating this rule to provide a procedure to contract for merchandise in an open, fair, and competitive process.

(2) Definitions. For purposes of this rule, the following definitions shall apply:

(a) Merchandise – Any non-cash item to be awarded as a prize in a Lottery game.

(b) Procurement – Acquisition by the Lottery of merchandise by contract or purchase order.

(c) Valid Emergency – A circumstance creating an immediate danger to the public health, welfare, or safety, or to the security, integrity, or financial status of the Lottery.

(3) Regardless of the value of merchandise to be procured, procurement pursuant to this rule shall be made using an informal competitive process.

(4) Following determination of the types and quantities of merchandise to be awarded as prizes in a game, the Lottery will develop and provide in writing to a minimum of five (5) suppliers of the merchandise, if available, specifications for the merchandise to be procured and the terms and conditions of delivery. The suppliers of merchandise to which specifications will be sent will be determined by recourse to the vendor list for such merchandise maintained by the Department of Management Services, or, if none exists, by any other means reasonably calculated to provide a list of potential respondents, including, but not limited to, research of telephone books, industry materials, newspapers, trade publications or similar references.

(5) Potential respondents will be offered the opportunity to provide a written price quotation or proposal for any merchandise meeting the specifications within the period of time specified in the request. Notice of the request for quotations shall be posted on the Lottery's purchasing bulletin board. Responses shall be accepted by mail, hand delivery, or facsimile transmission.

(6) In the event that only one, or no price quotations or proposals are received, the Lottery shall review the situation in order to determine the reasons, if any, why only one, or no quotations or proposals were received before issuing a second invitation to provide a written price quotation or proposals. However, if the Lottery determines that the commodities or contractual services are available only from a single source, or that conditions and circumstances warrant negotiation on the best terms and conditions, the Lottery's intended decision shall be posted in accordance with Section 120.57(3), Florida Statutes, before the Lottery proceeds with procurement. The Lottery shall document the conditions and circumstances used to determine the decision to proceed without a second call for price quotations or proposals.

(7) Emergency Purchases.