

1. Part I, Modules I through IV, must be documented on CF-FSP Form 5154, Oct. 96, Part I, Module V, must be documented on CF-FSP 5243, Sept. 2000, the Department's Introductory Child Care Training Course Certificate (Part I), and Part II must be documented on CF-FSP Form 5166, Oct. 96, the Department's Specialized Training Module Certificates (Part II), which are incorporated by reference.

2. No change.

(3) Exemptions from Part I of the Introductory Child Care Course.

(a) Child care personnel can be exempt from any of the five (5) four (4) introductory child care training modules by successfully completing module exemption tests with an seventy (70) eighty (80) percent or better score. Exemption tests will be offered by the training coordinating agency, or its designee.

(b) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Cynthia A Brown, Licensing Specialist, 1317 Winewood Blvd.  
Building 6, Room 389-A, Tallahassee, FL 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Deborah Russo, 1317 Winewood Blvd., Building 6, Room 389-A, Tallahassee, FL 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 5, 2001

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2001

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF INSURANCE**

RULE NO.:                      RULE TITLE:  
4A-49.004                      Attendant on Duty

AMENDED 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. 29, July 20, 2001, of the Florida Administrative Weekly.

4A-49.004 Attendant on Duty.

(1) All self-service gasoline service stations shall have at least one attendant on duty and present on the premises of the station while the station is operating as a retail outlet where motor fuel is offered for sale, at retail, to the motoring public open to the public or at any time fuel is offered for sale to the public. The duties of the attendant are specified by subsection

(3) of Section 526.141, Florida Statutes, and JFPA 30A, Section 9-4, the edition as adopted in Section 4A-3.012, Florida Administrative Code.

Specific Authority 633.01, 633.022(1)(b), 526.141(7) FS. Law Implemented 633.01, 526.141(7) FS. History--New \_\_\_\_\_.

The remainder of the rule reads as previously published.

**DEPARTMENT OF INSURANCE**

**Division of State Fire Marshal**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
4A-62	Firefighter Employment Standards
RULE NO.:	RULE TITLE:
4A-62.003	Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 26, No. 47, November 22, 2000, edition of the Florida Administrative Weekly.

4A-62.003 Firefighter Employment Standards; Adoption of 29 C.F.R. 1910.134(g)(3) and 1910.134(g)(4), Including Notes One and Two.

(1) through (2) No change.

(3) With respect to 29 C.F.R. Section 1910.134(g)(4), the two individuals located outside the immediately dangerous to life and health atmosphere may be assigned to an additional role, such as incident commander, pumper operator, engineer, or driver, so long as such individual is able to immediately perform assistance or rescue activities without jeopardizing the safety or health of any firefighter working at an incident. Also with respect to 29 C.F.R. Section 1910.134(g)(4):

(a) Each county, municipality, and special district shall implement such provision by April 1, 2002, except as provided in Paragraphs (b) and (c).

(b) If any county, municipality, or special district is unable to implement such provision by April 1, 2002, without adding additional personnel to its firefighting staff or expending significant additional funds, such county, municipality, or special district shall have an additional six months within which to implement such provision. Such county, municipality, or special district shall notify the Division that the six month extension to implement such provision is in effect in such county, municipality, or special district within 30 days of its decision to extend the time for the additional six months. The decision to extend the time for implementation shall be made prior to April 1, 2002.

(c) If the extension granted in Paragraph (b) expires, and the county, municipality, or special district, after having worked with and cooperated fully with the Division and the

Firefighters Standards and Training Council as provided in Subsection (4), is still unable to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, such municipality, county, or special district shall be exempt from the requirements of 29 C.F.R. Section 1910.134(g)(4). Each year thereafter the Division shall review each exempt county, municipality, or special district to determine if such county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds. If the Division determines that any county, municipality, or special district has the ability to implement 29 C.F.R. Section 1910.134(g)(4) without adding additional personnel to its firefighting staff or expending significant additional funds, the Division shall require such county, municipality, or special district to implement such provision. Such requirement by the Division under this paragraph constitutes final agency action subject to Chapter 120, Florida Statutes.

Specific Authority 633.01(1) FS. Law Implemented 633.45(1)(a) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5B-58	Citrus Canker
RULE NO.:	RULE TITLE:
5B-58.001	Citrus Canker Eradication

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 29, July 20, 2001, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF REVENUE**

**Miscellaneous Tax**

RULE NOS.:	RULE TITLES:
12B-8.001	Premium Tax; Rate and Computation
12B-8.003	Tax Statement; Overpayments
12B-8.016	Retaliatory Provisions

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Governor and Cabinet, sitting as the head of the Department of Revenue, announce a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2001, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, The Capitol, Lower Level, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor and Cabinet, sitting as the Department of Revenue, on August 28, 2001, will consider the proposed amendments to

Rules 12B-8.001, 12B-8.003, and 12B-8.016, F.A.C. These proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 6, 2001 (Vol. 27, No. 14, pp. 1562-1564). A rule development workshop was held on April 24, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding the proposed rule changes. In response to these changes, the proposed amendments in paragraphs (3)(a) and (c) of Rule 12B-8.001, F.A.C., and the proposed amendments to subsection (5) of Rule 12B-8.016, F.A.C., were modified to withdraw the issues at protest that are currently under litigation. Subsequently, a Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on July 6, 2001, (Vol. 27, No. 27, pp. 3112-3115). A public hearing was held on July 31, 2001. No one attended the hearing to provide comments regarding these proposed rules, and no written comments were received.

A copy of the Department of Revenue’s agenda for the August 28, 2001, Cabinet meeting may be obtained by contacting: Debbie Thomas, Florida Department of Revenue, Room 104, 501 South Calhoun Street, Tallahassee, Florida 32314, telephone number (850)487-1453

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NOS.:	RULE TITLES:
12C-1.013	Adjusted Federal Income Defined
12C-1.0151	Apportionment for Special Industries
12C-1.0155	Sales Factor for Apportionment
12C-1.022	Returns; Filing Requirement

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Governor and Cabinet, sitting as the head of the Department of Revenue, announce a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, August 28, 2001, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, The Capitol, Lower Level, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Governor and Cabinet, sitting as the Department of Revenue, on August 28, 2001, will consider the proposed amendments to Rules 12C-1.013, 12C-1.0151, 12C-1.0155, and 12C-1.022, F.A.C. The proposed rules were noticed for a Rule Development Workshop in the Florida Administrative Weekly on April 6, 2001 (Vol. 27, No. 14, pp. 1564-1566). A rule development workshop was held on April 24, 2001, in Room 116, Larson Building, 200 E. Gaines Street, Tallahassee, Florida, regarding the proposed rule changes. In response to these comments, the Department amended subparagraph (3)(a)1. of Rule 12C-1.0151, F.A.C., to clarify how an insurance company must determine the premium written for reinsurance accepted in respect to properties and risks in

Florida. Subsequently, a Notice of Proposed Rulemaking was published in the Florida Administrative Weekly on July 6, 2001, (Vol. 27, No. 27, pp. 3115-3117). A public hearing was held on July 31, 2001. No one attended the hearing to provide comments regarding these proposed rules, and no written comments were received.

A copy of the Department of Revenue's agenda for the August 28, 2001, Cabinet meeting may be obtained by contacting: Debbie Thomas, Florida Department of Revenue, Room 104, 501 South Calhoun Street, Tallahassee, Florida 32314, telephone number (850)487-1453.

**STATE BOARD OF ADMINISTRATION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
19-12.001	Definitions
19-12.002	Purpose
19-12.003	Limitation on Contributions
19-12.004	Annual Addition in Excess of Limitation
19-12.005	The Exclusive Benefit Rule of the Code and Forfeitures
19-12.006	Distribution of Benefits

**NOTICE OF HEARING**

The Florida State Board of Administration announces a public hearing to which all persons are invited.

**DATE AND TIME:** Tuesday, August 28, 2001, 9:00 a.m. – conclusion

**PLACE:** Room 212, Knott Building, 111 W. St. Augustine Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Trustees of the State Board of Administration, on August 28, 2001, will consider six proposed new rules in Rule Chapter 19-12, F.A.C., and will be asked for permission to file these six rules for notice:

These proposed new rules implement regulations of the Internal Revenue Code to enable the Public Employee Optional Retirement Program to qualify for tax-qualified status. Proposed new Rule 19-12.001 provides definitions. Proposed new Rule 19-12.002 sets out the purpose of the rules. Proposed new Rule 19-12.003 establishes limitations on contributions on conformance with IRS regulations. Proposed new Rule 19-12.004 provides methods for dealing with any excess contributions which exceed section 415(c) of the Internal Revenue Code. Proposed new Rule 19-12.005 provides procedures to ensure that the assets of the plan be used only for the exclusive benefit of the plan's participants. Proposed new Rule 19-12.006 provides methods for distributing benefits. The rule development workshop was scheduled for on August 20, 2001.

A copy of the State Board of Administration's agenda for the August 28, 2001, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
61G17-7.001	Seals Acceptable to the Board

**NOTICE OF ADDITIONAL PUBLIC HEARING**

The Board of Professional Surveyors and Mappers hereby gives notice that an additional public hearing on the above-referenced rule will be held on September 6, 2001 at 9:00 a.m. at the Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida 33316, (954)527-2700. This hearing is being held due to comments received by the Board from interested parties. The rule was originally published in Vol. 27, No. 27, of the July 6, 2001 issue of the Florida Administrative Weekly.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Sherry Landrum, Executive Director, Board of Professional Surveyors and Mappers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64B5-15.010	Fee for Inactive Status

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 27, No. 30, July 27, 2001, Florida Administrative Weekly has been withdrawn.

**THE PERSON TO BE CONTACTED REGARDING THE RULE WITHDRAWAL IS:** Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-2.001  
 RULE TITLE: Definitions

**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)1., F.S., published in Vol. 27, No. 20 of the May 18, 2001, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Rules Committee held a public hearing on the rule on August 2, 2001, in Tallahassee, Florida. The Board voted to change the rule on August 4, 2001. When changed, subsection (12) of the rule shall read as follows:

(12) For the purpose of implementing corrective action with regard to disciplinary proceedings, "community service" shall be defined as the delivery of medical services directly to patients, or the delivery of other volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the physician's regular practice setting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tanya Williams, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NO.: 64E-5.225  
 RULE TITLE: Public Notification and Public Participation

**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. 30, July 27, 2001, of the Florida Administrative Weekly:

The changes were made in response to written comments received from the Joint Administrative Procedures Committee. Rule 64E-5.225, Florida Administrative Code, is changed, so that when adopted will read:

64E-5.225 Public Notification and Public Participation.

Upon the receipt of a license termination or decommissioning plan or a proposal for release of a site as specified in Rules 64E-5.223 or 64E-5.224, F.A.C., and the total effective dose equivalent will exceed 50 millirem (0.5 mSv), the department shall:

(1) Notify and solicit comments from:

(a) Local and other state governments in the vicinity of the site and any Indian Nation or other indigenous people that could be affected by the decommissioning; and

(b) The U.S. Environmental Protection Agency if the licensee proposes to release a site as specified in Rule 64E-5.224, F.A.C.

(2) Publish a notice in the Florida Administrative Weekly to solicit comments from affected parties.

**Section IV  
 Emergency Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

RULE TITLE: Citrus Canker Eradication  
 RULE NO.: 5BER01-1

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Citrus canker, Asian strain *Xanthomonas axonopodis* pv.citri, is one of the most destructive bacterial diseases of citrus. Severe infections of citrus canker cause fruit to blemish, making it difficult to market for fresh consumption. The disease also causes premature fruit drop, thereby reducing commercial citrus production. If not eradicated from the state, Florida's citrus industry, valued at more than \$8 billion will be in jeopardy due to lost production and lost markets resulting from quarantine action, and dooryard citrus production will be substantially damaged. Quarantines have already been imposed in certain areas and those quarantines will necessarily be expanded if immediate action is not taken. Previous efforts by the Department to eradicate citrus canker included the destruction of all citrus trees located within 1,900 feet of any citrus tree which exhibited visible signs of citrus canker infection subject to the performance of a risk assessment process to assess whether facts and circumstances applicable in a particular setting warranted destruction of citrus trees located within a greater or lesser radius. Application of the risk assessment process has resulted in consistent determinations that citrus trees located within 1,900 feet of a citrus tree exhibiting visible signs of citrus canker must be removed to effectuate eradication of citrus canker. As a result of the consistency of those risk assessment determinations, the Department's experience and scientific information provided to the Department, the Department has determined that continued risk assessments are no longer necessary, and would unnecessarily delay eradication efforts. Since November 1, 2000, due to court actions the Department has destroyed only those trees which exhibit visible signs of the citrus canker. As a result of the fact that, in Miami-Dade and Broward Counties, the Department has not destroyed all citrus trees located within 1,900 feet of those trees exhibiting visible signs of citrus