

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Consumer Services**

RULE TITLE: Decisions  
 RULE NO.: 5J-11.006

PURPOSE AND EFFECT: The purpose and effect of this rule change is to revise the time limit for filing a Request for State Arbitration, to conform to statutory changes made in 1997.

SUBJECT AREA TO BE ADDRESSED: This rule defines the information that will be provided to consumers regarding decisions made by the Lemon Law Arbitration Board.

SPECIFIC AUTHORITY: 681.108 FS.

LAW IMPLEMENTED: 681.108 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., October 23, 2000

PLACE: Department of Agriculture and Consumer Services, Conference Room, City Centre Building, 227 N. Bronough Street, Suite 7200, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dee Keck, Regulatory Program Administrator, Division of Consumer Services, City Centre Building, 227 N. Bronough Street, Suite 7200, Tallahassee, Florida 32301, phone (850)410-3782

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5J-11.006 Decisions.

(1) No change.

(2)(a) through (d) No change.

(e) The following statement in bold print:

The consumer may reject this decision and, if eligible, may pursue arbitration with the Florida New Motor Vehicle Arbitration Board administered by the Office of the Attorney General. To obtain information about eligibility for the state-run arbitration program, the consumer should contact the Division of Consumer Services' Lemon Law Hotline at 1-800-321-5366. PLEASE BE ADVISED THAT Section 681.109(4), F.S., provides that the consumer must file the Request for Arbitration no later than 60 days ~~within 6 months~~ after the expiration of the Lemon Law rights period, or within 30 days after the final action of a certified dispute-settlement procedure, whichever date occurs later.

(f) through (g) No change.

Specific Authority 681.108 FS. Law Implemented 681.108 FS. History--New 12-5-93, Amended 6-5-95,\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

RULE TITLE: Use of School Facilities  
 RULE NO.: 6D-6.003

PURPOSE AND EFFECT: This rule establishes guidelines to be followed in the use of school facilities for educational, cultural, charitable and philanthropic purposes.

SUBJECT AREA TO BE ADDRESSED: Fee schedule for the use of facilities.

SPECIFIC AUTHORITY: 242.331(3) FS.

LAW IMPLEMENTED: 242.331(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., October 28, 2000

PLACE: Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

RULE CHAPTER TITLE: Community-based Development  
 RULE CHAPTER NO.: 9B-70

Organization Grant Program

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to provide definitions and set criteria for a three tiered funding approach for the Department to administer a Community-based Development Organization Grant Program. Subject to a legislative appropriation, emerging, intermediary and mature nonprofits who are designated as a nonprofit under Florida law and are also designated as a 501(c)(3) organization by the United States Internal Revenue Code will be eligible for administrative and operational grant assistance. The purpose of the grants will be for the nonprofit to prepare grant and loan applications, to retain project staff to plan and implement, and to manage job-generating and community revitalization developments in distressed neighborhoods.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed at the public workshops will include developing rules for definitions, funding criteria for emerging,

intermediary and mature nonprofits; soliciting input on program operation and administration; and other related topics to implement the provisions in Section 163.455-.462, F.S.

SPECIFIC AUTHORITY: 163.462 FS.

LAW IMPLEMENTED: 163.455-.462 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:30 a.m. – 1:00 p.m., October 19, 2000

PLACE: Sheraton Suites – Airport, 4400 West Cypress Street, Tampa, Florida 33607

TIME AND DATE: 12:00 p.m. – 3:00 p.m., October 24, 2000

PLACE: Miami Airport, Concourse E, Meeting Room F, Miami, Florida

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ms. Carolyn Johnson, Planning Manager, Division of Housing and Community Development, Bureau of Community Development, 2555 Shumard Oaks Boulevard, Tallahassee, Florida 32399-2100 and phone number (850)488-3581 or Suncom 278-3581 at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ms. Carolyn Johnson, Planning Manager, Division of Housing and Community Development, Bureau of Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, phone number (850)488-3581 or Suncom 278-3581

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**EXECUTIVE OFFICE OF THE GOVERNOR**

|  |                   |
|--|-------------------|
| <b>RULE TITLES:</b>  | <b>RULE NOS.:</b> |
| Definitions  | 27-11.001         |
| Application for Certification as a Facility for New Professional Franchise             | 27-11.002         |
| Application for Certification as a Facility for Retained Professional Sports Franchise | 27-11.003         |
| Application for Certification as a Facility for a New Spring Training Franchise        | 27-11.004         |
| Application for Certification as a Facility for a Retained Spring Training Franchise   | 27-11.005         |
| Application Procedures   | 27-11.006         |
| Application Processing   | 27-11.007         |

PURPOSE AND EFFECT: To establish application guidelines for the certification of professional sports and spring training facilities.

SUBJECT AREA TO BE ADDRESSED: Certification of sports facilities.

SPECIFIC AUTHORITY: 288.1162(1),(4),(5),(6),(8) FS.

LAW IMPLEMENTED: 288.1162 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., Monday, October 16, 2000

PLACE: Florida Sports Foundation, 2930 Kerry Forrest Parkway, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jean Hartman, The Office of Tourism, Trade, and Economic Development, The Capitol, Suite 2001, Tallahassee, FL 32399-0001, whose telephone number is (850)487-2568

To obtain a copy of the proposed rules, please call (850)487-2568. A copy will be sent via standard delivery mail.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF CORRECTIONS**

RULE TITLE: Care of Inmates  
RULE NO.: 33-602.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that personal clothing may be provided to inmates prior to their discharge from the Department to be worn upon their release.

SUBJECT AREA TO BE ADDRESSED: Care of Inmates.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Giselle Lylen Rivera, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.101 Care of Inmates.

(1) Upon initial arrival in the Department of Corrections, as well as upon transfer within the department, each inmate shall be provided with orientation at which time the Rules and Regulations and Directives of the Department of Corrections, as well as the local institutional operating procedures shall be explained to him. The warden shall review and approve the contents of the orientation to ensure that the security of the institution is not compromised. The reception centers shall

provide a more in-depth orientation of overall department rules, while the receiving institutions which serve as the inmates' permanent locations shall emphasize the local operating procedures in their orientation. As inmates are received into the department they shall be provided with a printed copy of Rules 33-601.301-601.314, Inmate Discipline. Translations or translation assistance shall be provided as needed. Copies of the Department Rules shall be available to inmates upon request to read or review (not for retention). In cases where the inmate is unable to read or comprehend English, translation must be made available. Copies of the Rules and Regulations shall also be available for inmate inspection in the institutional library.

(2) The reception center Correctional Officer Chief shall ensure that property files are established for all new inmates. The inmate property file shall become part of the inmate's institutional file. All forms and correspondence pertaining to inmate property shall be placed in this file in chronological order. The Correctional Officer Chief or his designee shall be responsible for the maintenance of the inmate property file.

(3)(a) When an inmate is initially received by the Department, the receiving or property officer shall take charge of the Inmate's personal property. The officer shall inventory all items in the inmate's possession at that time using Form DC3-001, Inmate Personal Property List.

(b) After final disposition is completed, the officer shall give one copy of the receipt to the inmate along with that property the inmate is authorized by the Department to keep. Personal property remaining in the possession of an inmate is the responsibility of that inmate and not of the institution. One copy of the receipt shall be placed with any property which is not authorized within the Department and which is to be stored. Final disposition of this property shall be in accordance with Rule 33-602.201. One copy of the receipt shall be placed in the package to be mailed to the inmate's home or to the person designated on the form; if the inmate chooses to forfeit the items, this copy of the receipt shall be given to the inmate. One copy of the receipt shall be placed in the inmate property file.

(4) Upon receipt at any facility of the department, a written receipt for money or other valuables that are in excess of that allowed shall be given to the inmate. When such monies or valuables are returned a receipt shall be obtained from the inmate. Inmates shall be given an opportunity to send money or valuables to their families or other persons of their choice at no expense to the Department of Corrections. When it becomes necessary to confiscate and impound the authorized personal property of an inmate subsequent to his reception in the institution, it will be immediately inventoried by an officer in the presence of the inmate, and a written, signed receipt itemizing the property will be given to the inmate. If the inmate's behavior is such that the security and order of the institution is jeopardized by his presence during the inventory

process, the inmate's presence shall not be required. In such cases a second officer shall witness the inventory process. Proper procedures will be taken to safeguard and store such property so as to prevent its loss, damage or theft. Upon release of the property, a signed receipt will be obtained from the inmate. Money in excess of the amount allowed by institutional policies found in the possession of an inmate will be handled in accordance with Rule 33-602.203(5)(a) of these rules.

(5)(a) Whenever an inmate is Transferred from one institution to another, the inmate's personal property and personal property file shall be transferred with him. The sending institution shall have the responsibility of ensuring that the inmate being transferred has only that property which belongs to him and that such property is authorized. The inmate and the officer inspecting the property shall sign and date Form DC3-304, Receipt for Personal Property, at the time of the transfer. Any property that is left behind or missing shall be noted on the form.

(b) If an inmate is transferred without his personal property, the property shall be forwarded to the inmate by the sending institution within five working days. The property along with an itemized list shall be placed in a sealed container for transporting. A staff member at the receiving institution shall check the property against the property list to ensure that all property is accounted for. The inmate shall sign Form DC3-304, Receipt for Personal Property, when the property is given to the inmate. Any discrepancies shall be noted on the form. If the inmate refuses to sign Form DC3-304, Receipt for Personal Property, a notation to that effect shall be placed on the form and a second employee shall witness and sign the form.

(6) Any inmate transferring to an outside community hospital for treatment or to a court appearance shall take only items of personal clothing and hygiene items except in those cases in which the inmate is expected to be absent for a period of more than 30 days. If the inmate is to return within 30 days, remaining personal property as well as state issued property shall be inventoried and stored in accordance with Rule 33-602.201, Inmate Property.

(7) Any inmate being released by parole or expiration of sentence shall take all personal property with him and sign Form DC3-304, Receipt for Personal Property, at the time of release. Personal property left behind will be handled in accordance with subsection (3)(i) of Rule 33-602.201, Inmate Property. Missing property will be handled in accordance with subsection (3)(l) of the above-referenced rule.

(8) Each institution shall provide a canteen to be operated within the institution for the convenience of the inmates in obtaining items which are not furnished them by the Department of Corrections, but which are allowable within the institution through canteen purchase. Proceeds from the operation of the canteen shall be deposited in the Welfare Trust

Fund as provided by law. These profits shall be used as provided in Rule 33-203.101. As prescribed by law the Welfare Trust Fund shall be the responsibility of the Secretary, who may delegate such authority to the proper institutional committee. Such canteen operation shall be subject to audit, as other institutional operations are audited. Wardens shall establish operating schedules, maximum purchase limits, and maximum possession limits for consumable canteen items. Institutions with a cashless canteen shall restrict canteen purchases to those inmates with proper identification. Alternate purchase procedures shall be established for those inmates with temporary ID cards. These alternate procedures shall ensure at least a weekly opportunity to make canteen purchases.

(9) Inmates shall at all times wear the regulation clothing and identification card in accordance with institution policy.

(a) Each inmate shall be issued sufficient clothing, including outer clothing, underwear, socks, and shoes. In addition, inmates shall be furnished sufficient clothing during cold weather to ensure adequate warmth. Each inmate shall be required to make a change of outer clothing at least twice a week. Inmates shall not possess individual items of clothing in excess of the possession limits outlined in 33-602.201 Appendix One.

(b) Inmates shall be responsible for all clothing issued to them. Inmates shall be authorized to send personal clothing to the laundry if no other laundering facilities are available for their use. If personal clothing is authorized to be sent to the laundry, it must be marked with the inmate's name and prison number. The institution will not be responsible for lost, stolen, or torn personal clothing.

(c) A transferring inmate may, when transferred, take one issue of state clothing and all personal clothing. Transfers to contract work release facilities, contract drug facilities, and female community correctional centers via public transportation shall be made with personal clothing. An inmate's personal clothing, for purposes of transfer or upon release, may be supplied by the inmate, the inmate's family, or from available surplus clothing.

(d) If items such as food service linens, coveralls, aprons, cooks' caps, gloves, rubber boots, raincoats, athletic uniforms, barber and butcher jackets, straw hats, and safety helmets are necessary for work, they will be issued to the department requiring them. The warden will, on recommendation and justification by the department heads, determine what items are to be purchased and issued to inmates. All items issued on a departmental basis that can be appropriately marked shall have the department name stenciled on the items. It will be the responsibility of the warden to establish a laundry schedule for these items.

(e) Civilian clothing, when available from family members or from surplus clothes closets, may be used by the inmate for court appearances, furloughs, funerals, and other circumstances, including release, as authorized by the warden.

(f) If an inmate intentionally or negligently damages, loses or destroys his or her uniform, identification card, or other state issued clothing article, blanket or linens, disciplinary action pursuant to Rules 33-601.301-601.314 shall be taken by the warden to obtain reimbursement from the inmate. Reimbursement will be limited to the cost of the item.

(g) Institutional clothing is the property of the State of Florida and must be returned to the department upon an inmate's release from incarceration. Institutional clothing shall not be worn by an inmate being released from incarceration.

(h) The ID card shall be displayed on the left front shirt pocket, collar of the blouse, collar of a shirt without pockets, or on the shirt tab designed for this purpose. In those circumstances in which an inmate is not wearing an upper garment, the inmate is responsible for securing the ID card. Once the special circumstance is over, the ID card shall again be displayed on the shirt or blouse.

(i) Once an ID card has been issued to an inmate, the inmate shall be held responsible for the proper handling of the ID card.

(10) The warden or Officer-in-Charge shall give each inmate a receipt for any personal clothing in his possession other than that allowed by the Department of Corrections. In addition inmates shall be permitted to send such clothing to their families, residences or other persons approved by the warden or Officer-in-Charge at no expense to the Department of Corrections. Enclosed with such clothing sent from the institution shall be an itemized list thereof, a signed copy of the inmate's written request that it be sent to the addressee to whom the clothing is forwarded. A copy of such list and a signed copy of such written request shall be placed in the inmate's record jacket, along with a notation showing the date of mailing. If the inmate does not send his clothing out of the institution or gives it to the institution within 30 days after his arrival at the institution, it shall be considered forfeited and may be placed in a "clothes closet" for later use by inmates, donated to charity, or disposed of by the institution. Notice of such forfeiture shall be given to the inmate in writing by the warden or designee and a copy of such notice shall be filed in the inmate's property file. (Also see Control of Contraband, 33-602.203).

(11) For security and identification purposes, no inmate shall be permitted to have his or her hair, to include eyebrows and facial hair, dyed, cut, shaved or styled according to fads or extremes that would call attention to the inmate or separate inmates into groups based upon style. This would include, for example, tails, woven braids, cutting, sculpting, clipping or etching numbers, letters, words, symbols or other designs into the hair. Male inmates shall have their hair cut short to medium uniform length at all times with no part of the ear or collar covered. Sideburns shall not extend beyond the bottom of the earlobes and will have straight lines with no flare at the base. All male inmates shall be clean shaven, provided, however,

that an exemption from this requirement shall be granted on the basis of a medical diagnosis when it is determined by the staff physician that shaving would be detrimental to the inmate's health. Inmates granted a medical exemption from the shaving requirement may be required to keep their facial hair closely trimmed with scissors or clippers. For the purpose of this rule, "closely trimmed" means trimmed so that no part of the facial hair exceeds the length prescribed by the physician as necessary to prevent the appearance or reappearance of skin disorders. If no specific length is prescribed, then facial hair shall be kept trimmed to within one-quarter inch. An inmate who has been granted a shaving exemption shall maintain the written exemption on his person at all times when outside the assigned housing unit.

(12) If an inmate refuses to adhere to the grooming standards after having been given an opportunity and after having been found to be in violation through the formal disciplinary process (33-601.301-601.314), the officer in charge or a more senior official shall direct staff to shave the inmate or cut the inmate's hair to comply with the grooming standards. When it is necessary to use force to carry out this task, the use of force shall be documented pursuant to Rule 33-602.210.

(13) Fingernails shall be kept well groomed and clipped so as not to extend beyond the tips of the fingers, and no adornment of the nails shall be permitted.

(14) Inmates shall be housed, fed and worked in such a manner as to maintain control and order in the institution.

(15) All inmates shall be furnished proper medical care and medicine. Inmates with specific medical holds, lay-ins, or medical restrictions shall not be assigned any activity until approval is given by the attending physician. Medically prescribed food shall be provided as ordered.

(16) No inmate shall be given control or authority over other inmates.

(17) Inmates who are unable to handle or read written material due to physical impairment (this includes those who are visually impaired, paraplegic or quadriplegic, or severely affected with arthritis) and who receive assistance from the Bureau of Braille and Talking Book Library Services shall be allowed to possess a tape player or record player from the Bureau. Any alteration of equipment provided by the Bureau shall result in confiscation of the equipment and suspension of those privileges. A tape recorder shall be available for inmate use at a location determined by the warden which allows for supervision of use and which does not unduly restrict access. Inmates shall obtain approval from the chief health officer to utilize the tape recorder in lieu of pen and paper for correspondence purposes. Any material or equipment that an inmate receives from the Bureau of Braille and Talking Book Library Services remains the Bureau's property and must be returned to the Bureau if an inmate loses the use of this material or equipment for disciplinary reasons.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-8-76, Formerly 33-3.02, Amended 4-19-79, 4-24-80, 1-9-85, 11-3-87, 9-16-88, 7-23-89, 8-27-91, 3-30-94, 11-14-95, 6-2-99, Formerly 33-3.002, Amended

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

|  |                   |
|--|-------------------|
| <b>RULE TITLES:</b>                      | <b>RULE NOS.:</b> |
| Prelicensure Education Requirements      | 61-20.5011        |
| Fees                                     | 61-20.504         |
| Prelicensure Education Provider Approval | 61-20.510         |

**PURPOSE AND EFFECT:** The Council proposes to discuss these rules to determine if amendments are necessary to update the rule text.

**SUBJECT AREA TO BE ADDRESSED:** Prelicensure education provider approval; fees; and prelicensure education requirements.

**SPECIFIC AUTHORITY:** 468.4315 FS.

**LAW IMPLEMENTED:** 455.2171, 455.219(3),(6), 455.2281, 455.271, 468.4315(2), 468.433, 468.435, 468.4337 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., October 27, 2000

**PLACE:** Telephone conference call. The "meet me" number is (850)921-2470 or SunCom 278-2470, if you wish to participate

Any person requiring a special accommodation at this telephone conference 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).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Julie Baker, Executive Director, Regulatory Council of Community Association Managers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

|   |                          |
|---|--------------------------|
| <b>RULE CHAPTER TITLE:</b>  | <b>RULE CHAPTER NO.:</b> |
| Public Food Service Establishments  | 61C-4                    |
| <b>RULE TITLE:</b>  | <b>RULE NO.:</b>         |
| Food Protection Manager Certification and Public Food Service Employee Training | 61C-4.023                |

**PURPOSE AND EFFECT:** The purpose of this rule development is to clarify existing language relative to the presence of the certified manager during certain periods of

food service operations and to adopt the Conference for Food Protection (CFP) Standards for Accreditation of Food Protection Manager Certification Programs. The U.S. Food and Drug Administration endorses the CFP Standards for Accreditation of Food Protection Manager Certification Programs as the uniform national standard for food protection manager certification programs. If the proposed language is adopted, the Division of Hotels and Restaurants will accept all CFP accredited food protection manager certification programs.

**SUBJECT AREA TO BE ADDRESSED:** Clarification of the food manager certification requirements and adoption of the CFP Standards for Accreditation of Food Protection Manager Certification Programs. Copies of the CFP Standards for Accreditation of Food Protection Manager Certification Programs may be obtained from Lee Cornman at the Division of Hotels and Restaurants Tallahassee office, (850)488-9263.

**SPECIFIC AUTHORITY:** 509.032(6) FS.

**LAW IMPLEMENTED:** 509.039 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Lee M. Cornman, Management Review Specialist, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012, telephone (850)488-9263

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

61C-4.023 Food Protection Manager Certification and Public Food Service Employee Training.

(1) All managers who are responsible for the storage, preparation, display, and serving of foods to the public shall have passed a ~~written~~ certification test approved by the division demonstrating a basic knowledge of food protection practices as adopted in this chapter ~~regulated and administered by the division or an agency of state government outside Florida which has been approved by the division.~~ Those managers who successfully pass an approved ~~the~~ certification examination shall be issued a certificate by the certifying organization, which is valid for a period of five years from the date of issuance. Each licensed ~~All~~ establishments shall have a minimum of one certified food protection manager responsible for all periods of operation. The operator shall designate in writing the certified food protection service manager or managers for each location. A current list of certified food protection managers shall be available upon request in each establishment. ~~When Establishments that have four or more employees, at one time, are engaged in the storage, preparation~~

~~or serving of food in a licensed establishment, there shall be have at least one certified food protection manager present at all times when said activities are taking place. The certified food protection manager or managers need not be present in the establishment during those periods of operation when there are three or fewer employees engaged in the storage, preparation, or serving of foods. All other establishments shall have a certified manager or managers responsible for all periods of operation but said manager or managers need not be present at all times.~~ It shall be the responsibility of the certified food protection manager or managers to inform all employees under their supervision and control who engage in the storage, preparation, or serving of food, to do so in accordance with acceptable sanitary practices as described in this chapter.

~~(2) The test shall be designed to assess the manager's knowledge of basic public health food protection practices which includes~~

~~(a) Receiving and storage of food supplies, including dry, refrigerated and freezer storage;~~

~~(b) Food protection and preparation practices, including:~~

~~1. Thawing of potentially hazardous food;~~

~~2. Techniques to minimize handling; and~~

~~3. Recognition of critical temperatures during storage, preparation, cooking, serving, displaying and reheating;~~

~~(c) Personal hygienic practices of employees during all phases of preparation and serving of food;~~

~~(d) Equipment and utensil design and fabrication, installation and location as well as cleaning, sanitizing and storage;~~

~~(e) Water supplies;~~

~~(f) Sewage disposal;~~

~~(g) Plumbing;~~

~~(h) Bathroom and handwashing facilities;~~

~~(i) Garbage and trash storage and disposal;~~

~~(j) Insect and rodent control;~~

~~(k) General housekeeping including cleaning, maintenance, lighting and ventilation;~~

~~(l) Control of toxic materials; and~~

~~(m) Premises sanitation and other miscellaneous activities which the manager needs to ensure are accomplished to prevent the occurrence of foodborne illness.~~

~~(2)(3) Temporary food service vendors and vending machine operators, licensed pursuant to Chapter 509, Part I, Florida Statutes, are exempt from the manager certification requirements of this section.~~

~~(3)(4) The Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs, herein adopted by reference, shall be the division standard for the recognition of certifying organizations who provide food manager certification examinations. The Division of Hotels and Restaurants shall accept certification examinations currently recognized by the Conference for Food~~

~~Protection. Certifying organizations that are accredited by a Conference for Food Protection sanctioned accreditor shall be recognized by the division as approved providers of a Food Protection Manager Certification Program. division, as the certifying state agency for food managers, shall demonstrate testing program compliance with one or more generally recognized measurement standards such as the Standards for Educational and Psychological Testing. Documentation of conformance shall include organization review and program evaluation by qualified psychometricians and shall demonstrate adherence in the areas of administrative independence; fairness; technical standards for test construction and evaluation including validity, reliability and errors in measurement, test development and revision, scaling, norming, score comparability and equating, and test publication; professional standards for test use including employment testing and professional and occupational certification; and related standards for testing linguistic minorities, testing people who have handicap conditions, test administration, scoring and reporting, protecting the rights of test takers and public information. The division, or its contracted testing agent, must routinely update the tests used to provide consistency and compliance with revised laws and rules.~~

~~(5)(a) Persons who operate or franchise public food service establishments and conduct training and testing programs for their employees or franchisees may use such programs to facilitate meeting the requirements of this section, provided such programs are generally recognized nationwide by the food service industry and testing is administered under proctored and secure conditions.~~

~~(b) Persons seeking to use such programs shall notify the division or its contracted testing agent, and shall provide documentation as required by subsection (4) of this rule. The division or its contracted testing agent, shall notify the person of the acceptability of the program, and if appropriate, shall enter into an agreement with the person designating that person as a testing agent. A person so designated, may administer a test consisting of one part, approved by the division, which meets the requirements of this section and a second part covering whatever additional material is included in the designated person's training program. Persons passing the first part shall be issued a certificate described in subsection (1) of this rule. The division, or its contracted testing agent, shall be entitled to a fee for scoring the state portion of the test and issuing the certificate.~~

~~(c) A person holding a valid certificate issued by a training and testing program which has entered into an agreement with the division or its contracted testing agent may obtain conditional certification if they have passed the second portion of the test referred to in paragraphs (a) and (b) but have not yet passed that portion approved by the division. Such certification shall be contingent on an acceptable evaluation by the division~~

~~or its contracted agent of the test passed by the applicant. A conditional certificate issued pursuant to this subparagraph shall expire five years from the date the original certificate was issued and shall not be renewed. The department, or its contracted testing agent, shall be entitled to a fee for issuing the conditional certificate not to exceed the minimum fee for testing.~~

~~(4)(6) Public Food Service Employee Training.~~

~~(a) All public food service employees must receive training on professional hygiene and foodborne disease prevention. Professional hygiene includes personal cleanliness and hygienic practices in accordance with the Food Code and techniques to prevent cross contamination. Foodborne disease prevention training must include the types and causes of foodborne illness, identification of potentially hazardous food, and how to control or eliminate harmful bacteria in a food service establishment.~~

~~(b) Public food service employees must receive training which relates to their assigned duties. Employees who prepare foods must be knowledgeable about safe methods of thawing, cooking, cooling, handling, holding and storing foods. Service personnel must be knowledgeable about safe methods of serving food. Employees who clean equipment and facilities must be knowledgeable about proper cleaning and sanitization methods. Employees responsible for maintaining the premises must be knowledgeable about proper vermin control methods as specified in the Food Code.~~

~~(c) Licensees who provide in-house employee training shall make available on the premises of the establishment, or in a theme park or entertainment complex in a central location, upon the division's request, the curriculum and materials used to conduct training. If training is obtained from an outside provider, the licensee must provide, upon the division's request, information about the selected training program and methods used to evaluate training outcomes. Training outcomes include employees correctly applying procedures and answering questions relative to assigned duties. Employees must perform their work duties safely in a manner consistent with the requirements of the Food Code.~~

~~Specific Authority 509.032(6), 509.039, 509.049 FS. Law Implemented 509.039, 509.049 FS. History—New 2-21-91, Amended 5-12-92, Formerly 10D-13.037, Formerly 7C-4.023, Amended 3-31-94, 10-9-95, 1-18-98.~~

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Landscape Architecture**

RULE TITLE:

RULE NO.:

Renewal and Reactivation Fees

61G10-13.004

PURPOSE AND EFFECT: The Board proposes the development of an amendment to address renewal and reactivation fees.

SUBJECT AREA TO BE ADDRESSED: Renewal and Reactivation fees.

SPECIFIC AUTHORITY: 481.306, 481.307, 481.315 FS.

LAW IMPLEMENTED: 481.307, 481.315 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sherry Landrum, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G10-13.004 Renewal and Reactivation of Fees.

The fee for renewal of an inactive license shall be fifty dollars (\$50.00). ~~The fee for reactivation of an inactive license shall be fifty dollars in addition to the biennial renewal fee.~~

Specific Authority ~~481.306, 481.307, 481.315 FS.~~ Law Implemented ~~481.307, 481.315 FS.~~ History–New 6-21-84, Formerly 21K-13.04, 21K-13.004, Amended.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE:

RULE NO.:

Licensure by Endorsement Through

Another State License

64B1-3.010

PURPOSE AND EFFECT: The proposed rule will set forth the application requirements for licensure as an acupuncturist by endorsement of another state’s license.

SUBJECT AREA TO BE ADDRESSED: Licensure by Endorsement Through Another State License.

SPECIFIC AUTHORITY: 457.104, 457.105, 457.1085 FS.

LAW IMPLEMENTED: 457.105, 457.1085 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-3.010 Licensure by Endorsement Through Another State License.

Pursuant to Section 457.105(2)(c), F.S., the Board of Acupuncture will certify for licensure those applicants who satisfy the following requirements:

- (1) through (2) No change.

(3) submit proof of being actively licensed in a state which has examination requirements that are substantially equivalent to or more stringent than those of this state; and demonstrate successful completion of the Clean Needle Course administered by the Council of Colleges of Acupuncture and Oriental Medicine (CCAOM) by providing a CCAOM certificate to the Board. Applicants must establish their other state licensure by requesting the licensing authority of the other state provide to the Board a statement which indicates the current status of the applicant’s license as of the date of statement, the expiration date of the other state license, and the basis for issuing the other state license including examination requirements which the applicant was required to successfully complete in order to be licensed in that state.

(4) submit proof that the applicant has meet the requirements of Section 457.105(2)(a) and (b), F.S. and Rule 64B1-4.001. Applicants must establish that they meet the requirements of Section 457.105(2)(a) and (b) and Rule 64B1-4.001 by providing the documents described in Rule 64B1-4.0011, completed one of the following:

~~(a) a minimum of a 2 year school program pursuant to Rule 64B1-4.001;~~

~~(b) a 2 year tutorial program pursuant to Rule 64B1-4.002 and Rule 64B1-5, or~~

~~(c) five years of experience pursuant to Rule 64B1-4.003.~~

Specific Authority 457.104, 457.105, 457.1085 FS. Law Implemented 457.105, 457.1085 FS. History–New 10-1-89, Amended 2-27-92, Formerly 21AA-3.010, 61F1-3.010, Amended 2-20-96, Formerly 59M-3.010, Amended 4-7-98, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLES:

RULE NOS.:

Acupuncture Program Requirements

64B1-4.001

Supervised Clinical Experience Defined

64B1-4.0015

PURPOSE AND EFFECT: Proposed Rule 64B1-4.001 will set forth the requirement for acupuncture education programs to include courses in western biomedical and diagnostic terminology which include training to use laboratory test and imaging findings; and, for applicants after July 31, 2001 to have completed a program that incorporates instruction in safe and beneficial use of laboratory tests and imaging findings. Proposed rule 64B1-4.0015 will set forth the requirement that supervised clinical experience must include use of findings of laboratory test and imaging findings.

SUBJECT AREA TO BE ADDRESSED: Acupuncture Program Requirements., Supervised Clinical Experience Defined.

SPECIFIC AUTHORITY: 457.102, 457.104, 457.105 FS.

LAW IMPLEMENTED: 457.102, 457.105 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY AT A LATER DATE.



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B1-4.001 Acupuncture Program Requirements.

In order to be certified to take the licensure examination, the applicant must establish that he/she has met the following minimal requirements. For persons who enrolled on or after July 1, 1997, the applicant must complete the program in which they have enrolled.

(1) No change.

(2) For applicants who enroll on or after August 1, 1997, applicants must have completed a program that meets the following minimum requirements:

(a) through (f) No change.

(g) Courses in western biomedical terminology or western biomedical and diagnostic terminology, which shall include the subject matter presented in biomedical clinical science academic courses, and includes training to use laboratory test and imaging findings in the course of treatment rendered to patients by acupuncture physicians.

(3) Applicants who apply for licensure on or after August 1, 2001 must have completed the core curriculum of the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) master's level program in oriental medicine with a minimum of 2700 hours of supervised instruction; and

(a) through (b) No change.

(c) Courses in western biomedical terminology or western biomedical and diagnostic terminology, which shall include the subject matter presented in biomedical clinical science academic courses, and includes training to use laboratory test and imaging findings in the course of treatment rendered to patients by acupuncture physicians.

(4) Applicants who apply for licensure on or after October 1, 2003 must have graduated from an ACAOM candidate or accredited 4-year master's level program or foreign equivalent in oriental medicine with a minimum of 2700 hours of supervised instruction; and

(a) through (b) No change.

(c) Courses in western biomedical terminology or western biomedical and diagnostic terminology, which shall include the subject matter presented in biomedical clinical science academic courses, and includes training to use laboratory test and imaging findings in the course of treatment rendered to patients by acupuncture physicians.

(5) For applicants who enroll on or after July 31, 2001, applicants must have completed a program that incorporates the safe and beneficial use of laboratory test and imaging findings in the practice of acupuncture and oriental medicine.

Specific Authority 457.102, 457.104, 457.105 FS. Law Implemented 457.102, 457.105 FS. History—New 8-30-84, Formerly 21AA-4.01, Amended 7-20-88, 4-30-89, 9-19-89, 3-18-92, Formerly 21AA-4.001, 61F1-4.001, Amended 3-24-96, Formerly 59M-4.001, Amended 12-31-97, 11-1-99, 6-21-00,

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT FOR RULE 64B1-4.0015 IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Standards for Approval of Continuing Education Credit  
 RULE NO.: 64B1-6.005

PURPOSE AND EFFECT: The proposed rule will require that continuing education programs contribute to licensee's knowledge and skills related to the safe and beneficial use of laboratory test and imaging findings.

SUBJECT AREA TO BE ADDRESSED: Standards for Approval of Continuing Education Credit.

SPECIFIC AUTHORITY: 457.104, 457.107(3), 455.604 FS.

LAW IMPLEMENTED: 457.107(3), 455.604 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY AT A LATER DATE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE TITLE: Content and Retention of Medical Records  
 RULE NO.: 64B1-10.001

PURPOSE AND EFFECT: The proposed rule will require that medical records maintained by acupuncturist must include laboratory test and imaging films, reports, and tests findings when appropriate and medically necessary.

SUBJECT AREA TO BE ADDRESSED: Content and Retention of Medical Records.

SPECIFIC AUTHORITY: 457.104 FS.

LAW IMPLEMENTED: 457.109(1)(m) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE PUBLISHED IN THE FLORIDA ADMINISTRATIVE WEEKLY AT A LATER DATE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: William Buckhalt, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

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

RULE TITLE: Disciplinary Guidelines RULE NO.: 64B4-5.001

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 455.627, 491.004(5) FS.

LAW IMPLEMENTED: 455.627, 491.009 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. or shortly thereafter, October 19, 2000

PLACE: The Sheraton Gainesville Hotel, 2900 S. W. 13th Street, Gainesville, Florida 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

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

RULE TITLE: Renewal of Active License RULE NO.: 64B4-6.001

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Renewal of active license.

SPECIFIC AUTHORITY: 455.564(6), 455.597(1)(a), 491.004(5), 491.007(2) FS.

LAW IMPLEMENTED: 455.564(6),(8), 455.597(1)(a), 491.007(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. or shortly thereafter, October 19, 2000

PLACE: The Sheraton Gainesville Hotel, 2900 S. W. 13th Street, Gainesville, Florida 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

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

RULE TITLE: Psychotherapist-Client Relationship RULE NO.: 64B4-10.003

PURPOSE AND EFFECT: The Board proposes to discuss this rule to determine if amendments are necessary to update the rule text.

SUBJECT AREA TO BE ADDRESSED: Psychotherapist-client relationship.

SPECIFIC AUTHORITY: 491.004(5), 491.0111 FS.

LAW IMPLEMENTED: 491.0111 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. or shortly thereafter, October 19, 2000

PLACE: The Sheraton Gainesville Hotel, 2900 S. W. 13th Street, Gainesville, Florida 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

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

RULE CHAPTER TITLE: Definitions Applicable to Mental Health Counseling RULE CHAPTER NO.: 64B4-31

PURPOSE AND EFFECT: The Board proposes to discuss this chapter to determine if amendments are necessary to the existing rules and if it is necessary to create new rules.

SUBJECT AREA TO BE ADDRESSED: Definitions applicable to mental health counseling.

SPECIFIC AUTHORITY: 491.004(5), 491.005(4)(c) FS.

LAW IMPLEMENTED: 491.003(9), 491.005(4)(c), 491.005 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. or shortly thereafter, October 19, 2000

PLACE: The Sheraton Gainesville Hotel, 2900 S. W. 13th Street, Gainesville, Florida 32608

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Speech-Language Pathology and Audiology**

RULE TITLE: Educational Requirements for Assistants

RULE NO.: 64B20-4.002

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to educational requirements for assistants.

SUBJECT AREA TO BE ADDRESSED: Educational requirements for assistants.

SPECIFIC AUTHORITY: 468.1135(4), 468.1215(3) FS.

LAW IMPLEMENTED: 468.1215(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B20-4.002 Education Requirements for Assistants.

(1) Candidates for certification as a speech-language pathology assistant shall submit to the Board an official transcript or transcripts evidencing that they have earned a bachelor's degree which includes at least 24 semester hours of coursework completed a minimum of 24 semester hours at an institution as described in Rule 64B20-2.002(1), F.A.C., to include:

- (a) through (b) No change.
- (2) through (3) No change.

Specific Authority 468.1135(4), 468.1215(3) FS. Law Implemented 468.1215(2) FS. History--New 3-14-91, Formerly 21LL-4.002, Amended 10-12-93, Formerly 61F14-4.002, 59BB-4.002, Amended.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self Sufficiency Program**

RULE TITLE: Work Requirements for Medical Incapacity and SSI Applicants

RULE NO.: 65A-4.206

PURPOSE AND EFFECT: This rule amendment will reflect the requirements of ss. 414.065(4)(d),(f), 414.105(11), F.S., noncompliance related to medical incapacity and individuals with a pending application or appeal for Supplemental Security Income (SSI) and Social Security Disability Income (SSDI).

SUBJECT AREA TO BE ADDRESSED: This proposed rule amendment includes the requirements for individuals claiming good cause for non-compliance with work requirements due to medical incapacity or a pending application or appeal for SSI or SSDI.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.065(4)(d),(f), 414.105(11) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., October 18, 2000

PLACE: 1317 Winewood Blvd., Bldg. 3, Room 455, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED WITH REGARD TO THE PROPOSED RULE DEVELOPMENT IS: Audrey Mitchell, 1317 Winewood Blvd., Bldg. 3, Room 421, Tallahassee, FL 32399-0700, telephone (850)488-3090

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE CHAPTER TITLE: Teacher Education and Compensation  
 RULE CHAPTER NO.: 65C-26

PURPOSE AND EFFECT: This document creates minimum standards for the T.E.A.C.H. (Teacher Education and Compensation Helps), Early Childhood® Program. The T.E.A.C.H. (Teacher Education and Compensation Helps), Early Childhood® Program is a licensed and registered program that provides scholarships to eligible child care center directors, teachers, and family child care home providers to work toward earning an A.S. degree in Child Development and Education, a Child Development Associate (CDA) credential, CDA Equivalency, CDA renewal, or Florida Child Care and Education Program Administrator Credential.

SUBJECT AREA TO BE ADDRESSED: Teacher Education and Compensation Helps Scholarship Program.

SPECIFIC AUTHORITY: 402.3017 FS.

LAW IMPLEMENTED: 402.3017 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., October 31, 2000

PLACE: Community Coordinated Care for Children, Inc., 563 Ferguson Drive, Orlando, FL 32808

The purpose of the workshop will be to develop a new chapter, 65C-26, covering minimum standards for the T.E.A.C.H. (Teacher Education and Compensation Helps), Early Childhood® Program.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Regina Pleas, Training Specialist, 1317 Winewood Blvd., Building 6, Room 389-A, Tallahassee, FL 32399, (850)488-4900

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Reef Fish

RULE TITLE: Size Limits: Amberjacks, Black Sea Bass,  
 RULE NO.: 68B-14.0035

Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper

PURPOSE AND EFFECT: The purpose of this rule development effort is to increase the minimum size limit for Gulf of Mexico recreationally-caught gag and black grouper from 20 to 22 inches, effective January 1, 2001. A parallel rulemaking proceeding is underway to increase the commercial minimum size limit on the same species to 24 inches. The

effect of increasing the size limit will be to aid in the recovery of these two species. Gag grouper in the Gulf of Mexico is considered to be approaching an overfished condition.

SUBJECT AREA TO BE ADDRESSED: Minimum size limits for gag and black grouper that are recreationally harvested in the Gulf of Mexico (except for Gulf waters of Monroe County).

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting, if held, is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall harvest in or from state waters at any time, land, possess, unnecessarily destroy, or sell or offer for sale (except as provided in Rule 68B-14.0045), any of the following species, of a length less than set forth as follows:

- (1) Amberjacks (measured in terms of fork length)
  - (a) Banded rudderfish no less than 14 inches, no greater than 22 inches
  - (b) Greater amberjack 28 inches
  - (c) Lesser amberjack no less than 14 inches, no greater than 22 inches
- (2) Black sea bass 10 inches total length.
- (3) Gray triggerfish 12 inches total length.
- (4) Grouper (measured in terms of total length)
  - (a) Black grouper harvested from the Atlantic Ocean and all waters of Monroe County 24 inches.
  - (b) 1 Black grouper harvested recreationally from the Gulf of Mexico except from all waters of Monroe County 22 inches.

- 2. Black grouper harvested commercially from the Gulf of Mexico except from all waters of Monroe County 20 inches.
- (c) Gag (gray) grouper harvested from the Atlantic Ocean and all waters of Monroe County 24 inches.
- (d) Gag (gray) grouper harvested recreationally from the Gulf of Mexico except from all waters of Monroe County 22 inches.
- 2. Gag (gray) grouper harvested commercially from the Gulf of Mexico except from all waters of Monroe County 20 inches.
- (e) Red grouper 20 inches.
- (f) Scamp 20 inches.
- (g) Yellowfin grouper 20 inches.
- (h) Yellowmouth grouper 20 inches.
- (5) Hogfish 12 inches fork length.
- (6) Red porgy harvested in waters of the Atlantic Ocean 14 inches total length.
- (7) Snapper (measured in terms of total length)
  - (a) Blackfin snapper 12 inches.
  - (b) Cubera snapper 12 inches.
  - (c) Dog snapper 12 inches.
  - (d) Gray (mangrove) snapper 10 inches.
  - (e) Lane snapper 8 inches.
  - (f) Mahogany snapper 12 inches.
  - (g) Mutton snapper 16 inches.
  - (h) Queen snapper 12 inches.
  - (i) Red snapper harvested from the Atlantic Ocean 20 inches.
  - (j) Red snapper harvested from the Gulf of Mexico 16 inches.
  - (k) Silk snapper 12 inches.
  - (l) Schoolmaster snapper 10 inches.
  - (m) Vermilion snapper 10 inches.
  - (n) Yellowtail snapper 12 inches.

PROPOSED EFFECTIVE DATE: January 1, 2001

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-31-98. Amended 3-1-99, 1-1-00, Formerly 46-14.0035, Amended 1-1-01.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Spanish Mackerel

RULE TITLE:

Commercial Fishing Season for Spanish Mackerel; Commercial Vessel Limits

RULE NO.:

68B-23.004

PURPOSE AND EFFECT: Recovering Spanish mackerel stocks in the South Atlantic Ocean, due at least in part to the prohibition of gill and entangling nets in Florida waters, have resulted in increasing federal quotas and simplification of federal commercial regulations. In the same vein, the purpose of this rule development effort is to increase the state waters small vessel daily commercial trip limit from 1,500 to 3,500 pounds for the species from April 1 through November 30. Subsequent season segments are adjusted to more closely track federal limits. The effect of this effort should be to simplify state commercial rules for Spanish mackerel and allow small vessel commercial harvesters to land more of the species each day as the fish becomes more abundant.

SUBJECT AREA TO BE ADDRESSED: Spanish mackerel commercial season and daily vessel limits.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution. IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting, if held, is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-23.004 Commercial Fishing Season for Spanish Mackerel; Commercial Vessel Limits.

(1) East Coast Region.

(a) Persons harvesting Spanish mackerel for commercial purposes from waters of the East Coast Region shall have a season that begins on the regional season opening date of April 1 of each year and continues through March 31 of the following year. These persons shall be subject to commercial vessel limits effective during segments of the season as follows:

1. Beginning on April 1 and continuing through November 30 of each year ~~Except as provided in subparagraph 2. of this subsection,~~ no person harvesting Spanish mackerel for commercial purposes shall harvest or land from a single vessel in any one day more than 3,500 ~~1,500~~ pounds of Spanish

mackerel. During this season segment, the possession of more than 3,500 ~~1,500~~ pounds of Spanish mackerel aboard a single vessel in or on state waters at any time, is prohibited.

2. Beginning December ~~November~~ 1 of each year the ~~unlimited harvest of Spanish mackerel per vessel per day is allowed on Mondays, Wednesdays, and Fridays, until the date the unlimited harvest of Spanish mackerel in adjacent federal Exclusive Economic Zone (EEZ) waters is closed.~~ ~~From that date, until the date the commercial vessel limit in adjacent federal Exclusive Economic Zone (EEZ) waters is reduced to 500 pounds of Spanish mackerel, no person shall harvest, possess while in or on the waters of the state, or land from a single vessel in any one day within this region, more than 1500 pounds of Spanish mackerel.~~

a. On Monday through Friday during this period, no person harvesting Spanish mackerel for commercial purposes shall harvest in any one day from state waters of this region, or possess at any time while fishing in state waters of this region, more than 3,500 pounds of Spanish mackerel.

b. On Saturday through Sunday during this period, no person harvesting Spanish mackerel for commercial purposes shall harvest in any one day from state waters of this region, or possess at any time while fishing in state waters of this region, more than 1,500 pounds of Spanish mackerel.

3. A limit of 1,500 pounds of Spanish mackerel per vessel per day shall apply from the date the unlimited harvest of Spanish mackerel is closed in adjacent federal Exclusive Economic Zone (EEZ) waters until the date the commercial vessel limit in such federal waters is reduced to 500 pounds of Spanish mackerel. During this season segment, no person shall possess while in or on the waters of the state, or land from a single vessel in any one day within this region, more than 1,500 pounds of Spanish mackerel.

~~4.3.~~ A limit of 500 pounds of Spanish mackerel per vessel per day shall apply from the date the 1500 pound season segment ends until the end of the season on March 31. During this season segment, no person shall possess while in or on the waters of the state, or land from a single vessel in any one day within this region, more than 500 pounds of Spanish mackerel.

(b) For purposes of this subsection:

1. A "day" starts at 6:00 a.m., local time, and extends for 24 hours. For example, Monday starts at 6:00 a.m. on Monday and extends until 6:00 a.m. on Tuesday. A person aboard a vessel terminating a trip prior to 6:00 a.m., but who possesses Spanish mackerel aboard the vessel after that time shall not be considered to possess Spanish mackerel in excess of the daily limits provided the vessel is not underway after 6:00 a.m. and such Spanish mackerel are unloaded prior to 6:00 p.m. following termination of the trip.

2. Transfer of Spanish mackerel harvested for commercial purposes between vessels within this region is prohibited.

PROPOSED EFFECTIVE DATE: January 1, 2001

Specific Authority Art. IV, Sec 9, Fla. Const Law Implemented Art. IV, Sec 9, Fla. Const. History--New 10-30-86, Amended 12-10-87, 10-1-88, 11-1-89, 10-1-90, 11-26-92, 11-29-93, 9-30-96, 12-2-96, 1-1-98, Formerly 46-23.004, Amended 1-1-01.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Marine Fisheries**

RULE CHAPTER TITLE: Shrimp

RULE TITLE:

RULE NO.:

Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production

Season and Weekly Closures

68B-31.0135

PURPOSE AND EFFECT: The Fish and Wildlife Conservation Commission has been asked by participants in the Biscayne Bay Food Shrimp Production Fishery to shift by 15 days the season for such harvest in the Bay. The purpose of this rule development effort is to accomplish that shift. The effect of this rule development should be to closer match the open season for food shrimp production in Biscayne Bay with actual presence of the species in the Bay.

SUBJECT AREA TO BE ADDRESSED: Food shrimp production open season for Biscayne Bay.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting, if held, is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting Andrena Knicely at (850)487-1406. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-31.0135 Southeast Region: Biscayne Bay (Dade County) Food Shrimp Production Season and Weekly Closures.

(1) No person shall engage in food shrimp production in any waters of the Southeast Region in Dade County, except during the open season for such production. The open season shall begin on November 1 ~~October 15~~ each year and continue through May 31 ~~15~~ of the following year, subject to the weekly closures specified in subsection (2).

(2) During the open season specified in subsection (1), no person shall engage in food shrimp production in any waters of the Southeast Region in Dade County during the period each week beginning at 6:00 a.m. on Saturday and ending at 6:00 a.m. on Sunday.

Specific Authority Art. IV, Sec 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-2-99, Amended \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF LEGAL AFFAIRS

RULE TITLE: Rescheduling Specified Drug Products Containing Hydrocodone as Schedule III Substances

RULE NO.: 2-40.005

PURPOSE AND EFFECT: In light of recent legislation pursuant to Section 2, Chapter 2000-320, Laws of Florida, scheduled to take effect on October 1, 2000, and pursuant to the authority set forth in Section 893.0355(2), Florida Statutes, the Department proposes a rule to reschedule specified drug products containing Hydrocodone as Schedule III substances.

SUMMARY: The proposed rule reschedules specified drug products containing Hydrocodone as Schedule III substances.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated 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: 893.0355(2) FS.

LAW IMPLEMENTED: 893.0355 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: 10:00 a.m., October 24, 2000

PLACE: Room G19, Collins Building, 107 W. Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin A. Bayo, Assistant Attorney General, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2-40.005 Rescheduling Specified Drug Products Containing Hydrocodone as Schedule III Substances.  
Pursuant to Sections 893.0355(2) and (4), Florida Statutes, the following drug products containing hydrocodone in combination with the specified additional substances, and in the specified limits are rescheduled as Schedule III substances:

(1) Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium.

(2) Not more than 300 milligrams of hydrocodone per 100 milliliters or not more than 15 milligrams per dosage unit, with recognized therapeutic amounts of one or more active ingredients which are not controlled substances.

Specific Authority 893.0355(2) FS. Law Implemented 893.0355 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin A. Bayo, Assistant Attorney General

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard E. Doran, Deputy Attorney General

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 29, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2000

### DEPARTMENT OF EDUCATION

#### Florida School for the Deaf and the Blind

RULE TITLE: Other Personnel

RULE NO.: 6D-5.003

PURPOSE AND EFFECT: This rule is amended to clarify and give additional definitions of certain job descriptions, to comply with state requirements, and indicate certification requirements needed for various positions at the Florida School for the Deaf and the Blind.

SUMMARY: This rule is amended to revise certain requirements, to comply with state standards and to delete positions no longer required as those particular needs are being met through other resources.

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: 242.331(3) FS.

LAW IMPLEMENTED: 229.053(2)(i),(j), 230.23(4)(m), 242.331(6)(b) FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Saturday, October 28, 2000

PLACE: Wilson Music Building Auditorium, FSDB Campus, St. Augustine, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elaine F. Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799