

instrument, and to sign the instrument by checking "no" on the screening instrument and signing the instrument. The screening instrument to be used is the Healthy Start Infant (Postnatal) Risk Screening Instrument, DOH Form 3135, 6/00 (English version) June 94, or DOH Form 3135 H, 6/00 (Creole version), or DOH Form 3135 S, 6/00 (Spanish version), which are incorporated by reference. If the parent or guardian refuses to sign the instrument, this refusal shall be indicated on the patient's signature line. The provider is to complete the demographic items (name, address, phone number and type of provider) in the provider section and sign and date the form.

(3) Prenatal and infant (postnatal) risk screening shall not be conducted if the affected pregnant woman, parent, or guardian objects to the screening.

Specific Authority 383.14(2) FS. Law Implemented 383.14 FS. History--New 3-29-92, Amended 8-14-95, 3-28-96, Formerly 10J-8.009, Amended

64C-7.010 Prenatal and Infant (Postnatal) Risk Screening Records.

(1) Prenatal Risk Screening Records.

(a) The health care provider shall maintain a completed copy of the Healthy Start Prenatal Risk Screening Instrument, ~~DOH Form 3134~~, in the pregnant women's medical record.

(b) The provider of care coordination shall initiate documentation on every Healthy Start pregnant woman. That documentation shall contain, at a minimum, a scored prenatal risk screening instrument and record of case disposition, except for participants who are referred based on other factors subsequent to the initial screen. For those participants, documentation in the record shall include documentation of the participant's risk factors and the record of case disposition.

(c) The department shall maintain a confidential registry of the risk screening results on all pregnant women received from health care providers.

(2) Infant (Postnatal) Risk Screening Records.

(a) The health care provider shall assure that a completed copy of the Healthy Start Infant (Postnatal) Risk Screening Instrument, ~~DOH Form 3135~~, is placed in the infant's medical record.

(b) The provider of care coordination shall initiate documentation on every Healthy Start infant. That documentation shall contain, at a minimum, a scored infant (postnatal) risk screening instrument and record of case disposition, except for participants who are referred based on other factors subsequent to the initial screen. For those participants, documentation in the record shall include documentation of the participant's risk factors and the record of case disposition.

(c) The department shall maintain a confidential registry of the risk screening results on all infants received from the health care providers.

Specific Authority 383.14(2) FS. Law Implemented 383.14 FS. History--New 3-29-92, Amended 9-20-94, 8-14-95, 3-28-96, Formerly 10J-8.012, Amended

64C-7.011 Criteria for Designating Risk Screening Factors.

~~After consultation with the Advisory Councils,~~ The department shall designate each risk factor for inclusion in the prenatal and infant (postnatal) risk screening instruments and shall determine the weight of each risk factor. Each designated risk factor shall meet one or more of the following criteria:

(1) The factor is known to reflect an increased risk of pregnancy complications, infant mortality, or morbidity.

(2) The factor is associated with increased risk of impairment in health, intellect, or functional ability in a percentage of infants positive for that factor.

(3) The factor reflects health behaviors which have been associated with increased risk of poor birth outcomes.

(4) The factor reflects an environmental risk factor.

Specific Authority 383.14(2) FS. Law Implemented 383.14 FS. History--New 3-29-92, Amended 8-14-95, Formerly 10J-8.013, Amended

NAME OR PERSON ORIGINATING PROPOSED RULE: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, Telephone (850)245-4444, Ext. 2965

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, A.R.N.P., M.S.N., Chief, Bureau of Family and Community Health

DATE NOTICE OF PROPOSED RULE APPROVED BY AGENCY HEAD: July 26, 2000

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2000

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

RULE NO.: 4-191.300
RULE TITLE: Health Maintenance Organization (HMO) Penalty Guidelines

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 26, No. 8, February 25, 2000, of the Florida Administrative Weekly, have been withdrawn.

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NO.: 12A-1.072
RULE TITLE: Advertising Agencies

NOTICE OF MEETING CHANGE

The Department of Revenue announces that the public hearing for the proposed amendments to Rule 12A-1.072, F.A.C. (sales and use tax; advertising agencies) which was published in the November 22, 2000 issue of the FAW, Vol. 26, No. 47, will not be held in Room 116 of the Larson Building in Tallahassee, Florida. Instead, this public hearing will be held in Room B-12 of the Carlton Building, 501 South Calhoun Street, Tallahassee, Florida, at the same time and date (10:00 a.m., December 19, 2000).

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.:	RULE TITLE:
12C-3.0015	Documents, Extensions, and Due Dates for Filing
12C-3.008	Forms

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed amendments to Subsection (4) of Rule 12C-3.0015 and Subsection (3) of Rule 12C-3.008, F.A.C., as published in Vol. 26, No. 39, pp. 4488-4492, September 29, 2000, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee regarding Form DR-310, which is currently entitled "Domicile Affidavit," but which should be retitled "Domicile Statement."

Subsection (4) of Rule 12C-3.0015, F.A.C., has been changed, so that, when adopted, the rule will read as follows:

(4) Domicile Statement Affidavit – If the estate is filing as a ~~Florida~~ nonresident or nonresident alien, the personal representative must file the ~~Estate Tax Domicile Statement Affidavit~~, (Form DR-310), with the copies ~~copy~~ of the executed Florida Form F-706 and executed federal ~~Federal~~ Form 706.

Subsection (3) of Rule 12C-3.008, F.A.C., has been changed, so that, when adopted, the rule will read as follows:

(3) DR-310 Estate Tax Domicile Statement Affidavit (r. 11/96 n. 04/94) _____ 08/94

DEPARTMENT OF CITRUS

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
20-49	Standards for Fresh Squeezed Citrus Juices
RULE NOS.:	RULE TITLES:
20-49.001	Purpose
20-49.002	Definitions
20-49.003	Fresh Squeezed Citrus Juices
20-49.004	Wholesale Producers – Testing
20-49.005	Wholesale Producers – Inspections
20-49.006	Small Producers – Testing
20-49.007	Small Producers – Inspections

20-49.008	Fresh Squeezed Orange Juice Marked with Florida Citrus Growers' Certification Mark
20-49.009	Fresh Squeezed Grapefruit Juice Marked with Florida Citrus Growers' Certification Mark

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly:

20-49.001 Purpose.

The purpose of this section is to regulate all fresh squeezed citrus juices.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11 FS. History–New _____.

20-49.002 Definitions.

(1) Fresh – The term fresh, when used on the label or in labeling of a food in a manner that suggests the food is unprocessed, means the food is in its raw state and has not been frozen or subjected to any form of thermal processing or any other form of preservation. At all times this definition and its application to fresh citrus juice must be consistent with the definition established by the Food and Drug Administration, 21 CFR 101.95, revised April 1, 2000, incorporated herein by reference.

(2) Wholesale Producer – A Wholesale Producer includes all Florida producers of fresh squeezed citrus juices, that each season process juice from 30,000 boxes or more of citrus fruit.

(3) Small Producer – Gift Fruit Shippers as defined in 601.03(20), Florida Statutes, and roadside retail fruit stand operators, as defined in 20-44.006, F.A.C., engaged in the production of fresh squeezed citrus juices and process less than 30,000 boxes of citrus fruit per season. All producers in the category shall possess a food permit issued by the Florida Department of Agriculture and Consumer Services (hereafter "FDACS") pursuant to the provisions of 5K-4, F.A.C.

~~(4) Retail Grocery Producer – Retail grocery producers, as defined in section 20-44.006, F.A.C., who produce fresh citrus juices on its premises and sell one hundred percent (100%) of said fresh squeezed citrus juices directly to the consumer. All producers in this category shall possess a food permit issued by FDACS pursuant to the provisions of 5K-4, F.A.C.~~

~~(4)(5) Product~~ – The term Product shall mean fresh squeezed citrus juices. The words "fresh squeezed" or "freshly squeezed" or "fresh" may be used to describe product conforming to this rule.

~~(5)(6) Establishment~~ – The term establishment shall reference the Wholesale Producer; and Small Producer ~~and Retail Grocer's facility~~ and/or place of business.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History–New _____.

20-49.003 Fresh Squeezed Citrus Juices.

The provisions of this section shall apply to all fresh citrus juices that have not been frozen or treated to reduce the enzymatic activity and the number of viable microorganisms.

(1) Product shall only be made from the unfermented juice of mature citrus fruit.

(2) The Product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.

(3) Addition of a sweetening ingredient or any other additive to the Product is not permitted.

(4) The producers' Product and producers' establishment shall be subject to regular inspection by the FDACS or its agents.

(5) Product that is packaged into a retail container must be bottled in the same establishment in which it was extracted and shall remain under the control of one single producer. Under no circumstances shall Product be transported in bulk containers or tankers to be bottled at another location.

(6) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale, and such date shall not exceed 17 days from the time of extraction. This provision shall not apply to product packed by any person who packs for retail sale directly to consumer, not for resale.

(7) Upon meeting juice content requirements prior to August 1, fruit designated for the purpose of cold storage and used in the production of fresh citrus juice shall not be subject to retesting for juice content at the time of removal from cold storage.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History--New _____.

20-49.004 Wholesale Producers – Testing.

This section regarding testing shall be applicable to Wholesale Producers of fresh citrus juice.

(1) All Wholesale Producers must document compliance with all applicable state and federal food safety and labeling requirements.

(2) All Wholesale Producers must have, maintain and follow a food safety plan that is based on Hazard Analysis Critical Control Point (HACCP) principles. This plan must be reviewed by FDACS, the applicable regulatory agency or a firm accredited by the International HACCP Alliance. Such plan shall incorporate a microbiological testing program. Such documentation must be on file at each producer's facility. These plans must be reviewed every 12 months or each time an operational modification changes the producing establishment's hazard analysis.

(3) All Wholesale Producers must abide by all applicable Good Manufacturing Practices contained in 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, and incorporated herein by reference.

(4) All Wholesale Producers must test for *Salmonella*, *E.coli* and other pathogenic microorganisms as required by applicable regulatory agencies. Microbiological results must be available for each production lot or day's production, whichever is less. Microbiological testing records must be maintained on the producing establishment's premises for one year, and shall be available for review by FDACS or United States Department of Agriculture (hereafter "USDA") during normal operating hours.

(5) Any positive detection of *Salmonella*, *E.coli* or other pathogenic microorganisms in a wholesale operation shall require notification to USDA and FDACS, Division of Food Safety, within 24 hours of the positive detection. If Product is still located in the producing establishment, it shall be placed on hold pending appropriate response from FDACS.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History--New _____.

20-49.005 Wholesale Producers – Inspections.

This section regarding the inspections shall be applicable to Wholesale Producers of fresh squeezed citrus juices.

(1) All inspections and audits shall be performed by or under the authority of FDACS.

(2) All wholesale production establishments shall be inspected according to sections 2.2.1 through 2.2.58, July 1996, and 3.2.7a – 3.2.7o, June 1996, of the Citrus Handbook of the Processed Citrus Branch, Fruit and Vegetable Division, United States Department of Agriculture, incorporated herein by reference.

(3) All Wholesale Producers shall be subject to full-time inspection by FDACS or its agent.

(4) The following specific Good Manufacturing Practices, in addition to those contained in 5K-4, F.A.C., and 21 CFR 110, revised April 1, 2000, incorporated herein by reference, shall be applicable:

(a) All soil, debris, stems, leaves, etc. must be removed from the fruit.

(b) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated immediately prior to extraction.

(c) All fruit that has been in cold storage shall be resanitized and regraded. All soft or unwholesome fruit shall be discarded.

(d) All belts and rollers must be maintained free of soil, wax, dirt and extraneous material.

(e) The entire wash area shall, at all times, be maintained free of excess debris, pests and standing water.

(f) Grading must eliminate damaged, defective, soft or decayed fruit.

(g) Drops, fruit from the ground, may not be used in the production of fresh citrus juice.

(h) Any fruit which originated in a grove fertilized with manure products (poultry or otherwise) shall not be accepted for extraction to be made into fresh citrus juice.

(i) The processing and filling area shall be completely enclosed and meet the structural requirements for food processing areas as defined in 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(j) All fruit contact surfaces must be cleaned and sanitized after production and prior to startup. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturer for the specific use.

(k) If product residues or buildup of organic matter remain on equipment, additional chemical treatment shall be used to remove such residues or buildup.

(l) All lubricants must be food grade only, as found in 21 CFR 178.3570, revised April 1, 2000, incorporated herein by reference.

(m) Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

(n) A contingency plan for in-line and surge tank juice during breakdowns must be in place. Cleaning and sanitizing procedures must be performed prior to restarting operation after extended breakdowns.

(o) All juice containers must, at all times, be sanitarily handled and protected from contamination. Containers must be covered when removed from protection if not used immediately.

(p) Certificates for a potable water supply shall be obtained from the Florida Department of Health (hereafter "DOH") approved laboratory on an annual basis prior to the start of the season.

(q) As to personnel and sanitary establishments, Wholesale Producers shall meet all applicable state and federal regulations with respect to cleanliness and disease and pest control.

(r) All Wholesale Producers shall establish and maintain records that:

1. Identify the source of the fruit used in the juice production by date and variety; and
2. Identify microbiological test results to date of production, fruit source and juice type; and
3. Implement a corrective action plan for unsafe products.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New _____.

20-49.006 Small Producers – Testing.

This section regarding testing shall be applicable to Small Producers of fresh citrus juices.

(1) All Small Producers must document compliance with all applicable state and federal food safety and labeling requirements. The Small Producers must possess a current food permit issued by FDACS, Division of Food Safety.

(2) All Small Producers shall have, maintain and follow a food safety plan that is based on Hazard Analysis Critical Control Point (HACCP) principles. This plan must be reviewed by FDACS, the applicable regulatory agency or a

firm accredited by the International HACCP Alliance. Such plan shall incorporate a microbiological testing program. Such documentation must be on file and a certificate shall be displayed at each Producer's establishment. The plans must be reviewed every 12 months or each time an operational modification changes the Producer's hazard analysis.

(3) All Small Producers must abide by all applicable Good Manufacturing Practices contained in 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(4) As to microbiological testing the following shall apply:

(a) All Small Producers shall test the juice for *E.coli* as an indicator of process control minimally once weekly. This test may be

1. A rapid test approved by, FDACS; or
2. An internal laboratory test (using a FDOC approved testing method as defined in 20-14, F.A.C.); or
3. A test conducted by an outside laboratory (using a FDOC approved method as defined in 20-14, F.A.C.).

Records of all microbiological testing, including *E.coli* testing, must be maintained on the producing establishment's premises for one year and shall be available for review by FDACS or its agent during normal operating hours.

(b) Any positive detection of *E.coli* or other pathogenic microorganism in a Small Producer's product shall require notification to FDACS within 24 hours of the positive detection.

(c) All Small Producers shall be subject to additional microbiological testing by FDACS.

(5) Any Small Producer, which wholesales any quantity of fresh citrus juice, is required to conduct two forms of microbiological testing. These producers must test for *E.coli* on each production lot or day's production, whichever is less. These *E.coli* tests may be the same rapid *E.coli* tests mentioned in 20-49.006(4). Additionally, these producers must test for Salmonella, using an outside laboratory (using an FDOC approved method as defined in 20-14, F.A.C.) minimally monthly. Microbiological testing records must be maintained on the producing establishment's premises for one year, and shall be available for review by FDACS during normal operating hours.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New _____.

20-49.007 Small Producers – Inspections.

This section regarding inspections shall be applicable to Small Producers of fresh citrus juices.

(1) Sanitation inspections will be performed by FDACS, Division of Food Safety. Small Producers may receive three or more complete sanitation inspections during their season of operation. Prior to September 15 of each season, each Small

Producer shall notify FDACS, Division of Food Safety, of its months of operation and the typical time of day that fresh juice is made.

(2) FDACS or an approved agent of FDACS will perform monthly audits of Small Producers. Such audits will cover quality control records (HACCP or otherwise) and food safety check points (supplied by the FDACS, Division of Food Safety). The purpose of these audits is to verify that procedures are being followed and recorded. FDACS or the approved agent of FDACS shall report any deviation of rule compliance or suspect situation to FDACS, Division of Food Safety.

(a) The cost of audits shall be the responsibility of the Small Producer. Audit contract services may be negotiated by trade groups and operated with notification to FDACS.

(b) For the first year, a fee structure through FDACS, Division of Fruits and Vegetables shall be established. Division HACCP trained inspectors shall perform the audits. This program shall be evaluated on a yearly basis. To fund this effort a fee shall be paid on all volume of fruit sold in fresh form and fresh juice form by each Small Producer.

(3) The following specific General Manufacturing Practice's, in addition to those contained in 5K-4, F.A.C. and 21 CFR 110 revised, April 1, 2000, incorporated herein by reference, shall apply:

(a) All soil, debris, stems, leaves, etc. must be removed from the fruit.

(b) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated immediately prior to extraction.

(c) All fruit that has been in cold storage shall be resanitized and regraded. All soft or unwholesome fruit shall be discarded.

(d) All whole and intact fruit shall be washed, sanitized and/or surface heat-treated in accordance with the Florida Department of Citrus Guidance Document for Retail and Roadside Fresh Citrus Juice Producers.

(e) Sanitized fruit must be maintained in a sanitary storage room or container until extraction.

(f) All belts and rollers must be maintained free of soil, wax, dirt and extraneous material.

(g) The entire wash area shall be at all times maintained free of excess debris, pest and potential pest harborage – including standing water.

(h) Grading must eliminate damaged, defective, soft or decayed fruit.

(i) Drops, fruit from the ground, may not be used in the production of fresh juice.

(j) Any fruit that originated in a grove fertilized with manure products (poultry or otherwise) shall not be accepted for extraction.

(k) The extraction and filling areas shall be completely enclosed and meet the structural requirements for food processing area as required by 5K-4, F.A.C. and 21 CFR 110, revised April 1, 2000, incorporated herein by reference.

(l) A roof must cover all fruit conveyances.

(m) All lubricants must be food grade only, as found in 21 CFR 178.3570, revised April 1, 2000, incorporated herein by reference.

(n) All fruit contact surfaces must be cleaned and sanitized after production and prior to startup. Appropriate cleaning and sanitizing agents must be used as prescribed by the equipment manufacturer for the specific use.

(o) Back-siphonage protection devices must be provided on any water outlet where a hose can be connected.

(p) All juice containers must be sanitarily handled and protected from contamination, at all times. When removed from protective wrap, containers must be covered, if not used immediately.

(q) A trained employee of the producing establishment must administer the extraction and sanitation processes. Customers shall not be permitted to produce and bottle juice under any circumstance.

(r) Water certificates shall be obtained from a DOH approved laboratory on an annual basis prior to start of the citrus season.

(s) As to personnel and sanitary facilities, the Small Producer shall meet all GMP's and applicable state and federal regulations with respect to cleanliness and disease and pest control.

(t) All Small Producers, which wholesale any quantity of fresh citrus juice, shall be inspected according to sections 2.2.1 through 2.2.58 July 1995 and 3.2.7 and through 3.2.7o, June 1996, of the Citrus Handbook of the Processed Citrus Branch, Fruit and Vegetable Division, United States Department of Agriculture, incorporated herein by reference.

(u) Small Producers shall establish and maintain records that

1. Identify the source of the fruit used in the juice production by date and variety; and
2. Identify microbiological test results to date of production, fruit source, and juice type; and
3. Implement a corrective action plan for unsafe products.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New _____.

~~20-49.008 Retail Grocery Producers — Testing and Inspections.~~

~~This section regarding testing and inspections shall be applicable to retail grocery producers of fresh citrus juices.~~

~~(1) Retail Grocery Producers shall be inspected for sanitation and good manufacturing practices by FDACS. The Retail Grocery Producers must possess a current food permit issued by FDACS, Division of Food Safety.~~

~~(2) Producers categorized as “retail grocery producers” as a result of selling 100% of their fresh juice directly to the consumer shall be subject to inspection by FDACS during normal operating hours. Such inspection may include the collection and shipping of juice samples for microbiological testing.~~

~~(3) All fruit to be used by the Retail Grocery Producer in the production of fresh citrus juice shall be purchased from a licensed packinghouse. All such fruit shall have been washed, sanitized and/or surface treated in accordance with *Guidance Document for Retail Roadside Fresh Citrus Juice Producers, June 30, 1999*.~~

~~(4) All fruit to be used in the production of fresh citrus juice shall be stored in a sanitary cooler and refrigerated at a temperature 41°F (5°C) or less, separate and apart from any other food product.~~

~~(5) All fruit shall remain in unopened cartons as received from packer until ready for juice extraction.~~

~~(6) Fruit shall not be removed from retail bulk bins and then used in the production of fresh juices, unless re-cleaned and sanitized. Fruit used in the production of juice shall not have contact with the general public.~~

~~(7) A final hand-grade shall be performed prior to use of the fruit for extraction.~~

~~(8) The extractor shall be cleaned following the manufacturer’s recommended methods and intervals. A record of the cleaning and maintenance shall be maintained and made available to FDACS during normal operating hours.~~

~~(9) A trained employee of the producing establishment shall administer the extraction and sanitation process. Customers shall not be permitted to produce and bottle juice under any circumstance.~~

~~Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New _____.~~

~~20-49.008 009 Fresh Orange Juice Marked with Florida Citrus Growers’ Certification Mark.~~

~~In addition to the provisions of sections 20-49.001 through 20-49.007 of this chapter, the following provisions shall apply to all single strength "ready-to-drink" orange juice that has not been frozen or treated to reduce the enzymatic activity and the number of viable microorganisms, and which bears the Florida Citrus Growers’ certification mark under Chapter 20-109, F.A.C.~~

~~(1) There shall be one Florida grade for such product, Florida Grade A, for which factors of color, flavor and absence of defects shall be scored in a manner identical to the USDA adopted U. S. Grade Standards for Pasteurized Orange Juice in United States Standards for Grades of Orange Juice, Sections 52.1551 through 52.1559, effective January 10, 1983, using the following score chart:~~

SCORE CHART FOR FLORIDA GRADE A
ORANGE JUICE

	Pts Maximum	
Color	40	32-40
Absence of Defects	20	18-20
Flavor	40	36-40
Minimum Score		86

~~(2) Product shall only be made from the unfermented juice of mature oranges of the species *Citrus sinensis*.~~

~~(3) For the period August 1 through November 30, the percent by weight of orange juice soluble solids shall be not less than 10 percent and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 10.5 to 1 nor greater than 19.5 to 1. For the period December 1 through July 31, the percent by weight of orange juice soluble solids shall be not less than 11.0 and the minimum ratio of total soluble solids to anhydrous citric acid shall be not less than 12.5 to 1 nor greater than 19.5 to 1.~~

~~(4) The Product shall not contain soluble solids recovered by aqueous extraction of washing of fruit pulp.~~

~~(5) Addition of a sweetening ingredient or any other additive is not permitted.~~

~~(6) The Product shall be subject to regular inspection by the FDACS or its agents.~~

~~(7) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale; such date shall not exceed 17 days from the time of extraction. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted.~~

~~Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History—New _____.~~

~~20-49.009 010 Fresh Grapefruit Juice Marked with Florida Citrus Growers’ Certification Mark.~~

~~In addition to the provisions of Sections 20-49.001 through 20-49.007 of this chapter, the following provisions shall apply to all single strength “ready-to-drink” grapefruit juice that has not been frozen or treated to reduce the enzymatic activity and the number of viable microorganisms, and which bears the Florida Citrus Grower’s certification mark under Chapter 20-109, F.A.C.~~

~~(1) Only fresh grapefruit juice meeting U. S. Grade A standards, as prescribed in United States Standards for Grades of Grapefruit Juice, 52 CFR 1221 through 52 CFR 1230, effective September 12, 1983, and incorporated herein by reference, shall be qualified to carry the Florida Citrus Growers’ certification mark.~~

~~(2) Product shall only be made from the unfermented juice of mature grapefruit of the species *Citrus paradisi*.~~

~~(3) The Product shall not contain soluble solids recovered by aqueous of washing of fruit pulp.~~

~~(4) Addition of sweetening ingredient or any other additive is not permitted.~~

(5) The Product shall be subject to regular inspection by FDACS or its agents.

(6) The package or container shall be legibly labeled with the maximum shelf life during which such product may be offered for sale; such date shall not exceed 17 days from the time of extraction. In lieu thereof, the package may be legibly labeled with a disclosure of the date the juice is extracted.

Specific Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.29, 601.33, 601.38 FS. History--New _____.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.302	Inmate Discipline –Terminology and Definitions
33-601.303	Reporting Disciplinary Infractions
33-601.313	Inmate Discipline – Forms

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. 26, No. 46, November 17, 2000, issue of the Florida Administrative Weekly:

33-601.302 Inmate Discipline – Terminology and Definitions.

The following terms, as defined, shall be standard usage throughout the Department:

No change.

(2) Contact Card – refers to Form ~~DC6-256 DC4-364A~~, a written log used to document aberrant behavior of an inmate. Correctional officers maintain this card in the inmate’s assigned dormitory. Form DC6-256 is incorporated by reference in Rule 33-601.313(c).

(3) through (16) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 3-12-84, Formerly 33-22.02, Amended 12-30-86, 10-1-95, Formerly 33-22.002, Amended 5-21-00, _____.

33-601.303 Reporting Disciplinary Infractions.

(1) No change.

(a) A verbal reprimand is any employee’s verbal counseling to the inmate designed to motivate the inmate to comply with, or to clarify the rules of prohibited conduct, departmental rules or procedures or institutional regulations. Verbal reprimands will be documented on the inmate’s contact card, Form ~~DC6-256 DC4-364A~~. Form DC6-256 is incorporated by reference in Rule 33-601.313(c).

(b) through (3) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.34, 945.04 FS. History--New 3-12-84, Formerly 33-22.04, Amended 12-30-86, 10-1-95, Formerly 33-22.004, Amended 5-21-00, _____.

33-601.313 Inmate Discipline – Forms.

(1) through (b) No change.

(c) ~~DC6-256 DC4-364A~~, Contact Card, effective date _____.

(d) through (2) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, 944.34, 945.04 FS. History--New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-601.800	Close Management

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. 26, No. 32, August 11, 2000, issue of the Florida Administrative Weekly and revised by the first notice of change published in Vol. 26, No. 44, November 3, 2000, Florida Administrative Weekly:

33-601.800 Close Management.

(1) Definitions.

(a) No change.

(b) Clinical health care personnel – a physician, clinical associate, nurse, Correctional Medical Technician Certified (CMTC), psychologist, psychology intern, psychology resident or psychological specialist.

(c) through (e) No change.

(f) Close Management Program Team – an interdisciplinary team of representatives from mental health, programs, classification, and security. This teams develops and monitors close management plans for individual inmates in close management determined by mental health staff to be at risk for potential deterioration of mental health or adaptive functioning as a result of prolonged confinement.

(g) through (n) No change.

(o) Special risk inmate – any inmate who has demonstrated behavior that is harmful to himself or herself. ~~When a non-clinically trained staff member observes behavior that appears potentially harmful, he shall refer the incident to clinically trained staff for further review.~~

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

(d) Mental health staff will complete the mental health record review within two working days of receipt of Form DC6-128 from the classification supervisor. If the senior psychologist determines that no further evaluation is needed, he or she will forward Form DC6-128 to the classification supervisor with relevant recommendations. If the senior psychologist determines that further evaluation is needed, either the senior psychologist or psychiatrist will conduct an interview and evaluation with the inmate to determine the treatment needs of the inmate. The senior psychologist or psychiatrist will forward Form DC6-128, Close Management Referral Assessment, to the classification supervisor with the ~~results of the assessment~~ and recommendation for the inmate. The recommendation ~~This interview and evaluation will be forwarded to the classification supervisor with relevant recommendations that~~ will include the following placement

options: unrestricted placement, placement in a close management facility in which there is a provision for out patient mental health services, placement in a close management facility where intensive mental health services are available, or close management not recommended because of the inmate's current mental health condition. A summary of the clinical findings upon which the recommendation is based shall be provided to the classification supervisor.

(e) through (h) No change.

(4) Transfers From a Non-CM Institution.

(a) Once a recommendation is made, the team will enter the recommendation in OBIS and provide a copy of the DC6-233Ce reflecting the decision and signatures to the SCO. A copy of the DC6-233C will be kept in the inmate record file.

(b) through (6) No change.

(7) Close Management Plan (CMP).

(a) The close management program team consisting of representatives from mental health, programs, classification, and security will complete a CMP when deemed necessary by mental health clinical staff within 30 days of the inmate being placed in close management.

(b) through (h) No change.

(i) Counseling Interviews – Counseling shall be provided to close management inmates in-cell or out-of cell when deemed necessary by mental health staff. The ICT will determine whether an inmate in close management may be removed from his or her cell to attend any counseling session when they determine that it is safe to do so, or whether counseling must take place in-cell.

(j) through (8)(i) No change.

(j) Legal Access – An inmate in close management will have access to his or her personal legal papers and law books and have correspondence access with the law library. Access to the law library will be obtained through delivery of research materials to an inmate's cell, and access to visits with certified inmate law clerks. Although the inmate may not be represented by an attorney at any administrative hearing, access to an attorney or aide to that attorney will be granted for legal visits at any reasonable time during normal business hours. Indigent inmates will be provided paper and writing utensils in order to prepare legal papers. Inmates who are not indigent will be allowed to purchase paper and envelopes for this purpose by completing Form DC6-251, CMI and II Canteen Order, or Form DC6-252, CMIII Canteen Order, within the stated time frames. Forms DC6-251 and DC6-252 are incorporated by reference in paragraph (18) of this rule. Typewriters or typing services are not considered required items and will not be permitted in confinement cells. Inmates with disabilities that hinder the preparation of legal correspondence will be allowed the use of auxiliary aids (writer/reader) ~~or an inmate assistant in order to prepare legal correspondence.~~ An inmate who is provided an auxiliary aid shall also a "writer/reader" will be

allowed access to a certified law clerk ~~such a person~~ for the purpose of preparing legal documents, legal mail, and filing grievances.

(k) No change.

(l) Writing utensils – Inmates in close management shall possess only security pens. Other types of pens or pencils shall be confiscated and stored until the inmate is released from close management status. If a security pen is not available, the inmate shall be allowed to sign out a regular pen from the confinement unit officer. All care shall be taken to ensure that an inmate who requests access to a pen in order to prepare legal documents or legal mail or to file a grievance with the department has access to a pen for a time period sufficient to prepare the legal mail, documents, or grievances. An inmate who has been provided a "writer/reader" will be allowed access to such ~~a person~~ for the purpose of reading and preparing correspondence.

(m) through (n) No change.

(9) Programs and Privileges in Close Management Units.

(a) No change.

(b) CMI. Privileges for an inmate assigned to CMI who maintains a satisfactory adjustment are as follows:

1. Participation in available approved programs that the inmate can perform within the cell after a minimum period of at least 60 days ~~six months~~ with a clear disciplinary record since assignment to close management;

2. Check out one ~~two~~ soft-back books from the library at least once per week and possess no more than one ~~four~~ ~~personal~~ soft-back books at any given time; An inmate who receives services from the Bureau of Braille and Talking Book Library will be allowed to check out one ~~two~~ books on tape per week and possess no more than one ~~four~~ at any given time, even though the actual number of tapes may be more than one per book ~~four~~.

3. through 5. No change.

6. Receive a personal visit after completing 60 ~~90~~ days of satisfactory adjustment in close management status and having maintained a clear disciplinary record since assignment to close management. If found guilty of any disciplinary infractions while assigned to CMI, the inmate is eligible to be considered for visits 60 ~~90~~ days following release from disciplinary confinement or the disciplinary hearing.

7. The inmate is eligible to receive personal visits after each subsequent 60 ~~90~~ day period with a continued clear disciplinary record and satisfactory adjustment while in the status unless security or safety concerns would preclude a visit. ~~A CMI inmate is eligible for a maximum of four visits per year.~~ All visits for CMI inmates in CMI will be non-contact visits.

(c) CMII. In addition to the ~~programs privileges~~ provided for CM I inmates and those privileges outlined in (9)(b)1.-5. of this rule, cell front counseling and program offerings shall be made available to inmates who desire to participate. CMII inmates will be eligible to receive personal visits:

1. After completing 30 ~~60~~ days of satisfactory adjustment in close management status and having maintained a clear disciplinary record since being assigned to close management.

2. If found guilty of any disciplinary infraction while assigned to CMII, the inmate is eligible to be considered for visits 30 ~~60~~ days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed, with a continued clear disciplinary record.

3. The inmate is eligible to receive personal visits after each subsequent 30 ~~60~~ day period with a continued clear disciplinary record and satisfactory adjustment while in the status unless security and safety concerns would preclude a visit. ~~A CMII inmate is eligible for a maximum of six visits per year.~~ All visits for inmates in CMII will be non-contact visits.

(d) CMIII. In addition to the privileges provided above for CM I inmates, and those privileges outlined in (9)(b)1.-5. of this rule, cell front or out of cell counseling and program offerings shall be made available to inmates who desire to participate. CMIII inmates will be entitled to the following:

1. A personal visit after completing 30 ~~60~~ days of satisfactory adjustment in close management status and having maintained a clear disciplinary record since being assigned to close management.

2. If found guilty of a disciplinary infraction while assigned to CMIII, the inmate is eligible to be considered for visits 14 ~~30~~ days following release from disciplinary status or the disciplinary hearing if a penalty other than disciplinary confinement was imposed, and the inmate has a continued clear disciplinary record.

3. The inmate is eligible to receive personal visits after each subsequent 14 ~~30~~ day period with a continued clear disciplinary record and satisfactory adjustment while in the status unless security or safety concern would preclude a visit. ~~A CMIII inmate is eligible for a maximum of 11 visits per year.~~ The warden will determine the conditions of the visit, whether the visit is to be contact or non-contact, and the level of supervision and restraint required.

4. No change.

(10) through (12) No change.

(13) Contact by Staff.

(a) The following staff members shall be required to officially inspect and tour the close management unit. All visits by staff shall be documented on the Inspection of Special Housing Record, Form DC6-228. Form DC6-228 is incorporated by reference in paragraph (18) of this rule. The staff member shall also document his or her visit on the Daily Record of Segregation, Form DC6-229, if there is any

discussion of significance, action or behavior of the inmate, or any other important evidential information which may have an influence or effect on the status of confinement. These visits shall be conducted at a minimum of:

1. through 3. No change.

~~4. Weekly by the chief of security (when on duty at the facility) except in case of riot or other institutional emergency.~~

~~4.5.~~ Daily by a clinical health care person.

5. Weekly by the chief of security (when on duty at the facility) except in case of riot or other institutional emergency.

6. No change.

7. Weekly by a psychologist or his or her mental health staff designee.

7. through 9. renumbered 8. through 10. No change.

(14) Special Risk Inmates.

(a) Any inmate who has demonstrated behavior that is or could be harmful to himself or herself shall be designated as a special risk inmate. If the inmate demonstrates bizarre, mentally disordered, or self-destructive behavior, the health services ~~medical~~ department shall be immediately contacted to determine if special watch or suicide watch procedures shall be initiated.

(b) No change.

(15) Review of Close Management.

(a) No change.

(b) Any inmate assigned to close management for more than 30 days shall be given a psychological screening assessment by mental health professional staff to determine the inmate's mental condition. The assessment shall include a personal interview if deemed necessary by mental health staff. All such assessments shall be documented in the mental health record. The psychologist or psychological specialist shall prepare a report to the ICT with the facts of the case. The ICT shall then make a decision regarding continuation of confinement. Any recommendations by the psychologist or psychologist specialist that the inmate be released from close management shall be forwarded by the ICT to the SCO. If the decision is to continue confinement ~~and that confinement extends beyond 90 days,~~ a new psychological screening assessment shall be completed at least every ~~each~~ 90-day period.

(c) The close management program team (CMPT) will review each ~~the~~ CMP at least 30 days after the implementation of the plan and at least every 60 days thereafter. However, the CMPT shall meet within 7 days if mental health staff determine that more immediate attention is required. All changes and or modifications will be documented on the inmate's CMP. The CMPT's review (and interview, if necessary) will include the following:

1. A status ~~An~~ assessment of the status of the inmate's participation ~~adaptive functioning,~~

2. A status ~~An evaluation of the status~~ of the close management plan's objectives and goals, and the ability to meet the inmate's needs;

3. No change.

4. The CMP will be available in the CM unit. The original will be placed in the mental health record. All changes to the plan will be attached to the original mental health record and the copy maintained in the CM unit.

5. All services provided by any mental health or program staff member shall be recorded on the Close Management Activity Participation Log, Form DC6-129, which shall be kept in the officers' station of the CM unit. When the form has been completely filled-out or the inmate has been released from the CM unit, a copy shall be placed in the inmate file and the original shall be filed in the mental health record. Form DC6-129 is incorporated by reference in (18) of this rule.

(d) through (16)(a) No change.

(b) A Daily Record of Segregation, Form DC6-229, shall be maintained for each inmate as long as he is in close management. Form DC6-229 shall be utilized to document any activities, including cell searches, items removed, showers, recreation, haircuts and shaves. If items that inmates in close management are not prohibited from possessing are denied or removed from the inmate, the shift supervisor or the senior correctional officer must approve the action initially. The Central Office ADA coordinator shall ~~must~~ be contacted within 24 hours if any item is ~~to be~~ removed that would be considered an auxiliary aid or device that ensures a disabled inmate an equal opportunity as a non-disabled inmate. The items denied or removed shall be documented on Form DC6-229 and the chief of security shall make the final decision in regard to the action no later than the next working day following the action. The confinement housing officer shall make a notation of any unusual occurrences or changes in the inmate's behavior and any action taken. Changes in housing location or any other special action shall also be noted. Form DC6-229 shall be maintained in the housing area for 30 days. After each 30 day review of the inmate, Form DC6-229 shall be forwarded to the ICT for review. Once reviewed, these forms shall be forwarded to classification to be filed in the institutional inmate record.

(c) through (17) No change.

(18) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of any of these forms are available from the Forms Control Administrator, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (b) No change.

(c) Form DC6-129, Close Management Activity Participation Log, effective date _____.

(c) through (f) renumbered (d) through (g) No change.

(h)(g) Form DC6-251, CMI and II Canteen Order, effective date _____.

(i)(h) Form DC6-252, CMIII Canteen Order, effective date _____.

(j)(f) No change.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.2045
 RULE TITLE: Inmate Substance Abuse Testing
 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. 26, No. 46, November 17, 2000, issue of the Florida Administrative Weekly:

33-602.2045 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) through (3)(b)7. No change.

8. An inmate who has not provided an adulterated urine specimen and who indicates a claimed inability to provide an adequate urine specimen shall be detained in the presence of the tester or other designated person for a period not to exceed 1 hour to provide an adequate specimen. During that time, the inmate shall be allowed to consume one cup (8 oz.) of water or other beverage every 1/2 hour, not to exceed a total of 2 cups during this time period and an Acknowledgement of Beverage Form, DC1-823, shall be completed. If after the 1 hour period an inmate still fails to submit a valid adequate urine specimen, the inmate shall be considered to have refused to provide a urine specimen and a disciplinary report shall be prepared in accordance with rules 33-601.301-601.314. If an inmate claims an inability to urinate due to a "bashful bladder" condition, procedures set forth in (3)(c) shall apply. Forms DC1-823, Acknowledgement of Beverage Form, is incorporated by reference in Section (3)(g) of this rule.

9. through (3)(c)6. No change.

(d) Testing of urine specimens.

1. Only certified testing personnel are authorized to utilize the on-site testing equipment. For every on-site test conducted, regardless of purpose, the Inmate Scannable Drug Testing Control Card shall be filled out. The Inmate Scannable Drug Testing Control Card, DC1-826, is incorporated in section (3)(g) of this rule.

2. through (3)(e)1. No change.

2. All correctional facilities shall maintain a record of all reasonable suspicion substance abuse tests conducted. This record shall be maintained by the correctional officer chief or his designee. Form DC1-827 ~~DC6-237~~, Reasonable Suspicion Testing Tracking Form, shall be utilized for this purpose. Form DC1-827 ~~DC6-237~~, Reasonable Suspicion Testing Tracking Form, is incorporated by reference in section (3)(g) of this rule.

(f) No change.

(g) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

1. through 2. No change.

3. Chain of Custody, effective date _____, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

4. Form DC1-826, Inmate Scannable Drug Testing Control Card, effective date _____, is a vendor form that may be obtained directly from the vendor or through the Office of the Inspector General, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

5. Form DC1-827 ~~DC6-237~~, Reasonable Suspicion Testing Tracking Form, effective date _____ ~~February 8, 2000~~.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History--New 2-8-00, Amended _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: 61C-4.023
RULE TITLE: Manager Certification and Food Service Employee Training

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. 26, No. 43, October 27, 2000, issue of the Florida Administrative Weekly. The changes are in response to written comments received by the Joint Administrative Procedures Committee on November 20, 2000. Paragraph (3) of the proposed rule has been changed so that when it is adopted it will read:

~~(3)(4) The Conference for Food Protection Standards for Accreditation of Food Protection Manager Certification Programs, as adopted by the Conference for Food Protection on April 12, 2000 and 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 all certification examinations 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.~~

The remainder of the rule will read as published.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NO.: 61D-6.011
RULE TITLE: Penalty Guidelines for Class IV and V Drug Violations

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. 26, No. 41, October 13, 2000, issue of the Florida Administrative Weekly. The changes are in response to written comments received from the Joint Administrative Procedures Committee. Subsection (1) of the proposed rule has been changed, so that upon adoption it will read:

61D-6.011 Penalty Guidelines for Class ~~L-IV~~ and V Drug Violations.

(1) The presence of a Class ~~L-IV~~ or V foreign substance, as defined by the Uniform Classification Guidelines for Foreign Substances, revised ~~January 7, 2000~~ ~~February 14, 1995~~, as promulgated by the Association of Racing Commissioners International, Inc., in the bodily fluids of an animal collected either immediately prior to or immediately after the racing of that animal constitutes a violation of Chapter 550, Florida Statutes. The Uniform Classification Guidelines for Foreign Substances, revised January 7, 2000, as promulgated by the Association of Racing Commissioners International, Inc., is hereby incorporated and adopted by reference. A copy of this document may be obtained by contacting the Division of Pari-Mutuel Wagering at 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

The remainder of the rule will read as published.

DEPARTMENT OF HEALTH

Board of Acupuncture

RULE NO.: 64B1-4.011
 RULE TITLE: Diagnostic Techniques
 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. 26, No. 39, September 29, 2000, issue of the Florida Administrative Weekly.

The title of the proposed rule shall now read as shown above and as follows:

64B1-4.011 Diagnostic Techniques, ~~Western Diagnostic Terminology.~~

(There is no change to the text of the proposed rule.)

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

**Section IV
 Emergency Rules**

NONE

**Section V
 Petitions and Dispositions Regarding Rule
 Variance or Waiver**

PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN by the Florida Public Service Commission that BellSouth Public Communications, Inc.'s petition for exemption of Rule 25-24.515(13), Florida Administrative Code, filed August 14, 2000, in Docket No. 001137-TC was approved by the Commission at its October 17, 2000, Agenda Conference. Order No. PSC-00-2085-PAA-TC, issued November 2, 2000 memorialized the decision. The rule requires that pay telephones allow incoming calls. The petition was approved on the basis that the purpose of the underlying statute would be achieved by other means and application of the rule would create substantial hardship. Notice of the petition was published in the FAW on September 1, 2000.

A copy of the Order can be obtained from either the Division of Records and Reporting, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6770 or the Commission's Homepage at <http://www.floridapsc.com>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

The Board of Funeral Directors and Embalmers hereby gives notice that it has received a petition, filed on October 6, 2000, from Philip Anthony Lewis seeking a waiver of Rule 61G8-16.001, with respect to the required 75% score on the Funeral Services Science section of the licensure examination. Comments on this petition should be filed with the Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, at above address or telephone (850)488-1470.

The Board of Funeral Directors and Embalmers hereby gives notice that it has received a petition, filed on November 28, 2000, from Brendan Barry seeking a waiver of Rules 61G8-18.001(2) and 61G8-18.002(3), with respect to the requirement for the certification of intern training activities by quarterly report. Comments on this petition should be filed with the Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, FL 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Sherry Landrum, Executive Director, Board of Funeral Directors and Embalmers, at above address or telephone (850)488-1470.

The Florida Real Estate Commission hereby gives notice that it has received a Petition for Waiver filed on November 9, 2000, by Jack L. McRay, Esquire, on behalf of Petitioners Maurice Gelina and Associates, Inc. and Maurice R. Gelina. The Petitioners are seeking a waiver from Rule 61J2-5.014, F.A.C., relating to the registration of corporations. The petition specifically requests that Mr. Gelina be allowed to continue to own a controlling interest in Maurice Gelina and Associates, Inc.

The Petition is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Real Estate Commission, 400 West Robinson Street, Hurston Building – North Tower, Suite N308, Orlando, Florida 32801. Requests for inspection or copies should be made to the above address.

**DEPARTMENT OF CHILDREN AND FAMILY
 SERVICES**

The Department of Children and Families has received a Petition for Variance from Rule 65E-12.109, Florida Administration Code. The rule from which the variance is sought requires, in part, that the structure of a SCU or SRT shall be a single story ground level facility. The Petitioner is