

4. Public shoreline stabilization ~~Public boat docking and mooring facilities.~~

5. Public spoil disposal site development ~~Public shoreline stabilization.~~

6. Waterway signs and buoys for safety, regulation or information ~~Inlet management projects that are a benefit to public navigation in the District.~~

7. Public boat ramps and launching facilities ~~Waterway signs and buoys for safety, regulation or information.~~

8. Public boat docking and mooring facilities ~~Public spoil disposal site development.~~

9. Waterways related environmental education programs and facilities.

10. Public fishing and viewing piers.

11. Public waterfront boardwalks.

12. Waterways boating safety programs and equipment.

13. Beach renourishment on beaches adversely impacted by navigation inlets, navigation structures, navigation dredging, or a navigation project.

14. Other waterway related projects.

(b) through (c) No change.

(d) Applications for eligible waterway projects which include construction elements below mean high water will be submitted as a phased project where Phase I will include the design, engineering and permitting elements and Phase II will include the construction of the project. A description and cost estimate of the Phase II work will be submitted along with the Phase I application for Board review. Applicants for Phase II funding will demonstrate that the environmental permitting element of Phase I will be completed by the District's final TRIM hearing prior to the tentative approval date of funding for Phase II. Should the environmental permitting element of Phase I of an application for a construction project not be completed by the District's final TRIM hearing meeting where tentative funding decisions for this program will be made, the Phase II project will not be considered for funding. ~~An applicant may file a petition pursuant to the rule waiver procedures of s. 120.542, F.S. and Chapter 28-104, F.A.C. to extend the date for receipt of the required environmental permits. Petitions filed pursuant to this rule section should be submitted to the District no later than July 1st to facilitate the orderly process of this program and the preparation of the District's fiscal year budget in which the assistance funds will be included. The District will not deviate from the funding schedule, whereby funding decisions are completed at the final TRIM hearing, to accommodate any application deficiency applicant filing a petition after that date.~~

Specific Authority 374.976(2) FS. Law Implemented 374.976(1)-(3) FS. History—New 12-17-90, Amended 9-2-92, 6-24-93, 2-3-94, 4-12-95, 9-5-96, 2-6-97, Formerly 16T-2.008, Amended 5-17-98, 3-31-99, _____.

Section II Proposed Rules

PUBLIC SERVICE COMMISSION

DOCKET NO. 991427-WS

RULE TITLE:

RULE NO.:

Records and Reports; Annual Reports

25-30.110

PURPOSE AND EFFECT: The Class A, B, and C water and wastewater utility annual report forms are being revised to incorporate a more recent version of the NARUC Uniform System of Accounts; combine the three forms into one; eliminate numerous unnecessary and obsolete requirements; clarify other requirements; and add some requirements.

SUMMARY: Rule 25-30.110 is being amended to revise the annual report forms for Class A, B, and C water and wastewater utilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: Revision of the annual report forms will result in a one-time cost to the utilities to convert to the new forms. In addition, there may be an additional cost for Class A and B utilities to calculate or estimate the non-used and useful facilities, and to calculate working capital. The costs to Class C utilities should be minimal because their reporting form was substantially revised in 1996, and there are relatively minor changes being recommended in this revision.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 350.127(2), 367.121 FS.

LAW IMPLEMENTED: 367.121(1)(c), 367.121(1)(g), 367.121(1)(i), 367.121(1)(k), 367.156(1), 367.161 FS.

WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULE MAY BE SUBMITTED TO THE FPSC, DIVISION OF RECORDS AND REPORTING, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Director of Appeals, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6245

THE FULL TEXT OF THE PROPOSED RULE IS:

25-30.110 Records and Reports; Annual Reports.

(1) through (3) No change.

(4) ANNUAL REPORTS; CONTENTS. The appropriate annual report form required from each utility shall be determined by using the same three classes of utilities used by

the National Association of Regulatory Utility Commissioners for publishing its system of accounts: Class A (those having annual water or wastewater operating revenues of \$1,000,000 \$750,000 or more); Class B (those having annual water or wastewater revenues of \$200,000 or more but less than \$1,000,000 \$150,000 to \$749,999); Class C (annual water or wastewater revenues of less than \$200,000 \$150,000). The class to which a utility belongs shall be determined by using the higher of the average of its annual water or wastewater operating revenues for each of the last three preceding years.

(a) Class A and B utilities shall file the annual report on Commission Form PSC/WAW 3 (/), entitled "Water and/or Wastewater Utilities (Gross Revenues of \$200,000 or more \$750,000 and Over)", which is incorporated by reference into this rule, required by Commission Form PSC/WAS 4 (Rev. 12/86), which was effective on December 22, 1986.

~~(b) Class B utilities shall file the annual report entitled "Water and/or wastewater Utilities (Gross Revenues of \$150,000 or more But Less Than \$750,000 Each)" required by Commission Form PSC/WAS 5 (Rev. 12/86) which was effective on December 22, 1986.~~

~~(b)(e) Class C utilities shall file the annual report on Commission Form PSC/WAW 6 (/), entitled "Water and/or Wastewater Utilities (Gross Revenues of less than \$200,000 \$150,000 each), which in incorporated by reference into this rule, required by Commission Form PSC/WAS 6 (Rev. 5/96).~~

~~(d) Class A or B utilities that have multiple systems under one consolidated company should file the Consolidated Annual Report (Form PSC/WAS 3 (3/91)) in lieu of separate annual reports for each system. Any questions regarding the annual report form to be filed should be directed to the Division of Water and Wastewater, Bureau of Accounting.~~

~~(c)(e)~~ The foregoing forms can be obtained from the Commission's Division of Water and Wastewater.

(5) through (7) No change.

(8) INCOMPLETE REPORTS.

(a) No change.

(b) A report is incomplete if any of the schedules required by the following forms of this rule are not completed:

1. Form PSC/WAW ~~S 3 (/) 4 (Rev. 12/86)~~ for Class A and B utilities;

~~2. Form PSC/WAS 5 (Rev. 12/86) for Class B utilities;~~

~~3. Form PSC/WAS 3 (Rev. 03/91) for Class A or B utilities that have multiple systems; and~~

~~24. Form PSC/WAW S 6 (/) Rev. 5/96)~~ for Class C utilities.

(c) No change.

(9) through (11) No change.

Specific Authority 350.127(2), 367.121 FS. Law Implemented 367.121(1)(c), 367.121(1)(g), 367.121(1)(i), 367.121(1)(k), 367.156(1), 367.161 FS. History—Amended 9-12-74, 1-18-83, 2-24-85, 10-27-85, Formerly 25-10-25, 25-10-025 11-9-86, Amended 12-22-86, 3-11-91, 11-13-95, 5-1-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tricia Merchant

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Florida Public Service Commission

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 5, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: Vol. 24, No. 42, October 16, 1998

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at the hearing because of a physical impairment should call the Division of Records and Reporting, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

ADMINISTRATION COMMISSION

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Land Planning Regulations for the

Apalachicola Bay Area of Critical

State Concern – Franklin County

28-22

RULE TITLES:

RULE NOS.:

First Revision to Zoning Code

28-22.101

Second Revision to Zoning Code

28-22.102

Third Revision to Zoning Code

28-22.103

Revision to Comprehensive Plan

28-22.104

Revision to Zoning Code

28-22.105

Revision to Comprehensive Plan

28-22.106

Revision to Comprehensive Plan

28-22.107

Revision to Zoning Code

28-22.108

Revision to Zoning Code

28-22.109

Revision to Zoning Code

28-22.110

Amendment to Comprehensive Plan

28-22.111

Amendment to Comprehensive Plan

28-22.112

Subdivision Regulations Ordinance; Adoption of

Franklin County Ordinance No. 89-7

28-22.113

Critical Shoreline District Regulation Ordinance,

Franklin County Ordinance No. 89-8

28-22.114

Amendment to Comprehensive Plan

28-22.115

Amendment to Comprehensive Plan

28-22.116

Amendment to the Franklin County Zoning Code

28-22.117

Amendment to the Franklin County Zoning Code

28-22.121

Amendment to the Franklin County Zoning Code

28-22.122

Amendment to the Franklin County Zoning Code

28-22.123

Amendment to the Franklin County Zoning Code

28-22.124

Adoption of the Franklin County Local Comprehensive Plan	28-22.125
Amendment to the Franklin County Land Development Regulations	28-22.126
Amendment to the Franklin County Land Development Regulations	28-22.127
Amendment to the Franklin County Land Development Regulations	28-22.128
Amendment to the Franklin County Land Development Regulations	28-22.129
Amendment to the Franklin County Land Development Regulations	28-22.130
Amendment to the Franklin County Land Development Regulations	28-22.131
Amendment to the Franklin County Land Development Regulations	28-22.132
Adoption of City of Carrabelle Ordinance No. 203 To Adopt City of Carrabelle Resolution 2-88 and Ordinances 207, 208	28-22.301
Subdivision Regulations Ordinance: Adoption of the City of Carrabelle's Ordinance No. 211	28-22.302
Adoption of City of Carrabelle's Zoning Ordinance	28-22.303
Adoption of City of Carrabelle Septic Tank Ordinance	28-22.304
Adoption of the 1988 State Minimum Building Code with 1989 and 1990 Amendments as the City of Carrabelle Building Code	28-22.305
Amendment to the City of Carrabelle Zoning Code	28-22.307
City of Carrabelle Comprehensive Plan	28-22.308
Amendments to the City of Carrabelle Land Development Regulations	28-22.309
	28-22.310

PURPOSE AND EFFECT: The purpose and effect is to repeal certain rules. The rules identified for repeal relate to the Land Planning Regulations for the Apalachicola Bay Area of Critical State Concern – Franklin County. In 1994, the Administration Commission de-designated the City of Carrabelle and the unincorporated lands within Franklin County from the Apalachicola Bay Area of Critical State Concern. The specific rules that were adopted by the Commission setting forth land planning regulations for these areas during the period of area of critical state concern designation are obsolete and no longer necessary.

SUMMARY: Repeals the above referenced Administration Commission rules.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.74 FS.

LAW IMPLEMENTED: 120.536(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 3:00 – 5:00 p.m., Wednesday, November 3, 1999

PLACE: Room 2106, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)488-7793, at least 3 business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Governmental Analyst, Administration Commission, The Capitol, Room 2105, Tallahassee, Florida 32399-0001, telephone (850)488-7793

THE FULL TEXT OF THE PROPOSED RULES IS:

28-22.101 First Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 3-16-87, Amended 8-26-87, Repealed.

28-22.102 Second Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 8-26-87, Repealed.

28-22.103 Third Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 4-18-88, Repealed.

28-22.104 Revision to Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 10-5-88, Repealed.

28-22.105 Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 10-5-88, Repealed.

28-22.106 Revision to Comprehensive Plan.

Specific Authority 380.0555 (10) FS. Law Implemented 380.0555 (10) FS. History–New 1-30-89, Repealed.

28-22.107 Revision to Comprehensive Plan.

Specific Authority 380.0555 (10) FS. Law Implemented 380.0555 (10) FS. History–New 1-30-89, Repealed.

28-22.108 Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 1-8-89, Repealed.

28-22.109 Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 1-30-89, Repealed.

28-22.110 Revision to Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History–New 1-8-89, Repealed.

28-22.111 Amendment to Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 7-20-89, Repealed.

28-22.112 Amendment to Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 9-14-89, Repealed.

28-22.113 Subdivision Regulations Ordinance: Adoption of Franklin County Ordinance No. 89-7.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 10-29-89, Repealed.

28-22.114 Critical Shoreline District Regulation Ordinance, Franklin County Ordinance No. 89-8.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 10-29-89, Repealed.

28-22.115 Amendment to Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 10-25-89, Repealed.

28-22.116 Amendment to Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 11-20-89, Repealed.

28-22.117 Amendment to the Franklin County Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 1-1-90, Repealed.

28-22.121 Amendment to the Franklin County Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 10-11-90, Repealed.

28-22.122 Amendment to the Franklin County Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 10-11-90, Repealed.

28-22.123 Amendment to the Franklin County Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 2-6-91, Repealed.

28-22.124 Amendment to the Franklin County Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 7-21-91, Repealed.

28-22.125 Adoption of the Franklin County Local Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 8-1-91, Repealed.

28-22.126 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 8-1-91, Repealed.

28-22.127 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 8-1-91, Amended 1-15-92, Repealed.

28-22.128 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 12-21-92, Repealed.

28-22.129 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 12-21-92, Repealed.

28-22.130 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 12-21-92, Repealed.

28-22.131 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 12-21-92, Repealed.

28-22.132 Amendment to the Franklin County Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 1-5-93, Repealed.

28-22.301 Adoption of City of Carrabelle Ordinance No. 203.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 6-21-88, Repealed.

28-22.302 To Adopt City of Carrabelle Resolution 2-88 and Ordinances 207, 208.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 7-21-88, Repealed.

28-22.303 Subdivision Regulations Ordinance: Adoption of the City of Carrabelle's Ordinance No. 211.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 9-14-89, Repealed.

28-22.304 Adoption of City of Carrabelle's Zoning Ordinance.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 1-1-90, Repealed.

28-22.305 Adoption of City of Carrabelle Septic Tank Ordinance.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 12-17-89, Repealed.

28-22.307 Adoption of the 1988 State Minimum Building Code with 1989 and 1990 Amendments as the City of Carrabelle Building Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 5-19-91, Repealed.

28-22.308 Amendment to the City of Carrabelle Zoning Code.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555(10) FS. History—New 7-21-91, Repealed.

28-22.309 City of Carrabelle Comprehensive Plan.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 2-16-93, Repealed.

28-22.310 Amendments to the City of Carrabelle Land Development Regulations.

Specific Authority 380.0555(10) FS. Law Implemented 380.0555 FS. History—New 2-16-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Tinker

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Administration Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 28, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Workshop not required pursuant to section 120.54(2)(a), Florida Statutes, since the rules are to be repealed.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: Medical Foster Care

RULE NO.: 59G-4.197

PURPOSE AND EFFECT: The purpose of the proposed rule is to separate Medical Foster Care from Prescribed Pediatric Rehabilitative Services, rule 59G-4.260; and incorporate by reference the Florida Medicaid Medical Foster Care Coverage and Limitations Handbook, December 1997, in 59G-4.197. The effect is to consolidate the policies specific to the medical foster care program into the Medicaid handbooks and to eliminate duplication.

SUMMARY: The purpose of the rule is to update and to incorporate by reference the revised Florida Medicaid Medical Foster Care Services Coverage and Limitations Handbook, December 1997, in 59G-4.260; and to repeal portions of the rule which are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.)

TIME AND DATE: 1:00 p.m., November 10, 1999

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kenn Jones, Registered Nursing Consultant, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida, 32317-2600, Telephone (850)922-7310

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.197 Medical Foster Care.

(1) This rule applies to all Medical Foster Care (MFC) providers enrolled in the Medicaid program.

(2) All Medicaid-enrolled Medical Foster Care (MFC) providers must be in compliance with the Florida Medicaid Medical Foster Care Coverage and Limitations Handbook, December 1997, incorporated by reference, and the Florida Medicaid Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History—New.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kenn Jones, Registered Nursing Consultant, Medicaid Program Development

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., AHCA Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Medicaid

RULE TITLE: Prescribed Pediatric Extended Care Services

RULE NO.: 59G-4.260

PURPOSE AND EFFECT: The purpose of the rule amendment is to update and to incorporate by reference the revised Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, May 1999, in 59G-4.260; and to repeal portions of the rule which are duplicated in the Medicaid handbooks, other Medicaid rules of general applicability, Florida Statutes, or federal regulations. The effect is to consolidate the policies specific to the prescribed pediatric extended care (PPEC) services program into the Medicaid handbooks and eliminate duplication.

SUMMARY: This rule amendment incorporates the Prescribed Pediatric Extended Care Coverage and Limitation Handbook, May 1999 by reference in 59G-4.260 and eliminates duplication.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.)

TIME AND DATE: 9:00 a.m., November 10, 1999

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room C, Tallahassee, Florida 32308

PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE: Kenn Jones, Registered Nursing Consultant, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida, 32317-2600, Telephone: (850)922-7310

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 59G-4.260 follows. See Florida Administrative Code for present text.)

59G-4.260 Prescribed Pediatric Extended Care Services Prescribed Pediatric Rehabilitative Services.

(1) This rule applies to all Prescribed Pediatric Extended Care (PPEC) service providers enrolled in the Medicaid program.

(2) All Medicaid enrolled prescribed pediatric extended care service providers must be in compliance with the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, May 1999, incorporated by reference, and the Florida Medicaid Reimbursement Handbook, HCFA 1500 and Child Health Check-Up 221, which is incorporated in 59G-5.020. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919, FS., Law Implemented 409.905(2), 409.913(5)(c), (8)(b) FS., 409.908 FS., History—New 8-27-91, Amended 4-21-92, 3-9-93, Formerly 10C-7.0471, Amended 2-11-96.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kenn Jones, Registered Nursing Consultant, Medicaid Program Development

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ruben J. King-Shaw, Jr., AHCA Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 7, 1999

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 99-33R

RULE CHAPTER TITLE: The Management of Spent Mercury –

Containing Lamps and Devices Destined
for Recycling

62-737

RULE TITLES: Requirements and Management Standards for

Handlers and Transporters of Spent Universal
Waste Lamps and Devices

62-737.400

Additional Permitting Requirements for

Mercury Recovery Facilities

62-737.840

PURPOSE AND EFFECT: Rule 62-737.400(3)(a) is being amended to clarify those criteria the Department applies when taking action to deny, suspend or revoke the registration issued to any handler or transporter of spent mercury-containing lamps or devices.

Rule 62-737.840(3) sets limits on the amount of mercury that can remain on “processed materials” not going for further mercury reclamation by retorting. These “processed materials” are generally the glass and aluminum end caps from the recycling of fluorescent lamps. The rule states that the twelve week rolling “average mercury” content must be less than 3 parts per million (ppm) of mercury and the “weekly composite sample of process operations” should report less than 5 parts per million of mercury. The rule also states that these standards will be lowered to 1ppm and 3 ppm, respectively, by January 1, 2000. Rule 62-737.840(3)(d) is being amended to allow facilities to propose an alternative program to divert and recycle additional mercury from mercury-containing materials that would achieve at least the same amount of mercury recovery as would compliance with the reduced “average mercury content” residual standard which goes into effect on January 1, 2000.

The Department estimates that only three to four kilograms of additional mercury would be removed from the environment under the new lower standard, and in most cases at a high economic cost. There is also the possibility that the increased cost to businesses for recycling their mercury-containing lamps

and devices will actually reduce compliance, which would reduce the overall statewide recycling rates and hence result in less mercury diversion from the municipal solid waste stream, in spite of the new standard. The proposed rule is expected to allow greater flexibility to mercury recover facilities to remove as much or more mercury from the waste stream as the current rule requires, at a lower economic cost.

SUMMARY: Rule 62-737.400(3)(a) is being amended to add criteria the Department will use when denying, suspending or revoking the registration issued to any handler or transporter of spent mercury-containing lamps or devices. The proposed language is virtually identical to that in Rule 62-710.600(5), F.A.C., which applies to used oil transporters.

Rule 62-737.840(3)(d) is being amended to authorize mercury recovery facilities to request an "alternative procedure" in order to recover the same amount of mercury called for under the reduced "average mercury content" residual standard which goes into effect on January 1, 2000.

Any person who wishes to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 403.061, 403.7186 FS.

LAW IMPLEMENTED: 403.704, 403.7186, 403.721 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 9:00 a.m., November 9, 1999

PLACE: Department of Environmental Protection, Twin Towers Office Building, 2600 Blair Stone Road, Room 423, Tallahassee, Florida

If accommodation for a disability is needed to participate in this activity, please notify the Personnel Services Specialist in the Bureau of Personnel Services, (850)488-2996 or 1(800)955-8771 (TDD), at least seven days before the meeting. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Raoul Clarke, Hazardous Waste Management Section, Mail Station 4555, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)488-0300

THE FULL TEXT OF THE PROPOSED RULES IS:

62-737.400 Requirements and Management Standards for Handlers and Transporters of Spent Universal Waste Lamps and Devices.

(1) through (3) No change.

(3)(a) Registration:

1. through 3. No change.

4. Within 60 days of receipt of a completed registration form (DEP Form 62-737.900(1)) and supporting material, including the registration fee if applicable, the Department shall review the form and supporting material and shall either:

a. No change.

b. Notify the owner or operator in writing of any deficiencies in or items omitted from the registration materials. For purposes of this paragraph, "deficiency" means that the submitted material does not contain information adequate to support the conclusion that the submittal conforms to the requirements specified in this Chapter. Within 30 days of receipt of a written notification from the Department that a submission is deficient, the owner or operator shall submit the requested information to the Department. A modification of this 30 day time frame may be obtained by the owner or operator by requesting in writing that the Department make such a modification. Upon receipt of the omitted items and/or correction of deficiencies, the Department shall issue the registration, subject to subparagraph 7 of this paragraph.

5. through 6. No change.

7. Any handler or transporter is subject to having its registration denied, suspended or revoked, pursuant to Section 403.087, F.S., and in accordance with the procedural requirements of Section 120.60, F.S., upon a finding by the Department that such handler or transporter:

(a) Has submitted false or inaccurate information in its registration form;

(b) Has violated statutes which the Department is authorized to enforce, Department orders, rules, or registration conditions;

(c) Has failed to submit reports or other information required by Department rule or registration condition; or

(d) Has refused to allow inspection of its records or equipment by Department personnel or other persons when such inspection is authorized by Department rule or registration condition.

(b) No change.

(4) through (8) No change.

Specific Authority 403.061, 403.7186 FS. Law Implemented 403.704, 403.7186, 403.721 FS. History--New 5-10-95, Amended 5-20-98,_____.

62-737.840 Additional Permitting Requirements for Mercury Recovery Facilities.

(1) through (2) No change.

(3)(a) through (c) No change.

(d) Effective January 1, 2000, the "average mercury" content and the "weekly composite sample of process operations" identified in subparagraphs (a)1. and 2. shall be reduced to 1 part per million and 3 parts per million, respectively.

1. The owners or operators of any facility or group of facilities may request in writing a determination by the Department that the provisions for mercury recovery of this paragraph may be met through proposed alternate procedures. This request must address the criteria set forth in Rule 62-701.310(2), F.A.C., which is hereby incorporated by reference solely for the purposes of this paragraph. Requests for alternate procedures shall be submitted to the appropriate

District office of the Department in the form of a request for permit modification, and shall be acted upon by that District office in the same manner as any other permit modification. The fee shall be the same as for permit modifications provided in Rule 62-737.800(10), F.A.C.

2. In order to show that the alternate procedure provides an equal degree of protection for the public and the environment, a person shall demonstrate that the total amount of mercury to be annually recovered and reclaimed under the alternate procedure would be at least as much as the total amount of mercury that would be recovered and reclaimed without the alternate procedure. Such a determination shall initially be based upon the amount of mercury recovered by a facility from processed materials subject to the standard in this paragraph during the base year immediately preceding a request for approval of alternate procedures as documented on Form 62-737.900(3). If the amount of processed materials has increased during the current or a subsequent year over the preceding base year, the facility shall make the appropriate adjustments during that year to ensure that an equivalent amount of mercury is being recovered and reclaimed as would be had the alternate procedure not been approved.

(e) No change.

(4) through (5) No change.

Specific Authority 403.061, 403.7186 FS. Law Implemented 403.7186, 403.721 FS. History—New 5-10-95, Amended 5-20-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Bill Hinkley, Chief, Bureau of Solid and Hazardous Waste

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: John Ruddell, Director, Division of Waste Management

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: August 11, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAW: September 3, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Optional State Supplementation 65A-2

RULE TITLES: RULE NOS.:

Rights and Responsibilities 65A-2.022

Determination of Continued Eligibility 65A-2.024

Advance Notice: Written Ten Day Advance

Notice 65A-2.031

Optional State Supplementation Eligibility Criteria 65A-2.032

Optional State Supplementation coverage Groups 65A-2.033

Definitions of Special Living Arrangements 65A-2.034

Income Calculation 65A-2.035

Amount of Optional State Supplementation

Payments 65A-2.036

PURPOSE AND EFFECT: These rule amendments are the result of a review of each listed rule to identify deficiencies in rule statements regarding citations of other rules, references to program names, definitions of special living arrangements, and redundant rule material. Additionally the maximum provider rate is up-dated.

SUMMARY: Rule 65A-2.022 is clarified as to applicability of the right to prompt notice of decision and use of a designated representative. Rule 65A-2.024 is amended to use the word terminated instead of the word cancelled and to clarify use of a designated representative. Rule 65A-2.031 is amended to use "terminate" and "termination or reduction" instead of "cancel" or "cancellation". Rule 65A-2.032 is amended to correct rule citations within it and to clarify eligibility requirements. Rule 65A-2.033 is amended to use current terminology that reflects types of special living arrangements. Rule 65A-2.034 is repealed. Rule 65A-2.035 is amended to correct a rule citation and to remove language that repeats statutory provisions. Rule 65A-2.036 is amended to correct a rule citation, to use current terminology that reflects types of special living arrangements and to change the maximum provider rate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes provide information regarding the statement of estimated regulatory costs or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.212(6) FS.

LAW IMPLEMENTED: 409.212 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., November 8, 1999

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE, THE PUBLIC HEARING OR AN ECONOMIC STATEMENT IS: Audrey Mitchell, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 412D, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULES IS:

65A-2.022 Rights and Responsibilities of Applicants and Recipients.

Any individual has the right to apply for Optional State Supplementation and, if found eligible according to these rules, to receive an established monthly payment. The use of this payment is not restricted. The recipient is responsible for providing all facts necessary to establish initial and continuing eligibility. The recipient is also responsible to promptly notify the Department of any changes in circumstances that may affect their eligibility. An authorized representative may be

appointed to act on behalf of the individual. The Department is responsible for providing prompt action, equitable treatment and timely notification of any decision ~~to make a change~~ in an individual's payment or status.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.22, 10C-2.022, Amended.

65A-2.024 Determination of Continued Eligibility.

The individual receiving Optional State Supplementation must maintain continuing communication with the Department. The Department in cooperation with the individual must redetermine the individual's eligibility for continued assistance at least annually. An authorized representative may be appointed to act on behalf of the individual. Individuals who do not cooperate with the Department in the provision of required information or documentation shall have their case terminated ~~cancelled~~, as continuing eligibility cannot be established.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 10-7-80, Formerly 10C-2.24, 10C-2.024, Amended.

65A-2.031 Advance Notice: Written Ten Day Advance Notice.

A person receiving Optional State Supplementation must be given or mailed written notification ten days in advance of action to terminate ~~cancel~~ his/her grant or reduce the amount of assistance.

Exception: Conformity to ten day advance notice is waived in the following situations, but written notification must be given or mailed to the individual prior to the effective date of the action.

- (1) When termination ~~cancellation~~ is due to death;
- (2) When termination or reduction of assistance ~~cancellation~~ is due to transfer ~~within program~~ to another type of coverage;
- (3) When a person requests termination or reduction of assistance ~~cancellation~~ in writing;
- (4) When the Department is unable to locate an individual as evidenced by the return of a letter of a recent date indicating that the letter could not be delivered due to no forwarding address and no further information for locating the individual is available;
- (5) When an Administrative Hearing has been denied; or
- (6) When systems transactions fail to ~~effect payment~~ reduce or terminate assistance correctly ~~cancellation~~ and notice has previously been given.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.31, 10C-2.031, Amended.

65A-2.032 Optional State Supplementation Eligibility General Eligibility Criteria.

(1) An eligible individual must be aged (age 65 or older), age 18 or older and blind or disabled as defined by Title XVI of the Social Security Act (disability criteria is defined in 20 CFR 416). Eligibility on the factors of age, residence, citizenship, assets, and income is established by Supplemental Security Income Program staff based on Title XVI of the Social Security Act for those recipients receiving Supplemental Security Income.

(2) An eligible individual must be living in the state of Florida with the intent to remain. To be eligible for Optional State Supplementation an individual must be eligible for and receiving a check from the Supplemental Security Income Program, or any Optional State Supplementation recipient who for the month of June 1981 or thereafter was receiving financial assistance under the Title XVI Supplemental Security Income Program, was also entitled to monthly insurance benefits under the Title II Social Security Program, and except for the increase(s) in monthly insurance benefits under Title II would have been eligible for Title XVI (Supplemental Security Income) benefits for the current month, may be determined to be eligible for Optional State Supplementation provided applicable criteria found in (1) above and those listed under Rule 65A-2.033 are met. All individuals receiving Optional State Supplementation (OSS) must meet the program eligibility criteria as specified under Chapters 10A-4, 10A-5, and 10E-4 for the specific living arrangement.

(3) An eligible individual must be a United States citizen or a qualified alien.

(4) An eligible individual cannot have assets or income in excess of standards established by the department. Aged, blind or disabled adults who meet Supplemental Security Income Program eligibility criteria, except for the amount of their income meet all other Optional State Supplementation Program eligibility criteria may be eligible to receive Optional State Supplementation payments if their monthly income is equal to or below the income standard set by the Department.

(5) An eligible individual must be living in a licensed assisted living facility (as defined in s. 400.402, F.S.); adult family care home (as defined in s. 400.618, F.S.); or, a mental health residential treatment facility (as defined in s. 394.875, F.S.) that can meet the individual's needs based on medical and social evaluations, in accordance with approved department policies, as specified in Chapters 58A-5, 58A-14 or 65E-4, respectively.

(6) When Optional State Supplementation funds are insufficient to meet placement needs, applicants requesting Optional State Supplementation placement must be evaluated according to the following placement criteria, with the first criterion being the highest priority.

(a) The applicant must be in imminent danger of abuse, neglect or exploitation, and all other placement alternatives and resources have been explored;

(b) The applicant must be at risk of institutionalization within 90 days and all other placement alternatives and resources have been explored.

(c) The applicant is institutionalized, is ready for discharge, and all other placement alternatives and resources have been explored.

(d) All other placement alternatives have been explored and assisted living facility, adult family care home or mental health residential treatment facility is the only appropriate placement. The individual requires Optional State Supplementation assistance to pay for placement.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-29-81, 10-31-83, Formerly 10C-2.32, Amended 9-30-86, Formerly 10C-2.032, Amended _____.

65A-2.033 Optional State Supplementation Coverage Groups Eligibility Factors Other Than Need.

To be determined Optional State Supplementation eligible, an individual must qualify under one of the following coverage groups:

(1) To be eligible for Optional State Supplementation, an individual must be eligible for and receiving a check from the Supplemental Security Income Program administered by the Social Security Administration. The Department can accept that an SSI recipient meets all factors of Optional State Supplementation eligibility criteria in 65A-2.032, except age and placement, which must be verified by Department staff. A person meeting general eligibility criteria must be certified as eligible for placement in Room and Board with Personal Care or Foster Care for Adults, or other Special Living Arrangements. Eligibility is based on medical and social evaluations in accordance with approved departmental policies relating to the Community Care Program, as found in Chapter 10A-4, Specialized Adult Services, F.A.C.

(2) To be eligible for Optional State Supplementation, an individual must have been eligible for and receiving SSI on or after June 1981; must have been entitled to monthly Title II Social Security benefits; and except for an increase in the Title II Social Security benefits would have remained eligible for SSI benefits for the current month. This protected Optional State Supplementation coverage allows former SSI recipients to continue to receive Optional State Supplementation benefits when their SSI benefits were terminated due to increases in their Social Security benefits. These individuals may have income over the department's income standard. For the purpose of meeting OSS placement criteria, mental health residential treatment facilities licensed under Chapter 394.875(2), F.S., will be considered as living in a special living arrangement.

(3) To be eligible for Optional State Supplementation, an individual must meet all SSI eligibility criteria, except for the amount of their income which must equal or be less than the Optional State Supplementation income standard established by the department. These individuals must meet eligibility criteria in section 65A-2.032. The following placement criteria used when funds are insufficient to meet the placement needs. Applicants requesting placement must be evaluated according to the following criterion with the first criteria being the highest priority.

(a) The applicant must be in imminent danger of abuse, neglect or exploitation and all other placement alternatives and resources have been explored;

(b) The applicant must be at risk of institutionalization within 90 days and all other placement alternatives and resources have been explored;

(c) The applicant is institutionalized and is discharge ready and all other placement alternatives and resources have been explored;

(d) All other placement alternatives have been explored and Adult Congregate Living Facility, Mental Health Residential Treatment Facility or Adult Foster Home Placement is the only appropriate placement and the receipt of Optional State Supplementation is a prerequisite for placement.

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.33, Amended 9-30-86, 2-9-88, Formerly 10C-2.033, Amended _____.

65A-2.034 Definitions of Special Living Arrangements.

Specific Authority 409.212(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Formerly 10C-2.34, Amended 9-30-86, 2-9-88, Formerly 10C-2.034, Repealed _____.

65A-2.035 Income Calculation Eligibility Factors of Need.

(+) A person eligible for Optional State Supplementation must not have gross monthly income, with the following exclusions, in excess of Departmental standards, as found in 65A-2.036(3)(d). (a) Gross income, less the earned income exclusion, is computed on a monthly basis and considered in determining the amount of an individual's Optional State Supplementation Payment. An earned income exclusion of \$65 plus one-half of the remaining earned income is applied in cases where the individual has earned income. Refer to Chapter 409.212(3) and (4), F.S., for additional exclusions.

(b) A person may receive additional supplementation from third parties to contribute to his cost of care. The payments shall be made to the adult congregate living facility, or to the operator of an adult foster home, family placement, or other special living arrangement, on behalf of the person and not directly to the Optional State Supplementation recipient. The additional supplementation shall not exceed two times the provider rate recognized under the Optional State Supplementation program. Contributions meeting these qualifications will be excluded as income.

~~(e) Rent vouchers issued pursuant to a federal, state, or local housing program may be issued directly to a recipient of Optional State Supplementation. Rent vouchers will be excluded as income.~~

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-29-82, Formerly 10C-2.35, Amended 1-27-91, Formerly 10C-2.035, Amended.

65A-2.036 Amount of Optional State Supplementation Payments.

~~(1) The Department establishes a standard provider rate (amount to be paid to facility providing the room, board and services to the individual) and a standard personal needs allowance (amount the individual keeps for personal needs) within the funds appropriated by the legislature. The Departmental Standards for the cost of care in the Special Living Arrangement, plus a personal need allowance, less the individual's gross income, minus the earned income exclusion, equals the amount of the Optional State Supplementation Payment rounded down to the nearest whole dollar. Payment for the month of admission shall be prorated if the month of admission is the month of application or later. For months other than the month of admission, payment begins the first day of the month. The payment is issued monthly through a computerized delivery system. Reference 65A-2.036(3) below. The cost of care standard established for OSS applicants and recipients residing in Adult Congregate Living Facilities will be utilized for OSS applicants and recipients residing in Mental Health Residential Treatment Facilities.~~

~~(2) To calculate the amount of the Optional State Supplementation payment, the standard provider rate is added to the standard personal needs allowance to determine the individual's total needs. From this sum, the individual's gross income, minus the allowable exclusions, is subtracted to give the amount of the Optional State Supplementation payment, which is rounded down to the nearest whole dollar. The Optional State Supplementation payment is, in fact, a supplement to all other sources of income, excepting the exclusions found in 65A-2.035, to meet the recognized cost of care in special living arrangements. The department shall not increase an Optional State Supplementation payment to offset the reduction in Supplemental Security Income benefits that will occur because of third party contributions.~~

~~(3) Payment for the month of admission shall be prorated if the month of admission is the month of application or later. For months other than the month of admission, payment begins the first day of the month.~~

~~(4) The payment is issued monthly through an automated delivery system.~~

~~(5) The maximum provider rate (also called cost of care) is the same for all approved special living arrangements.~~

~~(6)(3) Optional State Supplementation Program Standards~~

~~(a) Personal Needs Standard – \$43.~~

~~(b) Monthly Maximum Provider Rate (cost of care) – a standard of \$685 622 per month.~~

~~(c) Monthly Income Standard – \$685 622.~~

Specific Authority 409.212(6)(5) FS. Law Implemented 409.212 FS. History—New 1-1-77, Amended 9-27-79, 10-7-80, 9-29-81, 9-29-82, 10-31-83, 11-28-83, 9-30-84, 10-1-85, Formerly 10C-2.36, Amended 1-1-87, 2-9-88, 11-6-88, 2-16-89, 3-1-90, 1-27-91, 2-19-95, Formerly 10C-2.036, Amended 1-27-99.

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 Bureau

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 30, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Staffing Requirements	65C-20.009
Health Records	65C-20.011
Large Family Child Care Homes	65C-20.013

PURPOSE AND EFFECT: The modifications contained in this document will repeal the existing requirement for written approval from the owner of the property, prior to the issuance of a license, when family day care homes are operated on a leased or rental property; the increased number of training hours required for family day care home operators and their substitutes, per amendments to §402.313, F.S., will equip providers with a higher scope of knowledge in the areas of child development; health, safety, and nutrition; state requirements; reporting child abuse; and other areas deemed appropriate by the Department of Children and Families; will eliminate the need to amend Chapter 65C-20, F.A.C., every time amendments to immunization requirements occur in Chapter 64D-3, F.A.C.; will ensure the health and safety of children cared for in large family child care homes.

SUMMARY: Current §402.313, F.S., does not grant the Department of Children and Families statutory authority to establish by rule, requirements for written approval from the owner of a leased or rental property, when the licensed family day care home is operated in such property. Amended §402.313, F.S., increases the number of required training hours for operators of family day care homes and their staff or substitutes. Chapter 65C-22.006(2)(c), F.A.C., currently lists all the required immunizations per Chapter 64D-3, F.A.C., the amended language simply refers the reader to the authority source for the requirement. Added §402.3131, F.S., authorizes the Department of Children and Families to establish by rule, minimum standards for Large Family Child Care Homes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 402.3131 FS.

LAW IMPLEMENTED: 402.3131 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 9:00 a.m., November 8, 1999

PLACE: Broward County Emergency Operations Center, 201 N. W. 84th Avenue, Room 332-A, Plantation, Florida 33324

TIME AND DATE: 9:00 a.m., November 9, 1999

PLACE: Hurston Building, South Tower, First Floor Conference Center 113, Conference Room D, 400 W. Robinson Street, Orlando, Florida 32801

TIME AND DATE: 9:00 a.m., November 10, 1999

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Pace-Brown, Program Specialist, 1317 Winewood Blvd., Building 7, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

FAMILY DAY CARE STANDARDS AND LARGE FAMILY CHILD CARE HOMES

65C-20.009 Staffing Requirements.

(1) Personnel.

(a) The family day care home license shall be issued in the name of the operator who must be at least 18 years of age and a resident of the family home. The operator of a family day care may not work out of the home during the hours when the family day care is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence. ~~Written approval from the owner of the property must be secured prior to issuance of the license.~~

(b) No change.

(2) Staff Training.

(a) After October 1, 1999, prior to licensure, Within 90 days of licensure all family day care operators must complete training in the department's 30-clock-hour ~~Fundamentals of Family~~ Family of Child Care Training course, documented on the department's CF-FSP Form ~~5194, May 97, 5155, Oct. 96~~ Fundamentals of Family Child Care training certificate, which is incorporated by reference. The person providing care to the children in the family day care home must have a valid training certificate attesting to completion of the ~~Fundamentals of Family~~ Family Child Care Training course.

(b) No change.

(3) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended.

65C-20.011 Health Records.

(1) Immunizations. Within 30 days of enrollment, each child must have on file and keep current a Florida Certificate of Immunization DH Form 680, Part A-1, B, and or C, (Nov. 96), or Religious Exemption from Immunization, DH Form 681, (Jun. 94), ~~Florida Certificate of Immunization~~, which is incorporated by reference and can be obtained from the local county public health unit of the Department of Health. The DH Form 680 Parts A-1, or B shall be signed by a physician licensed under the provisions of Chapter 458, 459, or 460, Florida Statutes and shall document vaccinations ~~for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubella, mumps, and haemophilus influenza type B (HIB)~~ as required by 64D-3, Florida Administrative Code, Control of Communicable Diseases. The DH Form 680 Part C, Permanent Medical Exemptions, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(2) Children's Student Health Examination.

(a) Within 30 days of enrollment, each child must have on file a completed ~~HRS-HDH~~ Form 3040, ~~(Oct. 96 Mar. 94)~~, Student Health Examination, which is incorporated by reference, and copies of which are available from the local county public health unit of the Department of Health or the child's pediatrician. The student health examination shall be completed by a person given statutory authority to perform health examinations.

(b) This Student Health Examination is valid for two (2) years from the date the physical was performed.

(3) Immunization and Health Records.

(a) Immunization and student health examination records are the property of the custodial parent or legal guardian when the child withdraws from care and are transferable to another child care arrangement.

(b) School-age children attending public or nonpublic schools are not required to have student health examination (~~HRS-HDH~~ Form 3040) and immunization records (DH 680 or 681) on file at the family day care home as such records are on file at the school where the child is enrolled.

(4) No change.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History--New 7-2-98, Amended.

65C-20.013 Large Family Child Care Homes.

(1) Large Family Child Care Homes. Large family child care homes shall meet all of the requirements in 65C-20.008 – 65C-20.012, FAC, in addition to the requirements listed below.

(2) Definitions:

(a) "Full Time Employee," means one additional staff person at least 18 years of age, who is on the premises during the hours of operating as and meeting the definition of a large family child care home.

(b) "Hours of Operation," means the hours of the day or night that a large family child care home has enough children in care to meet the definition.

(c) "Large Family Child Care Home," is defined by s. 402.3131, F.S., and for the purpose of this rule means a home which must have been licensed as a family day care home for two consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, and meet all the requirements of this rule. Large family child care homes must meet and comply with all standards at all times unless there are insufficient numbers of children in care to meet the definition in which case an additional employee is not required.

(d) "Operator," means the occupant and licensee of the large family child care home who is at least 21 years of age responsible for the overall operation of the home.

(e) "Substitute," means a competent adult, at least 18 years of age, who is available to substitute for the operator or employee on a temporary or emergency basis.

(3) License.

(a) Application for a license or for renewal of a license to operate a large family child care home shall be made on CF-FSP Form XXXX, (month) 1999, Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference and can be obtained at the Department of Children and Families local district service center or the local licensing agency.

(b) A copy of the annual license shall be posted in a conspicuous location within the large family child care home.

(4) Personnel:

(a) The large family child care home license shall be issued in the name of the operator who must be at least 21 years of age and a resident of the large family child care home. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) The operator of the large family child care home may not work outside of the home during hours when the large family child care home is operating.

(5) Staff Training:

(a) Within 90 days of licensure, all large family child care home operators shall begin training in the department's 40-clock-hour introductory course in group child care and shall complete such training within 1 year of the date that the training began. The training shall consist of the 30-clock-hour Family Child Care Training course, documented on the department's CF-FSP Form 5194, May 97 and one of the following 10-hour specialized training modules:

1. Developmentally appropriate practices for infants and toddlers

2. Developmentally appropriate practices for young children

3. Developmentally appropriate practices for school-age children

4. Developmentally appropriate practices for children with special needs.

(b) Documentation. Training certificates are issued by training coordinating agencies upon the completion of training. The 10-hour specialized training must be documented on CF-FSP Form 5166, Oct. 96, the Department's Specialized Training Module Certificates, which are incorporated by reference.

(c) Large family child care homes must have one person on premises during all hours of operation who has a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training.

(d) Employees in a large family child care home shall be at least 18 years of age and within 90 days of employment, shall begin the 30-clock-hour Family Child Care Training course. The training shall be completed within one year of the date on which the training began. The Family Child Care Training Course must be documented on the department's CF-FSP Form 5194, May 97, Family Child Care Training certificate, which is incorporated by reference.

(e) Substitutes for the operator of large family child care homes shall be at least 18 years of age and shall have the 30-clock-hour Family Child Care Training course, documented on the department's CF-FSP Form 5194, May 97, Family Child Care Training certificate, which is incorporated by reference prior to taking care of children. Substitutes for the employee who substitute at the large family child care home less than 40 hours a month will not be required to have any training. Substitutes who work more than 40 hours a month shall have to complete the 30-clock-hour Family Child Care Training course, documented on the form referenced above prior to taking care of children.

(6) Annual In Service Training:

(a) Operators and employees of large family child care homes must complete 8-clock-hours of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual 8-clock-hour in-service training must be completed in one or more of the following areas:

1. health and safety; including universal precautions;

2. CPR/first aid;

3. nutrition;

4. child development – typical and atypical;

5. child transportation and safety;

6. behavior management;

7. working with families;

8. design and use of child oriented space;

- 9. community, health and social service resources;
- 10. child abuse;
- 11. child care for multilingual children;
- 12. working with children with disabilities in child care;
- 13. owner or operator training program;
- 14. playground safety;
- 15. other course areas relating to child care or child care management.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5130, Apr. 97, Child Care In-Service Training Record, which is incorporated by reference, and included in the large family child care homes' personnel records.

(7) Supervision.

(a) In a large family child care home direct supervision must be maintained at all times during the hours of operation. Direct supervision means watching and directing children's activities within the area designated as usable indoor floor space or outdoor play space and responding to each child's need.

(b) Additional Supervision Requirements.

1. If there are more than 6 preschoolers participating on field trips away from the large family child care home an additional adult must be present for the purpose of safety and to assist in providing direct supervision. Where some children remain in the home the adult supervision as required in s. 402.302(7), F.S., shall be maintained. At no time shall the total number of children exceed the capacity defined in s. 402.3131, F.S.

2. An additional adult must be present during all water activities, for the purpose of safety, to assist in providing direct supervision. If a large family child care home uses a swimming pool which exceeds 3 feet in depth or uses beach or lake areas for water activities, the large family child care home must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when any children are in the swimming area.

(8) Transportation.

(a) When any vehicle is regularly used by a large family child care home to provide transportation, the driver shall have a current Florida driver's license and an annual physical examination which grants medical approval to drive.

(b) All large family child care homes must comply with the inspection responsibilities and insurance requirements found in s. 316.615, F.S.

(c) All vehicles regularly used to transport children shall be inspected annually, by a mechanic, to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.

(d) The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(e) Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(f) Children shall be never be left unattended by an adult in a vehicle.

(9) Planned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a place accessible to the parents. The written plan must meet the needs of the children being served and include scheduled activities which:

1. Promote emotional, social, intellectual and physical growth.

2. Include quiet and active play, both indoors and outdoors.

3. Include meals, snacks, and nap times, if appropriate for the age and the times the children are in care.

(b) Parents must be advised in advance of each field trip activity. The date, time and location of the field trip must be posted in a conspicuous location at least 2 working days prior to each field trip. Written parental permission must be obtained, either in the form of a general permission slip, or prior to each field trip activity. If special circumstances arise where notification of an event cannot be posted for 2 working days then individual permission slips must be obtained from each parent.

1. A telephone or other means of communication shall be available to the operator, employee or other adult responsible for children during all field trips.

2. Emergency medical forms signed by the parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

(10) Child Discipline.

(a) Large family child care homes shall adopt a discipline policy consistent with s. 402.305(12), F.S.

(b) Each staff member of the large family child care home shall comply with the facility's written disciplinary policy.

(c) Copy of the discipline policy must be available for review by the licensing authority, in order to determine compliance with s. 402.305(12), F.S.

(11) General Requirements.

(a) Fire Safety. Large family child care homes shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, Florida Administrative Code, Uniform Fire Safety Standards for Child Care Facilities and shall be inspected annually.

(b) Indoor Floor Space and Indoor Equipment.

1. A large family child care home must have 35 square feet of usable indoor floor space per child which does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.

2. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

4. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens.

5. Large family child care homes shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

6. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

(c) Outdoor Play Space and Outdoor Equipment.

1. At all large family child care homes the outdoor play space shall be fenced, a minimum of 4 feet in height.

2. All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property and which is exclusively used for the children attending or residing at the large family child care home. Large family child care homes caring for infants under 12 months of age only, shall not be required to have an outdoor play space.

3. All large family child care homes shall provide equipment and play activities suitable to each child's age and development.

4. All play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include routine checks of all supports, above and below the ground, all connectors, and moving parts.

5. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

6. All equipment, fences, and objects on the large family child care home's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

7. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

(d) Emergency Procedures and Notification.

1. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted or shared with the employees and parents.

2. In addition to conducting fire drills as specified in 65C-20.010(3)(b)4., F.A.C., the large family child care home shall maintain the fire drill record on the premises for twelve months.

(12) Enforcement.

(a) Pursuant to section 402.3131, F.S., the department or local licensing agency may deny, suspend, revoke a license, or impose an administrative fine for the violation of any provision of ss.402.301-402.319, F.S., or rules adopted thereunder.

(b) Provisional license. The department or the local licensing agency may issue a provisional license to applicants for a license or to licensees who are unable to conform to all the standards provided for in ss. 402.301-402.319, F.S., as long as the violations are beyond their control and do not present immediate danger to the children in care.

(c) No provisional license may be issued unless the operator makes adequate provisions for the health and safety of all children who are or will be in care. A provisional license may be issued if all of the screening materials have been submitted; however, a provisional license may not be issued unless the large family child care home is in compliance with the requirements for screening of child care personnel in ss. 402.305 and 402.3055, F.S.

(d) The provisional license shall not be issued for a period in excess of 6 months; however, it may be renewed one time for a period not in excess of 6 months under unusual circumstances beyond the control of the applicant or the licensee of the large family child care home.

(e) The provisional license may be revoked if an inspection made by the department or the local licensing agency indicates that insufficient progress has been made achieving compliance.

Specific Authority 402.3131 FS. Law Implemented 402.3131 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cindy Pace-Brown, Specialist, 1317 Winewood Blvd.,
Building 7, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Debbie Russo, Acting Director,
1317 Winewood Blvd., Building 7, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 6, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 2, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
General Information	65C-22.001
Training	65C-22.003
Food and Nutrition	65C-22.005
Record Keeping	65C-22.006

PURPOSE AND EFFECT: The modifications contained in this document will update statutory reference for change of ownership requirements; delineate requirements on how to obtain a director's credential; increase the required training hours for child care personnel; change environmental health reference from unit to section; and changes the language to eliminate the need to amend Chapter 65C-22, FAC, every time amendments to immunization requirements occur in Chapter 64D-3, FAC.

SUMMARY: Amendment to §402.305, F.S. renumbered the current §405.305(17) and (18), F.S. Section 402.305(2)(f), F.S., requires child care directors to have completed a director's credential by January 1, 2003. Amended §402.305(2) increased the number of required training hours for child care personnel. Chapter 65C-22.005(2), FAC, makes reference to Environmental Health as a "unit", however, the proper term should be "section". Chapter 65C-22.006(2)(c), FAC, currently lists all the required immunizations per Chapter 64D-3, FAC., the amended language simply refers the reader to the authority source for the requirement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 402.305 FS.

LAW IMPLEMENTED: 402.305 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 1:00 p.m., November 8, 1999

PLACE: Broward County Emergency Operations Center, 201 N. W. 84th Avenue, Room 332-A, Plantation, Florida 33324

TIME AND DATE: 1:00 p.m., November 9, 1999

PLACE: Hurston Building, South Tower, First Floor Conference Center 113, Conference Room D, 400 W. Robinson Street, Orlando, Florida 32801

TIME AND DATE: 1:00 p.m., November 10, 1999

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Cindy Pace-Brown, Specialist, 1317 Winewood Blvd., Building 7, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-22.001 General Information.

(1) No change.

(2) License.

(a) No change.

(b) In compliance with section 402.305(19)(48), Florida Statutes, at least one week prior to changing ownership of a child care facility, one of the following methods of notification to parents or guardians must be observed:

1. Posting a notice in a conspicuous location at the facility.

2. Incorporating information in any existing newsletter.

3. Individual letters, or fliers.

(3) through (9) No change.

Specific Authority 402.305 FS. Law Implemented 402.301, 402.302, 402.305, 402.3055, 402.308 FS. History—New 6-1-97, Amended 3-17-99, _____.

65C-22.003 Training.

(1) Definitions.

(a) through (c) No change.

(d) "Director," for the purpose of this section and consistent with the statutory definition of operator, refers to the onsite administrator or individual of a child care facility who has the primary responsibility for the day-to-day operation, supervision and administration of the child care facility.

(e) "Director Credential," also referred to as Florida Child Care and Education Program Administrator Credential, means a comprehensive credentialing program consisting of two levels of education and experiential requirements as outlined in 65C-22.003(7), F.A.C.

(2) Training Requirements.

(a) The 40 30-hour introductory child care training requirement is divided into two parts. Part I, is outlined in s. 402.305(2)(d), F.S., and is comprised of 30 hours of training. Part II consists of five specialized training modules, identified below, any of which child care personnel can choose to attend and together with Part I will complete the 40 30-hour training requirement:

1. Developmentally appropriate practices for infants and toddlers

2. Developmentally appropriate practices for young children

3. Developmentally appropriate practices for school-age children

4. Developmentally appropriate practices for children with special needs.

5. Owners/Operators of child care programs.

(b) Child care personnel hired on or after October 1, 1992, must complete Part I and Part II of the department's 40 30-hour introductory child care training course requirement. Child care personnel hired prior to October 1, 1992, substantiated by documentation, are required to complete Part I only.

(c) No change.

(3) No change.

(4) Trainer Qualifications. Qualified child care professionals eligible to teach the introductory child care training course (Part I), the specialized training modules (Part II), 30-clock-hour Family Child Care Training course and the 3-Hour Fundamentals of Child Care training course, must meet the following qualifications:

(a) through (d) No change.

(5) through (6) No change.

(7) Director Credential.

(a) Pursuant to s. 402.305(2)(f), F.S., every child care facility director must have a director credential by January 1, 2003, which consists of the foundational level or the advanced level.

(b) The foundational level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The Department of Children and Families 30-hour introductory child care training course (Part I); and

3. The departmental module Developmentally Appropriate Practices for Children with Special Needs or an approved equivalent that meets the statutory requirement for licensing; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; an approved Florida CDA Equivalency; a formal education exemption qualification (waiver); or a documented employment history recognition exemption; and

5. One course in the curriculum content area "Overview of Child Care Center Management," which must be met by one approved three-hour college level course, offered for credit or 4.5 Continuing Education Units (CEUs) through continuing education or one approved Post Secondary Adult Vocational course offered through a vocational-technical institution in Florida; and

6. One year experience on-site as a child care director. For those candidates who have met the educational requirements of this level but have not completed the one year experiential requirement a temporary credential, not to exceed one year, will be granted.

(c) The advanced level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The Department of Children and Families 30-hour introductory child care training course (Part I); and

3. The departmental module Developmental Appropriate Practices for Children with Special Needs or an approved equivalent that meets the statutory requirement for licensing; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; an approved Florida CDA Equivalency; a formal education exemption qualification (waiver); or a documented employment history recognition exemption; and

5. Three approved courses in child care education program administration. The coursework requirement must be taken for college credit and must be from the following curriculum areas: Overview of Child Care Center Management, Child Care and Education Organizational Leadership and Management, Child Care and Education Financial and Legal Issues, Child Care and Education Programming; and

6. Two years of experience on-site as a child care director. For those candidates who have met all the educational requirements of this level but have not completed the two year experiential requirement a temporary credential, not to exceed two years, will be granted.

(d) All applications and documentation will be verified and credentials issued through the Florida Children's Forum. Applications may be obtained from:

Administrator Credential Coordinator

Florida Children's Forum

2807 Remington Green Circle

Tallahassee, Florida 32308

(e) Exceptions: For the advanced level credential only, an educational exception will be granted to individuals who meet 65C-22.003(7)(c)1.-4. & 6., F.A.C. and any of the following:

1. An A.S. degree in child care center management, or

2. An A.S., B.A., B.S. or advanced degree in early childhood education/child development, family and consumer sciences (formerly home economics/child development), school-age child care or elementary education with at least three credit hours in child care administration, business administration or educational administration, or

3. A B.A., B.S. or advanced degree other than those degree areas in number 2. above, with three credit hours in early childhood/child development or school-age child care and three credit hours in child care administration, business administration or educational administration, or

4. Persons with more than five years of administrative or director experience in a licensed child care facility, with three credit hours in early childhood/child development or school-age child care and three credit hours in child care administration, business administration or educational administration. All coursework for this exception must have been completed within the last ten years.

(f) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood

education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development and/or the three credit hour course requirement in administration. This process will require the candidate to complete a written test at a local community college with a minimum score of 80%.

(g) Renewal. To maintain a valid directors credential at either level, every 5 years, candidates must complete and document 4.5 Continuing Education Units (CEUs) or one three-hour college credit course in any one of the curriculum areas listed in 65C-22.003(7)(c)5., F.A.C. and demonstrate professional contributions in the field. Professional contributions include, but are not limited to, presentations at conferences, published articles, membership in a professional child care organization or mentoring other child care professionals.

(h) Coursework Recognition and Approval.

1. The Florida Children's Forum is responsible for reviewing existing and developing coursework, offered through vocational-technical schools, community colleges and universities, to determine if it meets the requirements for Florida's credential.

2. The Florida Children's Forum is responsible for reviewing out-of-state adopted director credentials to determine if it meets the requirements for Florida's credential.

3. A list of approved courses and approved out-of-state credentials must be maintained and will be available through the Florida Children's Forum.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, Amended.

65C-22.005 Food and Nutrition.

(1) No change.

(2) Food Preparation Area. All licensed child care facilities approved by the Environmental Health ~~Section Unit~~ to prepare food shall meet the applicable requirements as specified in Chapter 64E-11, Florida Administrative Code, Food Hygiene.

(3) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 3-17-99, Amended.

65C-22.006 Record Keeping.

(1) No change.

(2) Children's Health Requirements.

(a) Within 30 days of enrollment, unless statutorily exempted, each child shall have on file at the facility a completed ~~HRSDH~~ Form 3040, Mar. 91, Student Health Examination, which is incorporated by reference. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(b) The Student Health Examination is valid for two (2) years from the date the physical was performed.

(c) Within 30 days of enrollment, each child shall have on file and keep current a DH Form 680, Part A-1, B, and/or C, Nov. 96 Florida Certificate of Immunization, or DH Form 681, Jun. 94, Religious Exemption from Immunization. The DH Form 680 Parts A-1, or B shall be signed by a physician licensed under the provisions of Chapter 458, 459, or 460, Florida Statutes, and shall document vaccinations ~~for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubella, rebella, mumps, and haemophilus influenzae type B (HHB)~~ as required by 64D-3, Florida Administrative Code, Control of Communicable Diseases. The DH Form 680, Part C, Permanent Medical Exemption, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(d) through (e) No change.

(3) No change.

(4) Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Dec. 97, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the department's form.

(a) through (b) No change.

(c) There shall be signed statements that the child care facility has provided the following information to parents:

1. The department's child care facility brochure, ~~HRSCF/PI~~ 175-24, 2/95, Know Your Child Care Center, which is incorporated by reference. Local licensing agencies may use an equivalent brochure approved by the department's district licensing office containing all the information required by the department.

2. The child care facility's written disciplinary practices.

(5) through (6) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cindy Pace-Brown, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 17, 1999

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Definitions	65C-25.001
Admission and Assessment	65C-25.002
General Information	65C-25.003
Physical Environment	65C-25.004
Personnel Requirements	65C-25.005
Health and Safety	65C-25.006
Food and Nutrition	65C-25.007
Record Keeping	65C-25.008

PURPOSE AND EFFECT: The minimum standards developed through this document will ensure the health and safety of all children cared for in child care facilities which provide care for mildly ill children either exclusively or as a component of their child care arrangement.

SUMMARY: Amendments to §402.305(17), F.S., authorized the Department of Children and Families to develop minimum standards in conjunction with the Department of Health, for specialized child care facilities for the care of mildly ill children. The areas to be addressed are: personnel requirements; staff-to-child ratios; staff training and credentials; health and safety; physical facility requirements, including square footage; client eligibility, including a definition of "mildly ill children"; sanitation and safety; admission and record keeping; dispensing of medication; and a schedule of activities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 402.305 (17) FS.

LAW IMPLEMENTED: 402.305 (17) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:30 a.m., November 8, 1999

PLACE: Broward County Emergency Operations Center, 201 N.W. 84th Avenue, Room 332-A, Plantation, Florida 33324

TIME AND DATE: 10:30 a.m., November 9, 1999

PLACE: Hurston Building, South Tower, First Floor Conference Center 113, Conference Room D, 400 W. Robinson Street Orlando, Florida 32801

TIME AND DATE: 10:30 a.m., November 10, 1999

PLACE: Department of Children and Family Services, 1317 Winewood Blvd., Building 8, Room 232, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Maria Vazquez, Program Specialist, 1601 West Gulf Atlantic Highway, Wildwood, FL 34785

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-25.001 Definitions.

(1) "Child Care for Mildly Ill Children" – means the care of children with short term illness or symptoms of illness or disability, provided either as an exclusive service or as a component of other child care services, for a period of less than 24 hours per day.

(2) "Contagious disease" – for the purpose of this rule, refers to a type of infectious disease caused by receiving living germs directly from the person afflicted with the disease, or by contact with a secretion of his/hers, or by some object he/she has handled or used.

(3) "Health Consultant" – for the purpose of this rule, means a Florida licensed pediatric physician; a Florida licensed family practitioner; a physician's assistant; or a registered nurse with experience in pediatric nursing, who supervises or provides direction to the licensed health caregiver, and is available for consultation.

(4) "Isolation" – refers to an area within the child care facility for mildly ill children, which provides separate airflow, and physical separation, from the rest of the facility. This area shall be utilized when caring for children with contagious diseases.

(5) "Licensed Health Caregiver" – for the purpose of this rule, shall mean at minimum a licensed practical nurse who has knowledge and experience in the routine medical needs of mildly ill children, and is under the direction of a health consultant.

(6) "Mildly Ill children" – refers to children exhibiting illnesses or symptoms of illnesses which have caused or would cause them to be excluded from regular child care settings, as defined in Chapter 65C-22.004(2)(a)1.-10., FAC., and who meet the admission criteria for mildly ill programs as described in section 65C-25.002, FAC, of this rule.

(7) "Sanitize" – for the purpose of this rule, and as it refers to linen, shall mean adding one cup of bleach per gallon of water, to the final rinse cycle of the wash, in an effort to eliminate children's exposure to disease microorganisms.

(8) "Single-service articles"- any cups, containers, closures, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar materials which are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or any other readily destructible material, and are intended by the manufacturer to be for one-time, one-person use, and to then be discarded.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History–New

65C-25.002 Admission and Assessment.(1) General Requirements.

(a) A child care facility for mildly ill children, shall have at a minimum, an ongoing agreement with a Health Consultant, as defined in Ch. 65C-25.001(3), F.A.C., for continuing medical/nursing consultation. The health consultant shall perform the following services:

1. Oversee the development of written policies and procedures.

2. Review, approve, and update annually, such policies and procedures.

3. Provide at least quarterly on-site monitoring of the implementation of such policies and procedures.

4. Provide on going consultation to the facility in its overall operation and management.

(b) A child care facility for mildly ill children shall have at a minimum one licensed health caregiver, as defined in Ch. 65C-25.001(5), F.A.C. The licensed health caregiver shall be responsible for performing the initial assessment, and periodic children evaluations, per Ch. 65C-25.002(2)(b),(c), and (d), F.A.C.; provide on going daily oversight; make decisions as to the exclusion of any child; and be present at the facility at all times during the hours of operation.

(2) Admission.

(a) No child shall be accepted to a child care facility for mildly ill children without written parental or guardian permission. However, permission may be obtained by telephone if a child in attendance at a regular child care facility becomes mildly ill and is admitted to that same facility's program for mildly ill children. Where the child is in care under telephone permission, written parental permission must be obtained prior to the child's admittance to the program for mildly ill children the following day.

(b) An initial written physical assessment on each child shall be completed by the licensed health caregiver, as defined in Ch. 65C-25.001(5), FAC, based on the inclusion and exclusion criteria outlined in Ch. 65C-25.002(3) and (4), FAC, to determine appropriateness of admission to the facility. Parent must remain on the premises until admission has been determined.

(c) The written physical assessment shall at a minimum include vital signs, and observation of the child's general appearance, head, eyes, nose, mouth, ears, skin, abdomen, arms and legs, and breathing pattern for symptoms of illness.

(d) Once admitted, children shall be periodically monitored by the licensed health caregiver, and evaluated according to policies and procedures established and approved by the facility and the health consultant. Evaluations on each child's condition shall be documented, and shall include, but are not limited to, the following:

1. Temperature

2. Respiration

3. Pulse

4. Amount of food or fluid intake

5. Color, consistency and number of stools

6. Color urine and frequency of urination

7. Skin color and alertness

8. Activities such as amount of sleep, rest, and play

(e) The condition evaluations must be maintained in each child's record and retained by the facility for a minimum of four months. Copies shall be provided to parents daily.

(f) The program director or licensed health caregiver shall have the authority to require a written medical evaluation for a child to include diagnosis, treatment and prognosis, if such evaluation is necessary to determine the appropriateness of a child's attendance prior to admission and/or upon worsening of the child's symptoms.

(g) Prior to admission, the child care facility for mildly ill children shall require a written description signed by the parent, of the child's current and recent illnesses, immunization history, habits, special diets, allergies, medication needs and symptoms requiring notification of parent or health care provider, and where and how the parent or health care provider is to be notified.

(h) Children with communicable illnesses (e.g., chicken pox) may be accepted in a child care facility for mildly ill children, only if there is an isolation room, as defined in Ch. 65C-25.001(4), F.A.C., of this rule, and provided the isolation area has a separate outside entrance from the rest of the child care facility.

(i) A child may not remain in a child care facility for mildly ill children for more than 3 consecutive days without the written approval of the child's physician.

(3) Inclusions. A child care facility for mildly ill children may consider for admission, and accept children exhibiting illnesses/symptoms for which they are excluded from child care provided for well children, but who do not meet exclusion criteria as outlined in Ch. 65C-25.002(4), F.A.C., of this rule. Children exhibiting the following symptoms/illnesses, or disabilities, shall be deemed eligible to participate in child care facilities for mildly-ill children:

(a) Not feeling well, unable to participate in regular child care activities, or has other activity restrictions.

(b) Recovering from prior day surgical procedure or hospital admission.

(c) Controlled fever of 102° orally; 101° axillary, or 103° rectally or below. If temperature is above 102° orally, a physician must have given written approval for admission; or verbal approval with written follow up for admission.

(d) Respiratory infections such as cold/flu, virus.

(e) Vomiting less than three times without dehydration.

(f) Diarrhea (more than one abnormally loose stool within a 24 hour period) without signs of dehydration, and without blood or mucus in the stool.

(g) Gastroenteritis without signs of severe dehydration.

(h) Diagnosed asthma.

(i) Urinary track infections.

(j) Ear infections.

(k) Orthopedic injuries.

(l) Diagnosed rash.

(m) Tonsillitis.

(n) Strep throat or conjunctivitis only after 24 hours of appropriate medication, if isolation is unavailable.

(4) Exclusions. Any child exhibiting the following symptoms or combination of symptoms, shall be excluded from child care facilities for mildly ill children:

(a) Unresponsive temperature of 104° orally.

(b) Undiagnosed or unidentified rash.

(c) Respiratory distress.

(d) Major change in condition requiring further care.

(e) Contagious diseases, if no isolation room is available:

1. Strep throat or Conjunctivitis prior to 24 hours of treatment.

2. Diarrhea due to diagnosed shigella, salmonella, rota virus.

3. Chicken pox, mumps, measles, rubella, pertussis, diphtheria.

4. Head lice, scabies prior to 24 hours of treatment.

5. Other conditions as determined by the director or health consultant.

Specific Authority 402.305 FS Law Implemented 402.305 FS. History--New

65C-25.003 General Information.

(1) Application.

(a) Application must be made on CF-FSP Form

99. Application For A License To Operate a Child Care Facility for Mildly Ill Children, which is incorporated by reference.

(b) Each completed application must be submitted to the licensing authority, with the statutory licensing fee pursuant to §402.315(3), F.S.

(c) The completed application must be signed by the individual owner, prospective owner, or the designated representative of a partnership, association, or corporation.

(2) License.

(a) A license to operate a child care facility for mildly ill children, is issued in the name of the owner, partnership, association, or corporation.

(b) Facilities providing both regular child care for well children, and child care for mildly ill children, must procure and maintain two separate licenses.

(c) Hospitals maintaining current Joint Commission for the Accreditation of Healthcare Organizations (JCAHO) accreditation, operating hospital based child care for mildly ill children, shall be exempt from licensure under this rule.

(d) In compliance with §402.305(19), Florida Statutes, at least one week prior to changing ownership of a child care facility, one or more of the following methods of notification to parents or guardians must be observed:

1. Posting a notice in a conspicuous location at the facility.

2. Incorporating information in any existing newsletter.

3. Individual letters, or fliers.

(e) The license must be posted in a conspicuous location at the facility.

(3) Ratios.

(a) The following staff to child ratios are based on primary responsibility for the supervision of children and applies at all times, when mildly ill children are in care:

1. For children from birth up to 1 year of age, there must be one child care personnel for every three children.

2. For children 1 year of age up to 4 years of age, there must be one child care personnel for every four children.

3. For children 4 years of age and older, there must be one child care personnel for every six children.

(b) Mixed Age Groups.

1. In groups of mixed age ranges, where one or more children under 1 year of age are included, one child care personnel shall be responsible for a maximum of three children of any age group.

2. In groups of mixed age ranges, where one or more children 1 year of age and older are in care, the staff to child ratio shall be based on the age of the largest numbers of children within the group. When equal numbers of children in each group are in care, the most restrictive staff to child ratio shall apply.

(4) Supervision.

(a) Direct supervision means watching and directing children's activities within the same room or designated outdoor play area and responding to each child's need. Child care personnel at a child care facility for mildly ill children must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times.

(b) No operator, owner or employee of a child care facility for mildly ill children, shall be under the influence of narcotics, alcohol, or other impairing drugs, which affects their ability to provide supervision and safe child care.

(5) Schedule of Activities.

(a) The facility shall include a daily schedule tailored to each child's symptoms, energy level, and parent's instructions.

(b) The daily schedule shall be flexible and provide age appropriate activities without over-stressing the children.

(6) Access.

(a) Child care facilities for mildly ill children, shall provide the custodial parent or legal guardian, access to the facility in person and by telephone, during hours of operation and at all times the child is in care.

(b) Access to the facility shall be provided to the licensing authority, pursuant to §402.311, F.S.

(7) Child Discipline.

(a) Child care facilities for mildly ill children shall adopt a discipline policy consistent with §402.305(12), F.S.

(b) Each staff member of the child care facility for mildly ill children must comply with the facility's written discipline policy.

(c) Copy of the discipline policy must be available for review by the licensing authority in order to determine compliance with §402.305(12), F.S.

Specific Authority 402.305 FS Law Implemented 402.305 FS. History--New

65C-25.004 Physical Environment.

(1) Sanitation and Safety.

(a) A child care facility for mildly ill children, if located in a regular licensed child care facility, shall utilize rooms/areas which are physically separated by floor to ceiling walls, from all other components of the regular licensed child care facility.

(b) The physical indoor and outdoor space, and equipment designated for use by the mildly ill children, shall not be used by/for children and child care staff, from any other component of the regular licensed child care facility.

(c) Child care facilities for mildly ill children, which serves children with contagious diseases, as defined in Chapter 65C-25.002, F.A.C., shall have separate isolation rooms, ventilation systems, and entrances.

(d) Child care programs for mildly ill children, shall make provisions to prevent the participating children from coming in contact with other components of the facility, where well children are in care.

(e) Child care facilities for mildly ill children, must be in good repair, free from health and safety hazards, clean and free from vermin infestation. During the hours the facility is in operation, no portion of the building shall be used for any activity which could endanger the health and safety of the children.

(f) All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials.

(g) No animals shall be allowed on the premises of programs caring for mildly ill children.

(h) All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items as well as knives and sharp tools must be stored in locations inaccessible to the children in care.

(i) No firearms shall be kept on the premises.

(j) No narcotics, alcohol, or other impairing drugs, shall be present on the premises, unless prescribed for any of the children in care.

(k) Smoking is prohibited within the child care facility and all outdoor play areas.

(2) Rooms Occupied by Children.

(a) All rooms must have lighting the equivalent of 20 foot candles to allow for supervision and for safe methods of entering and exiting each room.

(b) An inside temperature of 65° to 82° F. must be maintained at all times.

(c) All rooms shall be kept clean, adequately ventilated and in good repair. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.

(d) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(3) Indoor Floor Space.

(a) There shall be a minimum of 35 square feet of usable space per child.

(b) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used by children in normal day-to-day operations are not included when calculating usable indoor floor space.

(c) Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

(4) Outdoor play space.

(a) Child care facilities for mildly ill children are not required to provide outdoor play space.

(b) Should a facility choose to provide outdoor play space, it shall be physically separated from that provided for well children, and all equipment shall meet all safety requirements as outlined in Ch. 65C-25.006(3)(b).

(5) Napping and Sleeping Space. For the purpose of these standards, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

(a) Each child care facility for mildly ill children must include a designated area where a child can sit quietly and lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably.

(b) When napping or sleeping, each child in care must be provided safe and sanitary bedding. Bedding means a cot, bed, crib, or playpen. Playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size.

(c) Linens, if provided by the facility, must be sanitized daily, per Chapter 65C-25.001(7), F.A.C., and more often if soiled or dirty. Linens must be provided when children are sleeping and pillows and blankets must be available.

(d) Linens must be stored in a sanitary manner.

(e) A minimum of 3 feet separation between bedding must be maintained at all times bedding is in use. Exit areas must remain clear in accordance with fire safety regulations.

(f) Children up to one (1) year of age must be in their own crib, port-a-crib or playpen with sides. Crib sides must be raised and secured while an infant is in the crib. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations.

(g) No double or multi-deck cribs, cots or beds may be used.

(6) Toilet and Bath Facilities.

(a) Child care facilities for mildly ill children, shall provide toilet and bath facilities, which are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

(b) The facility shall provide a minimum of one toilet and one wash basin, for every ten children.

(c) Toilet and bath facilities shall be designated for the exclusive use of the mildly ill children in care and/or their caregivers; shall be accessible from within the room where care is being provided; and shall be separate from those utilized by children and caregivers from other components of the facility.

(d) Toilet and bath facilities shall provide privacy to all their users.

(e) Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

(f) Children must receive supervision and care in accordance with their age and required needs and be accounted for at all times while bathing or using the toilet facilities.

(g) At least one portable or permanent bath facility shall be provided and be available for bathing children.

(h) Running water, toilet paper, disposable towels, liquid soap and trash receptacles shall be available to and within reach of children using the toilet facility.

(i) Each basin and toilet must be maintained in good operating condition and sanitized after each use, or as needed.

(j) Hand washing sinks shall not be used for food service preparation or food clean up.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New

65C-25.005 Personnel Requirements.

(1) Minimum Requirements. All child care personnel in facilities for mildly ill children shall meet the requirements outlined in § 402.305(2), FS. and the following additional requirements.

(2) Minimum Age Requirements.

(a) Operators/Directors of a child care facility for mildly ill children shall be at least 21 years of age.

(b) In the absence of the operator/director, there must be a staff person in charge of the facility, who is at least 21 years of age and remains on the premises at all times during the hours of operation.

(c) No person under the age of 18, shall be allowed to provide care for mildly ill children.

(3) Minimum Training Requirements.

(a) All child care personnel caring for mildly ill children, shall have current certification in child cardiopulmonary resuscitation and first aid prior to caring for the children at the facility.

(b) In addition to the required training outlined in §402.305(2)(d), F.S., and Ch. 65C-22.003, F.A.C., all child care personnel caring for mildly ill children shall complete 8 hours of annual in-service training relating to the recognition and care of sick children and the prevention of communicable diseases. Operators/Directors shall complete at least 2 hours of training relating to sick children, as part of their 8 hours annual in-service training.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New

65C-25.006 Health and Safety.

(1) General Requirements.

(a) When windows or doors are left opened, they must be screened to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.

(b) Following personal hygiene procedures for themselves or when assisting others, employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly with disposable towels. Only soap from a liquid soap dispenser shall be used for hand washing.

(c) A child care facility for mildly ill children shall ensure that safe drinking water and other fluids consistent with the child's physical condition are available at all times to all children in care. Drinking fountains shall not be used.

(d) Only single-service articles, per Ch. 65C-25.001(8), F.A.C., may be used for eating and drinking. Children may bring labeled items for their exclusive use, which must be returned to the parent or legal guardian on a daily basis.

(e) If the children are sleeping overnight in the facility, child care staff must ensure accepted bedtime routines are maintained, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(2) Diapering Requirements.

(a) Hand washing facilities which include a basin with running water, disposable towels, liquid soap, and trash receptacle, shall be available in the infant room or in the room where children with special needs in diapers are in care. Hands shall be washed and dried thoroughly after each diapering or toileting procedure, to prevent the transmission of illnesses to other children in the facility's care.

(b) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes.

(c) Diaper changing shall be in a separate area from the feeding or food service area.

(d) There shall be a supply of clean disposable diapers, clothing and sanitized linens at all times, which shall be changed or removed promptly when soiled or wet.

(e) Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container, which is not accessible to children. The container shall be emptied and sanitized at least daily.

(f) When children require cloth diapers, only those brought from the child's home may be used, and must be returned to the parent at the end of the day.

(g) Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container which is not accessible to children. The container shall be emptied and sanitized daily.

(3) Equipment and Furnishings.

(a) Indoor Equipment.

1. A child care facility for mildly ill children shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

2. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

3. All washable toys, equipment and furniture used for one group of children in a child care facility for mildly ill children, shall be washed and disinfected before being used by another group of children.

4. Non-washable toys brought from home may not be shared, and shall be sent home daily.

(b) Outdoor Equipment.

1. If the facility chooses to provide outdoor play space, equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include routine checks of all supports, above and below the ground, all connectors, and moving parts.

2. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

3. All equipment, fences, and objects on the facility's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

4. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

(4) Fire Safety.

(a) Unless statutorily exempted, all child care facilities for mildly ill children shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, Florida Administrative Code, Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the department or local licensing agency.

(b) There shall be at least one operable, readily accessible telephone in the child care facility which is neither locked nor located at a pay station and is available to all staff during the hours of operation, even in the event of a power outage.

(c) Child care facilities for mildly ill children, shall conduct monthly fire drills when children are in care. Subject to local fire authority's approval, evacuation of the premises shall not be required, however, facilities shall ensure that the children are taken at least to the point of exit. A current attendance record must accompany staff during a drill or actual evacuation and be used to account for all children.

(5) Emergency Procedures.

(a) At least one first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities for mildly ill children, at all times. Each kit shall be in a closed container and labeled "First Aid". The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must include:

1. soap,

2. Band-aids or equivalent,

3. disposable latex gloves,

4. cotton balls or applicators,

5. sterile gauze pads and rolls,

6. adhesive tape,

7. thermometer,

8. tweezers,

9. in date syrup of ipecac, labeled "DO NOT INDUCE VOMITING UNLESS DIRECTED TO DO SO BY A PHYSICIAN OR POISON CONTROL" 1-800-282-3171,

10. pre-moistened wipes,

11. scissors, and

12. a current resource guide on first aid and CPR procedures.

(b) Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, and the address of and directions to the facility, must be posted on or near all facility telephones and shall be used as necessary to protect the health, safety and well-being of any child in care.

2. Custodial parents or legal guardians shall be notified immediately in the event of any significant change in a child's illness/symptoms, accident, or injuries sustained at the facility, which are more serious than minor cuts and scratches, and their specific instructions regarding action to be taken under such circumstances, shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the facility operator will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment/registration form.

3. Child care facilities for mildly ill children shall make arrangements with the parent or legal guardian, for obtaining medical evaluation or treatment for a child, if necessary as determined by the licensed health caregiver and program policies.

4. Child care facilities for mildly ill children shall obtain emergency medical treatment without specific parental instruction when the parent or legal guardian cannot be reached, and the nature of the illness/symptoms or injury is such that there should be no delay in obtaining medical treatment, as determined by the licensed health caregiver or other qualified health professional.

5. Child care facilities for mildly ill children shall call the parent or legal guardian immediately when a child's illness/symptoms worsens to the degree that it meets criteria for exclusion from the program, as outlined in Ch. 65C-25.002(4), F.A.C.

6. All accidents and incidents which occur at a facility must be documented and shared with the custodial parent or legal guardian on the day they occur.

(6) Dispensing of Medication.

(a) Prescription and non-prescription medication brought to the child care facility for mildly ill children by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label.

(b) Medicines shall be stored separately and locked or placed out of a child's reach.

(c) Medication shall be returned to the parent or legal guardian at the end of each day.

(7) Minimum Health Requirements – Tuberculosis.

(a) Upon hire, each employee of a child care facility for mildly ill children, must provide documentation of a tuberculosis test administered within the past two years and this documentation must be in the employee's personnel file within 10 days of employment. If results are positive, the employee must provide written medical authorization to work in a child care facility.

(b) All personnel in child care facilities for mildly ill children with a previous negative tuberculosis test, must be re-tested for tuberculosis at least every two years and provide documentation for their personnel file. If results are positive, the employee must provide written medical authorization to work in a child care facility.

(c) All personnel in child care facilities for mildly ill children with a previous positive tuberculosis test, must be evaluated every two years for symptoms of tuberculosis, and provide written medical authorization to work in a child care facility.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New

65C-25.007 Food and Nutrition.

(1) Nutrition.

(a) If a child care facility for mildly ill children chooses to supply food, they shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children.

(b) If a facility chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

(c) Child care facilities for mildly ill children shall ensure that menus for children can be modified to meet the individual condition of each child in care.

(2) Food Preparation Area.

(a) All licensed child care facilities for mildly ill children, approved by the Environmental Health Section to prepare food, shall meet the applicable requirements as specified in Ch. 64E-11, F.A.C., Food Hygiene.

(b) Kitchen area may be shared with other components of the facility, however, staff providing child care for mildly ill children, shall not be involved in food preparation.

(3) Food Service.

(a) Children shall be individually fed or supervised at feeding and offered foods appropriate for their ages, and physical condition.

(b) There shall be no propped bottles. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner before and after use. All bottles shall be individually labeled.

(c) All meals, and snacks provided for children participating in child care facilities for mildly ill children, must be served on single-service articles, per Ch. 65C-25.001(8), F.A.C.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New

65C-25.008 Record Keeping.

(1) All required records in child care facilities for mildly ill children, shall be maintained pursuant to §402.305(9), F.S., and available at the facility for the licensing authority to review during the hours of operation.

(2) Children's Records.

(a) Each child's record shall contain a signed statement from the parent, attesting to the child's immunization status, either current or religiously exempt from immunization, as required by Ch. 64D-3, F.A.C.

(b) Enrollment/Registration Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form

99, Application for Enrollment in Child Care Facilities for Mildly Ill Children, which is incorporated by reference, or an equivalent form that contains all the following information required by the department's form:

1. Child's name, age, date of birth, sex.
2. Parent or legal guardian's name.
3. Employer name.
4. Home, work and beeper telephone numbers.
5. Person and telephone number to call in case parent cannot be reached.
6. Child's physician and telephone number.
7. Allergies and type of reaction.
8. Present and past prescriptions and childhood diseases.
9. Current diet.
10. Special areas of concern and/or in need of assistance.
11. Diapering requirements.

(c) The child shall not be released to any person other than the person(s), or in the manner authorized in writing, by the custodial parent or legal guardians.

(d) Children's files shall contain signed statements that the child care facility for mildly ill children has provided the following information to parents:

1. Admission policy
2. The program's infection control procedure
3. Methods for the daily care of children, including the child's progress

4. Procedures for the care and referral for a medical evaluation, for children who exhibit worsening symptoms, including a listing of those symptoms

5. Policy and procedure for staff communication with parents and health care providers

6. Discipline policy

(3) Medication Records.

(a) A written record documenting the child's name, the name of the medication, date, time, dosage to be given, and signature of the custodial parent or legal guardian, shall be

maintained at the facility. This record shall be initialed or signed by and at the time the facility personnel dispenses the medication.

(b) This record shall be maintained for a minimum of four months after the last day the child received the medication.

(4) Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by §402.302(8), F.S., and household members if the facility is located in a private residence. These shall include:

(a) An employment application with the required statement pursuant to §402.3055(1)(b), F.S.

(b) Results of TB test.

(c) Position and date of employment.

(d) Signed statement that the employee understands the statutory requirements for professionals' reporting of child abuse and neglect.

(e) Level 2 screening information documented on CF-FSP Form 5131, Apr. 97, Background Screening and Personnel File Requirements.

(f) Copies of all required training information/certificates and credentials.

(5) Other Records.

(a) Daily attendance of children shall be taken and recorded by the child care facility's personnel, documenting when each child enters and departs a child care facility for mildly ill children. Such records shall be maintained for a minimum of four months.

(b) Record of accidents and incidents shall be documented daily and maintained for four months. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate required signatures of facility staff and custodial parent or legal guardian.

(c) The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation of the facility and post a copy of the plan in each room of the facility.

(d) The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate or simulate evacuation of the premises. Each monthly record shall be maintained for a minimum of a year from the date of the fire drill.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cindy Pace-Brown, Specialist, 1317 Winewood Blvd., Building 8, Tallahassee, FL 32399

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 6, 1999
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: July 2, 1999

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NOS.:	RULE TITLES:
4-150.003	Definitions
4-150.103	Definitions
4-150.203	Definitions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 28, July 16, 1999, of the Florida Administrative Weekly.

These changes are being made to address concerns expressed at the public hearing.

4-150.003 – Changed subparagraph 3. of paragraph (b) of subsection (11) to read: State Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does state a cost, it shall be considered an invitation to contract pursuant to this rule chapter; or

4-150.103 – Changed subparagraph 3. of paragraph (b) of subsection (11) to read: State Refer to premium cost or rates. If an advertisement which would otherwise be considered an invitation to inquire does state cost or rates, it shall be considered an invitation to contract pursuant to this rule chapter; or

4-150.203 – Changed subparagraph 3. of paragraph (b) of subsection (9) to read: State Refer to premium cost. If an advertisement which would otherwise be considered an invitation to inquire does state a cost, it shall be considered an invitation to contract pursuant to this rule chapter; or

The remainder of the rule reads as previously published.

REGIONAL PLANNING COUNCILS

East Central Florida Regional Planning Council

RULE NO.:	RULE TITLE:
29F-3.110	Requests to Initiate Submitted by Others

NOTICE OF CHANGE

Notice is hereby given that proposed Rule Chapter 29F-3, F.A.C., published in the Florida Administrative Weekly, Vol. 25, No. 31, on August 6, 1999, has been changed to reflect

comments made by the Joint Administrative Procedures Committee. All other portions of Rule 29F-3 remain as published on that date, with the exception of non-published technical changes.

29F-3.110 Requests to Initiate Submitted by Others.

(1) Private interests may ask any jurisdiction to initiate the process.

(2) Any public or private organization, group or individual may request that the RPC recommend use of this process to address a potential dispute pertaining to a development proposal that would have an impact on an adjacent local government or identified state or regional resources or facilities, in accordance with 29F-3.109(5), ~~3.010(5)~~. Such a request shall be submitted in writing and shall include the information required for an initiation letter in 29F-3.109(2), ~~3.010(2)~~.

(3) After reviewing the information submitted by, and consulting with, the requesting organization, group or individual, the RPC staff will conduct a situation assessment and respond in writing. The situation assessment shall involve an informal review of provided documents and other information, interviews or meetings as necessary to determine the issues in dispute, the stakeholders, additional information which is needed to reach a decision and an opinion of whether the dispute meets the intent and purpose of the RDRP, as stated in 29F-3.101.

(4) If the RPC staff determines, through the situation assessment, that the potential dispute is suitable for the process, it shall transmit that determination in writing to the potential parties, as agreed upon by the RPC and the requester. If determined to be suitable for the process, the written determination shall include a recommendation that one or more of the jurisdictions among the potential parties initiate the process. The RPC may also suggest that other processes be used. Any party may request that the staff's determination of the suitability of the dispute for this process be reviewed by the governing board of the RPC at its next regularly scheduled meeting. Such requests must be made in writing and delivered to the Executive Director of the RPC within 15 days of the date of the staff's written determination. In making its decision, the governing board shall consider the situation assessment report, and other information which may be presented, for conformity with the criteria and intent of this chapter.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Glenn, Executive Director, East Central Florida Regional Planning Council, 1011 Wymore Road, Winter Park, FL 32751