

- 2. Public navigation aids and markers
- 3. Inlet management projects that are a benefit to public navigation in the District ~~Public boat ramps and launching facilities~~
- 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,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David K. Roach Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number (561)627-3386

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 10, 1999

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 15, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF BANKING AND FINANCE

Division of Finance

RULE NO.:	RULE TITLE:
3D-160.031	Consumer Finance License Renewal and Reactivation

NOTICE OF CHANGE

Notice is hereby given that the Department has made a change to the above rule based on comments by the Joint Administrative Procedures Committee. This rule was originally published in the Vol. 25, No. 37, September 17, 1999 issue of the Florida Administrative Weekly. When adopted, subsection (1) of Rule 3D-160.031 will read:

(2) Each active consumer finance license will be renewed for the biennial period beginning January 1 of ~~the renewal year, which is every odd-numbered year beginning January 1, 1989, and ending December 31 of the biennium period, which is every even numbered year beginning December 31, 1990,~~ upon submission of the renewal fee ~~of \$550.00 and return of the renewal notice to the Department.~~ Form DBF-CF-3 (effective 10/99), Consumer Finance License Renewal, is hereby incorporated by reference and available by mail from the Department of Banking and Finance, Division of Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

DEPARTMENT OF INSURANCE

RULE NO.:	RULE TITLE:
4-154.520	Varying Commissions Based on Group Size Prohibited

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 24, No. 49, December 4, 1998, of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF EDUCATION

RULE NO.: RULE TITLE:
 6-2.001 Educational Facilities
 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. 38, September 24, 1999, issue of the Florida Administrative Weekly:

Subsection (2)(l) was amended to read:
 NEC. National Electrical Code, ~~1999~~ 1997 (NFPA 70)

The following changes have been made for clarity of intent to the State Requirements for Educational Facilities 1999 manual incorporated by reference in the above referenced rule:

1. The requirement for a school site plan to include future expansion indicators was moved from the subsection on relocatables to general site requirements.
2. New Relocatables: Page 280, inserted “after the effective date of these standards” to the first sentence in the section (26)(a) Relocatables.
3. Page 281, (b)1. replaced “anticipated” with “known”.
4. Page 281, (c) inserted “after the effective date of these standards” after board in (c).
5. Page 282, deleted language in (e), inserted “After the effective date of these standards, relocatables placed on educational plant sites shall comply with federal and state laws and rules relating to the placement of structures on sites, as well as building code, fire code site requirements.” Corrected typing error in 4 from “s” to “as”.
6. Page 283, (h)(1) replaced “to slow” with “control”
7. Existing relocatables: Page 83-87, corrected numbering
8. Page 264, changed “and” to “an”, and deleted “in compliance with NFPA 101” and inserted “as required by NFPA”.
8. A reference to school security was added to the section on general construction requirements.

10. On page 259 and 260 a section was added on safe school design: (h) Safe School Design. Recognizing that providing a safe, secure, orderly and peaceful learning environment is essential to the educational process and the general welfare of Florida’s school population, including pre-K through twelve (12), vocational and community colleges, safe school design strategies are available from DOE/Educational Facilities and the DOE Internet site. School boards shall design educational facilities and sites to enhance security and reduce vandalism through the use of “safe school” design “principles”, including but not limited to the following:

- a. Natural access and control of schools and campuses.
- b. Natural surveillance of schools and campuses both from within the facility and from adjacent streets by removing obstructions or trimming shrubbery.
- c. School and campus territorial integrity; securing courtyards, site lighting, building lighting.

d. Audio and motion detection systems covering ground floor doors, stairwells, offices and areas where expensive equipment is stored.

e. Designs which will promote the prevention of school crime and violence. Exterior architectural features which do not allow footholds or handholds on exterior walls, tamper-proof doors and locks, non-breakable glass or shelter window protection system; also landscaping and tree placement should be designed so they do not provide access to roofs by unauthorized persons. Sections of schools commonly used after hours should be separated by doors or other devices from adjacent areas to prevent unauthorized access. Install locks on roof hatches; apply slippery finishes to exterior pipes.

f. Exterior stairs, balconies, ramps, and upper level corridors around the perimeter of buildings should have open-type handrails or other architectural features to allow surveillance.

g. Open areas, such as plazas, the building’s main entrance, parking lots, and bicycle compounds should be designed so they are visible by workers at work stations inside the buildings.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-601.602 Community Release Programs
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 25, No. 44, November 5, 1999, Florida Administrative Weekly has been withdrawn.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management
 RULE NO.: RULE TITLE:
 40C-1.004 District Funds
 NOTICE OF CHANGE

Notice is hereby given that the following technical changes have been made in the proposed rule which was published in the Florida Administrative Weekly on November 5, 1999, Vol. 25, No. 44, in accordance with subparagraph 120.54(3)(d)1., F.S.

40C-1.004 District Funds.

- (1) No change.
- (2) District funds may be disbursed, by wire or electronic transfer according to the procedure set forth in Section II, of Policy 99-02, as revised 2/10/99, entitled “Investment of Funds and Wire and Electronic Transfer Procedures,” which is hereby incorporated by reference.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management
 RULE NO.: RULE TITLE:
 40C-3.035 Agreements

NOTICE OF CHANGE

Notice is hereby given that the following technical changes have been made in the proposed rule which was published in the Florida Administrative Weekly on October 22, 1999, Vol. 25, No. 42, in accordance with subparagraph 120.54(3)(d)1., F.S.

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (9) No change.

(10) An agreement between Florida Department of Health, Lake County Health Department ~~Lake County Health Unit~~ and St. Johns River Water Management District regarding water well permitting dated September 7, 1999.

(1) An agreement between Florida Department of Health, Osceola County Health Department ~~Osceola County Health Unit~~ and St. Johns River Water Management District regarding water well permitting dated September 7, 1999.

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Managed Care and Health Quality Home Care

RULE CHAPTER NO.: RULE CHAPTER TITLE:

59A-8 Minimum Standards for Home Health Agencies

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above cited rule as published in Vol. 25 No. 38, Florida Administrative Weekly, September 24, 1999. In response to comments received from JAPC and the Associated Home Health Industries of Florida, Inc. the following changes have been made.

In 59A-8.002(3)(f) "or her" is deleted.

In 59A-8.002(37) "or her" is deleted.

In 59A-8.003(9)(c) "within thirty minutes" is changed to "during the course of the survey."

In 59A-8.0095(5)(j) "at least 12 hours of" is deleted.

In 59A-8.0095(5)(j) "Other educational training to fulfill the 12 hours requirement can include coverage of topics listed in Rule 59A-8.0095(5)(c)1. through 17., or such topics as domestic violence, CPR, and OSHA requirements. The training requirement may be fulfilled on a prorated basis during the home health aide's and the Cans first year of employment or following a planned leave of absence, that is less than one year." is changed to "Training must be provided to obtain and maintain a certificate in cardiopulmonary resuscitation."

In 59A-8.0095(5)(c)8. "or her" is deleted is two places.

In 59A-8.0095(5)(d) "or her" is deleted.

In 59A-8.0095(5)(l) "appropriate assistance" is changed to "assistance in accordance with their training and with the medication prescription."

In 59A-8.0095(8)(b)2. "or her" is deleted.

In 59A-8.0095(10)(a)5. "or her" is deleted.

In 59A-8.0095(12)(b)5. "or her" is deleted.

In 59A-8.0185(2)(a) "and every two years thereafter" is deleted.

In 59A-8.0185(2)(b) is relettered (c); (c) is relettered (d); (d) is relettered (e); (e) is relettered (f)

In 59A-8.020(1) "appropriately, adequately and" is deleted.

In 59A-8.020(1) "or her" is deleted.

In 59A-8.020(2) "an appropriate" is changed to "another."

In 59A-8.0215(2)(a)(b) and (c) "or she" is deleted.

In 59A-8.0218(2)(b) "appropriate" is deleted in two places.

In 59A-8.0218(3) "or she" is deleted in three places.

In 59A-8.0218(4) "appropriate" is deleted.

In 59A-8.022(3) "or her" is deleted in two places.

In 59A-8.024(1)(d) "potentially" is deleted.

In 59A-8.0245(2)(a) "some other substantially similar document" is changed to "a document drafted by a person or organization other than AHCA."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NOS.:

RULE TITLES.:

61G4-15.027

Pollutant Storage System Specialty Contractors

61G4-15.028

Precision Tank Testers

61G4-15.029

Tank Lining Applicators

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rules published in Vol. 25, No. 30, July 30, 1999, issue of the Florida Administrative Weekly. The Board, at its October 15, 1999 meeting, voted to change the rules in response to comments received from the Staff of the Joint Administrative Procedures Committee.

Subsection (2)(a)1., 2., a., b., c.; subsection (2)(b); and subsection (3) of Rule 61G4-15.027 shall now read as follows:

61G4-15.027 Pollutant Storage System Specialty Contractors.

(2) Certification Procedures for Pollutant Storage Specialty Contractors:

(a) Qualifications:

1. Any person who desires to become a certified pollutant storage specialty contractor shall apply to the Board in writing on form BPR/CILB/001, as incorporated in Rule 61G4-12.006(3)(a), F.A.C., provided by the Department of Business and Professional Regulation.

2. A person shall be certified as a pollutant storage system specialty contractor if said person:

a. Is at least eighteen (18) years of age; and

b. Takes and successfully completes the state examination for certification as a pollutant storage system specialty contractor; or

c. Takes and successfully completes either a local licensure examination, a licensure examination of another state, or a licensure examination of a national organization which has been judged by the Board to be equal to or more stringent than the state pollutant storage system specialty contractor certification examination pursuant to Section 489.133(4)(c), F.S.

(b) Other certification procedures and fees: other certification procedures and fees for certified pollutant storage system specialty contractors shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., as set forth in Rules 61G4-15.002, 61G4-15.0021, 61G4-15.0022, 61G4-15.003, 61G4-15.006, 61G4-15.007, 61G4-15.008, 61G4-15.009, and 61G4-15.010, F.A.C. The amount of liability insurance for pollutant storage system specialty contractors shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance, both policies protecting insured for incidents of pollutant contamination resulting from contractor's work. Applicants for licensure shall submit competent substantial evidence to the Board demonstrating that the applicant has a net worth of \$10,000.00.

(3) Method of Operation: nothing in this rule chapter is intended to supersede or modify standards of operation established for pollutant storage system specialty contractors by the Department of Environmental Protection, as expressly stated in Rule Chapter 62-761, F.A.C., which rule chapter is hereby adopted (effective 11-99) and incorporated herein by reference as the Board's operating standards for pollutant storage system specialty contractors.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4),(5), 489.133 FS. History--New_____.

Rule 61G4-15.028, Subsection (2)(a)1., 2.a.b.; and subsection (2)(b) are changed as follows. Subsection (3) is deleted in its entirety.

61G4-15.028 Precision Tank Testers.

(2) Registration Procedures for Precision Tank Testers:

(a) Qualifications:

1. Any person who desires to become a registered precision tank tester shall apply to the Board in writing on form DPR/CILB/031, as incorporated in Rule 61G4-12.006(1)(a), F.A.C., provided by the Department of Business and Professional Regulation.

2. A person shall be registered as a precision tank tester if said person:

- a. Is at least eighteen (18) years of age; and

b. Who meets the standards established by the Florida Department of Environmental Protection pursuant to Rule 62-761.200(83), F.A.C. (effective 11-99). The Florida Department of Environmental Protection shall certify to the Board that an applicant for registration as a precision tank tester meets these standards before the applicant is registered.

(b) Other registration procedures and fees: other registration procedures and fees for registered precision tank testers shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, F.S., as set forth in Rules 61G4-15.002, 61G4-15.0021, 61G4-15.0022, 61G4-15.003, 61G4-15.006, 61G4-15.007, 61G4-15.008, 61G4-15.009, and 61G4-15.010, F.A.C. The amount of liability insurance for precision tank testers shall be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance, both policies protecting insured for incidents of pollutant contamination resulting from contractor's work. Applicants for registration shall submit competent substantial evidence to the Board demonstrating that the registrant has a net worth of \$10,000.00.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4), 489.133 FS. History--New_____.

Rule 61G4-15.029, has been changed to read as follows:

61G4-15.029 Tank Lining Applicators.

(1) Scope of Rule: The purpose of this rule is to provide for the registration of tank lining applicators.

(2) Registration Procedures for Tank Lining Applicators:

(a) Qualifications:

1. Any person who desires to become a registered tank lining applicator shall apply to the Board in writing on form DPR/CILB/031, as incorporated in Rule 61G4-12.006(1)(a), F.A.C., provided by the Department of Business and Professional Regulation.

2. A person shall be registered as a tank lining applicator if said person:

- a. Is at least eighteen (18) years of age; and

b. Who meets the standards established by the Florida Department of Environmental Protection pursuant to Rule 62-761.700(2)(c), F.A.C. (effective 11-99). The Florida Department of Environmental Protection shall certify to the Board that an applicant for registration as a tank lining applicator meets these standards before the applicant is registered.

(b) Other Registration procedures and fees: other registration procedures and fees for registered tank lining applicators shall be the same as those provided for the certification of other contractors as defined in Chapter 489, Part I, FS, as set forth in Rules 61G4-15.002, 61G4-15.0021, 61G4-15.0022, 61G4-15.003, 61G4-15.006, 61G4-15.007, 61G4-15.008, 61G4-15.009, and 61G4-15.010, F.A.C. The amount of liability insurance for tank lining applicators shall

be as follows: \$250,000.00 public liability insurance and \$25,000.00 property damage insurance, both policies protecting insured for incidents of pollutant contamination resulting from contractor's work. Applicants for registration shall submit competent substantial evidence to the Board demonstrating that the registrant has a net worth of \$10,000.00.

Specific Authority 489.108, 489.113(3),(7), 489.129(3), 489.133 FS. Law Implemented 489.113(3),(7),(8), 489.115(4), 489.133 FS. History--New_____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rodney Hurst, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, FL 32211-7467

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-14.003
RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating And Mitigating Circumstances

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 24, No. 24, June 12, 1998, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 97-17R

RULE CHAPTER NO.: 62-302
RULE CHAPTER TITLE: Surface Water Quality Standards

RULE NO.: 62-302.700
RULE TITLE: Special Protection, Outstanding Florida Waters, Outstanding National Resource Waters

The Department of Environmental Protection announces the rescheduling of a rule adoption hearing currently scheduled to be heard by the Environmental Regulation Commission (ERC) on December 2, 1999 at 12:00 p.m. The notice of proposed rulemaking, published in the September 24, 1999 issue of the Florida Administrative Weekly, Vol. 25, No. 38, provided notice that the Department is proposing changes to Chapter 62-302 of the Florida Administrative Code to designate Lake Disston and portions of Haw Creek as Outstanding Florida Waters (OFW).

The adoption hearing for the proposed OFW designation is now scheduled before the ERC at the time, date and place shown below:

TIME AND DATE: 1:00 p.m., January 26, 2000

PLACE: Bunnell City Hall, 200 South Church Street, Bunnell, FL 32110

The Department regrets any inconvenience this postponement may have caused. If you have any questions concerning this notice or the proposed OFW designation, please contact Janet

Klemm, Florida Department of Environmental Protection, Division of Water Resource Management, Mail Station 3575, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)921-9928.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-5.001
RULE TITLE: Examinations

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on December 4, 1999 at 8:00 a.m., or as soon thereafter as can be heard, at the Tampa Airport Marriott, Tampa International Airport, Tampa, Florida. The rule was originally published in Vol. 25, No. 33, of the August 20, 1999, Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-11.0015
RULE TITLE: Renewal of Approval for Recognizing Agencies

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Medicine hereby gives notice of an additional public hearing on the above-referenced rule(s) to be held on December 4, 1999, at 8:00 a.m., or as soon thereafter as can be heard, at the Tampa Airport Marriott, Tampa International Airport, Tampa, Florida. The rule was originally published in Vol. 25, No. 37, of the September 17, 1999, Florida Administrative Weekly.

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

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-4.009 Function of the Advanced
 Registered Nurse

NOTICE OF ADDITIONAL PUBLIC HEARING

The Board of Nursing hereby gives notice of an additional public hearing on the above-referenced rule to be held on December 8, 1999 at 3:00 p.m., at the Hilton Oceanfront Resort, 2637 South Atlantic Avenue, Daytona Beach, Florida 32118. The rule was originally published in Vol. 25, No. 29, week of July 23, 1999, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: RULE TITLE:
64B9-6.003 Reactivation of Inactive License

NOTICE OF CHANGE

The Board of Nursing hereby gives notice of change to the above-referenced rule based upon comments received from the Joint Administrative Procedures Committee. The rule was originally published in Vol. 25, No. 29, of the July 23, 1999 issue of the Florida Administrative Weekly.

When changed, Rule 64B9-6.003(3) shall read as follows:

(3) If a license has been inactive for more than two consecutive biennial licensure cycles, and the licensee has not been practicing nursing in any jurisdiction for the two years immediately preceding the application for reactivation, the applicant for reactivation will be required to complete a nursing refresher course with clinical component appropriate to the licensure level of the licensee. The refresher course must be given at a Board-approved program, and must include at least 60 hours of classroom instruction and 96 hours of clinical experience in medical/surgical nursing and any specialty area of practice of the licensee.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Ruth R. Stiehl, Executive Director, Board of Nursing, 4080 Woodcock Drive, Suite 202, Jacksonville, FL 32207

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:
64E-8.006 Water Quality Standards and
 Monitoring
64E-8.009 Variances
64E-8.012 Schedule of Fines

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 25, No. 39, October 1, 1999 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

64E-8.006(3)(b)1. & 2. are changed as follows:

(1) Laboratory analysis costs of \$10 for each lead and nitrate sample ~~Table II chemical~~ analyzed in the initial survey, for routine monitoring, or for non-public health concerns; and

(2) Laboratory analysis costs of \$10 for each microbiological sample analyzed for routine monitoring, for a new distribution line clearance, for an initial well survey, or for non-public health concerns.

64E-8.009(5) is changed as follows:

~~(5) Water management district variances shall be honored without a variance from this rule; however, the county health department is authorized in these cases to require additional monitoring for contaminants.~~

64E-8.012 is changed as follows:

The department shall impose fines or pursue other enforcement action authorized by s. 381.0012 and 381.0062, F.S. The following maximum fines shall ~~may~~ be imposed for violations of 64E-8, each day that a violation occurs shall ~~and may~~ be considered as a separate violation:

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:
64E-19.001 General
64E-19.002 Definitions
64E-19.003 Forms
64E-19.004 Requirements For Premises
64E-19.005 Requirements For Sterilizing
 Jewelry and Instruments
64E-19.006 Piercing Procedures
64E-19.007 Other Operations
64E-19.008 Enforcement

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the above-cited rules as published in Vol. 25, No. 28, September 24, 1999, of the Florida Administrative Weekly. The changes are made in response to comments received from

the Joint Administrative Procedures Committee, comments received at the public hearing, and comments received during the time period allowed for submission of materials.

Subsection 64E-19.002(7) has been changed so that when adopted it will read: "Formal training – means a course of instruction that is presented under classroom conditions to detail compliance with the requirements of this chapter, including safety, sanitation, and sterilization requirements and standard precautions for preventing the transmission of infectious diseases."

Subsection 64E-19.002(9) has been changed so that when adopted it will read: "Handsink – means a lavatory equipped with hot and cold running water..."

Subsection 64E-19.002(23) has been changed so that when adopted it will read: "Standard precautions – means a set of guidelines and controls, published by the Center for Disease Control and Prevention (CDC), which includes specific recommendations for the use of gloves, masks, protective eye wear and/or other protective equipment when contact with blood or body fluids containing blood is anticipated. These guidelines and controls may be found in "Recommendations for Prevention of HIV Transmission in Health-Care Settings", Morbidity and Mortality Weekly Report (MMWR), August 21, 1987, Vol. 36, No. (SU02);001; "Universal Precautions for Prevention of Transmission of Human Immunodeficiency Virus, Hepatitis B Virus, and Other Bloodborne Pathogens in Health-Care Settings", MMWR, June 24, 1988, Vol. 37, No. 24; "Guidelines for Prevention and Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Health-Care and Public Safety Workers, MMWR, June 23, 1989, Vol. 38, No. S-6; and MMWR; and "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B Virus to Patients During Exposure-Prone Invasive Procedures", July 12, 1991, Vol. 40, No. (RR08);1-9. These guidelines are hereby incorporated by reference into this chapter."

Subsection 64E-19.003(1)(a) has been changed so that when adopted it will read: "All forms listed in this section are incorporated by reference. Forms used by the public may be obtained from the county health department in the county of their location or the Department of Health, 2020 Capital Circle, S.E., BIN A08, Tallahassee, Florida, 32399-1710.

(a) DH Form 4124, 10/99, Body Piercing Salon Inspection Report.

Subsection 64E-19.003(2) has been changed so that when adopted it will read: "Upon receipt of a properly completed DH Form 4120, 10/99, Application for a Body Piercing Salon License, the department shall process the application in accordance with the provisions of Chapter 120.60, F.S., and agency procedures."

Subsection 64E-19.004(6) has been changed so that when adopted it will read: "A handsink separate from handsinks in restrooms, liquid soap..."

Subsection 64E-19.004(8) has been changed so that when adopted it will read: "At least one waste receptacle shall be provided in each body piercing area. Solid waste shall be collected, stored, and disposed of in a manner and frequency that does not create a sanitary nuisance, as that term is defined in Chapter 386, F.S. Biomedical waste, as that term is defined in paragraph 381.0098(2)(a), F.S., shall be managed in accordance with Chapter 64E-16, F.A.C."

Subsection 64E-19.004(9) has been changed so that when adopted it will read: "Other equipment and supplies necessary for providing body-piercing services and for cleaning and sterilizing instruments shall be provided. This includes at least a separate one-compartment sink with hot and cold running water under pressure for cleaning instruments, an autoclave, instruments and single use supplies for performing piercings, work tables or counters, customer chairs, and storage cabinets or containers for storing clean and sterilized instruments and supplies. All surfaces of equipment shall be made of smooth, non-absorbent and non-porous material.

Each one-compartment sink and autoclave must have an adequate size, depth or capacity to submerge or otherwise accommodate the instruments being cleaned or autoclaved. Salons that use ultrasonic units with heating elements to clean their instruments, shall not be required to have hot water at the one-compartment sink; provided the heating elements can heat the cleaning solution to at least the minimum temperature required by this chapter and maintain that temperature throughout the cleaning cycle."

Subsection 64E-19.004(11) has been changed so that when adopted it will read:

"Except for first aid purposes, smoking, eating, or drinking is prohibited in areas where body-piercing procedures are performed or where instruments and supplies are cleaned and stored."

The current language in 64E-19.004(11) will be retained and renumbered to (12). All other subsections will also be retained and renumbered accordingly.

Subsection 64E-19.005(3) has been changed so that when adopted it will read: "All sterilized instruments shall remain stored in sterilized containers until just prior to performing a body piercing procedure..."

Subsection 64E-19.005(5) has been changed so that when adopted it will read: "Autoclaves shall be cleaned at the frequency recommended by the manufacturer. Autoclaves shall be serviced at the frequency recommended by the manufacturer, but not less than once a year. A copy of the manufacturer's instructions for cleaning and servicing the autoclave must be maintained on file in the salon."

Subsection 64E-19.005(6) has been changed so that when adopted it will read: "All clean or packaged sterilized instruments and supplies shall be stored in clean, dry closed cabinets or tightly covered containers."

Subsection 64E-19.006(3) has been changed so that when adopted it will read: "Piercers shall wear protective eyewear if the piercer determines that spattering is likely to occur."

Subsection 64E-19.006(8)(a) has been changed so that when adopted it will read: "In accordance with subparagraph 381.0075(11)(a)4., F.S., before performing a body piercing procedure, the skin and surrounding area where the piercing is to be done shall be thoroughly cleansed with an FDA approved pre-surgical scrub in accordance with the manufacturer's directions. A single use sterile gauze pad or other suitable sterile product may be used for washing the skin. If shaving is necessary, the skin shall be gently scrubbed with an FDA approved pre-surgical scrub in accordance with the manufacturer's directions, using a sterile gauze pad, before and after the shaving..."

Subsection 64E-19.007(2) has been changed so that when adopted it will read: "Reporting Complaints of Injuries. As specified in subparagraph 381.0075(11)(a)8., F.S., any injury or complaint of injury, suspected infections that required treatment by a licensed practitioner, or any notifiable diseases resulting from the body-piercing procedure that become known to the operator shall be reported to the local county health department by the operator within 72 hours of the operator becoming aware of the complaint or condition. The report shall be submitted on DH Form 4122, 10/99, Body Piercing Salon Injury Report."

Subsection 64E-19.007(5) has been changed so that when adopted it will read: "Records required by this section shall be maintained at each salon for the current licensing period. Records may be stored elsewhere after that time frame, but they must be stored in accordance with this chapter and be made available for review by the department upon request of the department."

Subsection 64E-19.007(6)(a) has been changed so that when adopted it will read: "Operators and piercers shall complete...course. Correspondence courses must meet the same subject matter requirements as formal training in order to qualify as acceptable substitutes for formal training."

Subsection 64E-19.007(6)(b) has been changed so that when adopted it will read: "The training required initially for each operator and piercer shall include all of the..."

Subsection 64E-19.007(6)(d) has been changed so that when adopted it will read: "Operators and piercers must complete the required training according to the following time frames:

1. Operators and piercers hired on or after the effective date of this chapter must complete the required training prior to assuming responsibilities in a salon;
2. Operators and piercers working in salons before the effective date of this chapter must complete the required training prior to a salon being licensed."

Subsection 64E-19.008(2) has been changed so that when adopted it will read: "Department personnel shall be granted access to the premises of a body-piercing salon during a

salon's normal hours of operation, including access to customer and personnel records to conduct epidemiological investigations."

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Florida Lottery "Big Sales Gain Retailer Incentive Promotion" RULE NO.: 53ER99-57

SUMMARY OF THE RULE: The rule describes the "Big Sales Gain" Retailer Incentive Promotion in which eligible Florida Lottery on-line retailers have the opportunity to earn a \$5,000 Bonus Commission.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER99-57 Florida Lottery "Big Sales Gain" Retailer Incentive Promotion.

(1) The Florida Lottery is offering eligible Florida Lottery on-line Retailers the opportunity to earn a bonus commission for achieving the largest percentage increase in average total weekly sales for all instant and on-line Lottery products in their assigned categories as described in paragraph (b) below, and in their Florida Lottery sales districts during the "Big Sales Gain" Retailer incentive period from October 25, 1999 through January 2, 2000.

(a) For the incentive period, each eligible on-line Retailer will be assigned to a sales category within its Florida Lottery sales district based upon its average total weekly instant and on-line sales for the base period of October 26, 1998, through January 3, 1999.

(b) The "Big Sales Gain" sales categories, average total weekly sales amounts, and designated bonus commission amounts are as follows:

<u>Sales Category</u>	<u>Average Total Weekly Sales</u>	<u>Bonus Commission</u>
<u>A</u>	<u>\$10,000 and over</u>	<u>\$5,000</u>
<u>B</u>	<u>\$4,000 – \$9,999</u>	<u>\$5,000</u>
<u>C</u>	<u>\$1,500 – \$3,999</u>	<u>\$5,000</u>

(c) Each Retailer's average total weekly sales for all instant and on-line Lottery products during the incentive period will be compared to its average total weekly instant and on-line sales for the base period to determine the percentage increase. The eligible retailer with the largest percentage increase in each of the three sales categories in each of the eleven Florida Lottery sales districts will be awarded the bonus commission, for a total of thirty-three winners.