

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking**COMMISSION FOR THE TRANSPORTATION
DISADVANTAGED**

RULE TITLE: Insurance, Safety Requirements and Standards
RULE NO.: 41-2.006

PURPOSE AND EFFECT: The Commission proposes to review the rule to determine if amendments are appropriate.

SUBJECT AREA TO BE ADDRESSED: The Commission proposes to address the insurance requirements, safety requirements and standards for the provision of transportation services for the transportation disadvantaged.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 287.0585, 427.011(11), 427.013, 427.0155, 427.0157, 768.28 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE COMMISSION'S NEXT MEETING ON MARCH 19, 2003, IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jo Ann Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee St., MS-49, Tallahassee, Florida 32399-0450

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

**COMMISSION FOR THE TRANSPORTATION
DISADVANTAGED**

RULE TITLE: Coordinating Board Structure and Duties
RULE NO.: 41-2.012

PURPOSE AND EFFECT: The Commission proposes to review the rule to determine if amendments are appropriate.

SUBJECT AREA TO BE ADDRESSED: The Commission proposes to address the organization, requirements and responsibilities of the Coordinating Boards in their service areas.

SPECIFIC AUTHORITY: 427.013(9) FS.

LAW IMPLEMENTED: 427.0157 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE COMMISSION'S NEXT MEETING ON MARCH 19, 2003, IN TALLAHASSEE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jo Ann

Hutchinson, Executive Director, Commission for the Transportation Disadvantaged, 605 Suwannee St., MS-49, Tallahassee, Florida 32399-0450

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION****Board of Funeral Directors and Embalmers**

RULE TITLE: State Examination for Funeral Industry
RULE NO.: 61G8-16.0001

PURPOSE AND EFFECT: The Board proposes to create a rule that details content of the state examination for funeral industry professionals.

SUBJECT AREA TO BE ADDRESSED: State Examination for Funeral Industry Professionals.

SPECIFIC AUTHORITY: 455.217, 470.005, 470.006, 470.009 FS.

LAW IMPLEMENTED: 455.217, 470.006, 470.007, 470.009, 470.011 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leon Biegalski, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION****Board of Funeral Directors and Embalmers**

RULE TITLE: Examination for Funeral Director
RULE NO.: 61G8-16.002

PURPOSE AND EFFECT: The Board proposes to amend the rule to remove obsolete and redundant language.

SUBJECT AREA TO BE ADDRESSED: Examination for Funeral Director Applicants.

SPECIFIC AUTHORITY: 455.217, 470.005, 470.009 FS.

LAW IMPLEMENTED: 455.217, 470.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leon Biegalski, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Funeral Directors and Embalmers

RULE TITLE: Examination for Licensure by Endorsement for Funeral Directors
 RULE NO.: 61G8-16.004

PURPOSE AND EFFECT: The Board proposes to amend the rule to remove obsolete and redundant language.

SUBJECT AREA TO BE ADDRESSED: Examination for Licensure by Endorsement for Funeral Directors.

SPECIFIC AUTHORITY: 455.217, 470.005, 470.011, 470.009 FS.

LAW IMPLEMENTED: 455.217, 470.011 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leon Biegalski, Executive Director, Board of Funeral Directors and Embalmers, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE TITLES: Pre-licensing Education for Broker and Salesperson Applicants
 Continuing Education for Active and Inactive Broker and Salesperson Licensees
 License Reactivation Education for Broker and Salesperson Applicants
 Post-licensing Education for Active and Inactive Broker and Salesperson Licensees
 RULE NOS.: 61J2-3.008
 61J2-3.009
 61J2-3.010
 61J2-3.020

PURPOSE AND EFFECT: To bring the rules into compliance with statutory changes relating to distance education, which took effect July 1, 2002.

SUBJECT AREA TO BE ADDRESSED: Pre-licensure Education, Continuing Education Courses, Reactivation Education, Post-licensing Education.

SPECIFIC AUTHORITY: 455.2123, 475.01(1)(d),(e),(2), 475.05, 475.17, 475.42(1)(c) FS.

LAW IMPLEMENTED: 455.2123, 475.04, 475.17, 475.182, 475.183, 475.451 FS.

FREC WILL CONDUCT A RULE DEVELOPMENT WORKSHOP AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:30 a.m. or as soon thereafter as possible, February 19, 2003

PLACE: Division of Real Estate, Commission Meeting Room, N-901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N-802, Orlando, Florida 32801

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Application Fee
 RULE NO.: 64B12-11.002

PURPOSE AND EFFECT: The Board proposes to delete a portion of the current rule text since examination fees are included in the Department's exam fee rule.

SUBJECT AREA TO BE ADDRESSED: Application and Examination Fees.

SPECIFIC AUTHORITY: 484.005, 484.007(1)(a) FS.

LAW IMPLEMENTED: 484.007(1)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Board Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-11.002 Application ~~and Examination~~ Fees.

(+) The application fee shall be \$100.00, which shall be non-refundable.

~~(2) The examination fee shall be \$325.00, which is refundable if the applicant is determined to be ineligible for licensure or has failed to timely submit a completed application.~~

Specific Authority 484.005, 484.007(1)(a) FS. Law Implemented 484.007(1)(a) FS. History—New 12-6-79, Amended 6-30-82, 4-10-85, 1-7-86, Formerly 21P-11.02, Amended 7-7-87, 3-30-89, 7-3-91, Formerly 21P-11.002, 61G13-11.002, 59U-11.002, Amended 11-14-00, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE: Definitions

RULE NO.: 64B15-6.001

PURPOSE AND EFFECT: The Board proposes to amend the rule to update the text to conform to Board of Medicine corresponding Rule 64B8-30.001, F.A.C., addressing physician assistant licensure.

SUBJECT AREA TO BE ADDRESSED: The Board's proposed rule amendments update the physician assistant designation from "certification" to "licensure" to conform to the Board of Medicine's physician assistant corresponding rule.

SPECIFIC AUTHORITY: 459.005 FS.

LAW IMPLEMENTED: 459.022 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON FEBRUARY 22, 2003 IN FT. LAUDERDALE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.001 Definitions.

(1) through (5) No change.

(6) The term "recent graduate" as used herein refers to a person who completed the approved program no more than two years (24 months) prior to the date the application for licensure ~~certification~~ as a physician assistant was received.

(7) The term "fully licensed ~~certified~~ physician assistant" as used herein refers to those physician assistants who have successfully passed the NCCPA examination or other examination approved by the Board and have been issued a license other than a temporary license authorized under certificate pursuant to Sections 459.022(7), 458.347(7)(b)2. and 458.347(7)(f), F.S.

Specific Authority 459.005 FS. Law Implemented 459.022 FS. History—New 10-18-77, Formerly 21R-6.01, Amended 10-28-87, 4-18-89, 9-26-90, 3-16-92, Formerly 21R-6.001, Amended 2-20-94, Formerly 61F9-6.001, 59W-6.001, Amended 6-7-98, 3-17-99, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE TITLE:

RULE NO.:

Change in Employment Status

64B15-6.0031

PURPOSE AND EFFECT: The Board proposes to amend the rule to update the text to conform to Board of Medicine corresponding Rule 64B8-30.004, F.A.C., addressing the requirements on change of employment status.

SUBJECT AREA TO BE ADDRESSED: The Board's proposed rule amendments update the proper procedure and forms to submit to the Department when there is a change in employment status, and sets a time limit to comply; and, also updates physician assistant designation from "certification" to "licensure."

SPECIFIC AUTHORITY: 458.309, 458.347(13), 459.005, 459.022(13) FS.

LAW IMPLEMENTED: 458.347, 459.022(7)(d) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON FEBRUARY 22, 2003 IN FT. LAUDERDALE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.0031 Change in Employment Status.

(1) No change.

(2) ~~Each All persons applying for certification as a prescribing~~ physician assistant shall submit changes an application to the Department Council on the a form approved by the Council and Boards, and provided by the Department within 30 days of any change of employment status. ~~The application shall be accompanied by the application fee.~~

(3) Upon any change in employment status the licensed ~~certified~~ physician assistant's prescribing privileges shall immediately be stayed until such time as a new written agreement is entered into pursuant to Rule 64B8-30.007 or Rule 64B15-6.0037, F.A.C., and a new form PAX/004 is filed with the Department Council.

Specific Authority 458.309, 458.347(13), 459.005, 459.022(13) FS. Law Implemented 458.347, 459.022(7)(d) FS. History—New 10-28-87, Amended 1-3-93, Formerly 21R-6.0031, 61F9-6.0031, 59W-6.0031, Amended 6-7-98, _____.

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE TITLE: RULE NO.:

Disciplinary Guidelines 64B15-6.011

PURPOSE AND EFFECT: The Board proposes to amend the rule to update the text to conform to Board of Medicine corresponding Rule 64B8-30.015, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The Board's proposed rule amendments update the violations and penalties for false, deceptive or misleading advertising, and failure to keep legible written medical records to conform to Board of Medicine's physician assistant corresponding rule.

SPECIFIC AUTHORITY: 456.079, 459.0015, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 459.015(5), 459.022(4)(e)1.,(7)(f) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE BOARD'S NEXT MEETING TO BE HELD ON FEBRUARY 22, 2003 IN FT. LAUDERDALE, FLORIDA.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-6.011 Disciplinary Guidelines.

(1) No change.

(2) Violations and Range of Penalties. In imposing discipline upon physician assistant applicants and licensees, in proceedings pursuant to Sections 120.57(1) and (2), Florida Statutes, the Board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS	RECOMMENDED PENALTIES	
	First Offense	Subsequent Offenses
(a) through (c) No change.		
(d) False, deceptive, or misleading advertising. (459.015(1)(d), F.S.)	(d) From a letter of concern to reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$2,500.00	(d) From a <u>letter of concern</u> to reprimand to suspension or denial of licensure, and an administrative fine ranging from <u>\$1,000.00</u> \$2,500.00 to <u>\$2,500.00</u> \$5,000.00 .
(e) through (n) No change.		
(o) Failure to keep legible written medical records. (459.015(1)(o), F.S.)	(o) From letter of concern to a reprimand, or denial of licensure, and an administrative fine ranging from \$1,000.00 to \$5,000.00	(o) From a reprimand to suspension followed by probation, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or denial of licensure.

1. through 2. No change.

(p) though (ll) No change.

(3) through (4) No change.

Specific Authority 456.079, 459.0015, 459.015(5) FS. Law Implemented 456.072, 456.079, 459.015(5), 459.022(4)(e)1.,(7)(f) FS. History--New 4-18-89, Formerly 21R-6.011, Amended 11-4-93, Formerly 61F9-6.011, 59W-6.011, Amended 6-7-98, 4-9-01, _____.

DEPARTMENT OF HEALTH**Division of Environmental Health**

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Food Hygiene 64E-11

RULE TITLES: RULE NOS.:

Definitions 64E-11.002

Food Supplies 64E-11.003

Food Protection 64E-11.004

Personnel 64E-11.005

Food Equipment and Utensils 64E-11.006

Sanitary Facilities and Controls 64E-11.007

Manager Certification 64E-11.012

Certificates and Fees 64E-11.013

Mobile Food Units 64E-11.014

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate technical and scientific advancements and emerging pathogen barriers that promote the protection of the public from foodborne illnesses. The majority of these changes are indicated in the 1999 edition of the FDA Model Food Code. Additionally, the purpose of the proposed change is to clarify identified standards of the existing rule as requested by the regulated community and regulatory officials.

SUBJECT AREA TO BE ADDRESSED: The changes will define terms used in statute and rule that have been identified as confusing; incorporate food safety changes and personnel standards to better safeguard the public against foodborne illnesses; clarify equipment methods of approval and uses, and further delineate the fee structure.

SPECIFIC AUTHORITY: 381.0072 FS.

LAW IMPLEMENTED: 381.0072 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., February 25, 2003

PLACE: Division of Environmental Health, Bureau of Facility Programs, 4042 Bald Cypress Way, Conference Room 240 P, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ric Mathis, Bureau of Facility Programs, 4052 Bald Cypress Way, BIN #A08, Tallahassee, Florida 32399-1710, (850)245-4277

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-11.002 Definitions.

(1) through (3) No change.

(4) "Bars and lounges" – A facility which possesses a consumption on premises alcoholic beverage license from the Division of Alcoholic Beverages & Tobacco; where food service is limited to:

(a) The preparation of drinks; ~~or and~~

(b) The service of non-potentially hazardous snack foods (such as, chips, popcorn and pretzels); ~~or and~~

(c) The service of ~~packaged~~ potentially hazardous foods and no preparation of potentially hazardous food occurs (such as sandwiches and ice cream).

(5) "Civic" – Any organization, excluding Division of Blind Services, offering food service to the public; and

(a) Possesses tax exempt status under 501(c)(4); ~~or~~

(b) Which has a chartered body of citizens, recognized by a municipality, whether for profit or not, that operates primarily to further the common good and general welfare of the people of the community.

(6)(5) No change.

(7) "Communitied" – Fish or meat products that are reduced in size and restructured or reformulated such as gefilte fish, gyros, ground beef, and sausage; and a mixture of two or more types of meat that have been reduced in size and combined, such as sausages made from two or more meats.

(6) through (15) renumbered (8) through (17) No change.

(18) "Fraternal" – An organization primarily operating for social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purposes for the benefit of its members, that offers food service to its members or the public at their facility, and possess a charter.

(19)(16) No change.

(20) "Guest" – As it relates to churches, synagogues, or other not-for-profit religious organizations, an individual who is not a member of the religious organization; and

(a) Who does not regularly attend non-food service events at the religious organization; and

(b) Whose participation in a food service event is not contingent upon attending non-food service activities of the religious organization; and

(c) Who receives food service without cost or donation, excluding bake sales that are limited to non-potentially hazardous baked goods.

(d) This term does not include patrons of a soup kitchen or similar operation.

(17) through (35) renumbered (21) through (39) No change.

(40) "Snack" – A commercially pre-packaged non-potentially hazardous ready-to-eat-food item that is wrapped for individual consumption.

(36) through (38) renumbered (41) through (43) No change.

~~(44)(39)~~ "Temporary food service event" – Any event offering food service on the premises of a food service establishment approved by the department. These events are at a fixed location for a temporary period of time not to exceed any combination of 18 days within a calendar year and in conjunction with a single event or celebration.

(40) through (43) renumbered (45) through (48) No change.

Specific Authority 381.0072 FS. Law Implemented 381.0072 FS. History– New 1-1-77, Amended 1-6-81, Formerly 10D-13.22, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.009, Amended 6-1-93, 11-30-93, 8-28-96, Formerly 10D-13.022, Amended 3-15-98, _____.

64E-11.003 Food Supplies.

(1) through (2) No change.

(3) Frozen desserts and frozen dessert mixes shall not exceed a standard plate count of 50,000 per gram nor a coliform count of 10 per gram. The standard plate count does not apply to cultured products. ~~Samples shall be collected by department personnel as often as necessary to determine compliance with these standards.~~ Frozen dessert mixes reconstituted for use in a food establishment shall be pasteurized before use.

(4) through (7) No change.

(8) Food containers and packaged foods received and stored at food service establishments shall be in a condition which maintains the safety and integrity of the contents.

(9) Food prepared in a private home shall not be used, sold, or offered ~~for sale~~ to the public by a food service establishment or theater.

Specific Authority 381.0072 FS. Law Implemented 381.0072 FS. History– New 1-1-77, Amended 1-6-81, Formerly 10D-13.23, Amended 2-21-91, Retained here and Transferred to 7C-4.010, Amended 6-1-93, 8-28-96, Formerly 10D-13.023, Amended 3-15-98, _____.

64E-11.004 Food Protection.

(1) through (5) No change.

(6) ~~Pork and~~ Communitied meat (such as hamburger) products shall be thoroughly cooked to heat all parts of the meat to a minimum temperature of 155 degrees Fahrenheit for at least 15 seconds.

(7) No change.

(8) Raw animal products such as eggs, fish, lamb, pork, or beef, except roast beef, and foods containing these raw ingredients, shall be cooked to an internal temperature of 145 degrees Fahrenheit or above for at least 15 seconds, except that upon request of the consumer, animal products which have not been cooked as above may be offered for consumption. Fresh, frozen, or canned fruits and vegetables that are cooked for hot holding shall be cooked to a minimum temperature of 140 degrees Fahrenheit.

(9) No change.

(10) Microwave Cooking. Raw animal food cooked in a microwave oven shall be:

(a) Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;

(b) Covered to retain surface moisture;

(c) Heated to a temperature of at least 165°F throughout all parts of the food ~~an additional 25 ° F above the temperature specified in section 64E-11.004, F.A.C., to compensate for shorter cooking times;~~ and

(d) Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

(11) No change.

(12) Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross contamination. Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to a minimum of 165 degrees Fahrenheit for 15 seconds or higher ~~throughout all parts of the food, or if reheated in a microwave, shall meet the requirements for microwave cooking in subsection 64E-11.004(10), F.A.C., 190° F for a microwave,~~ before being served or before being placed in a hot food storage equipment facility. Remaining un-sliced portions of roast beef and corned beef that are cooked as specified in (8) shall be reheated for hot holding using the requirements of (8). ~~Ready-to eat food taken from a commercially processed, hermetically sealed container, or from an intact package from a food processing plant, shall be heated to a temperature of a least 140 degree Fahrenheit. Precooked, pre-packaged food from approved sources shall be exempt from this rapid reheating requirement when the food is initially removed from the original package, and prepared for service, and not cooked for hot holding.~~ Steam tables, bainmaries, warmers and similar hot food holding equipment facilities ~~are prohibited for the rapid reheating of potentially hazardous foods.~~

(13) No change.

(14) Potentially hazardous food, date marking requirements.

(a) Refrigerated, ready-to-eat, potentially hazardous food prepared and held for more than 24 hours in a facility shall be clearly marked with the date of preparation.

(b) Except as specified in paragraph ~~(d)~~(e) of this section, a container of refrigerated, ready-to-eat, potentially hazardous food prepared and packaged by another food service establishment shall be marked to indicate the date, as specified under subsection 64E-11.004(15), F.A.C., by which food shall be sold or served.

(c) When ready to eat, potentially hazardous food specified in paragraphs 64E-11.004(14)(a),(b), F.A.C., is to be subsequently frozen, in addition to the date of preparation, the food shall comply with the following:

1. Prior to the food being placed into the freezer, the container must be clearly marked to indicate the date of freezing; and

2. The container must be clearly marked to indicate that the food shall be consumed within 24 hours of thawing; and

3. When the food is removed from the freezer, the container must be clearly marked to indicate the date of thawing.

~~(d)~~(e) Paragraph (b) and (c) of this section does not apply to:

1. Cured meats and aged cheese; and

2. Individual meal portions served or repackaged for sale from a bulk container upon a consumer's request.

(15) Ready-to-eat, potentially hazardous food, disposition.

(a) Refrigerated, ready-to-eat, potentially hazardous food specified in paragraphs 64E-11.004(14)(a) and (c), F.A.C., shall be discarded if not sold or served within 7 ~~40~~ calendar days from the date of preparation, excluding the time that the product is frozen;

(b) An ingredient or a container of refrigerated, ready-to-eat, potentially hazardous food specified in paragraph 64E-11.004(14)(a) ~~or (b), F.A.C., shall be discarded if not sold or served within 7~~ ~~40~~ calendar days after the original package is opened, excluding the time that the product is frozen or by the manufacturer's "sell by" or "use by" date, whichever occurs first.

(c) Food specified under subsection 64E-11.004(14), F.A.C., shall:

1. Not be frozen if the food has exceeded the requirements of subsections 64E-11.004(2) or (3), F.A.C.;

2. Not be frozen and subsequently thawed more than once;

3. Be discarded if it is in a container or package that does not bear a date or is inappropriately marked with a date that exceeds the time frame specified in subsection 64E-11.004(15), F.A.C.

(d) A refrigerated, potentially hazardous, ready-to-eat food ingredient or a portion of a refrigerated, potentially hazardous, ready-to-eat food that is subsequently combined with additional ingredients or portions of food shall retain the date marking of the earliest or first-prepared ingredient or portion and shall be discarded as specified under subsection 64E-11.004(15), F.A.C.

(16) All food shall be displayed and served in such a manner as to minimize contamination. To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by employees or provided to consumers who serve themselves. Clean plates are to be made available to customers for subsequent helpings at buffets or similar type operations. It shall be the responsibility of the manager or a designee to inform customers that clean plates are available for subsequent helpings. During pauses in food preparation or dispensing, food preparation and ~~Between uses during service,~~ dispensing utensils shall be stored:

(a) In the food, including food within containers such as bins of sugar or flour, with the dispensing utensil handle extended out of the food; or

(b) Clean and dry; or

(c) In running water of sufficient velocity to flush particulates to the drain, if used with moist food such as ice cream or mashed potatoes; or

(d) In hot water wells that maintain the temperature of the water at or above 140 degrees Fahrenheit and that are cleaned frequently at scheduled intervals throughout the day.

(e) Ice-dispensing utensils shall be stored on a clean surface or in the ice with the dispensing utensil's handle extended out of the ice. Between uses, ice transfer utensils shall be stored in a way that protects the utensils from contamination.

(18) No change.

(19) Ice obtained from outside the food service establishment shall be from an approved source and shall be handled, transported and stored in a sanitary manner. Ice for consumer use shall be dispensed only with scoops, tongs or other ice-dispensing utensils or through automatic self-service ice-dispensing equipment. Ice storage bins shall be drained through an air gap in accordance with the provisions of the applicable plumbing authority. Ice used for cooling stored food and food containers shall not be used for human consumption, except that such ice may be used for cooling tubes conveying beverages or beverage ingredients to a dispenser head.

(20) through (21) No change.

(22) In the event of an emergency occurrence such as a fire, flood, power outage or similar event that might result in the contamination of food, or that might prevent potentially hazardous food from being held at safe temperatures, 41 degrees Fahrenheit or below and 140 degrees Fahrenheit or above, the person in charge shall immediately notify the department.

Specific Authority 381.0072 FS, Law Implemented 120.542, 381.0072 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.24, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.011, Amended 6-1-93, 8-28-96, Formerly 10D-13.024, Amended 3-15-98, _____.

64E-11.005 Personnel.

(1) No change.

(2) Cleanliness – The outer clothing of all employees shall be clean. Employees shall maintain a high degree of personal cleanliness during all periods of duty. All persons involved with food preparation or food storage, or who come in contact with utensil or other food contact services, shall: Hair nets, head bands, caps or other effective hair restraints shall be worn by all persons engaged in the in the preparation and service of food to keep hair from food and food-contact surfaces.

(a) Wear hairnets, headbands, caps or other effective hair restraints to keep hair from food and food-contact surfaces.

(b) Keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable and not rough. Fingernails exceeding one-eighth inch beyond the nail bed shall not be considered trimmed.

(c) Not wear fingernail polish or artificial fingernails when working with exposed food or unwrapped utensils unless wearing intact gloves in good repair.

(d) Except as specified in (f) of this section, shall not eat or drink in food storage and preparation areas, or in areas containing exposed food or unwrapped utensils, or where utensils are cleaned or stored.

(e) Not wear jewelry on their arms and hands while preparing food. This does not apply to a single plain ring such as a wedding band.

(f) Be allowed to drink from a beverage container with a tight fitting lid, if the container is handled to prevent contamination of the employees' hands, the container or unwrapped single-service article.; and exposed food, clean equipment, utensils, and linens.

(3) through (4) No change.

(5) Handwashing – Employees shall wash their hands and exposed portions of their arms at designated handwashing facilities at the following times:

(a) After touching bare human body parts other than clean hands and clean, exposed portions of arms;

(b) After using the toilet room;

(c) After caring for or handling support animals as allowed under subsection 64E-11.008(8), F.A.C.;

(d) After coughing, sneezing, using a handkerchief or disposable tissue, using tobacco, eating, or drinking (except as noted in paragraph (2)(f)(a) of this section);

(e) Immediately before engaging in food preparation including working with exposed food, clean equipment and utensils, and unwrapped single-service and single-use articles;

(f) During food preparation, as often as necessary to remove soil and contamination and prevent cross contamination when changing tasks;

(g) When switching between working with raw foods and working with ready-to-eat foods; and

(h) After engaging in other activities that contaminate the hands.

Specific Authority 381.0072 FS, Law Implemented 381.0072 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.25, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.012, Amended 6-1-93, Formerly 10D-13.025, Amended 3-15-98, _____.

64E-11.006 Food Equipment and Utensils.

(1) Equipment and facilities provided – Every food service establishment shall be provided with equipment and utensils so designed, constructed, located, installed, maintained and operated as to permit full compliance with the provisions of this chapter. Equipment that is certified or classified for sanitation in accordance with American National Standards Institute/National Sanitation Foundation (ANSI/NSF)

standards will be deemed to comply with this section. The following equipment and facilities shall be provided where applicable to the operations conducted:

(a) No change.

(b) Conveniently located sinks with running water, waste disposal units or containers or similar equipment for the washing, trimming and similar preparation of foods. Sinks used for the preparation of food shall not be used for any other purpose.

(c) through (o) No change.

(2) Design and fabrication.

(a) Multi-use equipment and utensils shall be constructed and repaired with safe materials, including finishing materials; shall be corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable and durable under conditions of normal use. Single-service articles shall be made from clean, sanitary, safe materials. Ice buckets, other containers, and scoops, shall be of a smooth, impervious material and designed to facilitate cleaning. Equipment, utensils and single-service articles shall not impart odors, color or taste nor contribute to the contamination of food.

(b) through (r) No change.

(3) No change.

(4) Cleanliness of equipment and utensils.

(a) All tableware, kitchenware and food-contact surfaces of equipment, exclusive of cooking surfaces of equipment and pots and pans that are not used to hold or store food and are used solely for cooking purposes, shall be thoroughly cleaned and sanitized after each use. Food-contact surfaces of grills, griddles and similar cooking devices and the cavities and door seals of microwave ovens shall be cleaned at least once a day; except that this shall not apply to hot oil cooking equipment and hot oil filtering systems. The food-contact surfaces of all cooking equipment shall be kept free of encrusted grease deposits and other accumulated soil. All multi-use utensils and food-contact surfaces of equipment used in the preparation or storage of potentially hazardous food shall be thoroughly cleaned and sanitized prior to each such use. Where equipment and multi-use utensils are used for preparation of potentially hazardous foods on a continuous or production line basis, food-contact surfaces of such equipment and utensils shall be cleaned and sanitized at scheduled intervals throughout the day using a schedule approved by the department, based on food temperature, type of food and amount of food particle accumulation. Non-food-contact surfaces of equipment shall be cleaned at such intervals as necessary to keep them free of dust, dirt, food particles and otherwise in a clean and sanitary condition. After cleaning and until use, all food-contact surfaces of equipment and multi-use utensils shall be stored and handled in a manner that protects those surfaces from manual contact, splash, dust, dirt, insects and other contaminants.

(b) through (d) No change.

(5) Methods of washing and sanitizing.

(a) through (b) No change.

1. through 6. No change.

7. Machines using hot water for sanitizing may be used provided that wash water and pumped rinse water shall be kept clean; and the final rinse cycle results in a utensil surface temperature of 160 degrees Fahrenheit being reached, as measured by an irreversible registering temperature indicator; and water shall be maintained at not less than the temperatures stated in a. through e. below:

a. through f. No change.

(c) through (d) No change.

Specific Authority 381.0072 FS. Law Implemented 381.0072 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.26, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.013, Amended 6-1-93, 8-28-96, Formerly 10D-13.026, Amended 3-15-98.

64E-11.007 Sanitary Facilities and Controls.

(1) Water supply – The water supply shall be adequate, of safe sanitary quality and from an approved source in accordance with provisions of Chapters 62-550 and 62-555 of the Florida Administrative Code or Chapter 64E-8, Florida Administrative Code. Hot and cold running water under pressure shall be provided in all areas where food is prepared and where equipment and multi-use utensils are washed.

(a) No change.

(b) Bottled water – Bottled and packaged potable water shall be obtained from a source that complies with the requirements of Chapter 500.147(3) and (4), Florida Statutes ~~5K-8 of the Florida Administrative Code~~, and shall be handled and stored in a way that protects it from contamination. Bottled and packaged potable water shall be dispensed from the original container.

(c) No change.

~~(d)(2)~~ Ice – Ice making machines shall utilize water from an approved source and shall be constructed, located, installed, operated and maintained so as to prevent contamination of the ice. ~~Ice obtained from outside the food service establishment shall be from a source approved by the department and shall be handled, transported and stored in a sanitary manner. Canvas containers shall not be used unless provided with a sanitary single service liner so as to completely protect the ice from contamination. Ice buckets, other containers and scoops, shall be of a smooth, impervious material and designed to facilitate cleaning.~~ They shall be kept clean and shall be stored and handled in a sanitary manner.

(3) through (5) renumbered (2) through (4) No change.

~~(5)(6)~~ Handwashing facilities – Each food service establishment shall be provided with adequate, readily accessible, conveniently located lavatories equipped with hot and cold running water, hand cleansing soap or detergent and approved sanitary towels or other approved hand drying devices in accordance with provisions of the applicable plumbing authority or, where no plumbing code has been

adopted locally, with Chapter 64E-10 of the Florida Administrative Code. Handwashing facilities shall not be used for any purpose other than handwashing.

(a) through (b) No change.

(c) Lavatories, soap dispensers, hand-drying devices and all other components of the handwashing facilities shall be kept clean and in good repair. Handwashing signs shall be posted at each handwashing facility ~~lavatory location~~.

(d) No change.

(7) through (8) renumbered (6) through (7) No change.

Specific Authority 381.006, 381.0072 FS. Law Implemented 381.006, 381.0072 FS. History—New 1-1-77, Amended 1-6-81, Formerly 10D-13.27, Amended 2-21-91, 5-12-92, Retained here and Transferred to 7C-4.014, Formerly 10D-13.027, Amended 3-15-98, _____.

64E-11.012 Manager Certification.

(1)(a) All managers who are responsible for the storage, preparation, display, and serving of foods to the public shall have passed a written certification test approved by the department demonstrating a basic knowledge of food protection practices. Those managers who successfully pass the certification examination shall be issued a certificate which is valid for a period of five years from the date of issuance. All establishments shall designate in writing the food service manager or managers for each location. Establishments that serve highly susceptible populations, or have three ~~four~~ or more employees at one time engaged in the storage, preparation, display, or serving of food shall have at least one certified manager present at all times when said activities are taking place. All other establishments shall have a certified manager or managers responsible for all periods of operation but said manager or managers need not be present at all times. It shall be the responsibility of the certified manager or managers to inform all employees under their supervision and control who engage in the storage, preparation, or serving of food, to do so in accordance with acceptable sanitary practices as described in this chapter. The certified manager or managers shall also maintain a copy of the establishment's most recent regular food service inspection form provided by the department. Employees shall present this inspection form to guests or patrons for their review upon their request.

(b) Managers employed on or after the effective date of this chapter shall have a period of 90 days after the effective date of employment to satisfactorily pass the required test.

(2) through (3) No change.

(4) Once approved, the testing program shall maintain test(s) that comply with the current requirements of this chapter and shall notify and receive approval from the department prior to making any changes to the test. When requesting approval for changes to an approved test, the testing program or test provider shall submit all documents using underscore and overstrike character attributes to denote inserted and deleted text, respectively. The testing program or approved test provider shall submit to the department a

complete and current copy of all approved tests, in the form and format in which the tests are to be administered to the public;

(a) Within 30 days of receiving department approval for changes to a previously approved test; or

(b) By January 31 of every odd year, except when a complete and approved test has been received by the department as required by (a) above within six months of the January 31 deadline and the testing program or test provider submits an affidavit stating that there have been no changes to the approved test shall submit a complete finished copy of the test to the department; or

(c) Within 90 days of receiving notification from the department that this chapter has undergone substantial changes.

(5) A test offered for compliance with this section shall be invalid when:

(a) It has not been approved by the department; or

(b) It is a previously approved test that has been changed without department approval; or

(c) Any applicable requirement of subsection (4) of this section is not met.

(6)(4) Persons shall be considered certified under these rules when a written examination is a requirement for licensure by the Florida Department of Business and Professional Regulation in a dietary field and when these persons have acquired and maintained the currency of this license. The following establishments are also exempt from the manager certification requirements of this section:

(a) through (b) No change.

Specific Authority 381.0072 FS. Law Implemented 381.0072 FS. History—New 2-21-91, Amended 5-12-92, Retained here and Transferred to 7C-4.023, Amended 6-1-93, 8-28-96, Formerly 10D-13.037, Amended 3-15-98, _____.

64E-11.013 Certificates and Fees.

(1) Certificate Required.

(a) All food service establishment certificates shall expire on September 30. Certificates may be issued for a period less than a calendar year so long as they are prorated on a quarterly basis. Certificates shall be posted in a conspicuous location in the establishment on the premises.

(2) Applications and Renewal of Certificates.

(a) Each person who plans to construct, purchase, reopen, or operate a food service establishment shall apply for and receive a certificate from the department prior to the commencement of operation. Applications for certificates shall be made to the department on DOH Form 4086, Application for Sanitation Certificate, 7/98, which is incorporated herein by reference and which can be obtained from the environmental health section of the county health department.

(b) through (c) No change.

(d) Whenever construction plans are disapproved, a certificate is denied, suspended or revoked or the department takes similar action that affects the substantial interests of a food service establishment certificate holder, the department shall notify the certificate holder of their right to request a hearing on the matter. Notification shall be in writing, and it shall indicate that a hearing must be requested within 30 days of the certificate holder's receipt of the notice. The department shall grant or deny a hearing request within 10 days of receipt. All notices and hearings shall conform ~~be conducted in accordance~~ with the provisions of Chapter 120, F.S.

(3) Fees.

(a) No change.

(b) Except for establishments specifically exempted from fees in subsection (4), all food service establishments shall pay an annual or prorated fee to the department according to the following schedule:

Annual Fee per Food Service Establishment;

	Fee Surcharge	Total
1. Hospital	\$ 200.00 + 10.00	210.00
2. Nursing Home	\$ 200.00 + 10.00	210.00
3. Detention Facility	\$ 200.00 + 10.00	210.00
4. Bar/Lounge	\$ 150.00 + 10.00	160.00
5. Fraternal/Civic Organization	\$ 150.00 + 10.00	160.00
6. Movie Theater	\$ 150.00 + 10.00	160.00
7. School Cafeteria		
a. Operating for 9 months out of a year	\$ 120.00 + 10.00	130.00
b. Operating for more than 9 months	\$ 150.00 + 10.00	160.00
8. Residential Facility	\$ 100.00 + 10.00	110.00
9. Other Food Service	\$ 150.00 + 10.00	160.00
10. Child Care Center	\$ 75.00 + 10.00	85.00
11. Limited Food Service	\$ 75.00 + 10.00	85.00

(c) through (e) No change.

(4) Exemptions. The following limited food service establishments are exempted from the ~~certificate and~~ fee requirements of this section:

(a) Food service establishments that only serve catered meals which have been prepared in an approved food establishment and where no warewashing, and no storage, re-heating, or re-service of the catered food takes place onsite; such as satellite kitchens at schools and other institutions, and similar operations.

(b) Child care facilities and other institutions that serve ~~prepare~~ only snacks or that require individuals in attendance to bring their own meals to the facility, which do not require any food preparation.

Specific Authority 381.0072 FS. Law Implemented 381.0072(2) FS. History—New 2-21-91, Amended 5-12-92, Retained here and Transferred to 7C-4.024, Amended 6-1-93, 11-30-93, 8-28-96, Formerly 10D-13.038, Amended 3-15-98, _____.

64E-11.014 Mobile Food Units.

(1) through (6) No change.

(7) Mobile food units which are limited to the sale of non-potentially hazardous pre-packaged food only shall be exempt from:

(a) The requirements of employee hand washing sink; and

(b) A utensil washing sink will not be required when all necessary washing and sanitizing of utensils and equipment are conducted at a designated approved commissary or fixed food establishment. An adequate supply of spare preparation or serving utensils shall be maintained on the unit and used to replace any utensils that become contaminated.

Specific Authority 381.0072 FS. Law Implemented 381.0072 FS. History—New 3-15-98, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ric Mathis

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Padraic Juarez, Environmental Administrator, Bureau of Facility Programs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 15, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 1, 2002

Section II Proposed Rules

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: _____ RULE NO.: _____

Claims 2A-2.002

PURPOSE AND EFFECT: The proposed rule amendment is intended to incorporate an updated claim form in the rule.

SUMMARY: The rule amendment incorporates an updated claim form in the rule.

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

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b), 960.198 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.