

67-29.006 Terms and Conditions of Downpayment Assistance Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 2-1-89, Amended 1-2-90, 2-24-93, Formerly 91-29.006, Repealed.

67-29.0065 Terms and Conditions of Permanent Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(23), 420.5088 FS. History--New 1-2-90, Amended 2-24-93, Formerly 91-29.0065, Repealed.

67-29.007 Loan Processing for Downpayment Assistance or Permanent Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 2-1-89, Amended 1-2-90, 2-24-93, Formerly 91-29.007, Repealed.

67-29.0071 Application Procedures for Construction Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(2) FS. History--New 2-24-93, Amended 8-4-93, Formerly 91-29.0071, Repealed.

67-29.0072 Selection Criteria, Rejection Criteria and Scoring and Ranking Guidelines for Construction Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(2) FS. History--New 2-24-93, Amended 8-4-93, Formerly 91-29.0072, Repealed.

67-29.0073 Credit Underwriting Procedures and Loan Origination for Construction Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088(1),(2) FS. History--New 2-24-93, Formerly 91-29.0073, Repealed.

67-29.0074 Construction Disbursements and Loan Servicing.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(18), 420.5088 FS. History--New 2-24-93, Formerly 91-29.0074, Repealed.

67-29.0075 Terms and Conditions of Construction Loans.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 2-24-93, Amended 8-4-93, Formerly 91-29.0075, Repealed.

67-29.0076 Construction Loan Compliance and Monitoring Provisions.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.5088 FS. History--New 2-24-93, Amended 8-4-93, Formerly 91-29.0076, Repealed.

67-29.008 Fees.

Specific Authority 420.507(12),(23) FS. Law Implemented 420.507(19) FS. History--New 2-1-89, Amended 1-2-90, 2-24-93, 8-4-93, Formerly 91-29.008, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Andrew T. Price, Esq.
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Kaplan

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 15, 2001

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of Treasury

RULE NOS.:

4C-4.002

4C-4.0035

4C-4.004

RULE TITLES:

Purpose

Procedures for Requesting

Approval to Accept Credit Cards, Charge Cards, and Debit Cards

Standard Contracts with Credit

Card Service Providers

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. 27, No. 15, April 13, 2001, of the Florida Administrative Weekly. These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

Subsection (3) of Rule 4C-4.002, F.A.C., is changed to read:

(3) Utilizing a standardized contract between the financial institution or other appropriate intermediaries ~~service provider~~ and the state agency and judicial branch. The standard contract will be adopted by the Treasurer. ~~The Treasurer may also approve a substitute agreement developed by an agency if the terms of the substitute agreement are acceptable.~~ The standard contract will be available for use by units of local governments;

Subsection (4) of Rule 4C-4.0035, F.A.C., is changed to read:

~~(4)(5) The An application package, Form DI4-1475, Request for Approval to Accept Credit Cards, Charge Cards, and Debit Cards, to request approval to accept credit cards, charge cards, and debit cards which is hereby incorporated by reference, may be obtained by contacting the Bureau of Banking, Division of Treasury Governor's Office of Planning and Budgeting, The Capitol, Tallahassee, Florida. Requests may be made by electronic mail.~~

Rule 4C-4.004, F.A.C., is changed to read:

4C-4.004 Standard Contracts with Credit Card Service Providers.

(1) Contractual arrangements in any form between a state agency or the judicial branch and a financial institution or other appropriate intermediaries to process credit, charge, or debit card payments require the approval of the State Treasurer.

~~(2)(a)(1)~~ The standard contract, which is hereby adopted and incorporated by reference, established by the Treasurer with a service provider, specifies requirements for operation of an electronic credit card, charge card, and debit card processing system. The mechanisms and systems enable state agencies, the judicial branch, and local governments to accept and process merchant transactions, provide prompt authorizations, and deliver collected funds to the designated bank account of a financial institution.

(b) Contractual arrangements with the standard contract service provider are made by completing Form DI4-1506, Subscription Agreement, and Form DI4-1505, Internet Information Profile Form, both of which are hereby incorporated by reference, and are available from Bureau of Banking, Division of Treasury, Tallahassee, Florida. Requests may be made by electronic mail.

~~(3)(2)~~ A state agency or the judicial branch must use the standard contract established by the Treasurer for acceptance of payments by credit card, charge card, or debit card, or obtain authorization from the Treasurer to use another contractor. If an alternative contractor is desired, the state agency or judicial branch should present justification to the Treasurer as to why the standard contract is not acceptable and receive approval from the Treasurer before seeking an alternative contractor. Or, the requesting agency may complete the procurement process contingent upon approval of the Treasurer to use an alternative service provider and terms of another agreement. A substitute agreement must meet the terms, conditions, and specifications provided for in the Standard Contract relative to Pricing, Reporting, Reconciliation, Settlement, and Funds Availability. The Treasurer will consider unique requirements of a state agency or the judicial branch that are not provided for in the Standard Contract in making a determination whether to approve an alternative contractor.

~~(4)(3)~~ Contracts must specify that proceeds of credit card, charge card, and debit cards (settlement) shall be delivered to the designated state bank account within 48 hours after completion of the transaction.

~~(5)(4)~~ A copy of the standard contract may be obtained by contacting the Bureau of Banking, Division of Treasury, Tallahassee, Florida.

Specific Authority 215.322(3) FS. Law Implemented 215.322(1), (3) FS. History—New 12-22-83, Formerly 4C-4.04, Amended 12-26-88, 1-27-99, _____.

The remainder of the rule reads as previously published.

STATE BOARD OF ADMINISTRATION

NOTICE OF CABINET AGENDA ON AUGUST 14, 2001
 The Governor, Comptroller and Treasurer, sitting as head of the Florida State Board of Administration, on August 14, 2001, will consider the proposed amendments to Rule 19-8.028, F.A.C. (Reimbursement Premium Formula). A Notice of Rule Development Workshop was published in the December 22,

2000, edition of the Florida Administrative Weekly (Vol. 26, No. 51, p. 5848), and the workshop was held on January 22, 2001. No comments were received regarding the proposed rule amendments. A notice of Proposed Rulemaking was published on June 15, 2001, in the Florida Administrative Weekly (Vol. 27, No. 24, p. 2809) and the hearing was held on July 9, 2001. No comments were received at the hearing regarding these proposed rule amendments and no written comments were submitted.

A copy of the State Board of Administration’s agenda for the August 14, 2001, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, tel.: (850)413-1350.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-400.470
 RULE TITLE: Noticed General Permit for Temporary Agricultural Activities

NOTICE OF CHANGE

Notice is hereby given that the following changes were made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 16, page 1880 of the April 20, 2001 issue of the Florida Administrative Weekly. In response to comments received from the Joint Administrative Procedures Committee, changes have been made to subsections (2), (4), (5), and (6), of newly created Rule 40E-400.470, F.A.C.

~~(2) As a minimum requirement, the applicant must submit a best management plan that addresses sediment control, soil erosion, nutrients, pesticides, herbicides, suspended solids at points of discharge and other agricultural practices appropriate to crop and site conditions. At a minimum the best management plan must include the following best management practices: At a minimum, the applicant must choose a total of 8 of the following best management practices, 4 of which must be chosen from letters (a) through (j), below:~~

- ~~(a) An Integrated Nutrient and Pest Management program;~~
- ~~(a)(b) Application equipment shall be properly calibrated and in good repair;~~
- ~~(b)(e) Pesticides and fertilizers shall be stored in a secure, contained location, protected from rainfall. Fertilizers and pesticides shall not be stored together;~~
- ~~(c)(d) All mixing and loading operations shall be conducted away from wells, ditches and wetlands;~~
- ~~(d)(e) Pesticide containers shall be rinsed as soon as they are empty. Containers shall be disposed of in accordance with directions on the label;~~

~~(e)(f)~~ Equipment shall be utilized that directs chemicals only to a designated target area. Overspray or application into ditches and wetland buffer areas shall be avoided;

~~(f)(g)~~ Spills shall be cleaned up as soon as possible;

~~(g)(h)~~ Equipment shall be cleaned and rinsed away from ditches and wetland buffers;

~~(i)~~ Slow release fertilizer shall be utilized;

~~(h)(j)~~ A soil or leaf analysis shall be utilized to determine fertilizer application requirements;

~~(i)(k)~~ Seed and mulch or use other methods to stabilize the disturbed areas outside of the planted area within 14 7 days from the completion of planting;

~~(l)~~ Provide stilling/settling basin at the pump discharge point;

~~(j)(m)~~ Install silt fences around wetland buffer areas prior to construction; and

~~(k)(n)~~ Install silt fences, hay bales or equivalent downstream of outfall structure during construction;

~~(o)~~ Provide containment for all fuel tanks located on site;

~~(p)~~ Provide containment for all permanently placed engines located on site;

~~(q)~~ Other agricultural best management practices that meet the overall objectives of this rule.

(3) No change.

~~(4)~~ The District reserves the right to inspect the site for consistency with the plans and requirements during the growing season and after the site has been restored to conditions that existed prior to permit issuance.

~~(4)(5)~~ This permit does not provide authorization to use water or constitute a permit under Part II of Chapter 373, F.S., Rules 40E-2 or 40E-20, F.A.C.

~~(5)(6)~~ It is recommended that the permittee consult the USDA Farm Service Agency regarding the applicability of the National Food Security Act, USCA, Title 16 § 3821, to the temporary agricultural activities.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 120.60, 373.118, 373.119, 373.413, 373.416, 373.418, 373.423 FS. History—New

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-5.004 Technician

NOTICE OF PUBLIC HEARING

The Board of Clinical Laboratory Personnel hereby gives notice of a public hearing on the above-referenced rule to be held on October 19, 2001 at 9:00 a.m., at the Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, Florida.

This public hearing is being held in response to a request for a public hearing. The rule notice was originally published in the Vol. 27, No. 24, June 15, 2001, issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Board Executive Director, Board of Clinical Lab Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-5.004 Technician

NOTICE OF PUBLIC HEARING

The Board of Clinical Laboratory Personnel hereby gives notice of a public hearing on the above-referenced rule to be held on October 19, 2001 at 9:00 a.m., at the Hilton Jacksonville Riverfront, 1201 Riverplace Blvd., Jacksonville, Florida.

This public hearing is being held in response to a request for a public hearing. The rule notice was originally published in the Vol. 27, No. 24, June 15, 2001, issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Board Executive Director, Board of Clinical Lab Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:
64B3-11.004 Procedures for Approval of
 Provider Programs

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in the Vol. 27, No. 14, April 6, 2001, issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board Meeting held on June 21, 2001 in Orlando, Florida. The rule shall now read as follows:

64B3-11.004 Procedures for Approval of Provider Programs.

The provider seeking approval:

- (1) No change.
- (2) Shall be granted initial approval for the biennium in which the application is submitted.
- (3) through (7) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Board Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF HEALTH

Board of Medicine

<p>RULE NOS.: 64B8-45.001 64B8-45.002</p>	<p>RULE TITLES: General Requirements Continuing Education Approval</p>
---	--

NOTICE OF CHANGE

The Dietetics and Nutrition Practice Council gives Notice of Change to the above-referenced rules in response to comments received from the Council meeting. The rules were originally published in Vol. 27, No. 15, April 13, 2001, issue of the Florida Administrative Weekly. When changed, Rules 64B8-45.001(1), General Requirements and 64B8-45.002, Continuing Education Approval, shall read as follows:

64B8-45.001(1) Up to four hours per biennium of continuing education credit may be fulfilled by the performance of pro bono services to the indigent or to underserved populations or areas of critical need within the state where the licensee practices.

64B8-45.002 Continuing Education Approval.

(1) Continuing education credit shall be awarded for educational experiences received through the following methods:

(a) By participating in one of the following dietetics or nutrition practice courses:

1. Organized courses of post graduate study offered by or approved by the American Medical Association's Liaison Committee for Medical Education;
2. Organized courses sponsored by the Public Health Service, state or territorial health services, or a branch of the United States Armed Services;
3. College courses from a graduate or undergraduate program which is accredited by an accrediting agency approved by the United States Department of Education and which course clearly relates to maintaining skills necessary for the safe and competent practice of dietetics and nutrition services;
4. Organized courses offered by or approved by the Commission on Dietetic Registration.

(b) Attendance of a minimum of two hours at a scheduled public meeting of the Dietetics and Nutrition Practice Council, up to a maximum of 2 hours per biennium.

(c) In addition to the continuing education credits authorized above, any volunteer expert witness who is providing expert witness opinions for cases being reviewed pursuant to Chapter 468, Part X, shall receive 2.5 hours of credit per case for performing a literature survey of at least two articles in conjunction with the review of cases for the Board up to a total of 5 hours per biennium.

(2) A lecturer or author presenting or authoring for the initial presentation a continuing education program that meets the requirements of section (1) shall receive three hours continuing education credit for every one hour of program up to a maximum of fifteen hours of credit per biennium.

(3) Acceptable subject matter for continuing education programs include:

- (a) Updates of knowledge and skills in dietetics and nutrition practice for competent performance beyond the minimum requirements for licensure;
- (b) Food preparation that focuses on nutritional value;
- (c) Nutrition with specialized populations;
- (d) Assessment and treatment of various dietary and nutritional disorders;
- (e) Innovative marketing strategies in dietetics and nutrition practice;
- (f) Food service systems management.

(4) Nonacceptable subject matter for continuing education programs include:

- (a) Professional association business meetings or delegate reports;
- (b) Menu planning;
- (c) Food service sanitation;
- (d) Cooking demonstrations;
- (e) Sales presentation on a company's new product;
- (f) Programs intended for or by the lay public.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, 4052 Bald Cypress Way, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

<p>RULE NOS.: 64E-5.101 64E-5.425</p>	<p>RULE TITLES: Definitions Locking of Sources of Radiation, Storage Precautions, and Surveillance</p>
---	--

64E-5.427	Leak Testing, Repairing, Tagging, Opening, Modifying, and Replacing Sealed Sources and Devices
64E-5.428	Quarterly Inventory
64E-5.431	Permanent Radiographic Installations
64E-5.432	Radiation Protection Program
64E-5.433	Radiation Safety Officer
64E-5.434	Training, Testing, Certification, and Audits
64E-5.435	Conducting Industrial Radiographic Operations
64E-5.440	Records

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made in the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 27, No. 18, May 4, 2001 of the Florida Administrative Weekly:

The changes were made in response to written comments received from affected parties and from the Joint Administrative Procedures Committee.

Section (97) of Rule 64E-5.101, Florida Administrative Code, is changed so that when adopted will read:

(97) "Offshore" means within the territorial waters of the State of Florida as specified in Article II, Section 1 of the Constitution of the State of Florida.

Sections (1) and (3) of Rule 64E-5.425, Florida Administrative Code, are changed so that when adopted will read:

(1) Each radiation machine, radiographic exposure device, source changer, and storage container shall be kept locked with the key removed from any keyed lock except when under the direct supervision of radiographic personnel or as specified in section (6), below.

(3) Locked radiographic exposure devices, source changers, storage containers, and radiation machines shall be secured physically except when under the direct surveillance of radiographic personnel or as specified in section (6), below, to prevent tampering or removal by unauthorized personnel. The licensee shall store licensed material in a manner that minimizes danger from explosion or fire.

Section (4) of Rule 64E-5.427, Florida Administrative Code, is changed so that when adopted will read:

(4) Leak testing as specified in Rules 64E-5.427(2) and (3), F.A.C., shall be capable of detecting the presence of 0.005 microcurie (185 Bq) of removable contamination on the test sample. The wipe sample shall be taken from the nearest accessible point to the sealed source when contamination could accumulate.

Rule 64E-5.428, Florida Administrative Code, is changed so that when adopted will read:

64E-5.428 Quarterly Inventory.

Each licensee or registrant shall conduct a quarterly physical inventory to account for all sources of radiation received or possessed during the quarter. The inventory shall cover all sources of radiation requiring licensure or registration by the department, including sealed sources, radiation machines, radiographic exposure devices, and source changers containing DU.

Section (2) of Rule 64E-5.431, Florida Administrative Code, is changed so that when adopted will read:

(2) The alarm system shall be tested for proper operation with a radiation source each day before radiographic operations. The test shall include a check of both the visible and audible signals. Entrance control devices that reduce the radiation level upon entry shall be tested monthly. If an entrance control device or an alarm is operating improperly, it shall be labeled immediately as defective and repaired within 7 days. The installation can continue to be used by an unaccompanied radiographer during this 7-day period if the continuous surveillance requirements of Rule 64E-5.425(6), F.A.C., are implemented and an alarming ratemeter is used.

Rule 64E-5.432, Florida Administrative Code, is changed so that when adopted will read:

64E-5.432 Radiation Protection Program.

The radiation protection program specified in Rule 64E-5.303, F.A.C., for registrants performing radiography and license applications, renewals, and requests for amendments for licensees performing radiography shall include the components specified below and the location of all records required.

(1) A description of the overall organizational structure pertaining to the licensee's or registrant's radiation protection program, including specific delegation of authority and responsibility, the name of the RSO, and the minimum qualifications of the RSO and the RSO's designees.

(2) A radiation safety training program for radiographic personnel that meets the requirements of Rule 64E-5.434, F.A.C., and includes the components described below.

(a) Initial, periodic, and on-the-job training.

(b) Written and practical examinations to determine knowledge, understanding of, and ability to comply with department and applicable USDOT rules, licensee or registrant requirements, operating and emergency procedures, and use of radiographic and related equipment.

(3) Procedures to verify the certification of radiographers and to ensure that the certification remains valid.

(4) A written policy to maintain radiation doses as low as reasonably achievable as specified in Rule 64E-5.303, F.A.C. The policy shall include:

(a) A commitment by management to keep radiation doses as low as reasonably achievable and a description of the participation of management, the RSO, and radiographic personnel in the implementation of the policy;

(b) Investigation within 30 days by the RSO of any exposure level that exceeds established monthly and quarterly levels and implementation of corrective actions to halt unnecessary exposures and prevent recurrence; and

(c) An audit of the program to evaluate its effectiveness in minimizing exposures in conjunction with the annual review of the radiation protection program specified in Rule 64E-5.303(3), F.A.C. A summary of the results of each audit, including a description of corrective actions taken, shall be prepared by the RSO and approved by the licensee or registrant.

(5) An auditing program for internal inspections of the job performance of all radiographic personnel at intervals not to exceed 6 months as described in Rule 64E-5.434, F.A.C.

(6) Written operating and emergency procedures as described in Rule 64E-5.436, F.A.C.

(7) Leak testing procedures, including a description of:

(a) The method of taking wipes and preparing samples for analysis using only radiographers or radiographer's assistants working under the personal supervision of a radiographer or persons specifically licensed by the department, another agreement state, licensing state, or the NRC to perform such services; and

(b) The method of performing leak test sample analyses, including instrumentation to be used and experience of the individuals who will perform the analyses or a commitment to use vendors specifically licensed to perform such analyses by the department, another agreement state, licensing state, or the NRC.

(8) Procedures for the semiannual calibration of survey instruments and the annual calibration of alarm ratemeters, including a description of the calibration instrumentation and the experience of the person who will perform the calibrations or a commitment to use persons specifically licensed to perform such calibrations by the department, another agreement state, licensing state, or the NRC. All survey instrument calibrations shall be performed in accordance with Rule 64E-5.426(2), F.A.C.

(9) Procedures for quarterly inspection and maintenance of survey instruments, radiation machines, radiographic exposure devices, associated equipment, source changers, storage containers, and transport containers to assure proper function of components important to safety, performed in accordance with Rule 64E-5.430, F.A.C.

(10) Procedures for annual calibration of pocket or electronic dosimeters, including a description of the calibration instrumentation and the experience of the person who will perform the calibrations or a commitment to use persons specifically licensed to perform such calibrations by the department, another agreement state, licensing state, or the NRC.

(11) Procedures for lay-barge, offshore platform and underwater radiography if conducting such activities.

Section (1) of Rule 64E-5.433, Florida Administrative Code, is changed so that when adopted will read:

64E-5.433 Radiation Safety Officer.

(1) The licensee or registrant shall appoint an RSO and delegate the authority needed to fulfill the duties of the position. Except as specified in Rule 64E-5.433(2), F.A.C., below, the minimum qualifications, training, and experience for the RSO shall be:

(a) One year of documented industrial radiography experience as a radiographer; and

(b) Sixteen hours of formal instruction in the establishment and maintenance of a radiation protection program, including training to perform internal audits and mitigation of radiological incidents. Individuals identified as an RSO on an industrial radiography license or registration before the effective date of this rule are not required to comply with the training requirements of this paragraph.

Sections (2) and (4) of Rule 64E-5.434, Florida Administrative Code, are changed so that when adopted will read:

(2) Licensees and registrants can allow individuals who have completed the training and testing specified in Rules 64E-5.434(2)(a)-(d), F.A.C., below, to perform industrial radiography for 12 months after the effective date of these rules. The licensee or registrant shall not permit any individual to act as a radiographer until such individual:

(a) Receives copies of rules contained in Chapter 64E-5, Parts I-IV, IX and XV, F.A.C., applicable USDOT regulations, the appropriate license or certificate of registration, and the licensee's or registrant's operating and emergency procedures;

(b)1. For radioactive material radiographic operations, completes 320 hours of on-the-job training in industrial radiography, excluding hours as specified in Rule 64E-5.434(2)(b)2., F.A.C., below, as a radiographer's assistant using radioactive material; or

2. For machine produced radiographic operations, completes 200 hours of on-the-job training using radiation machines;

(c) Receives 40 hours of formal instruction in the subjects outlined in Rule 64E-5.434(6), F.A.C., and supervised instruction during a special training session in the inspection and use of the licensee's or registrant's radiographic equipment, related handling tools, radiation survey instruments, and personnel monitoring devices;

(d) Successfully completes a closed-book, written examination on the subjects outlined in Rule 64E-5.434(4), F.A.C., and a practical examination to demonstrate competence in the use of the licensee's or registrant's radiographic and safety equipment; and

(e) Is certified by a certifying entity.

(4) Any individual who has completed all requirements specified in Rule 64E-5.434(2), F.A.C., above, and begins work for a different Florida licensee or registrant shall complete 4 hours of additional training and testing before conducting radiographic operations. The training shall consist of instructions in the licensee's or registrant's operating and emergency procedures and supervised instruction during a special training session in the use of the licensee's or registrant's radiographic and safety equipment. The testing shall consist of successful completion of the written and practical examinations described in Rule 64E-5.434(1)(c), F.A.C. The RSO shall document how the prior radiation training and experience was verified.

Rule 64E-5.435, Florida Administrative Code, is changed so that when adopted will read:

64E-5.435 Conducting Industrial Radiographic Operations.

(1) With the exception of industrial cabinet x-ray systems, the radiographer shall be accompanied by at least one other radiographer or radiographer's assistant whenever radiography is performed at a location other than a permanent radiographic installation. The additional qualified individual shall observe the radiographic operations and be capable of providing immediate assistance to prevent unauthorized entry. Radiography is prohibited if only one qualified individual is present. Radiography performed in an industrial cabinet x-ray system by a single individual meeting the training and testing requirements specified in Rule 64E-5.434(5), F.A.C., is permitted.

(2) The radiographer's assistant shall be under the personal supervision of a radiographer when using a radiation machine, radiographic exposure device, source changer, or related source handling tools or conducting radiation surveys to determine that the sealed source has returned to the shielded position or that the radiation machine is off after an exposure.

(3) All radiographic operations conducted at a licensee's or registrant's permanent facility shall be conducted in a permanent radiographic installation or an industrial cabinet x-ray system or using equipment, facilities, and procedures that are adequate to protect public health, safety, and property and included in the radiation protection program specified in Rule 64E-5.432, F.A.C.

Sections (1) and (2) of Rule 64E-5.440, Florida Administration Code, are changed so that when adopted will read:

(1) Each licensee or registrant shall maintain the following records for 3 years after the event at the location specified in Rule 64E-5.432, F.A.C., for inspection by the department:

(a) Survey instrument, dosimeter, and alarm ratemeter calibrations specified in Rules 64E-5.426 and 64E-5.437(5)-(6), F.A.C.;

(b) Leak test results specified in Rule 64E-5.427, F.A.C., which shall contain the manufacturer's name, model, and serial number of each sealed source or device tested, including the device the source was stored in, the identity of each radionuclide, the estimated activity of each sealed source, the measured activity of each test sample expressed in microcuries (becquerels), the date of the test, and the signature or initials of the RSO or the RSO's designee;

(c) Quarterly inventories specified in Rule 64E-5.428, F.A.C., which shall include the name of the person conducting the inventory, the radionuclide, number of curies (becquerels) or mass in each device, location of each sealed source, device, and machine, the manufacturer, model, and serial number of each sealed source, device, and machine, the date of the inventory, and the signature or initials of the RSO or the RSO's designee;

(d) Source movement logs and daily survey reports specified in Rule 64E-5.429, F.A.C.

(e) Quarterly equipment inspection and maintenance specified in Rule 64E-5.430(2), F.A.C., including the date of the inspection, the name of inspector, the equipment involved, any problems found, and what repair or maintenance was done;

(f) Operation tests on permanent radiographic installation entrance controls and audible and visual alarms specified in Rule 64E-5.431, F.A.C.;

(g) Records of internal audits specified in Rule 64E-5.434(8), F.A.C., including lists of audit items checked and any violations observed;

(h) Records showing receipts and transfers of sealed sources and devices using DU for shielding, including the date, the name of the individual making the record, radionuclide, number of curies (becquerels) or mass, manufacturer, model, and serial number of each sealed source and device, as appropriate.

(2) Each licensee or registrant shall maintain the following records until the department terminates the license or registration requiring the record:

(a) Individual dosimeter logs specified in Rule 64E-5.429, F.A.C.;

(b) Initial and refresher radiation safety training specified in Rule 64E-5.434, F.A.C., including lists of the topics discussed, dates the training was conducted, names of the instructors and attendees, and written and practical examinations;

(c) Verification of previous radiography experience;

(d) Radiographer certification documents specified in Rules 64E-5.434(2)(e)-(f), F.A.C., and verification of certification status;

(e) Records of personnel exposure investigations specified in Rule 64E-5.432(4)(b), F.A.C., including the names of the individuals involved, the exposures received, the dates the

exposures were received, a description of the cause of the exposures, the corrective actions taken, and the signature of the RSO;

(f) Records of estimates of exposures as a result of off-scale dosimeters or lost or damaged personnel monitoring badges, including records of surveys used to determine an individual's exposure and reports submitted to the department as specified in Rule 64E-5.437(3), F.A.C.;

(g) Records of annual ALARA audits specified in Rule 64E-5.432(3)(c), F.A.C.; and

(h) Operating and emergency procedures.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-27.001	Definitions
65C-27.002	Timeframes

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 17, April 27, 2001, Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE TITLE:	RULE NO.:
FANTASY 5™	53ER01-45

SUMMARY OF THE RULE: This emergency rule sets forth the provisions for the conduct of FANTASY 5™ effective July 16, 2001.

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

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER01-45 FANTASY 5™.

(1) Effective July 16, 2001, FANTASY 5 shall be conducted in accordance with the provisions set forth in this emergency rule.

(2) Any FANTASY 5 ticket purchased on or after July 16, 2001, shall be governed by the provisions set forth in this emergency rule.

(3) FANTASY 5 tickets for drawings held prior to July 16, 2001, shall be governed by the provisions set forth in Chapter 53-29 and Emergency Rule 53ER01-22, Florida Administrative Code.

(4) How to Play FANTASY 5.

(a) Players select five numbers from a field of one to thirty-six.

(b) Players may select their numbers by using a play slip, or may receive their numbers by using the "quick pick" feature.

(c) There are five panels on a play slip. A player electing to use a play slip must select five numbers from each panel played, or allow the quick pick feature to select one or more of the five numbers. Each panel played will cost one dollar per draw.

(d) Players must use only blue or black ballpoint pen or pencil for making selections.

(e) Play slips must be processed by an on-line retailer in order to obtain a ticket.

(f) Retailers can manually enter numbers selected by a player.

(5) FANTASY 5 Drawings.

(a) FANTASY 5 drawings shall be conducted daily.

(b) FANTASY 5 drawings shall be public and witnessed by an accountant employed by an independent certified public accounting firm who shall certify to the integrity, security, and fairness of each drawing.

(c) The equipment (ball set and drawing machine) used in a FANTASY 5 drawing shall be determined by random selection and shall be inspected before and after each drawing.

(d) A ball set contains thirty-six balls numbered one through thirty-six.

(e) Once a set of balls has been selected and inspected, the selected drawing machine shall be loaded by an employee of the Lottery's Security Division ("Draw Manager").

(f) The thirty-six balls in the drawing machine shall be mixed by the action of an air blower.

(g) Five of the thirty-six balls shall be drawn by vacuum action into a ball display device. Either display tubes or a display tray shall be used as the ball display device, dependent upon which draw machine is selected. The numbers shown on the five balls, after certification by the Draw Manager and the accountant employed by the certified public accounting firm, shall be the official winning numbers for the drawing.

(h) In the event a malfunction in the drawing procedures occurs or the drawing equipment itself malfunctions, the Lottery shall use such substitute procedures as are fair and necessary to perform the drawing. Such substitute procedures shall be determined in consultation with the accountant referred to in paragraph (5)(b). In using such substitute procedures the Lottery shall strive to maintain the highest level of public confidence, security and integrity in FANTASY 5 drawings.