

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF REVENUE

Division of Ad Valorem Tax

RULE NO.:	RULE TITLE:
12D-10.0044	Uniform Procedures for Hearings; Procedures for Information and Evidence Exchange Between the Petitioner and Property Appraiser, Consistent with s. 194.032, F.S.; Organizational Meeting; Uniform Procedures to be Available to Petitioners

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to this proposed rule, as published in Vol. 28, No. 48, pp. 5351-5352, November 27, 2002, Vol. 29, No. 3, p. 191, January 17, 2003, Vol. 29, No. 9, p. 872, February 28, 2003 and Vol. 29, No. 15, p. 1498, April 11, 2003 issues of the Florida Administrative Weekly. These changes are in accordance with s. 120.54(3)(d)1., F.S.

Paragraph (a) of subsection (5) of Rule 12D-10.0044, F.A.C., will be changed so that, when adopted, this paragraph will read:

(5)(a) The exchange in subsections (2) and (3) shall be delivered by regular or certified U.S. mail, personal delivery, overnight mail, FAX or email. A party will have prima facie complied with the requirements of this section if the information was deposited in the U.S. mail five (5) calendar days prior to the day of such scheduled delivery, or if emailed or FAXed to an address provided by the other party. It shall be sufficient if at least three FAX or email attempts are made to such address. If more than one FAX number is provided, three (3) attempts must be made for each number to satisfy this requirement. The taxpayer and property appraiser may agree to a different timing and method of exchange. "Provided" means made available in the manner designated by the property appraiser or by the petitioner in his/her submission of information, as via email, facsimile, U.S. mail, or at the property appraiser's office for pick up. If the petitioner does not designate his/her desired manner for receiving the property appraiser's information, the information shall be provided by the property appraiser by depositing it in the U.S. mail.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-15.018	Certification of Glass and Glazing Specialty Contractors

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. 29, No. 13, March 28, 2003, issue of the Florida Administrative Weekly. The changes are in response to comments from the Board meeting held on May 9, 2003.

The changes are as follows:

1. Proposed subsection (1) the addition of the phrase "in residential and commercial applications without any height restrictions." at the end of the sentence.

2. Proposed paragraph (3)(b) the phrase "defined in Part I, Chapter 489," shall be replaced with the phrase" set forth in Sections 489.109, 489.111(3), 489.003, Florida Statutes, and Rules 61G4-12.009 and 61G4-15.005, F.A.C.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.:	RULE TITLE:
61H1-33.007	Reactivation of Inactive License

NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced rule amendment, as noticed in Vol. 29, No. 10 of the Florida Administrative Weekly on March 7, 2003, has been withdrawn. The person to be contacted regarding the rule is: John W. Johnson, Executive Director, Board of Accountancy, 240 N. W. 76 Drive, Suite A, Gainesville, Florida 32607.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-12.012	Records of Drugs, Cosmetic, and Devices
64F-12.013	Prescription Drugs; Receipt, Storage and Security
64F-12.024	Administrative Enforcement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules as noticed in Vol. 29, No. 10, March 7, 2003, Florida Administrative Weekly have been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-20.008	Application
65C-20.009	Staffing Requirements
65C-20.010	Health Related Requirements
65C-20.011	Health Records
65C-20.013	Large Family Child Care Homes

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. 29, No. 9, February 28, 2003, issue of the Florida Administrative Weekly.

65C-20.008 Application; ~~Gold Seal Certificate.~~

~~(1)(a)~~ Application for a license or for renewal of a license to operate a family day care home shall be made on CF-FSP Form 5133, Jan. 2003, Application for a License to Operate a Family Day Care Home, which is incorporated by reference and can be obtained at the Department of Children and Families local child care licensing office ~~district service center~~ or local licensing agency.

~~(2)(b)~~ A completed application for renewal of an annual license must be submitted to the department or local child care licensing agency at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. The renewal application and required forms may be obtained from the local child care licensing office.

~~(c)~~ ~~Child Care providers accredited by one of the recognized gold seal accrediting agencies as referenced in s. 402.281, F.S., shall notify the department or local licensing agency within 30 days of receipt of their accreditation. Gold Seal providers shall post the current Gold Seal certificate in a conspicuous location at the home.~~

65C-20.009 Staffing Requirements.

(1) Personnel.

(a) through (b) No change.

~~(c)~~ ~~Physical Exams. A physical exam completed by a health care provider, which includes physicians, nurse practitioners, and physician's assistants, must be completed within 30 days of licensure or employment and demonstrate that the health of the individual is such that they would be able to provide supervision and care for children. After the initial physical exam, staff shall have exams conducted by their health care provider at least every three years.~~

(2) Staff Training.

(a) Prior to licensure, all family day care home operators must successfully complete the department's 30-clock-hour Family Child Care Home training, as evidenced by passage of a competency based examination with a score of seventy (70) percent or better ~~score~~. Competency examinations will be offered by the Training Coordinating Agency. Prior to

attending the training, Family Day Care Home operators have one opportunity, if they choose, to exempt from the department's 30-clock hour Family Child Care Home Training module by successfully completing competency examinations with a score of seventy (70) or better. All family day care home operators who have successfully completed the mandatory 30-clock-hour Family Child Care Home training prior to the availability of the competency examinations will not be required to complete the competency based testing.

~~(b)~~ ~~Documentation. Training certificates are issued or training transcripts are updated upon the successful completion of training, as evidenced by the passage of a competency examination. The 30-clock-hour Family Child Care Home Training will be documented on CF-FSP Form 5267, May 2003, and the department's child care training transcript. The 30-clock hour Family Child Care Home training must be documented on the department's CF-FSP Form 5194, July 2002, Family Child Care Home Training certificate. Training certificates shall be issued by training coordinating agencies upon successful completion of training.~~

~~(c)~~ Family day care home substitutes who work 40 hours or more a month on average during a 12 month period must successfully complete the 30-clock-hour Family Child Care Home training, as evidenced by passage of a competency based examination with a score of seventy (70) percent or better ~~score~~, documented on the department's CF-FSP Form 5267, May 2003, and the department's child care training transcript 5194, July 2002. All family day care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing. Prior to attending the training, Family Day Care Home substitutes have one opportunity, if they choose, to exempt from the department's 30-clock-hour Family Child Care Home Training module by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Training Coordinating Agency. Family day care home substitutes who work less than 40 hours a month on average during a 12 month period shall complete the department's 3-clock-hour Fundamentals of Child Care training as; documented on the department's CF-FSP Form 5267, May 2003, and the department's child care training transcript 5155, July 2002, Fundamentals of Child Care Training certificate, which is incorporated by reference. Family day care substitutes who have successfully completed the 30-clock-hour Family Child Care Home training will not be required to complete the 3-clock-hour Fundamentals of Child Care training. ~~The operator of the family day care home must sign a statement attesting to the number of hours the substitute works in their home, which shall be placed in their file.~~

(d) Prior to initial licensure, family day care home operators must have a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. The substitute, prior to caring for children in the family day care home, must have a valid and current certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction.

(3) Supervision.

(a) through (b) No change.

65C-20.010 Health Related Requirements.

(1) General Requirements.

(a) Animals, pets or fowl must have current immunizations ~~be properly immunized~~, if immunizations are available for the type of animal, pet or fowl, and free of disease.

(b) No change.

(c) All family day care home operators shall inform parents in writing, if someone living in the home smokes. Pursuant to Chapter 386, Florida Statutes, while children are in care, smoking is prohibited within the family day care home ~~and~~, all outdoor play areas and in vehicles when transporting children.

(d) through (e) No change.

(f) No change.

All in-ground swimming pools and above-ground swimming pools, more than one foot deep, shall have either a fence or barrier on all four sides, a minimum of 4 feet in height, separating the home from the swimming pool, or a pool alarm that is operable at all times when children are in care. The exterior wall of the home does not constitute a fence or barrier. All doors or gates in the fence or barrier shall be locked at all times when children are in care and when the pool is not being used by the children in care. ~~In the absence of a fence or barrier, swimming pools must be equipped with a pool alarm that is operable at all times when children are in care~~. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool area remain locked at all times while children are in care. Barriers may be temporary in nature but must be sturdy and meet all the above requirements and be in place during all times when children are in care.

(g) through (h) No change.

(i) ~~When napping~~, Each child in care must be provided safe and sanitary bedding to be used when napping. Bedding means a cot, bed, crib, mattress, playpen or floor mat. Mats must be at least one inch thick and covered with an impermeable surface.

(j) through (n) No change.

(o) All parts of the home, both indoors and outdoors, including the furnishings, equipment, and plumbing shall be kept clean and sanitary, free of hazards, in an orderly condition and in good repair at all times. The family day care home shall have an operable smoke detector and fire extinguisher in compliance with the state fire code, a working telephone, and lighting that allows for safe movement and egress for children in care. At all times and appropriate for the activity, lighting in family day care homes must be sufficient enough to allow the operator to visually observe and supervise children in care. The home must have proper ventilation, and the temperature must be maintained between 65 and 82 degrees Fahrenheit.

(p) If the operator chooses to supply food, the operator shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA Food Guide Pyramid for Young Children, March 1999, which is incorporated by reference, shall be used to determine what food groups to serve at each meal or snack and the serving size of the selected foods for children one year of age and older. The fats and sweets category within the USDA Food Guide Pyramid for Young Children cannot be counted as a food group. Copies of the USDA Food Guide Pyramid for Young Children may be obtained from the district child care licensing office or local licensing agency. Using the USDA Food Guide Pyramid for Young Children; breakfast shall consist of at least three different food groups; lunch and dinner shall consist of at least four different food groups and snacks shall consist of at least two different food groups. If a special diet is required for a child by a physician, appropriate documentation shall be maintained in the child's file to include the physician's order, a copy of a diet and sample meal plan for the special diet. If the parent or legal guardian notifies the family day care home of any known food allergies, written documentation ~~from a physician~~ must be maintained in the child's file.

(2) Hygiene and Sanitation.

(a) Operators, substitutes, and children shall wash their hands with soap and running water, drying thoroughly, following personal hygiene procedures for themselves, or when assisting others, and immediately after outdoor play.

(b) through (e) No change.

(3) First Aid Kit and Emergency Procedures.

(a) through (b) No change.

~~(4)(5)~~ Communicable Disease Control.

(a) through (c) No change.

~~(5)(6)~~ Medication. Family day care homes are not required to give medication, however, if they choose to do so, the following shall apply:

(a) Prescription and non-prescription medication brought to the family day care home by the custodial parent or legal guardian must be in the original container. Prescription medication must have the label stating the name of the

physician, child's name, medication and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. For purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the facility has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal guardian notifies the family day care home of any known allergies to medication, written documentation ~~from a physician~~ must be maintained in the child's file.

(b) ~~All medicines shall be kept out of the reach of children and must have child resistant caps.~~

(c) through (e) No change.

65C-20.011 Health Records.

(1) through (2) No change.

(3) Immunization and Health Records.

(a) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information. Immunization and student health examination records are the property of the custodial parent or legal guardian when the child withdraws from care and are transferable to another child care arrangement.

(b) No change.

(4) No change.

65C-20.012 Enforcement.

(1) through (3) No change.

65C-20.013 Large Family Child Care Homes (LFCCH).

(1) through (3) No change.

(4) LFCCH Personnel:

(a) through (b) No change.

(5) LFCCH Staff Training:

(a) In addition to the successful completion of the 30-clock-hour Family Child Care Home training completed prior to caring for children, large family child care home operators must successfully complete training as evidenced by passage of competency examination with a score of seventy (70) or better in one of the following 10-clock-hour specialized training modules within six (6) months of licensure:

1. Infant and Toddler Appropriate Practices.
2. Preschool Appropriate Practices.
3. School-Age Appropriate Practices.
4. Special Needs Appropriate Practices.
5. Behavioral Observation and Screening.

(b) ~~Documentation.~~ Training certificates are issued or training transcripts are updated by training coordinating agencies upon the successful completion of training, as evidenced by the passage of a competency examination with a

score of seventy (70) or better. Competency examinations will be offered by the Training Coordinating Agency. Prior to attending the training, Large Family Child Care Home operators have one opportunity, if they choose, to exempt from the 10-clock-hour specialized training module by successfully completing competency examinations with a score of seventy (70) or better. The 10-hour specialized training must be documented on CF-FSP Form 5267, May 2003, and the department's child care training transcript, 5166, July 2002, the Department's Specialized Training Module Certificates, which are incorporated by reference.

(c) No change.

(d) Employees in a large family child care home shall be at least 18 years of age and within 90 days of employment within the child care field, shall begin the 30-clock-hour Family Child Care Home training. Prior to attending the training, employees in a large family child care home have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. The training shall be successfully completed within one year of the date on which the training began, as evidenced by the passage of a competency examination with a score of seventy (70) or better. The Family Child Care Home training must be documented on the department's CF-FSP Form 5267, May 2003 5194, July 2002, and the department's child care training transcript, Family Child Care Home training certificate, which is incorporated by reference.

(e) Prior to taking care of children, sSubstitutes for the operator of large family child care homes shall be at least 18 years of age and shall have successfully completed the 30-clock-hour Family Child Care Home training, as evidenced by the passage of a competency examination demonstrated through passage of a competency examination with a score of seventy (70) percent or better higher score. Prior to attending the training, substitutes for the operator have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Training Coordinating Agency. Completion of the 30 hour Family Child Care Home training shall be documented on the department's CF-FSP Form 5267, May 2003, and the department's child care training transcript, 5194, July 2002, which is incorporated by reference prior to taking care of children. Substitutes for an employee at a large family child care home who work less than 40 hours a month on average during a 12 month period, shall complete the department's 3-clock-hour Fundamentals of Child Care ~~t~~ Training course. Prior to taking care of children, sSubstitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period, shall successfully complete the 30-clock-hour Family Child Care Home training, as demonstrated through

passage of a competency examination with a score of seventy (70) percent or better higher score, documented on the form and transcript referenced above, ~~prior to taking care of children. Prior to attending the training, substitutes for an employee at a large family child care home who work more than 40 hours a month on average during a 12 month period have one opportunity, if they choose, to exempt from the 30-clock-hour Family Child Care Home training by successfully completing competency examinations with a score of seventy (70) or better.~~ All large family child care home substitutes who have completed the 30-clock-hour Family Child Care Home training prior to the availability of the competency examination will not be required to complete the competency based testing.

(6) LFCCH Supervision.

(a) No change.

(b) Additional Supervision Requirements.

1. In addition to the number of staff required to meet staff to child ratios, if there are more than 6 preschoolers participating on field trips away from the large family child care home, there must be one additional adult present, per each 6 preschoolers, or any fraction thereof, to provide direct supervision to the children. Where some children remain in the home the adult supervision as required in s. 402.302(8), F.S., shall be maintained. At no time shall the total number of children exceed the capacity as defined in s. 402.3131, F.S.

~~2.1. An additional adult must be present during all water activities, for the purpose of safety, to assist in providing direct supervision.~~ If a large family child care home uses a swimming pool which exceeds 3 feet in depth or uses beach or lake areas for water activities, the large family child care home must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when children are in the swimming area.

(7) through (9) No change.

(10) LFCCH General Requirements.

(a) through (d) No change.

(11) LFCCH Enforcement. Pursuant to section 402.3131, F.S., the department or local licensing agency shall deny, suspend, revoke a license, or impose an administrative fine for the violation of any provision of ss. 402.301-402.319, F.S., or rules adopted thereunder.

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, 9-20-01, 7-1-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 392, 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: February 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-22.001	General Information
65C-22.002	Physical Environment
65C-22.003	Training
65C-22.004	Health Related Requirements
65C-22.005	Food and Nutrition
65C-22.006	Record Keeping

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. 29, No. 9, February 28, 2003, issue of the Florida Administrative Weekly.

65C-22.001 General Information.

(1) Application.

(a) through (e) No change.

(2) License.

(a) through (b) No change.

~~(e) Child Care facilities accredited by one of the recognized gold seal accrediting agencies as referenced in s. 402.281, F.S., shall notify the department or local licensing agency within 30 days of receipt of their accreditation. Gold Seal providers shall post the current Gold Seal certificate in a conspicuous location at the facility.~~

(3) Minimum Age Requirements.

No change.

(4) Ratios.

(a) through (b) No change.

(5) Supervision.

(a) through (c) No change.

(d) Additional Supervision Requirements.

1. No change.

~~2. An additional adult must be present during all water activities, for the purpose of safety, to assist in providing direct supervision.~~ If a child care facility uses a swimming pool which exceeds 3 feet in depth or uses beach or lake areas for water activities, the child care facility must provide one person with a certified lifeguard certificate or equivalent, unless a certified lifeguard is on duty and present when any children are in the swimming area. In situations where the child care facility provides a person with a certified lifeguard certificate or equivalent, that person can also serve as the additional adult to meet the requirement in (d)1. above.

3. No change.

(6) Transportation.

(a) through (f) No change.

(7) Planned Activities.

(a) through (b) No change.

(8) Child Discipline.

(a) through (c) No change.

(9) Access.

No change.

65C-22.002 Physical Environment.

(1) General Requirements.

(a) through (i) No change.

(j) Design and construction of a new child care facility or modifications to an existing facility, must meet the minimum requirements of the applicable local governing body.

(2) Rooms Occupied by Children.

(a) through (d) No change.

(3) Indoor Floor Space.

(a) through (d) No change.

(4) Outdoor Play Area.

(a) through (g) No change.

(5) Napping and Sleeping Space.

(a) No change.

(b) When napping or sleeping, Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping. Bedding means a cot, bed, crib, playpen, mattress or floor mat. Floor mats must be at least one inch thick and covered with an impermeable surface. Floor mats and playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size. Bedding is not required for school age children, however, the program or facility shall provide an area as described in paragraph 65C-22.002(5)(a), F.A.C., for those children choosing to rest.

(c) through (g) No change.

(6) Toilet and Bath Facilities.

(a) No change.

(b) For facilities having from one to fifteen children, there shall be one toilet and one wash basin. There shall be one additional toilet and basin for every thirty children thereafter. For design and construction of a new child care facility or modification to an existing facility, paragraph 65C-22.002(1)(j), F.A.C., shall apply.

1. through 2. No change.

(c) through (g) No change.

(7) Fire Safety.

(a) through (c) No change.

(8) Health and Sanitation.

(a) General Requirements.

1. No change.

2. Following personal hygiene procedures for themselves or when assisting others, and immediately after outdoor play, employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly.

3. through 4. No change.

(b) Diapering Requirements.

1. through 6. No change.

(9) Equipment and Furnishings.

(a) through (b) No change.

65C-22.003 Training.

(1) Definitions.

(a) through (g) No change.

(2) Training Requirements.

(a) No change.

(b) Child Care personnel hired on or after October 1, 1992, must successfully complete Part I and Part II of the department's 40 hour Introductory Child Care Training requirement. Successful completion of the 40 hour training requirement is evidenced by passage of competency examinations with a score of seventy (70) percent or better ~~score~~. Child care personnel who have completed the mandatory 40 hour Introductory Child Care Training prior to the availability of the competency examinations will not be required to complete the competency based testing.

(c) ~~Documentation.~~ Training certificates are issued or training transcripts are updated by training coordinating agencies upon the successful completion of training, as evidenced by the passage of a competency examination. Competency examinations will be offered by the Training Coordinating Agency.

1. The successful completion of Part I and Part II modules will be documented on CF-FSP Form 5267, May 2003, and the department's child care training transcript. Part I, Modules I through IV, must be documented on CF FSP Form 5154, July 2002, Part I, Module V, must be documented on CF FSP 5243, July 2002, and Part II must be documented on CF FSP Form 5166, July 2002, the Department's Specialized Training Module Certificates (Part II), which are incorporated by reference.

2. The original certificate of completion is the property of the individual and ~~A~~ a copy of the certificate or training transcript must be included in the child care personnel record and maintained at each facility.

(3) Exemptions from the Introductory Child Care Training.

(a) Examination Exemptions.

Prior to attending the training, ~~c~~child care personnel have one opportunity, if they choose, to ~~can~~ be exempt from any of the 40 hour Introductory Child Care Training modules by successfully completing competency examinations with a

score of seventy (70) percent or better score. ~~Competency examinations will be offered by the training coordinating agency, or its designee.~~

(b) Educational Exemptions.

1. Training coordinating agencies shall exempt child care personnel with one of the following educational qualifications, from the Health, Safety and Nutrition, Child Growth and Development and Behavioral Observation and Screening Modules:

a. No change.

b. Child Development Associate credential, state-approved Florida CDA Equivalency course, ~~or CDA Exemption Waiver certificate.~~

2. Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Early Childhood Education or Preschool Education from the Infant and Toddler Appropriate Practices module and ~~or~~ Preschool Appropriate Practices module.

3. through 4. No change.

(4) Trainer Qualifications. Qualified child care professionals approved to teach the department's child care training modules at a minimum must meet the following qualifications:

(a) through (c) No change.

(d) Family child care trainers must meet the following qualifications: a high school diploma or GED, a National CDA or a state approved Florida CDA equivalent, three years of full-time experience in licensed family child care within the past five years, and complete the 6-clock-hour Train-the-Trainer course developed by the department.

(e) Training Coordinating Agencies may require a trainer to attend a specific child care training module prior to being approved.

(5) Annual In-service Training.

(a) through (b) No change.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5130, Apr. 2003 Apr. 97, Child Care In-service Training Record, which is incorporated by reference, and included in the child care facilities' personnel records.

(6) Staff Credentials.

(a)1. No change.

2. Formal Education Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, April 03 Oct. 01, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference.

3. through 4. No change.

5.a. Early Childhood Education Training organizations seeking to provide the Florida School-Age Certification Training Program, must utilize the Florida School-Age

Certification Training Program as approved by the department. Organizations seeking to provide the Florida School-Age Certification Training Program, must apply for approval on CF-FSP Form 5267, May 2003 5257, July 02, Application to Provide the Florida School-Age Certification Training Program, which is incorporated by reference.

b. through c. No change.

d. Individuals who successfully complete a school age training program offered by one of the branches of the U.S. Military offered by the U.S. Military will be recognized as having met the Florida School-Age Certification requirement.

e. through g. No change.

(b) Periods of Transition. Child care personnel meeting the credentialing requirement in (a)1.-5. of this section, must work at the facility a minimum of 20 hours per week. Nap time and lunch times are excluded from this calculation. during normal periods of time excluding opening, closing, nap time, lunch and free time. A credentialed staff person must be on-site on a full time basis for those facilities that operate 20 hours or less per week a minimum of 75% of the facility's operating hours per week.

(c) Verification of Education and Employment History.

1. Child care personnel seeking satisfaction of the staff credentialing requirement, in (a)1.-5. of this section, are responsible for completing and submitting to their local Training Coordinating Agency, notarized CF-FSP Form 5211, April 03 Oct. 01, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation.

2. through 3. No change.

(d) No change.

(7) Director Credential.

(a) Pursuant to Section 402.305(2)(f)(g), F.S., every child care facility director must have a director credential by January 1, 2004, which consists of the foundational level or the advanced level. As of January 1, 2004, every applicant for a license to operate a child care facility or a license for a change of ownership of a child care facility, must document that the facility director has a director credential, prior to issuance of the license to operate the facility. As it relates to the director credential, the following exceptions apply:

1. through 2. No change.

(b) through (e) No change.

(f) Testing. For the advanced level credential only, individuals who meet the requirements for the educational exception but do not have coursework in early childhood education or administration may opt to take a competency-based test to meet the three credit hour course requirement in early childhood education/child development or the three credit hour course requirement in administration, or both. This process will require the candidate to complete a written test, developed and approved by the department, at a local community college with a minimum score of 70 percent.

(g) through (i) No change.

65C-22.004 Health Related Requirements.

(1) Communicable Disease Control.

(a) through (d) No change.

(2) First Aid, Cardiopulmonary Resuscitation and Emergency Procedures.

(a) through (d) No change.

(3) Medication. Child care facilities are not required to give medication, however, if they choose to do so, the following shall apply:

(a) Prescription and non-prescription medication brought to the child care facility by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to written directions on the prescription label or printed manufacturer's label. For purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the facility has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on the day of occurrence. If the parent or legal guardian notifies the child care facility of any known allergies to medication, written documentation ~~from a physician~~ must be maintained in the child's file. Special restrictions to medication must be shared with staff and must be posted with stored medication in the classroom.

(b) All medicines must have child resistant caps and shall be stored separately and locked or placed out of a child's reach.

(c) No change.

65C-22.005 Food and Nutrition.

(1) Nutrition.

(a) through (b) No change.

(c) If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's facility file. If the parent or legal guardian notifies the child care facility of any known food allergies, written documentation ~~from a physician~~ must be maintained in the child's file. Special food restrictions must be shared with staff and ~~must be posted in a conspicuous location the classroom.~~

(d) No change.

(2) Food Preparation Area.

No change.

(3) Food Service.

(a) through (e) No change.

65C-22.006 Record Keeping.

(1) General Requirements. ~~All required records shall be maintained pursuant to Section 402.305(9), F.S., and available at the facility during the hours of operation for the licensing authority to review.~~

(a) All records required to document compliance with Section 402.305, F.S., shall be maintained at the facility and available during the hours of operation for review by the licensing authority.

(b) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

(2) Children's Health Requirements.

(a) through (e) No change.

(3) Medication Records.

(a) through (b) No change.

(4) Enrollment Information.

(a) through (c) No change.

(5) Personnel Records.

(a) through (c) No change.

(d) Level 2 screening information documented on CF-FSP Form 5131, Apr. 2003 Oct. 02, Background Screening and Personnel File Requirements. An employment history check for the previous two years or last three jobs is required as part of background screening.

(e) through (f) No change.

(g) Physical Exams. A physical exam completed by a health care provider, which includes physicians, nurse practitioners, and physician's assistants, must be completed within 30 days of licensure or employment and demonstrate that the health of the individual is such that they would be able to provide supervision and care for children. After the initial physical exam, staff shall have exams conducted by their health care provider at least every three years.

(6) Other Records.

(a) through (h) No change.

65C-22.007 Evening Child Care.

(1) through (3) No change.

Specific Authority 402.305 FS. Law Implemented 402.305 FS.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 392, 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: February 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 19, 2002

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.:	RULE TITLES:
65C-25.004	Physical Environment
65C-25.006	Health and Safety
65C-25.007	Food and Nutrition
65C-25.008	Record Keeping

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. 29, No. 9, February 28, 2003, issue of the Florida Administrative Weekly.

65C-25.001 Definitions.

(1) through (9) No change.

65C-25.002 Admission and Assessment.

(1) General Requirements.

(a) through (b) No change.

(2) Admission.

(a) through (h) No change.

(3) Inclusions.

(a) through (n) No change.

(4) Exclusions.

(a) through (e) No change.

65C-25.003 General Information.

(1) Application.

(a) through (d) No change.

(2) License.

(a) through (e) No change.

(3) Ratios

(a) through (b) No change.

(4) Supervision.

(a) through (b) No change.

(5) Schedule of Activities.

(a) through (b) No change.

(6) Access.

(a) through (b) No change.

(7) Child Discipline.

(a) through (c) No change.

65C-25.004 Physical Environment.

(1) Sanitation and Safety.

(a) through (j) No change.

(k) Pursuant to Chapter 386, Florida Statutes, smoking is prohibited within the child care facility, ~~and~~ all outdoor play areas, and in vehicles when transporting children.

(l) Design and construction of a new child care facility or modifications to an existing facility, must meet the minimum requirements of the applicable local governing body.

(2) Rooms Occupied by Children.

(a) through (d) No change.

(3) Indoor Floor Space.

(a) through (c) No change.

(4) Outdoor play space.

(a) through (b) No change.

(5) Napping and Sleeping Space. For the purpose of these standards, sleeping refers to the normal overnight sleep cycle while napping refers to a brief period of rest during daylight or early evening hours.

(a) No change.

~~(b) When napping or sleeping.~~ Each child in care must be provided safe and sanitary bedding to be used when napping or sleeping. Bedding means a cot, bed, crib, or playpen. Playpens may not be used for care when children are sleeping. Bedding must be appropriate for the child's size.

(c) through (g) No change.

(6) Toilet and Bath Facilities.

(a) No change.

(b) The facility shall provide a minimum of one toilet and one wash basin for every ten children. For design and construction of a new child care facility or modification to an existing facility, paragraph 65C-25.004(1)(l), F.A.C. shall apply.

(c) through (j) No change.

65C-25.005 Personnel Requirements.

(1) through (3) No change.

65C-25.006 Health and Safety.

(1) General Requirements.

(a) No change.

(b) Following personal hygiene procedures for themselves or when assisting others, and immediately after outdoor play, employees, volunteers, and children shall wash their hands with soap and running water, drying thoroughly with disposable towels. Only soap from a liquid soap dispenser shall be used for hand washing.

(c) through (e) No change.

(2) Diapering Requirements

(a) through (h) No change.

(3) Equipment and Furnishings.

(a) through (b) No change.

(4) Fire Safety.

(a) through (c) No change.

(5) Emergency Procedures.

(a) through (b) No change.

(6) Dispensing of Medication.

(a) Prescription and non-prescription medication brought to the child care facility for mildly ill children by the custodial parent or legal guardian must be in the original container. Prescription medication must have a label stating the name of the physician or ARNP, child's name, name of the medication, and medication directions. All prescription and non-prescription medication shall be dispensed according to

written directions on the prescription label or printed manufacturer's label. For purposes of dispensing non-prescription medication that is not brought in by the parent, in the event of an emergency, non-prescription medication can only be dispensed if the facility has written authorization from the parent or legal guardian to do so. Any medication dispensed under these conditions must be documented in the child's file and the parent or legal guardian must be notified on day of occurrence. If the parent or legal guardian notifies the child care facility family day care home of any known allergies to medication, written documentation ~~from a physician~~ must be maintained in the child's file. Special restrictions to medication must be shared with staff and ~~must be posted with stored medicines in the classroom.~~

(b) ~~All m~~Medicines must have child resistant caps and shall be stored separately and locked or placed out of a child's reach.

(c) No change.

65C-25.007 Food and Nutrition.

(1) Nutrition.

(a) through (b) No change.

(c) Child care facilities for mildly ill children shall ensure that menus for children can be modified to meet the individual needs of each child in care. If a special diet is required for a child by a physician, a copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet shall be maintained in the child's facility file. If the parent notifies the child care facility of any known food allergies, written documentation ~~from a physician~~ must be maintained in the child's file. Special food restrictions must be shared with staff and ~~must be posted in a conspicuous location the classroom.~~

(d) No change.

(2) Food Service.

(a) through (d) No change.

65C-25.008 Record Keeping.

(1) General Requirements. All required records in child care facilities for mildly ill children shall be maintained pursuant to section 402.305(9), F.S. and available at the facility for the licensing authority to review during hours of operation.

(a) All records required to document compliance with section 402.305, F.S., shall be maintained at the facility available during the hours of operation for the licensing authority to review.

(b) Copies of required records are acceptable for documentation. Original documents are the property of the party providing the information.

(2) Children's Records.

(a) through (d) No change.

(3) Medication Records.

(a) through (b) No change.

(4) Personnel Records. Records shall be maintained and kept current on all child care personnel, as defined by Section 402.302(3)(8), F.S., and household members if the facility is located in a private residence. These shall include:

(a) through (e) No change.

~~(f) Physical Exams. A physical exam completed by a health care provider, which includes physicians, nurse practitioners, and physician's assistants, must be completed within 30 days of licensure or employment and demonstrate that the health of the individual is such that they would be able to provide supervision and care for children. After the initial physical exam, staff shall have exams conducted by their health care provider at least every three years.~~

(5) Other Records.

(a) through (d) 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, 9-20-01, 7-1-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 392, 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: February 14, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 28, 2003

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that Florida Communities Trust, within the Department of Community Affairs, received a Petition for Waiver on May 8, 2003, from the County of Charlotte relating to the Bayshore Linear Park Project (FCT #01-018-FF1). The petitioner seeks a waiver of a portion of subsection 9K-7.003(5), F.A.C. More specifically, the petitioner seeks a temporary one-year waiver from the property acquisition time constraints of the above-mentioned rule subsection. This waiver is being requested pursuant to the provisions of Section 120.542, F.S., and Chapter 28-104.002, F.A.C.