

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 food only shall be exempt from:

(a) The requirements of employee hand washing sink, provided that only pre-packaged items are offered; 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; January 24, 2003

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-2.002 RULE TITLE: Claims

NOTICE OF CHANGE

Notice is hereby given that changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 4, of the January 24, 2003, issue of the Florida Administrative Weekly.

The changes are in response to comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Bureau of Victim Compensation held a public hearing on the rule on March 17, 2003, in Tallahassee, Florida. In response to the written comments submitted by JAPC and staff recommendations, subsection (1) of the rule shall be changed to read as follows:

(1) BVC 100, entitled "Victim Compensation Claim Form," (rev. 3/03), effective _____.

In addition, §960.12, 960.13, 960.15, 960.16, 960.17, 960.18, 960.195, shall be added to the Law Implemented citation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gwen Roache, Chief, Bureau of Victim Compensation, PL-01, The Capitol, Tallahassee, Florida 32399-1050

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-8.031
 RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule published in Vol. 29, No. 4, of the Florida Administrative Weekly, on January 24, 2003, in accordance with subparagraph 120.54(3)(d)1., F.S.

This change is being made to address testimony and evidence received at a public hearing held on March 11, 2003. The change deleted the proposed minimum flow for Lake Avalon in Orange County.

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

- (1) No change.
- (2) The following minimum surface water levels are established:

| Lake Name | County | Hydroperiod Category | Minimum Infrequent High | Minimum Frequent High | Minimum Average Level | Minimum Frequent Low | Minimum Infrequent Low |
|-----------------|------------|-------------------------|-------------------------|-----------------------|-----------------------|----------------------|------------------------|
| (a) through (d) | No change. | | | | | | |
| (e) Avalon | Orange | Seasonally Flooded | | 90.0 | | | |
| | | Typically Saturated | | | 88.3 | | |
| | | Semipermanently Flooded | | | | 86.3 | |

(f) through (xxxx) renumbered (e) through (www) No change.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-3.011
 RULE TITLE: Policy and Purpose

NOTICE OF WITHDRAWAL

Notice is hereby given that the Notice of Proposed Rulemaking published in Vol. 28, No. 5, February 1, 2002, issue of the Florida Administrative Weekly, has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NOS.: 61B-60.001, 61B-60.002, 61B-60.003, 61B-60.006
 RULE TITLES: Definitions, General Provisions; Forms and Fees, Application for and Renewal of Broker or Salesperson License, Escrow Trust Depository; Closing Transactions

NOTICE OF CORRECTION

Notice is hereby given that the following contact information was inadvertently omitted from the Notice of Proposed Rule published in Vol. 29, No. 11, March 14, 2003, issue of the Florida Administrative Weekly:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Elzie, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, (850)488-1631

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE CHAPTER NO.: 64B16-28
 RULE TITLE: General Requirements – Permits
 RULE NO.: 64B16-28.450
 RULE TITLE: Centralized Prescription Filling

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. 28, No. 52, December 27, 2002, issue of the Florida Administrative Weekly. The changes are in response to comments from the Joint Administrative Procedures Committee.

Subsection (1) shall read as follows:

Community pharmacies acting as the supplier pharmacy and limiting its dispensing to centralized prescription filling who file notice with the Board that such pharmacy is so limited shall be exempt from the following rules:

- (a) Rule 64B16-28.1035, F.A.C., Patient Consultation Area;
- (b) The signage requirement of subsection 64B16-28.109(1), F.A.C.;

(c) Rule 64B16-28.404, F.A.C., Regulation of Daily Operating Hours.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lucy C. Gee, Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE TITLE: Replacement of Obsolete Emergency Rules
RULE NO.: 53ER03-17
SUMMARY OF THE RULE: This emergency rule is replacing other emergency rules that have been determined to be obsolete or unnecessary by the Department of the Lottery.
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-17 Replacement of Obsolete Emergency Rules.
The following Department of the Lottery emergency rules relating to Lottery games, promotions or retailer programs are being replaced because the games, promotions or programs have concluded. This rule shall replace the following rules: 53ER01-15, 53ER01-18, 53ER01-28, 53ER01-31, 53ER01-35, 53ER01-49, 53ER01-52, 53ER01-53, 53ER01-55, 53ER01-56, 53ER01-60, 53ER01-61, 53ER01-69, 53ER01-71, 53ER01-73, 53ER01-74, 53ER01-75, 53ER01-78, 53ER01-79, 53ER02-1, 53ER02-6, 53ER02-8, 53ER02-9, 53ER02-11, 53ER02-14, 53ER02-15, 53ER02-18, 53ER02-20; 53ER02-28, F.A.C.

Specific Authority 24.109(1), 24.105(2) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History—New 3-14-03, Replaces 53ER01-15, 53ER01-18, 53ER01-28, 53ER01-31, 53ER01-35, 53ER01-49, 53ER01-52, 53ER01-53, 53ER01-55, 53ER01-56, 53ER01-60, 53ER01-61, 53ER01-69, 53ER01-71, 53ER01-73, 53ER01-74, 53ER01-75, 53ER01-78, 53ER01-79, 53ER02-1, 53ER02-6, 53ER02-8, 53ER02-9, 53ER02-11, 53ER02-14, 53ER02-15, 53ER02-18, 53ER02-20; 53ER02-28 F.A.C.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.
EFFECTIVE DATE: March 14, 2003

DEPARTMENT OF THE LOTTERY

RULE TITLE: Instant Game Number 468, 7-11-21
RULE NO.: 53ER03-18
SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 468, "7-11-21," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule

sets forth the specifics of the game; determination of prizewinners; and the estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER03-18 Instant Game Number 468, 7-11-21.
(1) Name of Game. Instant Game Number 468, "7-11-21."
(2) Price. 7-11-21 lottery tickets sell for \$1.00 per ticket.
(3) 7-11-21 lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning 7-11-21 lottery ticket, a combination of essential elements sufficient to validate the ticket must be present as set forth in paragraph 53ER92-63(1)(a), Florida Administrative Code. In the event a dispute arises as to the validity of any 7-11-21 lottery ticket, or as to the prize amount, the Void If Removed Number under the latex shall prevail over the bar code.

(4) The play symbols and play symbol captions are as follows:

INSERT SYMBOLS

(5) The prize symbols and prize symbol captions are as follows:

INSERT SYMBOLS

(6) The legends are as follows:

INSERT SYMBOLS

(7) Determination of Prizewinners. There are three games on each 7-11-21 lottery ticket. Players may win in one or more games per ticket. A ticket having three numbers within a game, the total of which is 7, 11, or 21, shall entitle the claimant to the corresponding prize shown for that game. The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$100, and \$2,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 ticket, except as follows. A person who submits by mail a 7-11-21 lottery ticket which entitles the claimant to a prize of a \$1.00 ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value, and number of prizes in Instant Game Number 468 are as follows: