

Section II
Proposed Rules

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Comprehensive Emergency Management Plan
 RULE CHAPTER NO.: 9G-2

RULE TITLE: State Comprehensive Emergency Management Plan Adopted
 RULE NO.: 9G-2.002

PURPOSE, EFFECT AND SUMMARY: To adopt the 2004 revised version of the State CEMP as required by Chapter 252, Florida Statutes. This action would replace the 2002 version.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 252.35(2)(u) FS.

LAW IMPLEMENTED: 252.35(2)(a) FS.

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

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact: Charlie Worthen, Planner IV, Bureau of Preparedness and Response, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, Suncom 293-9973, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Worthen, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, Suncom 293-9973

THE FULL TEXT OF THE PROPOSED RULE IS:

9G-2.002 State Comprehensive Emergency Management Plan Adopted.

(1) The Department hereby adopts and incorporates by reference into this Chapter the State Comprehensive Emergency Management Plan (February 1, 2004 ~~July 8, 2002~~ Edition).

(2) The State Comprehensive Emergency Management Plan shall be the master operations document for the State of Florida in responding to all emergencies, and all catastrophic, major, and minor disasters.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a) FS. History—New 1-4-01, Amended 7-8-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charlie Worthen, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, Suncom 293-9973

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Fugate, Director, Division of Emergency Management, Department of Community Affairs

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

RULE TITLE: Reimbursement Premium Formula
 RULE NO.: 19-8.028

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.555, Florida Statutes, regarding the Florida Hurricane Catastrophe Fund, for the 2004-2005 contract year.

SUMMARY: Proposed amended Rule 19-8.028, F.A.C., establishes the premium formula and adopts the rates for the 2004-2005 contract year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost to be minimal.

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

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2),(3),(4),(5),(6),(7) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 12:00 Noon, Eastern Daylight Time, Tuesday, May 18, 2004

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend this meeting is asked to call Patti Elsbernd, (850)413-1346, five (5) days prior to the meeting so that appropriate arrangements can be made.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.028 Reimbursement Premium Formula.

(1) through (2)(a) No change.

(b) Board or SBA means the ~~Florida~~ State Board of Administration ~~of Florida~~.

(c) Citizens Property Insurance Corporation (Citizens) means the entity formed under Section 627.351, Florida Statutes and refers to both Citizens Property Insurance Corporation High Risk Account (~~formerly the Florida Windstorm Underwriting Association~~) and Citizens Property Insurance Corporation Personal Lines and Commercial Lines Accounts (~~formerly the Florida Residential Property and Casualty Joint Underwriting Association~~).

(d) through (j) No change.

(k) New Participants. The term means all Companies which are granted a certificate of authority by the Department of Financial Services after the beginning of the FHCF's Contract Year on June 1 and which write Covered Policies, or which already have a certificate of authority and begin writing Covered Policies on or after the beginning of the FHCF's Contract Year on June 1 and did not or was not required to enter into a contract on June 1 of the Contract Year. A Company that enters into an pursuant to an assumption agreement with Citizens that includes Covered Policies and is effective after June 1 and had written no other Covered Policies on or before June 1 is also considered a New Participant.

(l) through (n) No change.

(3)(a) through (f) No change.

(g) For the 2004-2005 Contract Year, the Formula developed by the Board's Independent Consultant, "Florida Hurricane Catastrophe Fund: 2004 Ratemaking Formula Report to the State Board of Administration of Florida, March , 2004" is hereby adopted and incorporated by reference. The basic premium rates developed in accordance with the Premium Formula methodology approved by the Board on April 13, 2004, are hereby adopted and incorporated by reference in Form FHCF-Rates 2004, "Florida Hurricane Catastrophe Fund Proposed 2004 Rates, March , 2004.

(4)(a) Special Circumstances.

1. Allocation of Premium. Premiums paid to the FHCF with reference to property covered by Quota Share Primary Insurance Arrangements, as that phrase is defined in Section 627.351(6)(c)2.a.(I), Florida Statutes, will be allocated by the FHCF between the Insurer and Citizens in accordance with the

percentages specified in the Quota Share Primary Insurance Arrangement for the purposes of premium billing, calculating retentions and determining reimbursement payments.

2. Section II Exposure. The Premium Formula for Section II exposure will be based on the use of computer modeling for each individual Company for which it is applicable. Because of the difference in potential loss exposure between Section I and Section II, it is not equitable to apply FHCF rates developed for Section I exposures to Section II exposures. Therefore, the Independent Consultant will recommend guidelines for individual company Section II portfolio modeling to estimate individual company FHCF expected losses. Individual company FHCF expected losses for Section II exposures will be loaded for investments and expenses on the same basis as the FHCF premium rates used for Section I exposures, but will also include a loading for the additional cost of individual company modeling. The minimum exposure threshold for FHCF Section II rating will be sufficient to generate estimated FHCF premium greater than the cost of modeling and other considerations. The Independent Consultant will calculate the minimum threshold of Section II exposure required for the separate coverage levels of 45%, 75%, and 90% using the Section I rates established pursuant to subsection (3) herein. The methodology used by the Independent Consultant will be based on sound actuarial principles to establish greater actuarial equity in the premium structure. Companies with exposure meeting the definition of Section II, shall report the said exposure under Section II using Section II reporting specifications.

(b) through (c) No change.

(d) Specialized Fine Arts Risks. Any policy or endorsement exclusively covering Specialized Fine Arts Risks and not covering any residential structure ~~and~~ or contents thereof other than such specialized fine arts items covered in the fine arts policy, shall be exempt from the Fund as a risk meeting specialized loss control requirements if the insurer employs underwriting criteria and requires its policyholders to adhere to sub-subparagraphs 1. through 7., immediately below. For purposes of the exemption in this paragraph, a Specialized Fine Arts Risk is a policy or endorsement which insures paintings, works on paper, etchings, art glass windows, pictures, statuary, sculptures, tapestries, antique furniture, antique silver, antique rugs, rare books, and other bona fide works of art, of rarity, of historic value, or artistic merit; which charges a minimum Premium of \$500; which insures scheduled items valued, in the aggregate, at no less than \$100,000; and which requires an investment by the insured in loss control measures to protect the Fine Arts Risks being insured.

1. through 7. No change.

(5) All the forms adopted and incorporated by reference in this rule may be obtained from: Administrator, Florida Hurricane Catastrophe Fund, Paragon Strategic Solutions, Inc., Reinsurance Risk Management Services, Inc., 3600 American Boulevard West 80th Street, Minneapolis, Minnesota 55431.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2),(3),(4),(5),(6),(7) FS. History--New 9-20-99, Amended 7-3-00, 9-17-01, 7-17-02, 7-2-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 13, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 19, 2003

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: RULE CHAPTER NO.:
 Procedural 40D-1
 RULE TITLE: RULE NO.:
 Basins 40D-1.107

PURPOSE AND EFFECT: The purpose and effect of this rulemaking is to remove 10 courses erroneously included in the existing legal description found within Rule 40D-1.107, F.A.C.
 SUMMARY: In November 2003 the Governing Board approved rulemaking to amend the legal descriptions of the District's basin boundaries within Rule 40D-1.107, F.A.C. The final rule was submitted to the Department of State and the amendments became effective March 11, 2004. Upon review of the final (new) rule it was determined that there are 10 courses included from the previous legal description that should be deleted because they are unnecessary as the legal descriptions are written. These courses must now be removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None has been prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.0691, 373.0693 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-1.107 Basins.

(1) through (9) No change.

(10) The area of the Peace River Basin is located in parts of Polk, Hardee, Highlands, DeSoto and Charlotte Counties.

(a) That portion of the Peace River Basin located within Polk County is described as follows:

Begin at southwest corner of Section 31, Township 32 South, Range 23 East;

Thence north along the Polk-Hillsborough County line to northwest corner of Section 18, Township 32 South, Range 23 East;

Thence east to northeast corner of Section 18, Township 32 South, Range 23 East;

Thence north to northwest corner of Section 8, Township 32 South, Range 23 East;

Thence east along the sections to the southeast corner of Section 4, Township 32 South, Range 23 East;

Thence north to the northwest corner of Section 3, Township 32 South, Range 23 East;

Thence east along the township line between Townships 31 and 32 South to the southeast corner of Section 34, Township 31 South, Range 23 East;

Thence north to the northwest corner of Section 35, Township 31 South, Range 23 East;

Thence east along the sections to the northeast corner of Section 36, Township 31 South, Range 23 East;

Thence south along the range line between Ranges 23 and 24 East to the southeast corner of Section 36, Township 31 South, Range 23 East;

Thence east along the township line between Townships 31 and 32 South to the southeast corner of Section 34, Township 31 South, Range 24 East;

Thence north along the sections to the northeast corner of Section 34, Township 30 South, Range 24 East;

Thence west to the northwest corner of Section 34, Township 30 South, Range 24 East;

Thence north along the sections to the northeast corner of Section 4, Township 30 South, Range 24 East;

Thence west along the township line between Townships 29 and 30 South to the southeast corner of Section 32, Township 29 South, Range 24 East;

Thence north along the sections to the northeast corner of Section 29, Township 29 South, Range 24 East;

Thence west to the northwest corner of Section 29, Township 29 South, Range 24 East;

Thence north to the northeast corner of Section 19, Township 29 South, Range 24 East;

Thence east to the southeast corner of Section 17, Township 29 South, Range 24 East;

Thence north to the northeast corner of Section 17, Township 29 South, Range 24 East;

Thence west to the northwest corner of Section 17, Township 29 South, Range 24 East;

Thence north to the northeast corner of Section 7, Township 29 South, Range 24 East;

Thence west to the northwest corner of Section 7, Township 29 South, Range 24 East;

Thence north along the range line between Ranges 23 and 24 East to the northeast corner of Section 13, Township 28 South, Range 23 East;

Thence west to the northwest corner of Section 13, Township 28 South, Range 23 East;

Thence north along the sections to the northwest corner of Section 24, Township 27 South, Range 23 East;

Thence east along the sections to the northeast corner of Section 19, Township 27 South, Range 24 East;

Thence south to the southeast corner of Section 19, Township 27 South, Range 24 East;

Thence east along the sections to the southwest corner of Section 20, Township 27 South, Range 25 East;

Thence north to the northwest corner of Section 20, Township 27 South, Range 25 East;

Thence east to the northeast corner of Section 20, Township 27 South, Range 25 East;

Thence south to the southeast corner of Section 20, Township 27 South, Range 25 East;

Thence east along the sections to the northeast corner of Section 27, Township 27 South, Range 25 East;

Thence south along the sections to the southeast corner of Section 34, Township 27 South, Range 25 East;

Thence east along the township line between Townships 27 and 28 South to the southwest corner of Section 31, Township 27 South, Range 26 East;

Thence north along the range line between Ranges 25 and 26 East to the northwest corner of Section 30, Township 27 South, Range 26 East;

Thence east to the northeast corner of Section 30, Township 27 South, Range 26 East;

Thence north along the sections to the northwest corner of Section 17, Township 27 South, Range 26 East;

Thence east to the northeast corner of Section 17, Township 27 South, Range 26 East;

Thence south to the southeast corner of Section 17, Township 27 South, Range 26 East;

Thence east to the northeast corner of Section 21, Township 27 South, Range 26 East;

Thence south along the sections to the southwest corner of Section 27, Township 27 South, Range 26 East;

Thence east to the southeast corner of Section 27, Township 27 South, Range 26 East;

Thence north to the northeast corner of Section 27, Township 27 South, Range 26 East;

Thence east along the sections to the northeast corner of Section 29, Township 27 South, Range 27 East;

Thence north to the northwest corner of Section 4, Township 27 South, Range 27 East, and the township line;

Thence west to the southwest corner of Section 32, Township 26 South, Range 27 East;

Thence north to the southeast corner of Section 18, Township 26 South, Range 27 East;

Thence west to the southwest corner of Section 18, Township 26 South, Range 27 East, and the range line;

Thence north along the range line between Ranges 26 and 27 East, to the northwest corner of Section 6, Township 26 South, Range 27 East and the Polk-Osceola County line.

Thence east along the Polk-Osceola County line to the northeast corner of Section 1, Township 26 South, Range 27 East;

Thence south along the range line between Ranges 27 and 28 East to the northerly margin of Lake Marion;

Thence southerly, along the westerly margin of Lake Marion, to its intersection with the range line between Ranges 27 and 28 East;

Thence southerly, along said range line, to the south boundary of Township 27 South;

Thence easterly, along said township line, to the intersection of said township line with Lake Marion;

Thence following the south shore line of Lake Marion to its intersection again with said township line;

Thence east, along said township line, to the northwest corner of Section 5, Township 28 South, Range 28 East;

Thence south along the section line to the southwest corner of Section 8, Township 28 South, Range 28 East;

Thence east along the section line to the northwest corner of Section 16, Township 28 South, Range 28 East;

Thence south along the section line to the southwest corner of Section 16, Township 28 South, Range 28 East;
 Thence east along the section line to the northwest corner of Section 23, Township 28 South, Range 28 East;
 Thence south along the section line to the northeast corner of Section 3, Township 29 South, Range 28 East;
 Thence west along the section line to the northwest corner of Section 3, Township 29 South, Range 28 East;
 Thence north along the section line to the northeast corner of the SE 1/4 of Section 28, Township 28 South, Range 28 east;
 Thence west along the north boundary of the SE 1/4 to the intersection with the shore line of Lake Pierce;
 Thence follow the shore line generally southwesterly to its intersection with the north boundary of the S 1/2 of the S. W. 1/2 of said Section 28;
 Thence west along said north boundary to the northwest corner of the S. 1/2 of the S. W. 1/4 of said Section 28;
 Thence south along the section line to the southwest corner of Section 33, Township 28 South, Range 28 East;
 Thence west along the section line to the northwest corner of Section 5, Township 29 South, Range 28 East;
 Thence south along the section line to its intersection with the west shoreline of Lake Pierce;
 Thence following the west shore line of Lake Pierce to its intersection with the west boundary of Section 8, Township 29 South, Range 28 East;
 Thence south along the section line to the northwest corner of Section 20, Township 29 South, Range 28 East;
 Thence east along the north boundaries of Sections 20, 21, 22, 23 and 24, Township 29 South, Range 28 East, and Section 19, Township 29 South, Range 29 East, and to the northeast corner of said Section 19;
 Thence south along the section line to the southwest corner of Section 32, Township 29 South, Range 29 East;
 Thence east along the section line to the northeast corner of the NW 1/4 of Section 5, Township 30 South, Range 29 East;
 Thence south to the southeast corner of the S. W. 1/4 of Section 8, Township 30 South, Range 29 East;
 Thence west along the section line to the northwest corner of Section 17, Township 30 South, Range 29 East;
 Thence south along the section line to the northeast corner of Section 7, Township 31 South, Range 29 East;
~~Thence south along the range line to the southeast corner of Section 1, Township 39 South, Range 29 East;~~
~~Thence east along the section line to the northwest corner of Section 11, Township 39 South, Range 30 East;~~
~~Thence north along the section line to the southwest corner of Section 35, Township 38 South, Range 30 East;~~
~~Thence east along through Townships 35, 34, and 33 South, to the northeast corner of Township 33 South, Range 29 East, being on the Highlands Polk County line;~~

~~Thence west along the Highlands Polk County line to the northwest corner of Township 33 South, Range 28 East;~~
~~Thence south along the range line between Ranges 27 and 28 East, in Townships 33, 34 and 35 South, to the southwest corner of Township 35 South, Range 28 East, the Point of Beginning.~~
 Thence west to the northeast corner of Section 12, Township 31 South, Range 28 East;
~~Thence southerly along the westerly margin of Lake Marion to the south boundary of Township 27 South;~~
~~Thence west along township line to the northeast corner of Section 1, Township 28 South, Range 27 East;~~
~~Thence south along the range line between Ranges 27 and 28 East, to the northwest corner of Section 30, Township 29 South, Range 28 East;~~
~~Thence east along the section lines to the northeast corner of Section 25, Township 29 South, Range 28 East, and the range line between Ranges 28 and 29 East;~~
 Thence south along the range line to the southeast corner of Section 36, Township 32 South, Range 28 East and the Polk-Highlands County line;
 Thence west along the Polk-Highlands County line to the southeast corner of Section 36, Township 32 South, Range 27 East, and the Hardee County line;
 Thence continue west along the township line, also being the Polk-Hardee County line, to the southwest corner of Section 31, Township 32 South, Range 23 East, and the Point of Beginning.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.0693 FS., History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-5-77, 10-16-78, 4-27-80, 3-30-81, 1-10-83, 10-9-85, 3-11-04, Formerly 16J-0.03, 40D-0.061, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Governing Board, Southwest Florida Water Management District

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board, Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

LAND AND WATER ADJUDICATORY COMMISSION

Tolomato Community Development District

RULE CHAPTER TITLE: Tolomato Community Development District
 RULE CHAPTER NO.: 42SS-1

RULE TITLES: Establishment 42SS-1.001
 Boundary 42SS-1.002
 Supervisors 42SS-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district ("CDD"), the Tolomato Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by SONOC Company, LLC, requests the Commission establish a community development district located within the jurisdiction of St. Johns County, Florida. A Notice of Receipt of Petition for the Tolomato Community Development District was published in the February 6, 2004, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 11,355 acres. The proposed District is generally bounded by agricultural and forest lands and some low-medium residential uses. The lands within the proposed District are largely undeveloped. There are three out-parcels located within the external boundaries of the proposed District which are to be excluded from the District. These out-parcels include an out-parcel of existing residential uses, a St. Johns County-owned park site, and a parcel owned by the Florida Inland Navigation District. All the land within the proposed District is subject to the existing Nocatee Development of Regional Impact (DRI) Development Order. The development plan for the lands within the proposed District includes the construction of approximately 8,811 single family units and 3,228 multi-family units, 540 assisted living units, 485 hotel rooms, 2,872,000 square feet of office space, 968,000 square feet of retail space and 250,000 square feet of light industrial space. The Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including on and off-site road improvements approved or required by the Nocatee DRI, wetland mitigation, stormwater facilities, and recreation improvements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 12 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional

information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, and St. Johns County. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. St. Johns County will also incur one-time administrative costs which are offset by the required filing fee paid to St. Johns County by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on all small businesses and will not have any impact on small counties and cities. St. Johns County is not a small county as defined in Section 120.52, F.S. Under section (e), the analysis was based on the application of economic theory with input received from the developer's engineer and other professionals associated with the developer. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

TIME AND DATE: 9:00 a.m., Friday, May 21, 2004

PLACE: Room 2103, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

TOLOMATO COMMUNITY DEVELOPMENT DISTRICT.

42SS-1.001 Establishment.

The Tolomato Community Development District is hereby established.

Specific Authority 190.005 FS, Law Implemented 190.004, 190.005 FS, History—New _____.

42SS-1.002 Boundary.

The boundaries of the District are as follows:

A portion of Sections 19, 20, 28, 29, 30, 31, 32, 49, 50, 51, 55, 65, 66, and 67, Township 4 South, Range 29 East, together with a portion of Section 6, Township 5 South, Range 29 East, all lying in St. Johns County, Florida, being more particularly described as follows:

For Point of Beginning, commence at the Northwest corner of said Section 30, thence North 88°46'16" East, along the Northerly line of said Section 30, a distance of 1650.00 feet; thence North 62°04'32" East, departing said Northerly line, 6963.21 feet; thence South 66°57'47" East, 3127.56 feet; thence South 16°45'46" East, 4961.31 feet to a corner on the Southerly line of Parcel Four as described and recorded in Official Records Book 1084, Page 676 of the Public Records of said county, said corner bears North 05°43'46" West, 554.57 feet from a point of intersection of the Northwesterly right of way line of Palm Valley Road, County Road No. 210, a 100 foot right of way as now established, and the Easterly line of those lands described and recorded in Official Records Book 97, Page 151 of said Public Records; thence South 76°00'20" West, along said Southerly line of Parcel Four, 477.19 feet to the Northeasterly corner of that certain tract of land described recorded in Official Records Book 673, Page 636, of said Public Records; thence South 88°24'38" West, along the Northerly line of said tract, 536.97 feet to the Northwest corner of said tract; thence South 05°39'29" East, along the Westerly line of said tract and along the Westerly line of those lands described and recorded in Official Records Book 368, page 550, of said Public Records, 531.82 feet to a point on the line dividing said Sections 28 and 55, of said Township and Range; thence South 84°58'55" West, along said dividing line, 1735.13 feet to the Northeast corner of that parcel identified as Parcel Six and described in documentation recorded in Official Records Book 1084, Page 676, of said Public Records, thence South 10°39'53" East, along the Easterly line of said Parcel Six, 669.50 feet to a point lying on said Northwesterly right of way line of Palm Valley Road; thence South 34°40'35" East, 100.00 feet to a point lying on the Southeasterly right of way line of said Palm Valley Road; thence South 55°19'25" West, along said Southeasterly right of way line, a distance of 11,445.71 feet to its point of intersection with the Westerly line of said Section 6, Township 5 South, Range 29 East; thence North 01°10'10" West, departing said Southeasterly right of way line and along said Westerly section line, 38.64 feet to the

Northwest corner of said Section 6; thence North 01°06'12" West, along the Westerly line of said Section 31, Township 4 South, Range 29 East, 81.33 feet to a point lying on said Northwesterly right of way line of Palm Valley Road; thence North 01°06'12" West, continuing along said Westerly line, 5276.65 feet to the Northwest corner of said Section 31; thence North 01°03'55" West, along the Westerly line of said Section 30, a distance of 5346.79 feet to the Point of Beginning.

LESS AND EXCEPT from the above described lands, the Northeast 1/4 of the Southeast 1/4 of Section 30, said Township and Range.

FURTHER EXCEPTING from the above described lands, the lands described in Official Records Book 1164, Page 759.

Containing 2177.39 acres, more or less.

ALSO:

All of Sections 58 and 64 and portions of Sections 29, 31, 32, 55, 57, 59, 60, 61 and 63, Township 4 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows:

For Point of Beginning, commence at the Southeast corner of said Section 31, thence South 89°17'16" West, along the Southerly line of said Section 31, also being the Southerly line of said Township 4 South, a distance of 5266.08 feet to its point of intersection with the Southeasterly right of way line of Palm Valley Road, County Road No. 210, a 100 foot right of way as now established; thence Northeasterly, along said Southeasterly right of way line the following three courses: course one, North 55°19'25" East, a distance of 11,557.34 feet to a point of curvature of a curve concave Southeasterly, having a radius of 943.73 feet; course two, Northeasterly along the arc of said curve, through a central angle of 23°49'06", an arc length of 392.32 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 67°13'58" East, 389.50 feet; course three, North 79°08'31" East, 1466.20 feet; thence South 18°23'07" East, departing said Southeasterly right of way line, 2599.93 feet; thence South 83°04'51" East, 711.15 feet; thence South 08°52'10" East, 4360.19 feet to a point lying on said Southerly line of Township 4 South, Range 29 East; thence South 89°28'18" West, along said Township line, 8236.57 feet to the Point of Beginning.

LESS AND EXCEPT: Those lands described and recorded in Official Records Book 1097, Page 1072 and Official Records Book 1443, Page 1680, of the Public Records of said County, Containing 851.84 acres, more or less.

ALSO:

Portions of Sections 57 and unsurveyed Section 34, Township 4 South, Range 29 East, St. Johns County, Florida being more particularly described as follows:

For Point of Reference, commence at the Southwest corner of Section 32, Township 4 South, Range 29 East, and run North 89°27'34" East, along the Southerly line of said Township, a distance of 14,134.03 feet to its point of intersection with the

Westerly right of way line of Florida East Coast Canal (Intracoastal Waterway) as recorded in Map Book 4, Pages 68 through 78, Public Records of St. Johns County, Florida and the Point of Beginning.

From the Point of Beginning thus described, run North 25°46'44" West along said Westerly right of way line, a distance of 2,500.00 feet; run thence South 49°50'45" West, departing said line, a distance of 3,546.61 feet to a point on aforesaid Southerly Township line; run thence North 89°27'34" East, along said Township line, a distance of 3,798.13 feet to the Point of Beginning.

LESS AND EXCEPT any portion of the above described lands lying below the mean high water line of the Tolomato River.

Containing 98.59 acres, more or less.

ALSO:

A part of Sections 1, 2, 3 and 11, all in Township 5 South, Range 28 East, St. Johns County, Florida, more particularly described as follows:

For a Point of Beginning, commence at the Northeast corner of said Section 2; thence South 89°37'49" West, along the North line of said Section 2 (the same being the North line of Township 5 South and being the line dividing Duval County from St. Johns County), a distance of 5349.29 feet to the Northeast corner of said Section 3; thence South 89°37'49" West, along the North line of said Section 3, and along said line dividing Duval County from St. Johns County, a distance of 225.00 feet the Northeast corner of the lands described in Official Records 919, Page 0475 of the Public Records of said County; thence along the boundary line of said lands the following six courses: 1) South 29°37'49" West, a distance of 795.13 feet; 2) South 89°37'49" West, a distance of 235.03 feet; 3) North 30°22'11" West, a distance of 760.49 feet; 4) South 89°37'49" West, 30 feet Southerly of and parallel with the aforementioned North line of Section 3, a distance of 1,833.24 feet; 5) South 75°36'44" West, a distance of 309.21 feet; 6) South 89°37'49" West, a distance of 107.20 feet to a point on the Northeasterly right of way line of U.S. Highway No. 1 (State Road No. 5); thence South 41°52'01" East, along said right of way line, a distance of 2,505.37 feet to an angle point in said right of way line; thence South 41°01'01" East continuing along said Northeasterly right of way line, a distance of 911.85 feet; thence North 89°16'00" East, along the Southerly line of the lands described in Deed Book 204, Page 330 of the aforementioned Public Records, a distance of 1,557.93 feet to a point on the Northeasterly right of way line of a 50 foot right of way known as "Old Dixie Highway"; thence South 23°06'04" East, along said Northeasterly right of way line, a distance of 409.90 feet to an angle point in said right of way line; thence South 23°53'04" East, continuing along said Northeasterly right of way line, a distance of

1,470.07 feet to an angle point in said right of way line; thence South 39°52'04" East, continuing along said Northeasterly right of way line, a distance of 1,680.82 feet to an intersection with the Northwesterly right of way line of Palm Valley Road, County Road No. 210, as now established as a 100 foot right of way; thence Northeasterly along said right of way line the following six courses: 1) North 41°36'00" East, a distance of 1,021.40 feet to the point of curvature of a curve concave Southeasterly, having a radius of 416.47 feet; 2) Northeasterly along the arc of said curve, a chord bearing of North 56°39'27" East, a chord distance of 216.39 feet, an arc distance of 218.90 feet to the point of tangency of said curve; 3) North 71°42'54" East, a distance of 746.02 feet to the point of curvature of a curve concave Northwesterly, having a radius of 809.92 feet; 4) Northeasterly along the arc of said curve, a chord bearing of North 63°32'22" East, a chord distance of 230.35 feet and an arc distance of 231.14 feet to the point of tangency of said curve; 5) North 55°21'50" East, a distance of 1,769.51 feet to an intersection with the East line of aforementioned Section 2; 6) continue North 55°21'50" East, a distance of 6,269.03 feet to an intersection with the North line of aforementioned Section 1; thence South 89°06'30" West, along said North line of Section 1 (the same being the North line of Township 5 South and being the line dividing Duval County from St. Johns County), a distance of 5,223.14 feet to the Northwest corner of said Section 1 and the Point of Beginning.

Containing 881.20 acres, more or less.

ALSO:

A part of Section 2, Township 5 South, Range 28 East, St. Johns County, Florida more particularly described as follows:

For a Point of Beginning, commence at the intersection of the Northeasterly right of way line of U.S. Highway No. 1 (State road No. 5) with the West line of said Section 2; thence North 00°59'33" West, along said West line of Section 2, a distance of 125.93 feet; thence North 89°16'57" East, along the North line of Tract 11 of an unrecorded subdivision known as Durbin Subdivision, a distance of 836.38 feet to the point on the Southwesterly right of way line of a 50 foot right of way known as "Old Dixie Highway"; thence South 23°53'04" East, along said Southwesterly right of way line, a distance of 388.35 feet to an angle point in said right of way line; thence South 39°52'04" East, continuing along said Southwesterly right of way line, a distance of 403.00 feet; thence South 89°17'26" West, along the South line of aforementioned Tract 11, a distance of 782.06 feet to a point on the aforementioned Northeasterly right of way line of U.S. Highway No. 1; thence North 41°01'01" West, along said Northeasterly right of way line, a distance of 712.66 feet to the Point of Beginning.

Containing 12.60 acres, more or less.

ALSO:

A tract of land comprised of the East 1/2 of Section 12 and the Northeast 1/4 of Section 13, Township 5 South, Range 28 East, St. Johns County, Florida, less and except that portion lying within the boundary of Subdivision of Hilden recorded in Map Book 3, Page 59, of the Public Records of said County, said tract being more particularly described as follows:

For Point of Beginning, commence at the Northeast corner of said Section 12, and run South 02°32'48" East, along the Easterly boundary of said Section, a distance of 5,331.05 feet to the Southeast corner of said Section; run thence South 01°38'27" East, along the Easterly boundary of said Section 13, a distance of 2,487.50 feet to the Southeast corner of the Northeast 1/4 of said Section; run thence South 87°23'00" West, along the Southerly line of said Northeast 1/4, a distance of 1,733.13 feet; run thence North 43°10'20" West, a distance of 1,268.24 feet; run thence North 50°05'18" East, a distance of 498.34 feet; run thence North 40°25'16" West, a distance of 766.09 feet to a point on aforesaid Westerly line of the Northeast 1/4 of Section 13; run thence North 00°46'57" West, along said Westerly line and along the Westerly line of the East 1/2 of Section 12, a distance of 6,046.27 feet to the Northwest corner of the said East 1/2 of Section 12; run thence North 89°35'26" East, along the Northerly boundary of said Section 12, a distance of 2,488.06 feet to the Point of Beginning.

Containing 452.84 acres, more or less.

ALSO:

A portion of Section 37, Township 5 South, Range 28 East, St. Johns County, Florida described in deed recorded in Official Records Book 675, Page 350, Public Records of said County and being more particularly described as follows:

For Point of Beginning, commence at the extreme Northerly corner of said Section 37 and run South 40°55'04" West, along the Northwesterly boundary of said Section, a distance of 269.22 feet; run thence South 37°41'20" East, a distance of 148.80 feet; run thence South 52°27'18" West, a distance of 240.00 feet to a point on the Northeasterly right of way line of U.S. Highway No.1, State Road No. 5; run thence South 37°47'17" East, along said right of way line, a distance of 200.00 feet; run thence North 52°12'43" East, a distance of 240.00 feet; run thence South 37°47'17" East, a distance of 100.00 feet; thence South 52°12'43" West, a distance of 240.00 feet to said Northeasterly right of way line; run thence South 37°47'17" East, along said right of way line, a distance of 300.00 feet; run thence North 52°12'43" East, a distance of 240.00 feet; run thence South 37°47'17" East, a distance of 50.00 feet; run thence South 52°12'43" West, a distance of 240.00 feet to aforesaid Northeasterly right of way line; run thence South 39°04'14" East, along said right of way line, a distance of 2,011.89 feet to its point of intersection with the Southwesterly line of said Section 37; run thence South 83°10'07" East, along said Section line, a distance of 383.30

feet to the extreme Southerly corner of said Section; run thence North 00°14'24" East, along said Section line, a distance of 1,126.79 feet; run thence North 56°19'41" West, continuing along said Section line, a distance of 1,301.59 feet; run thence North 43°06'02" West, along said Section line, a distance of 1,014.06 feet to the Point of Beginning.

Containing 44.88 acres, more or less.

ALSO:

A tract of land comprised of all or portions of surveyed and unsurveyed Sections 3, 10 and 15; all of Sections 4, 5, 7, 8, 9, 16, 17, 18, 20, 21, 39, 62, 63, 64, 65, 66, and portions of Sections 6, 19 and 61, Township 5 South, Range 29 East, St. Johns County, Florida, said tract being more particularly described as follows:

For Point of Beginning, commence at the Northeast corner of Section 6, Township 5 South, Range 29 East, and run South 89°27'34" West, along the Northerly line of said Section, a distance of 5245.88 feet to its point of intersection with the Southeasterly right of way of Palm Valley Road, County Road No. 210; run thence South 55°21'50" West, along said right of way line, a distance of 68.75 feet to a point on the Westerly boundary of said Section; run thence South 00°56'57" West, along said Section line, a distance of 5407.34 feet to the Southwest corner of said Section; run thence South 02°32'48" East, along the Westerly boundary of Section 7, said Township and Range, a distance of 5331.05 feet to the Southwest corner thereof; run thence South 01°38'27" East, along the Westerly line of Section 18, said Township and Range, a distance of 4909.80 feet to the Northwesterly corner of Section 40; run thence along the boundary of said Section 40 as follows: first course, South 55°40'59" East, a distance of 1887.09 feet; second course, South 79°34'02" East, a distance of 639.79 feet; third course, South 07°57'59" East, a distance of 1679.42 feet; fourth course, North 59°54'33" West, a distance of 2797.08 feet to the Southwesterly corner of said Section; run thence South 01°29'54" East, along the Westerly line of Section 19, aforesaid Township and Range, a distance of 395.62 feet to the Northeast right of way line U.S. Highway 1, State Road No. 5; run thence South 37°55'34" East, along said right of way line, a distance of 3131.90 feet to its point of intersection with the Northerly line of Section 41, said Township and Range and the Northerly boundary of Woodland Heights according to the plat recorded in Map Book 3, Page 78, Public Records of St. Johns County, Florida; run thence South 74°56'37" East, along said Section line and subdivision line, a distance of 1096.67 feet; run thence North 13°29'52" West, along said subdivision line, a distance of 183.21 feet; run thence North 02°39'45" East, along said subdivision line, a distance of 265.41 feet; run thence South 89°01'13" East, along said subdivision line and its Easterly projection, a distance of 574.74 feet to the Easterly right of way line of Old Dixie Highway lying on the Westerly line of Official Records Book 1353, Page 1476, Public Records of

said County; run thence South 15°19'35" East, along said line, a distance of 1354.50 feet to a point on the Southerly boundary of aforementioned Section 19; run thence North 88°50'30" East, along said Southerly boundary, a distance of 1401.68 feet to the Southeast corner of said Section; run thence North 89°10'44" East along the Southerly line of Sections 20 and 21, and its Easterly projection, a distance of 8762.95 feet, more or less to the center of the run of an unnamed creek (Sweetwater Creek); run thence Northeasterly along the center of said run following the meanderings of same, to its point of intersection with the line dividing unsurveyed Sections 15 and 22, said point of intersection bearing North 28°40'40" East and distance 5998.15 feet from last said point; run thence North 89°17'02" East, along said Section line, a distance of 2378.54 feet to a point on the Westerly right of way line of the Intracoastal Waterway, per Deed Book 193, Page 387, Public Records of said County; run thence in a Northerly direction along the West edge of the waters of the Tolomato River to a point on the North boundary of said Township 5 South, Range 29 East, said waters edge being traversed as follows: first course, North 07°25'34" West, along said Westerly right of way line of the Intracoastal Waterway, a distance of 1870.17 feet; second course, North 36°44'53" East continuing along said right of way line, a distance of 202.90 feet; third course, North 14°22'06" East, a distance of 8564.35 feet to a point on said Westerly right of way line of the Intracoastal Waterway; fourth course, North 07°59'12" West along said right of way line, a distance of 740.00 feet; fifth course, North 21°43'09" West along said right of way line, a distance of 3362.70 feet; sixth course, North 25°49'03" West, along said right of way line, a distance of 1899.59 feet to the point of termination of said traverse on the Northerly boundary of said Township; run thence South 89°27'34" West, along said Township line, a distance of 14134.03 feet to the Point of Beginning.

LESS AND EXCEPT any portion of the above described lands lying below the mean high water line of the Tolomato River, owned by the State.

Containing 8465.72 acres, more or less.

LESS AND EXCEPT a parcel of land lying in a portion of unsurveyed Section 34 and a portion of Section 57, the William Travers Grant all lying within Township 4 South, Range 29 East, St. Johns County, Florida, together with all of fractional Sections 3 and 10, and all of Section 66, the William Travers or Smith Grant, together with a portion of fractional Sections 4, 9, 15, and 16, unsurveyed Sections 3, 10 and 15, a portion of Section 39, the Hannah Smith Grant, a portion of Section 62, the William Travers Grant, a portion of Section 65, the William Travers Grant, all lying within Township 5 South, Range 29 East, St. Johns County, Florida and being more particularly described as follows:

For a Point of Reference, commence at the corner common to Sections 19, 20, 29 and 30 of said Township 5 South, Range 29 East; thence North 89°09'44" East, along the dividing line of said Sections 20 and 29, a distance of 200.00 feet to a point; thence North 00°53'59" West, departing said dividing line, a distance of 21,013.50 feet; thence North 89°28'18" East, 7845.55 feet to the Point of Beginning.

From the Point of Beginning, continue thence North 89°28'18" East, 2002.82 feet to a point; thence North 49°45'40" East, 2486.26 feet more or less to a point lying on the Westerly Mean High Water Line of the Tolomato River; thence Northeasterly along the meanderings of said Westerly Mean High Water Line, 1,536 feet, more or less to a point which bears North 49°45'40" East and lies 891.44 feet distant from last said point; thence continue North 49°45'40" East, 558.42 feet more or less to a point lying on the Westerly line of the Florida East Coast Canal (Intracoastal Waterway) as depicted on plat thereof, recorded in Map Book 4, Pages 68 through 78 of the Public Records of said County; thence South 25°27'19" East, along said Westerly line, 658.77 feet more or less to an intersection with said Westerly Mean High Water Line of the Tolomato River; thence, departing said Westerly canal line, Southwesterly, Southerly and Northeasterly, along meanderings of said Westerly Mean High Water Line, 4890 feet, more or less to an intersection with said Westerly line of said canal which bears South 25°27'19" East and lies 882.67 feet distant from last said point; thence South 25°27'19" East, along said Westerly canal line, 475.74 feet more or less to an intersection with said Westerly Mean High Water Line of the Tolomato River; thence Southerly along the meanderings of said Westerly Mean High Water Line, 33,500 feet more or less, to its convergence with the Northerly Mean High Water Line of the Northerly prong of Smith Creek which bears South 12°08'19" West and lies 6736.68 feet distant from last said point; thence Northwesterly, along the meanderings of said Northerly Mean High Water Line of Smith Creek, 6340 feet more or less to its convergence with the Southerly Mean High Water Line of said Northerly prong of Smith Creek which bears North 50°08'35" West and lies 2947.90 feet distant from last said point; thence Southeasterly, along the meanderings of said Southerly Mean High Water Line, 4590 feet more or less to its convergence with the Northerly Mean High Water Line of the Southerly prong of said Smith Creek which bears South 44°01'31" East and lies 2750.85 feet distant from last said point; thence Southwesterly, along said Northerly Mean High Water Line, 3210 feet more or less to its convergence with the Southerly Mean High Water Line of said Southerly prong of Smith Creek which bears South 59°59'47" West and lies 1535.26 feet distant from last said point; thence Northeasterly, along the meanderings of said Southerly Mean High Water Line, 4,950 feet more or less to its convergence with said Westerly Mean High Water Line of said Tolomato River which

bears North 78°09'08" East and lies 2092.17 feet distant from last said point; thence Southerly along the meanderings of said Westerly mean high water line, 50.020 feet, more or less, to its intersection with the Northeasterly line of that portion of the Intracoastal Waterway described and recorded in Deed Book 193, Page 387 (Parcel RWN 231-B) of the Public Records of St. Johns County, Florida which bears South 11°08'21" East and lies 7496.56 feet distant from last said point; thence North 53°26'01" West, along said Northeasterly line, 128.75 feet, more or less, to an intersection with said Westerly mean high water line; thence Northerly, Northwesterly and Southwesterly departing said Northwesterly line of Parcel RWN 231-B, and along said Westerly Mean High Water Line of the Tolomato River, 190 feet, more or less, to an intersection with the Northwesterly line of said parcel which bears South 56°09'33" West and lies 132.37 feet distant from last said point; thence South 36°33'59" West, along said Northwesterly line of Parcel RWN 231-B, 78.19 feet, more or less, to the Northwesterly corner thereof; thence South 07°36'28" East, along the West line of said parcel, 72.81 feet, more or less, to an intersection with said Westerly Mean High Water Line of the Tolomato River; thence Northwesterly, Southwesterly, Southerly and

Easterly along the meanderings of said Westerly mean high water line, 2025 feet, more or less, to an intersection with said West line of Parcel RWN 231-B which bears South 07°36'28" East and lies 228.65 feet distant from last said point; thence continue South 07° 36' 28" East, departing said Westerly Mean High Water Line of the Tolomato River, along said West line of Parcel RWN 231-B, a distance of 1558.54 feet, more or less, to the Southwest corner of said parcel, said point also lying on the Easterly prolongation of the line dividing said Section 15 and Section 22 of said Township 5 South, Range 29 East; thence South 88°59'50" West, along said Easterly prolongation and along said line dividing Sections 15 and 22, a distance of 2392.50 feet more or less to its intersection with the Northerly Mean High Water Line of Deep Creek; thence Northwesterly, along the meanderings of said Northerly Mean High Water Line, 969 feet, more or less to a point which bears North 40°12'46" West and lies 661.31 feet distant from last said point; thence North 03°47'40" East, departing said Northerly Mean High Water Line of Deep Creek, 163.23 feet more or less; thence sequentially, along the following ninety-five (95) line courses to the Point of Beginning:

LINE TABLE		
LINE	BEARING	LENGTH
L1	N07°12'26"E	176.12
L2	N41°27'20"W	353.93
L3	N09°17'15"E	138.89
L4	N44°47'01"W	262.77
L5	N20°04'36"E	91.20
L6	N46°35'36"W	65.27
L7	N73°58'12"W	460.71
L8	S88°23'32"W	186.99
L9	N12°41'19"E	583.25
L10	N38°40'26"W	425.76
L11	N13°13'44"E	168.80
L12	N08°17'36"W	207.63
L13	S84°21'30"W	42.63
L14	N39°38'46"W	88.90
L15	N09°32'28"W	504.23
L16	N17°50'38"W	277.95
L17	N01°52'17"E	208.02
L18	N10°56'17"E	65.52
L19	N86°40'52"W	86.35
L20	N01°33'03"E	72.16
L21	N05°07'43"W	227.92
L22	N61°54'04"W	128.63
L23	N06°38'37"W	531.32
L24	N14°56'55"E	221.67
L25	N34°26'51"W	268.06
L26	N01°39'42"E	176.28
L27	N52°28'54"W	267.72
L28	N00°24'46"E	417.49
L29	N22°27'02"E	88.49
L30	N13°55'58"W	980.21
L31	N09°37'32"W	50.36
L32	N05°01'33"E	64.80
L33	N05°23'42"W	141.39

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LINE TABLE		
LINE	BEARING	LENGTH
L34	N05°19'40"W	675.85
L35	N05°16'15"W	120.59
L36	N53°01'04"E	94.74
L37	N27°35'22"W	128.62
L38	N02°43'26"W	113.80
L39	N18°54'00"W	192.26
L40	S74°43'35"W	245.26
L41	N29°58'13"W	170.14
L42	S57°29'13"W	226.08
L44	S62°26'12"W	98.07
L45	S45°53'19"W	71.58
L46	N77°33'54"W	309.23
L47	N07°42'42"W	255.98
L48	N07°36'57"W	155.90
L49	N41°36'31"E	142.09
L50	N55°17'37"W	356.27
L51	N34°20'54"W	72.29
L52	N28°31'37"E	163.26
L53	S89°25'49"E	385.09
L54	N68°14'47"E	318.46
L55	N82°45'56"E	90.65
L56	N28°23'33"E	135.91
L58	N69°15'05"W	215.89
L59	N47°58'00"W	108.98
L60	N14°38'02"W	161.52
L61	N37°32'55"E	207.83
L62	N67°04'16"W	88.99
L63	N32°21'17"W	371.08
L64	S82°46'13"W	115.25
L65	S82°37'42"W	157.42
L66	N42°39'50"W	169.04
L67	S79°45'15"W	259.82
L68	N68°14'59"W	288.16

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LINE TABLE		
LINE	BEARING	LENGTH
L69	N66°30'26"W	763.54
L70	N27°49'18"E	318.64
L71	S61°18'54"E	474.32
L72	N15°25'44"E	558.14
L73	N74°34'16"E	264.64
L74	S69°31'33"E	447.34
L75	N52°37'35"E	373.46
L76	N71°25'20"E	235.13
L77	N28°13'07"E	183.33
L78	N52°37'35"E	81.68
L79	N04°04'59"W	351.09
L80	N37°44'34"W	82.83
L81	N37°33'05"W	326.82
L82	N29°30'52"W	88.59
L83	N89°04'46"W	286.36
L84	S65°52'56"W	356.10
L86	N01°27'15"W	704.94
L87	N31°11'22"E	69.55
L88	N67°19'49"E	265.21
L89	N04°54'52"W	233.03
L90	N04°42'49"W	155.02
L91	N20°39'16"E	228.79
L92	N23°40'22"W	643.89
L93	N09°46'35"W	88.85
L94	N41°22'00"E	129.60
L95	N26°51'41"W	139.08
L96	N18°40'47"W	87.35
L97	N06°45'41"W	279.90
L98	N45°06'38"E	227.49

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Less and except any portions thereof lying within the lands described and recorded in Deed Book 193, Page 387 (Parcel RWN 231-B) , and the lands depicted in Map Book 4, Pages 68 through 78 of the Public Records of said county.
Containing 1,630 acres, more or less.
Containing 11,355.06 TOTAL acres, more or less.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

42SS-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Richard T. Ray, Jed V. Davis, Ronald W. Fussell, Richard H. O'Steen, and Austin F. Barbour.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

LAND AND WATER ADJUDICATORY COMMISSION

Split Pine Community Development District

RULE CHAPTER TITLE: Split Pine Community Development

RULE CHAPTER NO.:

District 42TT-1

RULE TITLES: RULE NOS.:

Establishment 42TT-1.001

Boundary 42TT-1.002

Supervisors 42TT-1.003

PURPOSE, EFFECT AND SUMMARY: The purpose of this proposed rule is to establish a community development district ("CDD"), the Split Pine Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by SONOC Company, LLC, requests the Commission establish a community development district located within the jurisdiction of the City of Jacksonville, in Duval County, Florida. A Notice of Receipt of Petition for the Split Pine Community Development District was published in the February 6, 2004, edition of the *Florida Administrative Weekly*. The land area proposed to be served by the District comprises approximately 2,015 acres. The proposed District is generally bounded by agricultural uses. The lands within the proposed District are largely undeveloped. There are no out-parcels located within the external boundaries of the proposed District which are to be excluded from the District. The development plan for the lands

within the proposed District includes the construction of approximately 1,268 single family units and 893 multi-family units, 180 assisted living units, 225 hotel rooms, 1,336,000 square feet of office space and 32,000 square feet of retail space. The Petitioner either owns or has written consent to establish the District from the owners of one hundred percent (100%) of the real property located within the proposed District. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including roads, wetland mitigation, stormwater facilities, and recreation improvements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 12 to the petition to establish the District. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principle entities that are likely to be required to comply with the rules include the District, the State of Florida, the City of Jacksonville, and Duval County. In addition, future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur minimal administrative costs. The City of Jacksonville will also incur one-time administrative costs which are offset by the required filing fee paid to the City of Jacksonville by the Petitioner. Adoption of the proposed rule to approve the formation of the District will not have adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form

of non-ad valorem special assessments or other rates, fees or charges. The District may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on all small businesses and will not have any impact on small counties and cities. Duval County is not a small county as defined in Section 120.52, F.S. Under section (e), the analysis was based on the application of economic theory with input received from the developer's engineer and other professionals associated with the developer. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

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

TIME AND DATE: 10:30 a.m., Friday, May 21, 2004

PLACE: Room 2103, The Capitol, Tallahassee, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Barbara Leighty, (850)487-1884, at least five (5) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULES IS:

SPLIT PINE COMMUNITY DEVELOPMENT DISTRICT

42TT-1.001 Establishment.

The Split Pine Community Development District is hereby established.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

42TT-1.002 Boundary.

The boundaries of the District are as follows:

All of Sections 36, 46, and 53 and portions of Sections 25, 34, 35, 47, 48, 49, and 55, Township 4 South, Range 28 East, Duval County, Florida, being more particularly described as follows:

For Point of Beginning, commence at the point of intersection of the Southerly boundary of Section 34, Township 4 South, Range 28 East, with the Northeasterly right of way line of U.S. Highway 1, State Road No. 5, and run North 41°50'26" West along said right of way line, a distance of 925.00 feet to a point; run thence North 76°59'37" East, a distance of 4,715.0 feet to a point; run thence North 00°37'22" West, a distance of 3625.0 feet to a point; run thence North 89°34'10" East, a

distance of 1,965.0 feet; run thence North 34°06'08" East, a distance of 3,495.66 feet to a point on the Northerly boundary of Section 49; run thence North 75°13'42" East along the Northerly boundary of Section 49 and 53, the same being Southerly boundary of Section 45 and along the Southerly boundary of Section 52, Township and Range aforementioned, and it's Northeasterly projection, a distance of 6,620.70 feet to a point on the East line of Section 25, said Township and Range, run thence South 00°54'07" East along last said Section line and along the East line of Section 36, a distance of 9,798.05 feet to its point of intersection with the Northwesterly right of way line of Palm Valley Road, County Road No. 210; run thence South 55°21'50" West along said right of way line, a distance of 146.60 feet to a point on the South line of said Section 36; run thence South 89°37'49" West along the South line of Sections 34, 35 and 36, a distance of 14,298.23 feet to the Point of Beginning.

Containing 2014.98 acres, more or less.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

42TT-1.003 Supervisors.

The following five persons are designated as the initial members of the Board of Supervisors: Gregory J. Barbour, John S. Hewins, Anne T. Klinepeter, Arden A. Tomczak, and Lauren A. O'Steen.

Specific Authority 190.005 FS. Law Implemented 190.004, 190.005 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission, Room 1802, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 16, 2004

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Hospice Services

RULE NO.: 59G-4.140

PURPOSE AND EFFECT: All hospice providers who are enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003. The purpose of this rule amendment is to incorporate by reference the updated Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003. The effect will be to provide Florida Medicaid hospice providers with new HIPAA policy and

policy for bed hold days for hospice enrolled recipients residing in a skilled nursing facility who are hospitalized or absent from the skilled nursing facility for therapeutic leave.

SUMMARY: This rule amendment will incorporate by reference the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003. The handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA). Additionally, the handbook contains new policy allowing Medicaid payment for bed hold days for hospice enrolled recipients residing in a skilled nursing facility who are hospitalized or absent from the skilled nursing facility for therapeutic leave.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE 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: 9:00 a.m. May 17, 2004

PLACE: 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308-5407

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kay Aloi, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7330

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.140 Hospice Services.

- (1) No change.
(2) All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, July 1999 incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-92, incorporated by reference in Rule 59G-4.160, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 1-1-87, Amended 1-9-90, 5-13-92, 10-8-92, Formerly 10C-7.0533, Amended 2-14-95, 12-27-95, 9-21-99.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kay Aloi

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Pat Moore, Interim Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations RULE CHAPTER NO.: 60A-1

RULE TITLE: Definitions RULE NO.: 60A-1.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to update the definitions relevant to the remainder of this chapter, and to remove materials that have been moved to other sections of Chapter 60A-1, F.A.C.

SUMMARY: The rule defines various types of contracts, purchase orders, and requisitions.

SPECIFIC AUTHORITY: 287.042, 287.032 FS.

LAW IMPLEMENTED: 15.18, 20.19, 216.345, 229.8331, 283.30(4), 287.001, 287.012, 287.017, 287.042, 287.055, 287.057, 287.058, 287.073, 287.133, 601.10 FS.

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

TIME AND DATE: 1:30 p.m., May 14, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida, 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail)

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 60A-1.001 follows. See Florida Administrative Code for present text.)

60A-1.001 Definitions.

This section defines terms and phrases used throughout Chapter 60A-1, F.A.C. In this chapter, terms and phrases shall have the meanings defined in Chapter 287, F.S., or in this section. Terms and phrases not defined by statute or rule shall be construed according to their plain meaning, and in all cases with the objective of advancing the purpose of the rule in which they appear.

(1) Contract. With regards to these rules and Chapter 287, F.S., the term “contract” may refer to the following:

(a) Definite Quantity Contract. A definite quantity contract is an agreement between an agency and a vendor whereby the vendor agrees to furnish a specific commodity or contractual service, at a specified price, to a specified location.

(b) Term Contract. A term contract is an agreement between an agency and a vendor whereby the vendor agrees to provide an indefinite quantity of commodities or contractual services, on an indefinite delivery schedule, over a specified period of time. Term contracts issued by agencies are often referred to as "Agency Term Contracts," and are reserved for use only by the issuing agency (unless otherwise approved for use by the Department; see Rule 60A-1.047, F.A.C.). Term contracts issued by the Department's Division of State Purchasing are referred to as "State Term Contracts," and are available for use by all Eligible Users (see Rule 60A-1.005, F.A.C.).

(2) Purchase Orders.

(a) A purchase order is a written agreement formalizing a transaction between an agency and a vendor. The purchase order may represent (i) a contractual procurement from a vendor, or (ii) a transaction issued pursuant to an agency or state term contract. In either event, the purchase order should contain statements regarding the quantity, description, and price of the commodity or contractual service; applicable terms regarding payment, discount, date of performance, and transportation; and other pertinent information (e.g., a bid or contract number).

(b) An agency may issue a "blanket purchase order," prescribing the term and maximum amount of money which may be spent, and allowing the agency to order the specified commodity or contractual service on an as-needed basis until the term has elapsed or the maximum dollar amount has been reached. Blanket purchase orders totaling in excess of Category Two shall be awarded in accordance with the requirements of Section 287.057, F.S.

(c) A "field purchase order" is a purchase order issued by an office or facility of an agency that is separate from the agency purchasing office(s).

(3) Requisition. A requisition is a formal request to procure commodities or contractual services on behalf of a program area.

Specific Authority 287.042, 287.032 FS. Law Implemented 15.18, 20.19, 216.345, 229.8331, 283.30(4), 287.001, 287.012, 287.017, 287.042, 287.055, 287.057, 287.058, 287.073, 287.133, 601.10 FS. History—New 5-20-64, Revised 2-6-68, 5-20-71, Amended 5-19-72, 7-31-75, 10-1-78, 11-14-79, 8-6-81, 10-11-81, 4-29-82, 8-26-82, 11-4-82, 10-13-83, 3-1-84, 11-12-84, 2-28-85, 12-17-85, Formerly 13A-1.01, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.001, Amended 8-24-93, 4-24-94, 1-9-95, 1-1-96, 9-23-96, 7-6-98, 1-2-00, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations
 RULE TITLE: Forms
 RULE CHAPTER NO.: 60A-1
 RULE NO.: 60A-1.003

PURPOSE AND EFFECT: The purpose of this rule is to create a single list identifying each form promulgated by the Department in disparate places through the rest of this chapter.

SUMMARY: The rule lists each form promulgated by the Department in this chapter.

SPECIFIC AUTHORITY: 287.042(12) FS.

LAW IMPLEMENTED: 287.042(3)-(4) FS.

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

TIME AND DATE: 1:30 p.m., May 14, 2004

PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail).

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.003 Forms.

The following is a list of forms utilized by the Department in discharging its duties under this Chapter 60A-1, F.A.C. Copies of these forms are posted electronically on the www.myflorida.com website.

<u>Form</u>	<u>Title</u>
<u>1000</u>	<u>General Contract Conditions</u>
<u>1001</u>	<u>General Instructions to Respondents</u>
<u>1010</u>	<u>Notice of Non-Compliance</u>
<u>3776</u>	<u>Vendor Transaction Fee Report</u>
<u>7102</u>	<u>Alternate Contract Source Request Form</u>
<u>7721</u>	<u>State Purchasing Agreement – Request Form</u>
<u>7722</u>	<u>State Purchasing Agreement – Contract</u>
<u>7776</u>	<u>Description of Intended Single Source Purchase</u>
<u>7777</u>	<u>Single Source Certification and Request for Approval</u>
<u>7778</u>	<u>Single Source Intent to Award</u>
<u>7800</u>	<u>Notice of Emergency Purchase</u>

Specific Authority 287.042(12) FS. Law Implemented 287.042(3)-(4) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Robert Hosay, Deputy Secretary, Department of Management Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF MANAGEMENT SERVICES

Division of Purchasing

RULE CHAPTER TITLE: General Regulations
 RULE TITLE: Vendor Registration and Default
 PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the Department’s and agencies’ ability to find vendors in default and to clarify the consequences of such default.

RULE CHAPTER NO.: 60A-1
 RULE NO.: 60A-1.006

SUMMARY: The rule describes the Department’s authorization to maintain a vendor list; details an agency’s actions related to a finding of vendor default and lists the consequences of such default; details the vendor’s ability to cure such defaults; and details the Department’s obligation to maintain a convicted vendor list.

SPECIFIC AUTHORITY: 120.57(3)(d), 287.042, 287.057(23)(d) FS.
 LAW IMPLEMENTED: 120.57(3), 287.042, 287.017, 287.057, 287.133 FS.

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

TIME AND DATE: 1:30 p.m., May 14, 2004
 PLACE: Room 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0950

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Brown, State Purchasing, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)488-3049, (850)414-6122 (facsimile), brownr2@dms.state.fl.us (e-mail).

THE FULL TEXT OF THE PROPOSED RULE IS:

60A-1.006 Vendor Registration and Default Vendors and Contractors.

(1) Registration of All Vendors Doing Business with the State – All vendors desiring to sell to the State commodities or contractual services as defined in Section 287.012, F.S., shall register in MyFloridaMarketPlace, the State e-procurement

system, in compliance with Rule 60A-1.030, F.A.C. The integrity, reliability and qualifications of a bidder or offeror, with regard to the capability in all respects to perform fully the contract requirements, shall be determined by the agency prior to the award of the contract.

(2) Suspension of Vendors by the Department State Purchasing Authorized to Remove Vendors and Suppliers From Mailing Lists – The Department is State Purchasing shall be authorized to remove any vendor from the vendor the mailing list maintained pursuant to Section 287.042(1)(a), F.S., any vendor or supplier for the reasons contained herein:

(a) Failure failure to conform with the terms and conditions of any respond to a procurement solicitation without giving justifiable reasons for such failure or non-conformance to contract between the vendor and the Department, another agency, or the State econditions.

(b) Any unlawful attempt to influence the an award of any contract shall be a primary justification for removal from the approved vendor list.

(c) Any material misrepresentation submitted in response to any competitive solicitation.

(3) Default – If a vendor is in default on any contract with an agency, the agency shall follow the procedures contained herein:

(a) The agency shall notify, in writing, any vendor Contractors who fails to adhere perform to contract terms and conditions. This notice shall state shall be notified, in writing, stating the nature of the failure to perform and provide a providing time certain for correcting the failure (such reasonable time should not generally be less than 10 days after receipt of such notice). The notification will also provide that, should it fail to perform within the time provided, the vendor contractor will be found in default and removed from the agency’s approved vendor list.

(b) Unless the vendor contractor corrects its failure to perform within the time provided, or unless the agency determines on its own investigation that the vendor’s contractor’s failure is legally excusable, the agency shall find the vendor contractor shall be found in default and shall issue issued a second notice stating (i) the reasons the vendor contractor is considered in default and, (ii) stating that the agency will reprocure or has reprocured the commodities or services, and (iii) and the amount of the reprocurement if known.

(c) The defaulting vendor contractor will not be eligible for award of a contract by the agency State until such time as the agency State is reimbursed by the defaulting vendor contractor for all reprocurement costs. Reprocurement of substitute commodities or contractual services may be accomplished by first attempting to contract with the next eligible awardee under the original solicitation, when applicable. If the agency fails to contract with the next eligible awardee, it may continue in this manner sequentially through

all eligible awardees until a vendor willing to perform at acceptable pricing under the solicitation's terms and conditions is found. Alternatively, an agency may elect to disregard previous solicitations, if any, and reprocur the commodity or contractual service pursuant to all applicable requirements of Chapter 287, F.S. To satisfy State Purchasing that further instances will not occur, the defaulting contractor shall provide a written corrective action plan addressing grounds for default.

(d) Pursuant to Section 120.57, F.S., the The defaulting vendor contractor will also be advised of the right to petition for an administrative hearing on the intended decision to remove the vendor contractor from the list pursuant to Section 120.57, F.S.; and shall be given a time certain within which to submit the petition. The defaulting contractor shall reimburse the agency for all reprocurement costs and for costs of cover, that is the difference between the cost of substitute commodities or contractual services and the contract price for such commodities or contractual services. Reprocurement of substitute commodities or contractual services may be accomplished by first attempting to contract with the second lowest bidder under the Invitation to Bid or second ranked offeror under an Invitation to Negotiate or the offeror of the second best proposal under the Request for Proposal. If the agency fails to contract with the second lowest bidder, offeror of second best proposal it may attempt to contract with the next lowest bidder, offeror of the next best proposal sequentially, until a bidder willing to perform at acceptable pricing under the bid or proposal conditions is found. An agency may elect to rebid or to purchase on the open market, as may be in the best interest of the State.

(e) Until such time as it reimburses the agency for all reprocurement and cover costs and the agency State Purchasing is satisfied that further instances of default will not occur, the defaulting vendor contractor shall not be reinstated on the vendor list and not be eligible for award of a contract by the agency State. To satisfy the agency that further instances will not occur, the defaulting vendor shall provide a written corrective action plan addressing the original grounds for default.

(f) All correspondence to a vendor contractors respecting failure to perform shall be sent by a courier service that provides delivery confirmation and tracking services Certified U.S. Mail, Return Receipt Requested.

(g) The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.

(4) A copy of all agency default actions shall be provided to the Department. The Department may remove the vendor from its vendor list, maintained pursuant to paragraph (2). State Purchasing. Any source of supply which fails to fulfill any of its duties specified in a contract may result in State Purchasing removing such contractor from the mailing list and directing all agencies to cease doing business with those firms

until the contractor reimburses all reprocurement costs and provides State Purchasing with sufficient corrective action so as to satisfy State Purchasing that further instances of default will not occur. The foregoing provisions do not limit, waive or exclude the State's remedies against the defaulting contractor at law or in equity.

(5) Convicted Vendor List – The Department State Purchasing shall maintain a convicted vendor list, consisting of the names and addresses of those who have been disqualified from the public contracting and purchasing process under Section 287.133, F.S. The Department State Purchasing shall publish an initial list on January 1, 1990, and shall publish an updated version of the list quarterly thereafter. The initial list and revised quarterly lists shall be published on the Department's website at myflorida.com in the Florida Administrative Weekly. If good cause exists, the Department State Purchasing shall notify the person or affiliate in writing of its intent to place the name of that person or affiliate on the convicted vendor list, and of the person's or affiliate's right to a hearing, the procedure that must be followed, and the applicable time requirements. No person or affiliate may be placed on the convicted vendor list without receiving an individual notice of intent from the Department State Purchasing. Section 287.133, F.S., does not apply to any activities regulated by the Florida Public Service Commission or to the purchase of goods or services made by any public entity from another the other government agency agencies, from the nonprofit corporation organized under Chapter 946, F.S., or from any accredited nonprofit workshop certified under Sections 413.032-.037, F.S.

(6) Procurement Protests.

The qualifications of persons to serve as hearing officers for hearings not involving disputed issues of material fact shall be:

- (a) A member in good standing of The Florida Bar; or
- (b) A person knowledgeable by virtue of practical experience of the procedures relating to soliciting and evaluating bids for commodities or proposals for services.

Specific Authority 120.57(3)(d), 287.042, 287.057(23)(d) FS. Law Implemented 120.57(3), 287.042, 287.017, 287.057, 287.133 FS. History—New 5-20-64, Revised 2-6-68, 5-20-71, Amended 7-31-75, 10-1-78, 12-11-79, 2-26-80, 8-6-81, 10-11-81, 11-10-81, 2-11-82, 8-10-82, 10-13-83, 11-12-84, 12-17-85, Formerly 13A-1.06, Amended 2-9-87, 11-3-88, 1-18-90, 4-10-91, 9-1-92, Formerly 13A-1.006, Amended 4-24-94, 1-9-95, 7-6-98, 1-2-00, 7-1-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Robert Hosay, Deputy Secretary, Department of Management Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: William Simon, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 5, 2003

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Temporary Certificate Requirements for Dentists Practicing in State and Government Facilities

RULE NO.: 64B5-7.0035

PURPOSE AND EFFECT: The Board proposes the rule amendment to extend the requirement for a temporary certificate to unlicensed dentists practicing in non-profit corporations under Section 466.025(3), Florida Statutes.

SUMMARY: The proposed rule amendments require a temporary certificate for unlicensed dentists working in the state in a non-profit setting.

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: 466.004(4) FS.

LAW IMPLEMENTED: 456.032, 466.017(4), 466.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B5-7.0035 Temporary Certificate Requirements for Dentists Practicing in State and County Government Facilities.

(1) Any unlicensed dentist who wishes to practice dentistry at a state or county government facility or in a non-profit corporation operating under Section 466.025(3), F.S. in Florida is required to obtain a temporary certificate.

(2) through (4) No change.

(5) A temporary certificate shall be renewed each biennium. At the time of renewal the certificate holder shall sign a statement that he or she has complied with all continuing education requirements of active licensees. A temporary certificate shall be canceled by the Board upon the unlicensed dentist being terminated from employment by a state or county government facility or a non-profit corporation operating under

Section 466.025(3), F.S., or upon a finding by the Board that the temporary certificate holder has violated any provision of Sections 466.027 or 466.028, F.S., or has failed the Florida dental licensure examination.

Specific Authority 466.004(4) FS. Law Implemented 456.032, 466.017(4), 466.025 FS. History--New 8-12-93, Formerly 61F5-7.0035, 59Q-7.0035, Amended 11-10-98, 3-25-99, 12-25-01, 1-12-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Dentistry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 19, 2004

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLES:	RULE NOS.:
Training, Education, Certification, and Requirements for Issuance of Permits	64B5-14.003
Additional Requirements	64B5-14.004
Application for Permit Requirements for General Anesthesia or Deep Sedation	64B5-14.005
Conscious Sedation	64B5-14.008
	64B5-14.009

PURPOSE AND EFFECT: The Board proposes the rule amendments to update the requirements for the administration of anesthesia, and to change the use of sodium bicarbonate to amiodarone.

SUMMARY: The proposed rule amendments establish requirements for the administration of a single enteral sedative dose in combination with nitrous oxide, and set forth training and continuing education requirements. The amendments also replace the term "sodium bicarbonate" with the word "amiodarone."

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: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULES IS:

64B5-14.003 Training, Education, Certification, and Requirements for Issuance of Permits.

- (1) through (3) No change.
- (4) Nitrous-Oxide Inhalation Analgesia.
- (a) through (c) No change.

(d) Nitrous oxide may not be used in combination with a single dose enteral sedative or a single dose narcotic analgesic dose oral sedative drugs to achieve a minimally depressed level of consciousness so long as the manufacturer's maximum recommended dosage of the enteral agent is not exceeded. Nitrous oxide may not be used in combination with more than one (1) enteral agent, or by dosing a single enteral agent in excess of the manufacturer's maximum recommended dosage unless the administering dentist holds a conscious sedation permit issued in accordance with subsection 64B5-14.003(2), F.A.C., or a pediatric conscious sedation permit issued in accordance with Rule 64B5-14.010, F.A.C.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New 1-31-80, Amended 4-20-81, 2-13-86, Formerly 21G-14.03, Amended 12-31-86, 11-8-90, 2-1-93, Formerly 21G-14.003, Amended 12-20-93, Formerly 61F5-14.003, Amended 8-8-96, 10-1-96, Formerly 59Q-14.003, Amended 2-17-98, 12-20-98, 5-31-00, 6-7-01, 11-4-03, _____.

64B5-14.004 Additional Requirements.
(1) through (5) No change.

(6) Each anesthesia permit holder must complete at least four (4) hours of continuing education relating to anesthesia each biennium the permit is held. These hours would be included in the 30 hours of continuing education required by Section 466.0135(1), Florida Statutes.

Specific Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History--New 1-31-80, Amended 2-13-86, Formerly 21G-14.04, Amended 12-31-86, 12-28-92, Formerly 21G-14.004, Amended 12-20-93, Formerly 61F5-14.004, Amended 8-8-96, Formerly 59Q-14.004, Amended 11-4-03, _____.

64B5-14.005 Application for Permit.
(1) No change.

(2) An applicant for any type of anesthesia permit must demonstrate training and administration of the particular type of anesthesia within the two (2) years prior to application. This shall include documentation of actual clinical administration of anesthetics to 20 patients.

(2) through (5) renumbered (3) through (6) No change.

(7)(6) The Board shall renew the permit biennially upon application by the permit holder, proof of continuing education required by subsection 64B5-14.004(6), F.A.C., and payment of the renewal fee specified by Rule 64B5-15.019, F.A.C., unless the holder is informed in writing that a re-evaluation of his credentials and facility is to be required. In determining whether such re-evaluation is necessary, the Board shall consider such factors as it deems pertinent including, but not limited to, patient complaints, reports of adverse occurrences

and the results of inspections conducted pursuant to Rule 64B5-14.007, F.A.C. Such re-evaluation shall be carried out in the manner described in subsection (2) set forth above. A renewal fee of \$25.00 must accompany the biennial application.

~~(8)(7)~~ No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 4-7-86, Amended 1-29-89, 11-16-89, 11-8-90, 4-24-91, Formerly 21G-14.005, Amended 12-20-93, Formerly 61F5-14.005, Amended 8-8-96, Formerly 59Q-14.005, Amended 12-12-00, 11-4-03, _____.

64B5-14.008 Requirements for General Anesthesia or Deep Sedation.

General Anesthesia Permit applicants and permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

- (1) through (4) No change.
- (5) The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operatory and recovery room:
 - (a) through (c) No change.
 - (d) Amiodarone Sodium Bicarbonate;
 - (e) through (o) No change.
 - (6) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 10-24-88, Amended 11-16-89, Formerly 21G-14.008, Amended 12-20-93, Formerly 61F5-14.008, Amended 8-8-96, Formerly 59Q-14.008, Amended 5-31-00, _____.

64B5-14.009 Conscious Sedation.

Conscious Sedation Permit applicants or permit holders shall comply with the following requirements at each location where anesthesia procedures are performed. The requirements shall be met and equipment permanently maintained and available at each location.

- (1) through (4) No change.
- (5) The following drugs or type of drugs with a current shelf life must be maintained and easily accessible from the operatory and recovery room:
 - (a) through (h) No change.
 - (i) An anti-hypoglycemic (e.g., 50% glucose);
 - (j) Amiodarone.
 - (6) through (7) No change.

Specific Authority 466.004, 466.017 FS. Law Implemented 466.017 FS. History--New 10-24-88, Amended 11-16-89, 4-24-91, Formerly 21G-14.009, 61F5-14.009, Amended 8-8-96, 10-1-96, Formerly 59Q-14.009, Amended 8-2-00, 11-4-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Dentistry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 26, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 9, 2004 and March 19, 2004

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE TITLE: Records of Drugs, Cosmetics and Devices
 RULE NO.: 64F-12.012

PURPOSE AND EFFECT: The proposed rule further implements the Florida Prescription Drug Protection Act (SB 2312) passed by the 2003 Legislature and signed into law on June 13, 2003. The rule sets forth guidelines for the return of a prescription drug by a pharmacy, hospital, or practitioner to the pharmacy's, hospital's, or practitioner's prescription drug wholesaler and the conditions under which that return must be disclosed in any applicable pedigree papers upon a subsequent distribution by the wholesaler. Some prescription drug wholesalers were not granting credit for some or all of the prescription drugs returned by their customers who were pharmacies, hospitals, and practitioners because the wholesalers were uncertain whether they could redistribute the product and comply with the pedigree paper requirements. The proposed rule sets tight parameters for a wholesaler to be able to complete a pedigree paper if one is required, so that a returned prescription drug might be redistributed under certain conditions. It does not mandate that a prescription drug wholesaler issue any form of credit nor does it address whether a returned prescription drug should be redistributed. A prescription drug wholesaler may have policies and procedures more stringent than those set forth in this proposed rule.

SUMMARY: The proposed rule addresses how to handle returns in the pedigree paper documentation requirements. This proposed rule provides that if the return is the result of a mistake in ordering or shipment, which is defined in the proposed rule, and certain other enumerated conditions are satisfied, then the distribution of the prescription drug to the pharmacy, hospital, or practitioner may be omitted from a pedigree paper trail, if one is required for a subsequent distribution.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

This rule could affect all prescription drug wholesalers as well as impact their customers consisting of pharmacies, hospitals, and practitioners. The proposed rule provides for additional recordkeeping requirements regarding returns of prescription drugs and will therefore have an administrative cost on both the wholesaler and the customer if both parties opt to utilize this provision regarding the return of a prescription drug. The actual administrative cost cannot be determined however because the proposed rule does not mandate that returns from the customer include this documentation. Rather, the rule provides that if all the conditions are satisfied, then the

wholesaler may follow certain steps for subsequent distribution of the prescription drug. It is anticipated that the potential benefits and cost savings resulting from the ability of a wholesaler to redistribute a prescription drug under certain circumstances if it so chooses will offset any additional administrative cost arising from the recordkeeping requirements.

SPECIFIC AUTHORITY: 499.05, 499.0121 FS.

LAW IMPLEMENTED: 499.0121(6) FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. E.S.T., Monday, May 17, 2004

PLACE: 2818-A Mahan Drive, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact Maxine Wenzinger, (850)922-5190

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257, Ext. 210, sandra_stovall@doh.state.fl.us.fl

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-12.012 Records of Drugs, Cosmetics and Devices.

(1) through (2) No change.

(3) Pedigree Papers.

(a) through (e) No change.

(f) Returns.

1. When a distribution of a prescription drug by a wholesaler to an authorized recipient that is a pharmacy, hospital, or practitioner is the result of a mistake in ordering or shipment, the return of that shipment by the authorized recipient to the wholesaler need not be reflected in the pedigree paper. For purposes of this subparagraph, a mistake in ordering or shipment shall be deemed to have occurred if, within seven calendar days after the date of receipt of the original shipment:

a. The authorized recipient ships the specific unit of the prescription drug back to the wholesaler from which that specific unit was purchased; or

b. The authorized recipient transmits a documented communication to the wholesaler from which the prescription drug was purchased stating the authorized recipient's intent to return the shipment in accordance with the wholesaler's prescribed written policies and procedures and the wholesaler communicates authorization for return of the product.

2. Any returns to a wholesaler by an authorized recipient that are not within the scope of subparagraph 1. shall be reflected in the pedigree paper trail for any further distributions of the returned drug product to the extent required by Section 499.0121(6)(d) or (e), F.S.

3. An authorized recipient that returns a shipment to the wholesaler in accordance with subparagraphs 1. or 2. shall certify under oath, in a written document submitted with the returned product.

a. That the specific unit (exact unit) being returned was purchased from the receiving wholesaler (including the corresponding sales invoice number and the date of the sale from that wholesaler to the authorized recipient); and

b. That the product was or was not stored and shipped in accordance with the requirements of Section 499.0121, F.S., and the rules adopted thereunder while in the purchaser's custody and control.

(4) through (15) No change.

Specific Authority 499.0121, 499.0122, 499.013, 499.014, 499.05, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History—New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-17-01, 10-7-03, 1-1-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jerry Hill, Chief of Statewide Pharmaceutical Services
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Phil E. Williams, Director, Division of Health Awareness and Tobacco
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 30, 2004

DEPARTMENT OF HEALTH
Division of Family Health Services

RULE TITLES:	RULE NOS.:
Definitions	64F-19.001
Eligibility	64F-19.002
Certification and Authorization	64F-19.003
Enrollment Period	64F-19.004
Waiver Program Enrollment Process	64F-19.005
Management of Minors	64F-19.006
Non-Covered Services	64F-19.007
Continuation of Services	64F-19.008
Termination of Services	64F-19.009
Due Process for Waiver Applicants and Clients	64F-19.010
Approved Form; Incorporation	64F-19.011

PURPOSE AND EFFECT: These rules will implement a Family Planning Waiver granted by Centers for Medicare and Medicaid Services (CMS) to the State of Florida in its Medicaid Program.

SUMMARY: The Department proposes to promulgate a new chapter of rules pertaining to the family planning waiver program pursuant to Section 381.0051, F.S.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 120.55(1)(a), 120.55(1)(a),(4), 120.80(15), 154.011(5), 381.0011(13), 381.0051(7), 409.919 FS., 42 CFR 491.10.

LAW IMPLEMENTED: 154.011, 381.0051, 383.011, 383.013, 409.9121, 409.9122 FS., 42 CFR 50.303, 42 CFR 59.5(5), 42 CFR 431.200 – 246.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Renee Alsobrook, Deputy General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin #A02, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

FAMILY PLANNING WAIVER PROGRAM

64F-19.001 Definitions.

For the purpose of this rule chapter, the following definitions will apply:

- (1) “CHD” means County Health Department.
- (2) “Client” means a woman who has been approved and is presently enrolled in the Program.
- (3) “Continuation of Services” means the amount of time the Program is funded, based on availability of funds.
- (4) “CPT Codes” means the codes used within the FMMIS System.
- (5) “Eligibility Determination” means the process of determining if a woman meets the qualifications for enrollment in the Program.
- (6) “Enrollment” means the process of being registered in the Program as a client for one (1) calendar year.
- (7) “Family Planning Services” means for the purpose of the Program:
 - (a) Counseling and supply visits;
 - (b) Initial and annual family planning visits;
 - (c) Laboratory services;
 - (d) Other Family Planning Services as prescribed in subsection 59G-1.010(86), F.A.C. and Section 409.905(3), F.S; and
 - (e) Treatment of abnormal laboratory results.
- (8) “FMMIS” means the Florida Medical Management Information System.
- (9) “HMO” means a health maintenance organization.
- (10) “Non-Covered Services” means services that are not covered under this waiver.

(11) "The Program" means the Family Planning Waiver Program implemented pursuant to section 1115(a) of the Social Security Act.

(12) "Waiver Applicant" means a woman who applied for the Program but has neither been approved nor denied.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History--New _____.

64F-19.002 Eligibility.

In order to be eligible for family planning services under the Program:

(1) Client must have had a Medicaid financed pregnancy related claim twenty-four (24) months prior to losing Medicaid eligibility;

(2) Client must be eligible for the Program on or after December 1, 2003;

(3) Client must be actively seeking family planning services;

(4) Client must self-declare that she is not pregnant;

(5) Client must not have had a tubal ligation, hysterectomy or other evidence of permanent sterilization;

(6) Client must have an income at or below 185% of the current federal poverty level;

(7) Clients shall be required to sign a self-declaration statement of income, specifying all gross income available to the client's household;

(8) The self-declaration statement shall include a signed acknowledgement that the statement is true at the time it is made; and

(9) Clients whose labor and delivery was paid for as an emergency service under Medicaid or who did not qualify for Medicaid after the Presumptive Eligibility for Pregnant Women period are not eligible for this Program.

Specific Authority 154.011(5), 381.0011(13), 381.0051(7), 409.919 FS. Law Implemented 154.011 FS. History--New _____.

64F-19.003 Certification and Authorization.

(1) Clients shall give written consent before the CHD can obtain or authorize the release of financial and medical information for the purpose of determining Program eligibility.

(2) Signed consent forms must be kept in an administrative file at the CHD that enrolled the client in the Program for a minimum of six (6) years.

Specific Authority 381.0011(13), 381.0051(7), 409.919 FS., 42 CFR 491.10. Law Implemented 409.9121, 409.9122 FS. History--New _____.

64F-19.004 Enrollment Period.

The Program covers only family planning services and consensual outpatient surgical sterilization up to twenty-four (24) months subsequent to any Medicaid financed pregnancy related service.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History--New _____.

64F-19.005 Waiver Program Enrollment Process.

Clients will be enrolled in the Program under the following conditions:

(1) The client must self-declare that she is not pregnant at the time of application.

(2) The client must be actively seeking family planning services.

(3) The application shall include the following information and the client shall meet the following criteria:

(a) The client has lost Medicaid;

(b) The FMMIS or subsequent system identifies that a Medicaid pregnancy related service occurred and is tracked through CPT codes within the last two (2) years; and

(c) Clients who were enrolled in a Medicaid HMO must present proof of having had a pregnancy or the provision of pregnancy related service within the two years prior to losing Medicaid.

(4) Only county health department staff who have completed training in the Program eligibility process will determine eligibility for this Program.

(5) Applications for the Program may be mailed or hand delivered by the client.

(6) A face-to-face interview for eligibility determination is not required.

(7) A supervisor within the CHD will verify the application and its approval or denial.

(8) Approval/denial letters, with a description of the appeal process, must be provided to the applicant by the county health department staff.

(9) Once the client is approved, the client will also receive primary care referral information. She is not required to see a health care professional at the CHD.

(10) Eligibility for this Program must be re-determined annually.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History--New _____.

64F-19.006 Management of Minors.

Minors will not receive a notice of service and eligibility and will have to meet the eligibility determination as outlined under Rule 64F-19.002, F.A.C.

(1) Minors will be required to show proof of a Medicaid financed pregnancy related service.

(2) CHD staff can view the FMMIS system or birth certificates as proof of the pregnancy related service(s).

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History--New _____.

64F-19.007 Non-Covered Services.

For the purposes of the Program the following services are not covered:

- (1) Infertility services; and
- (2) Abortion services.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS., 42 CFR 50.303, 42 CFR 59.5(5) History-New _____.

64F-19.008 Continuation of Services.

(1) During the maximum two (2) year eligibility period, a client must reapply at the end of the first twelve (12) month period in order to receive benefits for the second twelve (12) month period, retroactive from December 1, 2003.

(2) A client may become eligible for the Program more than once if more than one pregnancy occurs.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History-New _____.

64F-19.009 Termination of Services.

(1) Clients who fail to reapply annually will be automatically terminated from the program.

(2) If a service provider is required to reduce or withhold services to clients due to limitations in resources, the provider must give clients thirty (30) days written notice and provide information and referral services to clients for other Medicaid family planning providers.

(3) The client may also lose eligibility and be terminated from the program if:

- (a) She becomes pregnant;
- (b) She is surgically sterilized;
- (c) The client's household income changes and the new income exceeds 185% of the poverty level at the time of enrollment; or
- (d) She becomes eligible for Medicaid.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History-New _____.

64F-19.010 Due Process for Waiver Applicants and Clients.

(1) Waiver applicants will be afforded fair hearing due process as outlined in 42 CFR 431.200-246.

(2) Waiver applicants and clients shall receive written notice when a decision is made to deny or approve services under the Program. Written notice shall include at a minimum:

- (a) A description of the action the agency intends to take;
- (b) The reasons for the intended action;
- (c) Information about the waiver applicants or clients' rights to request a hearing;

(d) An explanation of the circumstances under which Medicaid services will continue if a hearing is requested;

(e) A statement that requests for a hearing must be filed with the agency clerk within twenty-one (21) days of receipt of the written notice of agency action;

(f) A statement that the hearing shall occur within ninety (90) days of the request; and

(g) A statement that the final order shall be entered within sixty (60) days of the hearing.

(2) The hearings shall be conducted by The Department of Children and Families as outlined in Section 120.80(15), F.S.

(3) Clients suspected of probable fraud shall have their period of advanced notice shortened to five (5) days before the date of action as prescribed in 42 CFR 431.214.

Specific Authority 120.80(15), 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS., 42 CFR 431.200-246. History-New _____.

64F-19.011 Approved Form: Incorporation.

The following form used by the Department in its dealings with the public is listed as follows and is hereby adopted and incorporated by reference, and can be obtained from the Department office by writing to the Department of Health, Family Health Services, 4052 Bald Cypress Way, Bin #A-13, Tallahassee, FL 32399.

DH 3212, entitled "Health Insurance Application for Extended Family Planning Benefits," (05/04).

Specific Authority 120.55(1)(a), 120.55(1)(a),(4), 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Faye Alexander, Department of Health, Family Health Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps, Division Director, Department of Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 24, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 2, 2004

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
Application	65C-20.008
Staffing Requirements	65C-20.009
Health Related Requirements	65C-20.010
Health Records	65C-20.011
Enforcement	65C-20.012
Large Family Child Care Homes (LFCCH)	65C-20.013

PURPOSE AND EFFECT: The rule modifications in this document will implement legislation and other changes related to child care standards in Chapter 65C-20, Florida Administrative Code, pertaining to the areas of application; staffing requirements; health related requirements; health records; enforcement; and additional standards that pertain to large family child care homes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: Chapter 2003-131, LOF, 402.313 (13),402.3131 (7) FS.

LAW IMPLEMENTED: Chapter 2003-131, LOF, 402.313, 402.3131 FS.

A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 8:00 a.m. – 11:00 a.m., May 17, 2004

PLACE: Zora Neal Hurston State Regional Service Center, 400 West Robinson Street, South Tower, 1st Floor, Conference Room D, Orlando, FL. 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 387, Tallahassee, FL 32399, (850)488-4900

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-20.008 Application.

(1) 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, Feb. 2004 Jan. 2003, Application for a License to Operate a Family Day Care Home, which is incorporated herein by reference, ~~and~~ can be obtained at the Department of Children and Families local child care licensing office or the local licensing agency.

(2) 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.

(3) An application will not be considered complete until the licensing office receives proof of background screening clearance on the operator of the family day care home/applicant and the operator/applicant provides proof to the licensing office, that the screening materials have been submitted on all other household members who are subject to background screening. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, the operator/applicant must be re-screened following a break in operation of the family day care home which exceeds 90 days. A person in this category must undergo the same level of screening which was required at the time of initial operation of the family day care home. If

operator/applicant takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, or last three jobs is also required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Sept. 03, must be completed annually for all operators/applicants.

Specific Authority ~~402.281~~, 402.313 FS. Law Implemented ~~402.281~~, 402.313 FS. History—New 7-2-98, Amended 7-13-03,_____.

65C-20.009 Staffing Requirements.

(1) Personnel.

(a) The family day care home license shall be issued in the name of the operator who must be at least 18 years of age and a resident of the family home. The operator of a family day care may not work out of the home during the hours when the family day care is operating. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) Substitutes. There shall be a written plan to provide at least one other competent adult, who must be at least 18 years of age, to be available to substitute for the operator on a temporary or emergency basis. This plan shall include the name, address and telephone number of the designated substitute.

(c) No person while using, or under the influence of narcotics, alcohol, or other drugs, which impair their ability to provide supervision and safe child care, shall be an operator or substitute.

(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) or better. 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) In addition to the training above, all family day care homes licensed on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the

certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Family Day Care Homes licensed on or after January 1, 2005, prior to licensure, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, family day care home operators must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five (5) years will be accepted if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

~~(c)(b)~~ Documentation. Training certificates are issued or Ttraining 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.

~~(d)(e)~~ 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, prior to caring for children, as evidenced by passage of a competency based examination with a score of seventy (70) or better, documented on the department's CF-FSP Form 5267, May 2003, and the department's child care training transcript. 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 by successfully completing competency examinations with a score of seventy (70) or better. Competency examinations will be offered by the Training Coordinating Agency. In addition to the 30-clock-hour Family Child Care Home training, all substitutes hired on or before December 31, 2004, who work 40 hours or more a month on average during a 12 month period, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five

(5) years will be accepted if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(f) 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 prior to caring for children, as, documented on the department's CF-FSP Form 5267, May 2003, and the department's child care training transcript. 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.

(g) The operator of the family day care home must sign a statement attesting to the number of hours that the substitute works in their home which will be placed in the substitute's file.

~~(h)(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) Annual In-Service Training.

(a) All family day care home operators, must complete a minimum of 10-clock hours of in-service training or 1 CEU, annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual 10-clock hours in-service training or 1 CEU, must be completed in one or more of the following areas:

1. Health and Safety, including universal precautions;

2. CPR;

3. First Aid (this training may only be taken to meet the in-service requirement once every three years);

4. Nutrition;

5. Child development – typical and atypical;

6. Child transportation and safety;

7. Behavior management;

8. Working with families;

9. Design and use of child oriented space;

10. Community, health and social service resources;

11. Child abuse;

12. Child care for multilingual children;

- 13. Working with children with disabilities in child care;
- 14. Safety in outdoor play;
- 15. Literacy;
- 16. Guidance and Discipline;
- 17. Computer Technology;
- 18. Leadership development/program management and staff supervision;
- 19. Age appropriate lesson planning;
- 20. Homework assistance for school age care;
- 21. Developing special interest centers/spaces and environments; or
- 22. Other course areas relating to child care or child care management.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-Service Training Record, which is incorporated herein by reference, and maintained at the family day care home. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(4)(3) Supervision.

(a) At all times, which includes when the children are sleeping, the operator shall remain responsible for the supervision of the children in care and capable of responding to the emergencies and needs of the children. During the daytime hours of operation, children shall have adult supervision which means watching and directing children’s activities, both indoors and outdoors, and responding to each child’s needs.

(b) A child who has been placed in an isolation area due to illness must be within sight and hearing of the operator.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 5-21-00, 7-13-03,_____.

65C-20.010 Health Related Requirements.

(1) General Requirements.

(a) Animals, pets or fowl must have current immunizations, if immunizations are available for the type of animal, pet or fowl, and free of disease. Parents must be informed of any and all animals on the premises of the home.

(b) All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials. All potentially harmful items including cleaning supplies, flammable products, poisonous and toxic materials must be labeled. These items as well as knives, and sharp tools and other potentially dangerous hazards shall be stored in locations inaccessible to the children in care.

(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, all outdoor play areas and in vehicles when transporting children.

(d) At all times when children are in care, all firearms and weapons as defined in Chapter 790.001, F.S., shall be stored in a location inaccessible to children and in accordance with Section 790.174, F.S.

(e) Play areas shall be clean, free of litter, nails, glass and other hazards.

(f) Family day care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play area; however, infants in care shall be provided opportunities for outdoor time each day that weather permits. For all other family day care homes, including those providing evening care, the outdoor space shall be fenced, a minimum of 4 feet in height, if the family day care home property borders any of the following:

1. Laned road or laned street open to travel by the public;
2. Road or street open to travel by the public divided by a median;
3. Road or street open to travel by the public where the posted or unposted speed limit is equal to or greater than 25 miles per hour; by municipal or county ordinance, pursuant to Section 316.189, F.S.
4. Lake, ditch, pond, brook, canal or other water hazard.

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. All spas and hot tubs must be covered with a safety cover that complies with ASTM F1346-91(Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas) 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 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) If a family day care home uses a swimming pool, it shall be maintained by using chlorine or other suitable chemicals. If the family day care home uses a swimming pool, which exceeds three (3) feet in depth at the family day care home site, one person who has completed a basic water safety course such as one offered by the American Red Cross, YMCA or other organization, must be present when children have access to the swimming area. If the family day care home uses swimming pools not at the site of the family day care home, or takes the children to water areas such as a beach or lake areas for swimming activities, the family day care home operator

must provide one person with a certified lifeguard certificate or equivalent, who must be present when children are in the swimming area, unless a certified lifeguard is on duty.

(h) A family day care home must include a designated area where each child can sit quietly or lie down to rest or nap.

(i) 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. Air mattresses and foam mattresses may not be used for napping. Mats must be at least one inch thick and covered with an impermeable surface.

(j) Children one year of age or older may sleep on beds used by the family provided individual linens are provided for each child. Each child shall have a separate bed, cot, crib, playpen, mattress or floor mat, except that two (2) sibling preschool children may share a double bed. When children remain overnight, playpens, air mattresses, foam mattresses, and mats are not acceptable and the operator must prepare a written plan outlining the sleeping arrangements of the children in care to be provided to the licensing counselor upon request. If the children are sleeping overnight, the operator must ensure accepted bedtime routines, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(k) Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. When napping or sleeping, young infants that are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS), unless an alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

(l) A minimum distance of eighteen (18) inches must be maintained between individual napping space. Napping spaces shall not be designated in kitchens, bathrooms, utility rooms, or garages. If separate rooms are used for napping, the doors to each room shall remain open to allow the operator to respond to emergencies and needs of the children.

(m) Potable drinking water shall be available to children of all ages at all times. If disposable cups are used, they must be discarded after each use.

(n) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(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 with a current certificate 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 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) Soiled items shall be placed in plastic lined, securely covered containers which are not accessible to children. The container shall be emptied, cleaned and disinfected daily. Children's wet or soiled clothing and crib sheets shall be changed promptly.

(c) Potty chairs, if used, shall be cleaned and sanitized after each use.

(d) Each child shall have his own individually labeled towel and wash cloth. If disposable towels are used they shall be discarded after each use.

(e) When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. The diaper changing area shall not be in or near the food service area. Children must be attended at all times when being diapered or when changing clothes.

(3) First Aid Kit and Emergency Procedures.

(a) At least one first aid kit containing materials to administer first aid must be maintained on the premises of the family day care home at all times and on activities away from the home. ~~The home shall contain a first aid kit that shall be~~

accessible to the operator and kept out of the reach of children. The kit must be clearly labeled "First Aid" and must, at a minimum, include:

1. Soap,
2. Band-Aids or equivalent,
3. Disposable non-porous gloves,
4. Cotton balls or applicators,
5. Sterile gauze pads and rolls,
6. Adhesive tape,
7. Thermometer,
8. Tweezers,
9. ~~In date syrup of ipecac, labeled "DO NOT INDUCE VOMITING UNLESS DIRECTED TO DO SO BY A PHYSICIAN OR POISON CONTROL" 1(800)222-1222,~~
- 9.10. Pre-moistened wipes,
- 10.11. Scissors, and
- 11.12. A current resource guide on first aid and CPR procedures.

(b) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, county public health unit, and the address of and directions to the home, must be posted on or near all telephones and shall be used to protect the health, safety and well-being of any child in care. To meet the immediate needs of the child, family day care home operators shall call 911 or other emergency numbers in the event of an emergency.

2. Custodial parents or legal guardian's shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained. If the custodial parent or legal guardian cannot be reached, the family day care home operator will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow the written instructions provided by the custodial parent or legal guardian.

3. All accidents, incidents, and observed health related signs and symptoms which occur at a family day care home must be documented and shared with the custodial parent or legal guardian on the day they occur. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken, and signature of operator and custodial parent or legal guardian. Records of accidents, incidents, and observed health related signs and symptoms must be maintained for one year.

4. Fire drills shall be conducted monthly and shall be conducted at various times when children are in care. A written record shall be maintained showing the date, time, number of children in attendance and time taken to evacuate the home. This record shall be maintained for six months.

5. After a fire or natural disaster, the operator must notify the licensing agency, within 24 hours, in order for the department or local licensing agency to ensure health standards are met for continued operation as a family day care home.

(4) Communicable Disease Control.

(a) Children in care shall be observed on a daily basis for signs of communicable disease.

~~(b)(a)~~ The family day care home shall have an isolation area for a child who becomes ill. The child's condition shall be closely observed. Any child who is suspected of having a communicable disease or who has a fever, of 101 degrees Fahrenheit or higher, in conjunction with any other signs of or develops other signs and symptoms which include any of the following: diarrhea, rash, pink eye, vomiting, or skin infection, shall be placed in the isolation area. Linens and disposables shall be changed after each use. The condition shall be reported to the parent or legal guardian and the child shall be removed from the family day care home. Such children shall not return to the home without medical authorization, or until the signs and symptoms of the disease are no longer present.

~~(c)(b)~~ A child who has head lice will not be permitted to return until treatment has occurred ~~been accomplished.~~ Verification of treatment may include a product box, box top, empty bottle, or signature by a parent or legal guardian, that treatment has occurred. ~~The treatment shall include the removal of all lice, lice eggs and egg cases.~~

~~(d)(e)~~ An operator or household member who develops signs and symptoms of a communicable disease which include any of the following: fever (of 101 degrees Fahrenheit or higher), in conjunction with any of the other following signs, diarrhea, rash, pink eye, or skin infection shall leave the areas of the home occupied by the children and shall not return without medical authorization, or until the signs and symptoms are no longer present. If it is the operator who is ill, the substitute must assume the operator's responsibilities.

(5) 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 the 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 home 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 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) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.

(d) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and the signature of the custodial parent or legal guardian shall be maintained by the family child care provider. This record shall be initialed or signed by the adult who gave the medication.

(e) This record shall be maintained for six months.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 1-4-01, 7-13-03,_____.

65C-20.011 Health Records.

(1) Immunizations. The family day care home provider is responsible for obtaining, from the parent or legal guardian, a current and ~~Within 30 days of enrollment, each child must have on file and keep up to date a~~ completed DH Form 680, Florida Certification of Immunization, Part A-1, B, and or C, (July), or, DH Form 681, Religious Exemption from Immunization (May 1999), for each child in care, within 30 days of enrollment, and maintaining a current copy at the family day care home, which is incorporated by reference in Rule 64D-3.011(5), F.A.C. DH Forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certification of Immunization for K-12 Excluding 7th Grade Requirements or Part B, Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, Florida Statutes and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, Haemophilus influenzae type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemptions, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, Florida Statutes.

(2) Children's Student Health Examination.

(a) Within 30 days of enrollment, each child must have on file a completed DH Form 3040, (June 02), Student Health Examination, which is incorporated by reference, and copies of which are available from the local county health department or the child's pediatrician. The student health examination shall be completed by a person given statutory authority to perform health examinations. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, June 02, OR a

signed statement by an authorized professional that indicates the results of the components included in the health examination.

(b) This Student Health Examination is valid for two (2) years from the date the physical was performed.

(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.

(b) School-age children in kindergarten through grade 5, attending public or nonpublic schools are not required to have student health examination (DH Form 3040) and immunization records (DH 680 or 681) on file at the family day care home as such records are on file at the school where the child is enrolled.

(4) Enrollment and Medical Authorization.

(a) The operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting the child in care. This information shall be documented on CF-FSP 5219, Dec. 02, Child Care Application for Enrollment, which can be obtained from the local Department of Children and Families district service center or the local licensing agency, and is incorporated by reference, or an equivalent that contains all the information required by the department's form.

(b) Enrollment information shall be kept current and on file for each child in care.

Specific Authority 402.313 FS. Law Implemented 402.313 FS. History—New 7-2-98, Amended 5-21-00, 7-13-03,_____.

65C-20.012 Enforcement.

(1) Pursuant to Section 402.313, F.S., family day care homes may be fined a maximum of \$100 per violation, per day for noncompliance with any of the applicable provisions of Sections 402.301-402.319, F.S.

(2) The operation of a family day care home is prohibited unless registered, or licensed, as required by county ordinance or resolution. The department or local licensing agency shall have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation of a family day care home which is not licensed or registered. For licensed family day care homes, the department or local licensing agency shall also have the authority to seek an injunction in the circuit court where the home is located to stop the continued operation if the family day care home is in violation of the minimum standards.

(3) The family day care operator must allow access to the entire premises of the family day care home to inspect for compliance with family day care home minimum standards. Access to the family day care home also includes parental access to their child(ren) while in care.

Specific Authority 402.313 FS. Law Implemented 402.313, 402.319(5) FS. History—New 7-2-98, Amended 7-13-03,_____.

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

(1) Large Family Child Care Homes. Large family child care homes shall meet all of the requirements in Rules 65C-20.008-65C-20.012, F.A.C., in addition to the requirements listed below.

(2) Definitions:

(a) "Full Time Employee," means one additional staff person at least 18 years of age, who is on the premises of a home operating as a large family child care home.

(b) "Hours of Operation," means the hours of the day or night that a large family child care home has enough children in care to meet the definition of a large family child care home.

(c) "Large Family Child Care Home," is defined by Section 402.3131, F.S., and for the purpose of this rule means a home which must have been licensed in the State of Florida as a family day care home for two consecutive years, with an operator who has had a child development associate credential or its equivalent for 1 year, and meet all the requirements of this rule. Large family child care homes must meet and comply with all standards of this rule at all times unless there are insufficient numbers of children in care to meet the definition of a large family child care home, in which case an additional employee is not required.

(d) "Operator," means the occupant and licensee of the large family child care home who is at least 21 years of age and responsible for the overall operation of the home.

(e) "Substitute," means a competent adult, at least 18 years of age, who is available to substitute for the operator or employee on a temporary or emergency basis.

(3) License.

(a) Application for a license or for renewal of a license to operate a large family child care home shall be made on CF-FSP Form 5238, Feb 2004 Jan 2003, Application for a License to Operate a Large Family Child Care Home, which is incorporated herein by reference, can be obtained at the Department of Children and Families local district service center or the local licensing agency. A license to operate a Large Family Child Care Home may be used to operate a Family Day Care Home, when the number of children in care meets the definition of a Family Day Care Home. A license to operate a Family Day Care Home cannot be used to operate a Large Family Child Care Home.

(b) A copy of the annual license shall be posted in a conspicuous location within the large family child care home.

(4) LFCCH Personnel:

(a) The large family child care home license shall be issued in the name of the operator who must be at least 21 years of age and the occupant of the large family child care home. In the event of rental or leased property the operator shall be the individual who occupies the residence.

(b) The operator of the large family child care home may not work outside of the home during hours when the large family child care home is operating.

(c) No person who uses, or is under the influence of, narcotics, alcohol, or other drugs, which impair their ability to provide supervision and safe child care, shall be an operator, substitute, or employee.

(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 a competency examination with a score of seventy (70) or better in ~~one of the following~~ 10-clock-hours of specialized training from the department's specialized training modules within six (6) months of licensure:

1. Infant and Toddler Appropriate Practices (10 hours);
2. Preschool Appropriate Practices (10 hours);
3. School-Age Appropriate Practices for school-age children (10 hours); and
4. Special Needs Appropriate Practices (10 hours);-
5. Basic Guidance and Discipline (5 hours web based);
6. Computer Technology for Child Care Professionals (10 hours web based); and
7. Early Literacy in the Child Care Environment (5 hours web based).

(b) Large family child care home operators shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age by June 30, 2005. In order to meet this requirement, large family child care home operators must complete a single class or course that is no less than 5 hours in duration.

~~(c)(b)~~ Training ~~certificates are issued or~~ training transcripts are updated 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 modules 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. Examination exemptions are not available for the departments' web based Part II specialized training modules.

~~(d)(e)~~ Large family child care homes must have one person on the premises during all hours of operation who has a valid certificate of course completion for infant and child cardiopulmonary resuscitation procedures and first aid training.

~~(e)(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, and the department's child care training transcript. In addition to the 30-clock-hour Family Child Care Home training, all employees in a large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Employees hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five (5) years will be accepted if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

~~(f)~~(e) Prior to taking care of children, substitutes 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 with a score of seventy (70) or better. 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. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for the operator of the large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to

caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five (5) years will be accepted if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(h) Prior to caring for children, sSubstitutes 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 training.

(i) Prior to taking care of children, 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, 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) or better, documented on the form and transcript referenced above. 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. In addition to the 30-clock-hour Family Child Care Home training, prior to caring for children, all substitutes for an employee of a large family child care home, hired on or before December 31, 2004, shall complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. Substitutes hired on or after January 1, 2005, prior to caring for children, must complete 5-clock-hours or .5 continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age. In order to meet this requirement, substitutes must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five (5) years will be accepted if it meets all the required components stated above and it is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or

course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

(6) Annual In-Service Training.

(a) All large family child care home operators and employees, must complete a minimum of 10-clock hours of in-service training or 1 CEU, annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual 10-clock hours in-service training or 1 CEU, must be completed in one or more of the following areas:

1. Health and Safety, including universal precautions;
2. CPR;
3. First Aid (this training may only be taken to meet the in-service requirement once every three years);
4. Nutrition;
5. Child development – typical and atypical;
6. Child transportation and safety;
7. Behavior management;
8. Working with families;
9. Design and use of child oriented space;
10. Community, health and social service resources;
11. Child abuse;
12. Child care for multilingual children;
13. Working with children with disabilities in child care;
14. Safety in outdoor play;
15. Literacy;
16. Guidance and Discipline;
17. Computer Technology;
18. Leadership development/program management and staff supervision;
19. Age appropriate lesson planning;
20. Homework assistance for school age care;
21. Developing special interest centers/spaces and environments; or
22. Other course areas relating to child care or child care management.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04, Child Care In-Service Training Record, which is incorporated by reference, and maintained at the large family child care home. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

(6) LFCCH Supervision.

(a) In a large family child care home direct supervision must be maintained at all times during the hours of operation. Direct supervision means watching and directing children's activities within the area designated as usable indoor floor space or outdoor play space and responding to each child's need.

(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 Section 402.302(8), F.S., shall be maintained. At no time shall the total number of children exceed the capacity as defined in Section 402.3131, F.S.

2. 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) Transportation.

(a) When any vehicle is regularly used by a large family child care home to provide transportation, the driver shall have a current Florida driver's license in accordance with Sections 322.01-322.70, Florida Statutes.

(b) All large family child care homes must maintain current insurance coverage on all vehicles used to transport children in care, and documentation thereof.

(c) The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(d) Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(e) An adult must remain within sight and sound of children being transported in a vehicle so as to be able to respond to the needs of the children at all times.

(f) Prior to transporting children and upon the vehicle(s) arrival at its destination the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall be retained for a minimum of six months. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle.

2. Upon arrival at the destination the driver of the vehicle shall:

a. Mark each child off the log as the child departs the vehicle,

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. Sign the log verifying that all children were all accounted for and that the visual sweep was conducted.

3. Upon arrival at the destination a second staff member shall:

a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

b. Sign the log verifying that all children were accounted for and drivers log is complete.

(g) Smoking is prohibited in all vehicles being used to transport children.

(8) Planned and Unplanned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a place accessible to the parents. The written plan must meet the needs of the children being served and include scheduled activities which:

1. Promote emotional, social, intellectual and physical growth.

2. Include quiet and active play, both indoors and outdoors.

3. Include meals, snacks, and nap times, if appropriate for the age and the times the children are in care.

(b) A permission and transportation release form signed by the parent or legal guardian of the children in care must be on file for planned and unplanned activities.

1. A telephone or other means of instant communication shall be available to the operator, employee or other adult responsible for children during all field trips.

2. Emergency medical forms signed by the parent or legal guardian and emergency contact numbers must accompany the children on all field trips.

(9) Child Discipline.

(a) Large family child care homes shall adopt a discipline policy consistent with Section 402.305(12), F.S.

(b) All child care personnel of the large family child care home shall comply with the homes' written disciplinary policy. Such policies shall include standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

(c) Copy of the discipline policy must be available for review by the licensing authority.

(10) LFCCH General Requirements

(a) Fire Safety. Large family child care homes shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, Florida Administrative Code, Uniform Fire Safety Standards for Child Care Facilities and shall be inspected annually.

(b) Indoor Floor Space and Indoor Equipment.

1. A large family child care home must have 35 square feet of usable indoor floor space per child which does not include bedrooms unless it can be demonstrated that these bedrooms are used as multipurpose activity rooms.

2. Usable indoor floor space refers to that space available for indoor play and activities. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

3. Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

4. Where infants are in care, they shall have open indoor floor space outside of cribs and playpens.

5. Large family child care homes shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

6. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

(c) Outdoor Play Space and Outdoor Equipment.

1. At all large family child care homes the outdoor play space shall be fenced, a minimum of 4 feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or buildup, to prevent inside or outside access by children or animals.

2. All large family child care homes must have a minimum of 270 square feet of usable outdoor play space located on their property and which is exclusively used for the children attending or residing at the large family child care home. Large family child care homes caring only for infants under 12 months of age, shall not be required to have an outdoor play space; however, infants in care shall be provided opportunities for outdoor time each day that weather permits.

3. All large family child care homes shall provide equipment and play activities suitable to each child's age and development.

4. All play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks at least every other month of all supports, above and below the ground, all connectors, and moving parts.

5. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

6. All equipment, fences, and objects on the large family child care home's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

7. All equipment used in the outdoor play area shall be constructed to allow for water drainage and maintained in a safe and sanitary condition.

(d) Emergency Procedures and Notification.

1. The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the operator, employee and children may exit each area of the home in the event of fire or other emergency requiring evacuation. This plan shall be posted or shared with the employees and parents.

2. In addition to conducting fire drills as specified in subparagraph 65C-20.010(3)(b)4., F.A.C., the large family child care home shall maintain the fire drill record on the premises for ~~six~~ twelve months.

(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 Sections 402.301-402.319, F.S., or rules adopted thereunder.

Specific Authority 402.3131 FS. Law Implemented 402.3131, 402.302, 402.305 FS. History--New 5-21-00, Amended 1-4-01, 7-13-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Vikki Griffin, Management Analyst, 1317 Winewood Blvd., Building 6, Room 387, 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: April 4, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 23, 2003

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE TITLES:	RULE NOS.:
General Information	65C-22.001
Physical Environment	65C-22.002
Training	65C-22.003
Health Related Requirements	65C-22.004
Food and Nutrition	65C-22.005
Record Keeping	65C-22.006
Evening Child Care	65C-22.007
School Age Child Care	65C-22.008

PURPOSE AND EFFECT: The rule modifications in this document will implement legislation and other changes related to child care standards in Chapter 65C-22, Florida Administrative Code, pertaining to the areas of general information; physical environment; training; health related requirements; record keeping; and creates a rule for the purpose of defining after school programs that do not require licensure as well as standards for after school programs that do require licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: Chapter 2003-131, LOF, 402.305 FS.

LAW IMPLEMENTED: Chapter 2003-131, LOF, 402.305 FS. A PUBLIC HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

PLACE: Zora Neal Hurston State Regional Service Center, 400 West Robinson Street, South Tower, 1st Floor, Conference Room D, Orlando, FL 32801

TIME AND DATE: 8:00 a.m. – 11:00 a.m., May 17, 2004

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Vikki Griffin, Government Operations Consultant II, 1317 Winewood Blvd., Building 6, Room 387, Tallahassee, FL 32399, (850)488-4900

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-22.001 General Information.

(1) Application.

(a) Application must be made on CF-FSP Form 5017, Feb. 2004 Jan. 2003, Application For A License To Operate A Child Care Facility, which is incorporated by reference.

(b) Each completed application must be submitted with the licensure fee.

(c) The completed application must be signed by the individual owner, or prospective owner, or the designated representative of a partnership, association, or corporation.

(d) 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.

(e) In order to operate as an urban child care facility, the child care facility must provide documentation at the time of application that the outdoor play space requirement cannot be met, and must receive approval from the licensing authority. An urban child care facility will not be approved if outdoor space is found by the department or local licensing agency to be available.

(2) License.

(a) A child care facility license is issued in the name of the owner, partnership, association, or corporation.

(b) In compliance with Section 402.305(18)(19), F.S., at least one week prior to changing ownership of a child care facility, one of the following methods of notification to parents or guardians must be observed:

1. Posting a notice in a conspicuous location at the facility.
2. Incorporating information in any existing newsletter.
3. Individual letters, or fliers.

(3) Minimum Age Requirements. In the absence of the operator, there must be a staff person at least 21 years of age in charge of the child care facility and on the premises at all times.

(4) Ratios.

(a) The staff-to-children ratio, as established in Section 402.305(4), F.S., is based on primary responsibility for the direct supervision of children and applies at all times while children are in care.

(b) Mixed Age Groups.

1. In groups of mixed age ranges, where children under 1 year of age are included, one staff member shall be responsible for no more than 4 children of any age group.

2. In groups of mixed age ranges, where children 1 year of age but under 2 years of age are included, one staff member shall be responsible for no more than 6 children of any age group.

(5) Supervision.

(a) Direct supervision means watching and directing children's activities within the same room or designated outdoor play area and responding to each child's need. Child care personnel at a facility must be assigned to provide direct supervision to a specific group of children and be present with that group of children at all times. ~~When caring for school-age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups.~~

(b) During nap time, supervision means sufficient staff in close proximity, within sight and hearing of all the children. All other staff to meet the required staff-to-children ratio shall be within the same building on the same floor and be readily accessible and available to be summoned to ensure the safety of the children. Nap time supervision as described in this section, does not include supervision of infants up to 12 months of age, who must be directly supervised at all times.

(c) No person who uses, or is under the influence of, narcotics, alcohol, or other impairing drugs, which affects their ability to provide supervision and safe child care, shall be an operator, owner, or employee in a child care facility.

(d) Additional Supervision Requirements.

1. In addition to the number of staff required to meet the staff-to-child ratio, one additional adult must be present on all field trips away from the child care facility, for the purpose of safety, to assist in providing direct supervision.

2. 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 subparagraph (d)1., above.

3. A telephone or other means of communication shall be available to staff responsible for children during all field trips. Cell phones, two-way radio devices, citizen band radios, and other means of instant communication are accepted.

(6) Transportation. For the purpose of this section, vehicles refer to those owned/operated or regularly used by the child care facility, and vehicles that provide transportation through a contract or agreement with an outside entity.

(a) When any vehicle is regularly used by a child care facility to provide transportation, the driver shall have a current Florida driver's license and an annual physical examination which grants medical approval to drive.

(b) All child care facilities must comply with the inspection responsibilities and insurance requirements found in Section 316.615, F.S.

(c) All vehicles regularly used to transport children shall be inspected annually, by a mechanic, to ensure proper working order. Documentation by the mechanic shall be maintained in the vehicle.

(d) The maximum number of individuals transported in a vehicle may not exceed the manufacturer's designated seating capacity or the number of factory installed seat belts.

(e) Each child, when transported, must be in an individual factory installed seat belt or federally approved child safety restraint, unless the vehicle is excluded from this requirement by Florida Statute.

(f) When transporting children, staff-to-child ratios must be maintained at all times. The driver may be included in the staff-to-child ratio. Prior to transporting children and upon the vehicle(s) arrival at its destination the following shall be conducted by the driver(s) of the vehicle(s) used to transport the children:

1. A log shall be maintained for all children being transported in the vehicle. The log shall include each child's name, date, time of departure and time of arrival, signature of driver and signature of second staff member to verify driver's log and the fact that all children have left the vehicle. The log shall be retained for a minimum of four months.

2. Upon arrival at the destination the driver of the vehicle shall:

a. Mark each child off the log as the child departs the vehicle,

b. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

c. Sign the log verifying that all children were all accounted for and that the visual sweep was conducted.

3. Upon arrival at the destination a second staff member shall:

a. Conduct a physical inspection and visual sweep of the vehicle to ensure that no child is left in the vehicle, and

b. Sign the log verifying that all children were accounted for and drivers log is complete.

(7) Planned Activities.

(a) Each age group or class must have a written and followed plan of scheduled activities posted in a place accessible to the parents. The written plan must meet the needs of the children being served and include scheduled activities which:

1. Promote emotional, social, intellectual and physical growth.

2. Include quiet and active play, both indoors and outdoors.

3. Include meals, snacks and nap times, if appropriate for the age and the times the children are in care.

(b) Parents must be advised in advance of each field trip activity. The date, time and location of the field trip must be posted in a conspicuous location at least 2 working days prior to each field trip. Written parental permission must be obtained, either in the form of a general permission slip, or prior to each field trip activity. If special circumstances arise where notification of an event cannot be posted for 2 working days then individual permission slips must be obtained from each parent.

(8) Child Discipline.

(a) Verification that the child care facility has provided, in writing, the disciplinary practices used by the facility shall be documented on the enrollment form, with the signature of the custodial parent or legal guardian.

(b) All child care personnel of the child care facility must comply with the facility's written disciplinary practices. Such policies shall include standards that prohibit children from being subjected to discipline which is severe, humiliating, frightening, or associated with food, rest, or toileting. Spanking or any other form of physical punishment is prohibited by all child care personnel.

(c) A copy of the facility's current written disciplinary practices must be available to the licensing authority to review for compliance with Section 402.305(12), F.S.

(9) Access. A child care facility must provide the custodial parent or legal guardian access, in person and by telephone, to the child care facility during the facility's normal hours of operation or during the time the child is in care.

Specific Authority 402.305, 402.281 FS. Law Implemented 402.305, 402.3055, 402.308, 402.281 FS. History—New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, _____.

65C-22.002 Physical Environment.

(1) General Requirements.

~~(a) Pursuant to Section 402.305(5), F.S., school age programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities.~~

~~(b) All programs, regardless of the location, providing child care exclusively for children in grades 6 and above shall be exempt from licensure under this rule.~~

~~(a)(e)~~ All child care facilities must be in good repair, free from health and safety hazards, clean, and free from vermin infestation. During the hours that the facility is in operation, no portion of the building shall be used for any activity which endangers the health and safety of the children.

~~(b)(d)~~ All areas and surfaces accessible to children shall be free of toxic substances and hazardous materials.

~~(c)(e)~~ Animals must be properly immunized, free of disease, and clean. Parents must be informed of any and all animals on the premises.

~~(d)(f)~~ All potentially harmful items including cleaning supplies, flammable products, poisonous, toxic, and hazardous materials must be labeled. These items as well as knives and sharp tools shall be stored in locations inaccessible to the children in care.

~~(e)(g)~~ No firearms or weapons as defined in Section 790.001, F.S., shall be allowed within any building or conveyance, or upon any person located ~~kept~~ on the premises.

~~(f)(h)~~ No narcotics, alcohol, or other impairing drugs shall be present on the premises.

~~(g)(i)~~ Pursuant to Chapter 386, F.S., smoking is prohibited within the child care facility, all outdoor play areas, and in vehicles when being used to transport children.

~~(h)(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) All rooms must have and maintain lighting the equivalent of 20 foot candles at three feet from the floor to allow for supervision and for safe methods of entering and exiting each room. At all times lighting must be sufficient to visually observe and supervise children, including during naptime.

(b) An inside temperature of 65° to 82° F must be maintained at all times.

(c) All rooms shall be kept clean, adequately ventilated and in good repair. Cleaning shall not take place while rooms are occupied by children except for general clean-up activities which are a part of the daily routine.

(d) Rodents and vermin shall be exterminated. Pest control shall not take place while rooms are occupied by children.

(3) Indoor Floor Space.

(a) A child care facility that held a valid license on October 1, 1992, must have a minimum of 20 square feet of usable indoor floor space for each child. A child care facility that did not hold a valid license on October 1, 1992, and seeks regulatory approval to operate as a child care facility, must have a minimum of 35 square feet of usable indoor floor space for each child.

(b) Usable indoor floor space refers to that space available for indoor play, classroom, work area, or nap space. Usable indoor floor space is calculated by measuring at floor level from interior walls and by deleting space for stairways, toilets and bath facilities, permanent fixtures and non-movable furniture. Kitchens, offices, laundry rooms, storage areas, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space.

(c) Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

(d) Where infants are in care, they shall have open indoor floor space outside of cribs and playpens. The space used for play may be interchangeable with space used for cribs and play pens.

(4) Outdoor Play Area.

(a) There shall be a minimum of forty-five (45) square feet of usable, safe and sanitary outdoor play area per child, one (1) year of age and older. A minimum outside play area shall be provided for one-half (1/2) of this identified population.

(b) The outdoor play area shall be calculated at the rate of forty-five (45) square feet per child in any group using the play area at one time.

(c) The outdoor play area shall be clean, free of litter, nails, glass and other hazards.

1. The outdoor play area shall provide shade.

2. During outdoor play, personnel must situate themselves in the outdoor play area so that all children can be observed and direct supervision provided.

(d) The facility's outdoor play area shall be fenced in accordance with accepted safety practices and local ordinances to prevent access by children to all water hazards, within or adjacent to outdoor play areas, such as pools, ditches, retention and fish ponds.

(e) The outdoor play area shall have and maintain safe and adequate fencing or walls a minimum of four (4) feet in height. Fencing, including gates, must be continuous and shall not have gaps that would allow children to exit the outdoor play area. The base of the fence must remain at ground level, free from erosion or build-up, to prevent inside or outside access by children or animals. ~~A fence is not required if all the following conditions are met:~~

~~1. The children using the outdoor play area are in five-year-old kindergarten and grades one or above;~~

~~2. In addition to the established staff to children ratios, for the purpose of safety, an additional staff member is present, during all times of outdoor activities, to assist in providing direct supervision;~~

~~3. The outdoor play area is not located adjacent to a congested, heavily trafficked location or near any major intersections, crowded business areas, or water hazards; and~~

~~4. The department or local licensing agency has provided written authorization to the program to operate without a fence.~~

(f) For the purposes of a licensed urban child care facility, an additional minimum of 45 square feet of usable indoor play space for 25% of the licensed capacity shall be substituted for outdoor play space. The urban child care facility must provide this additional indoor space with equipment that provides physical activities appropriate for the age of the children.

(g) Infants in care shall be provided opportunities for outdoor time each day that weather permits.

(5) Napping and Sleeping Space. For the purposes 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) Each facility must include a designated area where a child can sit quietly and lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably.

(b) 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 (excluding an air mattress or a foam mattress) or floor mat. Floor mats must be at least one inch thick and covered with an impermeable surface. Floor mats, foam mattresses, air mattresses, 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) Linens, if used, must be laundered at least once each week and more often if soiled or dirty. Linens, if used for more than one child shall be laundered between usage. Linens must be provided when children are sleeping and pillows and blankets must be available.

(d) Linens must be stored in a sanitary manner.

(e) A minimum distance of eighteen (18) inches must be maintained around individual napping and sleeping spaces. Exit areas must remain clear in accordance with fire safety regulations.

(f) Children up to one (1) year of age must be in their own crib, portacrib or playpen with sides. When napping or sleeping, young infants that are not capable of rolling over on their own should be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome

(SIDS), unless an alternate position is authorized in writing by a physician. The documentation shall be maintained in the child's record. Crib sides must be raised and secured while an infant is in the crib. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations.

(g) No double or multi-deck cribs, cots or beds may be used.

(6) Toilet and Bath Facilities.

(a) Each child care facility shall provide and maintain toilet and bath facilities, which are easily accessible and at a height usable by the children. Platforms are acceptable when safely constructed and easily cleaned and sanitized.

(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. If only diapered infants are cared for in the facility, there need be only one toilet plus two basins for each thirty infants.

2. Potty chairs, if used, shall be in addition to the toilet requirements and shall be cleaned and sanitized after each use.

(c) Toilet facilities shall not open directly into an area where food is prepared. A toilet facility may open directly into an area used by children where food is served.

(d) Children must receive supervision and care in accordance with their age and required needs and be accounted for at all times while bathing or toileting.

(e) At least one portable or permanent bath facility shall be provided and be available for bathing children, ~~unless the program exclusively serves school age children.~~

(f) Running water, toilet paper, disposable towels or hand drying machines that are properly installed and maintained, soap and trash receptacles shall be available and within reach of children using the toileting facility.

(g) Each basin and toilet must be maintained in good operating condition and sanitized as needed, at least once per day.

(7) Fire Safety.

(a) Unless statutorily exempted, all child care facilities shall conform to state standards adopted by the State Fire Marshal, Chapter 4A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities and shall be inspected annually. A copy of the current and approved annual fire inspection report by a certified fire inspector must be on file with the department or local licensing agency.

(b) There shall be at least one operable corded telephone in the child care facility which is neither locked nor located at a pay station and is available to all staff during the hours of operation.

(c) Fire drills shall be conducted monthly and shall be conducted when children are in care. A current attendance record must accompany staff out of the building during a drill or actual evacuation and be used to account for all children.

(8) Health and Sanitation.

(a) General Requirements.

1. All buildings, when the windows or doors are open, must have and maintain screens to prevent entrance of any insect or rodent. Screens are not required for open air classrooms and picnic areas.

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. Safe drinking water shall be available to all children. If disposable cups are used, they must be discarded after each use.

4. If the children are sleeping overnight in the facility, child care staff must ensure accepted bedtime routines, such as brushing teeth and face and hand washing. Toothbrushes, towels and wash cloths may not be shared.

(b) Diapering Requirements.

1. Hand washing facilities which include a basin with running water, disposable towels or hand drying machines that are properly installed and maintained, soap, and trash receptacle shall be maintained in the infant room or in an adjoining room which opens into the room where infants or children with special needs in diapers are in care. Hands shall be washed and dried thoroughly after each diapering or toileting procedure. Handwashing sinks shall not be used for food service preparation or food clean up.

2. When children in diapers are in care, there shall be a diaper changing area with an impermeable surface which is cleaned with a sanitizing solution after each use. Children must be attended at all times when being diapered or when changing clothes.

3. Diaper changing shall be in a separate area from the feeding or food service area.

4. There shall be a supply of clean diapers, clothing and linens at all times, which shall be changed or removed promptly when soiled or wet.

5. Soiled disposable diapers shall be disposed of in a plastic lined, securely covered container, which is not accessible to children. The container shall be emptied and sanitized at least daily.

6. Soiled cloth diapers shall be emptied of feces in the toilet and placed in a securely covered container which is not accessible to children. The container shall be emptied and sanitized daily.

(9) Equipment and Furnishings.

(a) Indoor Equipment.

1. A child care facility shall make available toys, equipment and furnishings suitable to each child's age and development and of a quantity for each child to be involved in activities.

2. Toys, equipment and furnishings must be safe and maintained in a sanitary condition.

(b) Outdoor Equipment.

1. A child care facility shall provide and maintain equipment and play activities suitable to each child's age and development.

2. All play equipment shall be securely anchored, unless portable by design, in good repair, maintained in safe condition, and placed to ensure safe usage by the children. Maintenance shall include checks at least every other month, of all supports, above and below the ground, all connectors, and moving parts.

3. Permanent playground equipment must have a ground cover or other protective surface under the equipment which provides resilience and is maintained to reduce the incidence of injuries to children in the event of falls.

4. All equipment, fences, and objects on the facility's premises shall be free of sharp, broken and jagged edges and properly placed to prevent overcrowding or safety hazards in any one area.

5. All equipment used in the outdoor play area shall be constructed and maintained to allow for water drainage and maintained in a safe and sanitary condition.

Specific Authority 402.301, 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, _____.

65C-22.003 Training.

(1) Definitions.

(a) "Training Coordinating Agencies" are authorized contract providers, designated by the department and responsible for the coordination of child care personnel training at the district/regional level.

(b) "CDA," Child Development Associate, is a national credential, recognized throughout the United States and the world, issued by the Council for Early Childhood Professional Recognition in Washington, DC.

(c) "State Approved CDA Equivalency" is a training program that has been approved by the department as meeting or exceeding the criteria established for an equivalency program.

(d) "Director" for the purpose of this section and consistent with the statutory definition of operator, refers to the onsite administrator or individual of a child care facility who has the primary responsibility for the day-to-day operation, supervision and administration of the child care facility.

(e) "Director Credential" means a comprehensive credentialing program consisting of two levels of education and experiential requirements as outlined in subsection 65C-22.003(7), F.A.C.

(f) "Before-school and after-school sites" for the purposes of this section means, programs, no matter their location, providing child care for children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, during the school district's calendar year. This is limited to programs providing care before and after the school day only, teacher planning days, holidays, and intercessions that occur during the school district's official calendar year.

(g) "Begin training for child care personnel" means to commence coursework by attendance, by educational exemption, or by completing a competency examination for one of the statutorily mandated child care training modules. The begin date for training is the initial date an individual commences training in the child care field.

(h) "Training Transcript" is the official electronic documentation for statutorily mandated training and credentialing requirements of all child care personnel. Training certificates can be downloaded by the individual if desired or will be issued to the individual if requested.

(2) Training Requirements.

(a) The 40 hour Introductory Child Care Training requirement is divided into two parts. Part I is comprised of 30 hours of training, consisting of the department's training modules, identified below:

1. State & Local Rules and Regulations;
2. Health, Safety, and Nutrition;
3. Identifying and Reporting Child Abuse & Neglect;
4. Child Growth & Development; and
5. Behavioral Observation and Screening.

(b) Part II is comprised of 10 hours of training, consisting of a selection ~~from~~ of one of the department's specialized training modules, identified below:-

1. Infant and Toddler Appropriate Practices (10 hours);
2. Preschool Appropriate Practices (10 hours);
3. School-Age Appropriate Practices (10 hours); ~~and~~
4. Special Needs Appropriate Practices (10 hours);-
5. Basic Guidance and Discipline (5 hours web based);
6. Computer Technology for Child Care Professionals (10 hours web based); and
7. Early Literacy in the Child Care Environment (5 hours web based).

(c) 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) or better. 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.

(d) All child care personnel employed on or before December 31, 2004 shall complete 5-clock-hours or .5 documented continuing education unit (CEU) of training in early literacy and language development of children from birth to 5 years of age, as documented on the certificate of course completion, classroom transcript, or diploma; by June 30, 2005. All child care personnel hired on or after January 1, 2005, shall complete this training within 12 months of date of employment. In order to meet this requirement, child care personnel must complete a single class or course that is no less than 5 hours in duration. Literacy training that was taken within the past five (5) years will be accepted if it meets all the required components stated above. It is the responsibility of the individual to provide documentation to the licensing counselor, to demonstrate that the training is a single class or course that is no less than 5 hours in duration and covers early literacy and language development of children from birth to 5 years of age.

~~(c)~~(d) Training certificates are issued or Training transcripts are updated 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.

2. 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, child care personnel have one opportunity, if they choose, to exempt from any of the 40 hour Introductory Child Care Training modules by successfully completing competency examinations with a score of seventy (70) or better. Examination exemptions are not available for the departments' web based Part II specialized training modules.

(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. Two year degree or higher with 6 college credit hours in early childhood/child growth and development.

b. Child Development Associate credential, state-approved Florida CDA Equivalency course.

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 Preschool Appropriate Practices module.

3. Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Elementary Education from the School-Age Appropriate Practices module.

4. Training coordinating agencies shall exempt child care personnel with a B.A., B.S. or advanced degree in Exceptional Student Education from the Special Needs Appropriate Practices module.

(4) Documentation of Training. Training successfully completed after July 1, 2004 will be documented on the child care training transcript only. Training completed prior to July 1, 2004 may be documented either on the child care training transcript or on CF-FSP 5267.

(5)(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) Be at least 21 years old.

(b) Complete the 6-clock-hour Train-the-Trainer course developed by the department.

(c) Meet one of the following educational experiential credentials verified by the training coordinating agency:

1. Four year college degree or higher with 6 college credit hours in early childhood/child growth and development, plus, 480 hours experience in a child care setting serving children ages birth through eight years of age or a teaching certificate.

2. A.S. or A.A. degree in child development, plus 480 hours experience in a child care setting serving children ages birth through eight years of age.

3. Associate degree with 6 college credit hours in early childhood/child growth and development, plus 960 hours experience in a child care setting serving children ages birth through eight years of age.

(d) Family child care trainers may must meet the qualifications listed above in paragraph 65C-22.003(5)(c), F.A.C., or 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 completion of 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.

~~(6)~~(5) Annual In-service Training.

(a) All child care facility personnel, must complete a minimum of 10 8-clock-hours of in-service training or 1 CEU, annually during the state's fiscal year beginning July 1 and ending June 30.

(b) The annual 10 8-clock-hour in-service training or 1 CEU, must be completed in one or more of the following areas:

1. Health and safety; including universal precautions;
2. CPR/~~first aid~~;
3. First Aid (this training may only be taken to meet the in-service requirement once every three years);
- ~~4.3.~~ Nutrition;
- 5.4. Child development – typical and atypical;
- ~~6.5.~~ Child transportation and safety;
- ~~7.6.~~ Behavior management;
- ~~8.7.~~ Working with families;
- ~~9.8.~~ Design and use of child oriented space;
- ~~10.9.~~ Community, health and social service resources;
- ~~11.10.~~ Child abuse;
- ~~12.11.~~ Child care for multilingual children;
- ~~13.12.~~ Working with children with disabilities in child care;
- ~~13.~~ Owner or operator training program;
14. Playground safety;
15. Literacy; ~~or~~
16. Guidance and Discipline;
17. Computer Technology;
18. Leadership development/program management and staff supervision;
19. Age appropriate lesson planning;
20. Homework Assistance for school age care;
21. Developing special interest centers/ spaces and environments; or
- ~~22.16.~~ Other course areas relating to child care or child care management.

(c) Documentation of the in-service training must be recorded on CF-FSP Form 5268, Feb. 04 5130, Apr. 2003, Child Care In-service Training Record, which is incorporated by reference, and included in the child care facilities' personnel records. College level courses that cover the topics above may also be counted to meet the annual in-service training requirement.

~~(7)(6)~~ Staff Credentials.

(a) Every licensed child care facility must have one member of its child care personnel for every 20 children with one of the following qualifications:

1. National Child Development Associate Credential.
2. Formal Educational Qualifications. Procedures for individuals with an associate level (2 year) degree or higher seeking the credentialing requirement are outlined on CF-FSP Form 5211, Feb. 04 April 03, Child Care Personnel Education/Employment History Verification Form, which is incorporated by reference.
3. Graduate of a state approved Florida CDA equivalency training program.

a. Early Childhood Education Training Programs seeking equivalency to the CDA should submit a completed CF-FSP Form 5191, Feb. 04 July 02, Application for CDA Equivalency for Training Programs, which is incorporated by reference, to the department for approval.

b. The criterion for programs wishing to be recognized as a state approved CDA equivalency is determined by the department and is outlined on the Application for CDA Equivalency for Training Programs.

4. Employment History Recognition Exemption.

a. In addition to the requirements and time frames established in statute, employment history experience must include a minimum of 15 hours per week per year or 540 hours per year working with children in a licensed, registered or exempt child care program as defined in Section 402.301, F.S., or teaching experience in a public or private school.

b. Documentation of employment history recognition must include notarized letters indicating previous employment or other forms of documentation such as W-2 forms, licensing records, or income tax return forms for each place of employment.

5. Graduate of the approved Florida School-Age Certification Training Program.

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 5257, July 02, Application to Provide the Florida School-Age Certification Training Program, which is incorporated by reference.

b. In order to receive the Florida School-Age Certification, a candidate must have completed the department's Florida School-Age Certification Training Program, which consists of the following:

(I) A total of 120 hours of training consisting of Part I of the Introductory Child Care Training, the department approved School-Age Appropriate Practices training module, and a minimum of 80-clock-hours of training using departmentally approved curriculum which focuses on the following six competency areas:

(A) Establishment and maintenance of a safe and healthy learning environment.

(B) The advancement of physical and intellectual competence.

(C) The support of social and emotional development and provision of positive guidance.

(D) The establishment of positive and productive relationships with families.

(E) Ensuring a well-run, purposeful program responsive to participant's needs.

(F) The maintenance of a commitment to professionalism.

(II) A portfolio containing an autobiographical statement, written examples demonstrating mastery of each of the school-age competency subject areas, and a collection of resource materials as identified in the department's Florida School-Age Certification Training Portfolio and Resource Materials Checklist, CF-FSP Form 5258, Oct. 01, which is incorporated by reference.

(III) Formal observation working with children in a school-age setting during the course of the program by a qualified observer.

(IV) 480 hours of direct contact with children in a school-age setting within the past five years.

c. Individuals who are enrolled in an existing school-age certification training program in Florida, prior to January 1, 2002, and who graduate from this training program by January 1, 2003, will be recognized as having met the Florida School-Age Certification requirement.

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

e. Early Childhood Education Training organizations that provide the Florida School-Age Certification Training Program must complete CF-FSP Form 5259, Oct. 01, Confirmation of Completion of the Florida School-Age Certification Training Program, which is incorporated by reference, for each graduate. The Early Childhood Education Training Organizations must submit the completed CF-FSP Form 5259 for each graduate, to the local training coordinating agency for processing upon completion of all components of the Florida School-Age Certification Training Program.

f. The training coordinating agency must issue CF-FSP Form 5267, May 2003, Florida School-Age Certification Training Program Certificate, which is incorporated by reference, to all graduates of the Florida School-Age Certification Training Program.

g. To maintain a valid Florida School-Age Certification, candidates must complete and document the satisfactory completion of 4.5 Continuing Education Units (CEUs) or one three-hour college-credit course in any school-age child care curriculum area, every five years. Coursework completed to renew a State of Florida Teaching Certificate satisfies the coursework requirement for renewal of the Florida School-Age Certification. This documentation must be submitted to the local training coordinating agency to verify completion of the required coursework. The local training coordinating agency will issue a new Florida School-Age Certification Training Program Certificate upon verification of the documentation.

(b) For those providers choosing to participate in Universal Pre-Kindergarten, the following Child Development Associate Equivalency (CDAE) renewal process applies. However, for the purpose of meeting the staff credentialing

requirement for every 20 children in care, as mandated in Section 402.305(3), F.S., a renewal is not required, but is encouraged and appropriate if the individual chooses.

1. Florida CDAE Renewals. To maintain a Florida CDAE, every 5 years candidates must complete and provide documentation of the following criteria, along with the Florida CDAE Renewal Application, CF-FSP 5273, Feb. 2004, incorporated herein by reference:

a. Proof of a current First Aid Certificate;

b. Proof of at least 4.5 Continuing Education Units (CEUs), or a three college credit hour course in early childhood education/child development, within the past 5 years that is in addition to the original 120 clock hours required for obtaining the CDA equivalency credential;

c. Proof of recent (within current year) work experience with young children or families of young children (a minimum of 80 hours);

d. Proof of recent (within current year) membership in a national, state or local early childhood professional organization;

e. A letter of recommendation regarding competency in working with young children, provided by an Early Childhood Education Professional such as the Child Care Facility Director, Assistant Director, Observer, or Lead Teacher; and

f. Three (3) completed Parent Opinion Questionnaires (within current year), documented on CF-FSP 5271, Feb. 2004 or an equivalent form that contains all the information required by the department's form.

g. The renewal fee for the Florida CDAE shall not exceed \$65.00.

2. National CDA Renewals. To renew a National CDA, that is not current, individuals must contact the Council for Early Childhood Professional Recognition, located in Washington, DC, at 1(800)424-4310, and complete a waiver form which can be obtained by going to their website at <http://www.cdacouncil.org>.

3. The State of Florida CDAE program will renew and issue a CDAE renewal to individuals holding an inactive National CDA upon submission of the renewal documents specified in paragraph 65C-22.003(1)(b), F.A.C., above. The Florida CDAE renewal will be documented on CF-FSP 5270, Feb. 2004, Florida CDA Equivalency Certificate of Renewal.

(c)(b) Periods of Transition. Child care personnel meeting the credentialing requirement in subparagraphs (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. A credentialed staff person must be on-site on a full time basis for those facilities that operate 20 hours or less per week.

(d)(e) Verification of Education and Employment History.

1. Child care personnel seeking satisfaction of the staff credentialing requirement, in subparagraphs (a)1.-5. of this section, are responsible for completing and submitting to their

local Training Coordinating Agency, ~~notarized~~ CF-FSP Form 5211, ~~Feb. 04 April 03~~, Child Care Personnel Education and Employment History Verification Form, including education and employment history documentation.

2. Upon receipt and approval of the completed forms, the individual's training transcripts will be updated to reflect the staff credential verification. From the individual's child care training transcript, they may print training-coordinating-agency will issue CF-FSP Form 5206, ~~Feb. 04 July 02~~, Child Care Personnel Professional Development Confirmation Form, which is incorporated by reference, for the individual's records to the child care personnel, owner or operator who submitted the application. The individual may also request a copy of CF-FSP Form 5206, from the TCA, for a nominal fee determined by the TCA.

3. A copy of the Child Care Personnel Professional Development Confirmation Form must be maintained on-site at the facility, in the employee personnel file, for review by child care licensing staff. The original is the property of the child care personnel.

~~(e)(4)~~ Calculation of Number of Personnel Necessary.

1. Child care facilities with 19 or less children or which operate less than (8) hours per week are not subject to the credentialing requirement.

2. For every 20 children, a child care facility must have one child care personnel who meets the credentialing requirement. Based on this formula, child care facilities with 20-39 children must have one credentialed staff member, facilities with 40-59 children must have 2 credentialed staff members, and so on.

3. Volunteers who meet the credentialing requirement will be included in calculating the credentialing ratio.

4. The department will calculate the number of credentialed personnel required based on daily attendance.

5. In addition to CF-FSP Form 5206, ~~Feb. 04 July 02~~, Child Care Personnel Professional Development Confirmation Form, child care facilities must have available written documentation of credentialed personnel's work schedules. Examples of written documentation are employee time sheets, personnel work schedules, and employment records.

6. Children who are five years old and above, when they are enrolled in and attending a kindergarten program or grades one and above, are excluded from the calculation for purposes of determining the number of personnel necessary to meet the credentialing ratio.

~~(8)(7)~~ Director Credential.

(a) Pursuant to Section 402.305(2)(f), 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.

1. An individual may not be the director of child care facilities that has an overlap in the hours of operation.

2. Each child care facility must have a director that is on site a majority of hours that the facility is in operation.

3. The director credential must be posted in a conspicuous location at the facility.

(b) As it relates to the director credential, the following exceptions apply:

1. A credentialed director is not required during evening hours as defined in Section 402.302(6), F.S.

2. Pursuant to Section 402.305(1)(c), F.S., a credentialed director holding a foundational or advanced level Florida director credential may supervise multiple before-school and after-school sites. As of January 1, 2004, every applicant for a license to operate a child care facility must document that the facility director has a director credential prior to issuance of the license to operate the facility.

~~(c)(b)~~ The foundational level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The department's 30-clock-hour Introductory Child Care Training (Part I); and

3. The department's Special Needs Appropriate Practices module or a minimum of 8-hours of in-service training in serving children with disabilities; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; state-approved Florida CDA Equivalency; the Florida School-Age Certification; a formal education exemption qualification; or a documented employment history recognition exemption; and

5. One course in the curriculum content area "Overview of Child Care Center Management," which must be met by one approved three-hour college level course, offered for credit or 4.5 Continuing Education Units (CEUs) through continuing education or one approved Post Secondary Adult Vocational course offered through a vocational-technical institution in Florida; and

6. One year experience on-site as a child care director. For those candidates who have met the educational requirements of this level but have not completed the one year experiential requirement a temporary credential will be granted.

~~(d)(e)~~ The advanced level applicants must meet the following educational and experiential requirements:

1. High school diploma or GED; and

2. The Department of Children and Family Services 30-clock-hour Introductory Child Care Training (Part I); and

3. The department's Special Needs Appropriate Practices module or a minimum of 8-hours of in-service training or course in serving children with disabilities; and

4. One of the following staff credentials: a Child Development Associate (CDA) Credential; a state-approved Florida CDA Equivalency; the approved Florida School-Age Certification; a formal education exemption qualification; or a documented employment history recognition exemption; and

5. Three approved courses in child care education program administration. The coursework requirement must be taken for college credit and must be from the following curriculum areas: Overview of Child Care Center Management, Child Care and Education Organizational Leadership and Management, Child Care and Education Financial and Legal Issues, Child Care and Education Programming; and

6. Two years of experience on-site as a child care director. For those candidates who have met all the educational requirements of this level but have not completed the two year experiential requirement a temporary credential will be granted.

~~(e)(4)~~ All applications and documentation will be verified and credentials issued by the Department of Children and Families or its designated representative, through the Florida Children's Forum. Applications may be obtained from:

~~Director Credential Coordinator
Florida Children's Forum
2807 Remington Green Circle
Tallahassee, Florida 32308~~

~~(f)(e)~~ Exceptions: For the foundational level, Directors who have attained another state's approved Director Credential shall receive credit towards the, "Overview of Child Care Management", educational component of the credential. For the advanced level credential only, an educational exception will be granted to individuals who meet subparagraphs 65C-22.003(7)(c)1.-4. and 6., F.A.C., and any of the following:

1. An A.S. degree in child care center management, or
2. An A.S., B.A., B.S. or advanced degree in early childhood education/child development, family and consumer sciences (formerly home economics/child development), school-age child care or elementary education with at least three credit hours in child care management/administration, business administration or educational administration, or

3. A B.A., B.S. or advanced degree other than those degree areas in number 2. above, with three credit hours in early childhood/child development or school-age child care and three credit hours in child care management/administration, business administration or educational administration, or

4. Five or more years of experience as an administrator or director in a licensed child care facility, or a facility that is legally exempt pursuant to Sections 402.3025 and 402.316, F.S., and with three college credit hours in early childhood/child development or school-age child care and three college credit hours in child care management/administration, business administration or educational administration. All coursework for this exception must have been completed within the last ten years.

~~(g)(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.

~~(h)(g)~~ Renewal.

1. To maintain a valid temporary Director Credential or Director Credential at either level, every 5 years, candidates must complete and document 4.5 Continuing Education Units (CEUs) or one three-hour college credit course in any one of the curriculum areas listed in subparagraph 65C-22.003(7)(c)5., F.A.C. Coursework completed to renew a State of Florida Teaching Certificate also satisfies this coursework requirement for renewal of a Director Credential. Candidates must also demonstrate professional contributions in the field through any one of the following.

- a. Serve in a professional organization related to the field of early childhood or school age programs;
- b. Make presentation or provide training in the field of early childhood or school age programs;
- c. Serve as a validator or advisor for a Florida-recognized accreditation program, as a CDA advisor, or as a school-age certification representative for the Florida School-Age Certification Training Program;
- d. Advocate for an issue in the field of early childhood or school age programs;
- e. Publish an item related to the field of early childhood or school-age program;
- f. Document program improvements by completing a Florida-recognized accreditation program;
- g. Serve as a consultant or mentor to another early childhood or school age program;
- h. Participate in an educational research or innovation project related to early childhood or school age programs; or
- i. Participate in a creative production that relates to the field of early childhood or school programs.

2. A Director Credential issued prior to January 1, 2004, will have an initial renewal date of January 1, 2009, and every 5 years thereafter. A Director Credential issued after January 1, 2004, will have an initial renewal date after 5 years and every 5 years thereafter.

~~(i)(h)~~ Coursework Recognition and Approval.

1. The department is responsible for reviewing existing and developing coursework, offered through vocational-technical schools, community colleges and universities, to determine if it meets the requirements for the Director Credential. Vocational-technical schools, community colleges and universities shall submit CF/FSP Form 5247 for

course review and approval, hereby incorporated by reference. Course work will be reviewed and approved according to the guidelines found in “Florida Child Care and Education Program Director Credential, Curriculum Areas,” hereby incorporated by reference, and copies of which can be obtained from the Florida Children’s Forum.

2. A list of approved courses must be maintained and will be available through the Florida Children’s Forum.

(j)(+) Before-school and after-school sites.

1. A director holding a foundational or advanced Director Credential may supervise multiple before-school and after-school sites as follows:

a. Three sites regardless of the number of children enrolled, or

b. More than three sites if the combined total number of children enrolled at the sites does not exceed 350. In calculating the total number of children enrolled, the number of children in the before-and after-school program shall be calculated and viewed as separate programs.

c. In counties where the public school district has included 4-year-old children in public before-school and after-school programs, the school district may participate in the multi-site supervision option. Public school districts which serve 4-year old children in the before-school and after-school programs are required to have a credentialed staff person pursuant to the credentialing requirements in paragraph 65C-22.003(6)(a), F.A.C., in order to accommodate the 4-year old’s.

2. When a credentialed director is supervising multiple sites, the person left in charge of the site during the director’s absence must meet the following requirements:

a. Be at least 21 years of age;

b. Have completed the department-approved 40-clock-hour Introductory Child Care Training (Parts I and II), and

c. Have completed the department’s basic training in serving children with special needs, by completing the Part II, specialized training module, Special Needs Appropriate Practices or through completion of a minimum of 8 hours of in-service training in serving children with disabilities, or

d. Have completed the department’s School Age Appropriate Practices, specialized training module.

Specific Authority 402.305 FS. Law Implemented 402.305, 402.302 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-13-03, _____.

65C-22.004 Health Related Requirements.

(1) Communicable Disease Control.

(a) Any child, child care personnel or other person in the child care facility suspected of having a communicable disease shall be removed from the facility or placed in an isolation area until removed. Such person may not return without medical authorization, or until the signs and symptoms of the disease are no longer present. With a child, the condition shall be

reported to the custodial parent or legal guardian. Signs and symptoms of a suspected communicable disease include the following:

1. Severe coughing, causing the child to become red or blue in the face or make a whooping sound,
2. Difficult or rapid breathing,
3. Stiff neck,
4. Diarrhea (more than one abnormally loose stool within a 24 hour period),
5. Temperature of 101 degrees Fahrenheit or higher when in conjunction with any other signs of illness,
6. Conjunctivitis (pink eye),
7. Exposed, open skin lesions,
8. Unusually dark urine and/or gray or white stool,
9. Yellowish skin or eyes, or
10. Any other unusual sign or symptom of illness.

(b) A child who has head lice shall not be permitted to return until treatment has occurred. Verification of treatment may include a product box, box top, empty bottle, or signature by a parent that treatment has occurred ~~Treatment shall include the removal of all lice, lice eggs, and egg cases.~~

(c) Isolation Area. Each facility shall have a designated isolation area for a child who becomes ill at the facility. Such space shall be adequately ventilated, heated, and equipped with a bed, mat, or cot and materials that can be sanitized easily. Linens and disposables shall be changed after each use. Until cleaned or disposed, the used linens and disposables shall be kept in a closed container in the isolation area. The isolated child must be within sight and hearing of a staff person at all times. The child must be carefully observed for worsening conditions.

(d) Outbreaks. Operators are required to notify the local county health department immediately upon any suspected outbreak of communicable disease in accordance with Chapter 64D-3, F.A.C., Communicable Disease Control. A suspected outbreak occurs when two or more children or employees have the onset of similar signs or symptoms, as outlined in subparagraphs (2)(a)1.-10. within a 72-hour period or when a case of a serious or reportable communicable disease is diagnosed or suspected on a child or employee.

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

(a) Each child care facility must have at least one staff member with a valid certificate of course completion for first aid training and infant and child cardiopulmonary resuscitation procedures. One staff member satisfying these training requirements shall be present at all times that children are in the care of the facility, both on-site and on field trips. A field trip includes all activities away from the facility excluding regular transportation to and from the facility, i.e., pick-up and drop-off.

(b) 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.

(c) At least one first aid kit containing materials to administer first aid must be maintained on the premises of all child care facilities at all times. A first aid kit must also accompany child care staff when children are participating on field trips. Each kit shall be in a closed container and labeled "First Aid". The kits shall be accessible to the child care staff at all times and kept out of the reach of children. Each kit must include:

1. Soap,
2. Band-aids or equivalent,
3. Disposable latex gloves,
4. Cotton balls or applicators,
5. Sterile gauze pads and rolls,
6. Adhesive tape,
7. Thermometer,
8. Tweezers,

~~9. In date syrup of ipecac, labeled "DO NOT INDUCE VOMITING UNLESS DIRECTED TO DO SO BY A PHYSICIAN OR POISON CONTROL" 1(800)222 1222,~~

~~9.10. Pre-moistened wipes,~~

~~10.11. Scissors, and~~

~~11.12. A current resource guide on first aid and CPR procedures.~~

(d) Emergency Procedures and Notification.

1. Emergency telephone numbers, including ambulance, fire, police, poison control center, Florida Abuse Hotline, and the address of and directions to the facility, must be posted on or near all facility telephones and shall be used as necessary to protect the health, safety and well-being of any child in day care.

2. Custodial parents or legal guardians shall be notified immediately in the event of any serious illness, accident, injury or emergency to their child and their specific instructions regarding action to be taken under such circumstances shall be obtained and followed. If the custodial parent or legal guardian cannot be reached, the facility owner will contact those persons designated by the custodial parent or legal guardian to be contacted under these circumstances, and shall follow any written instructions provided by the custodial parent or legal guardian on the enrollment form.

3. All accidents and incidents which occur at a facility must be documented and shared with the custodial parent or legal guardian on the day they occur.

4. After a fire or natural disaster, the operator must notify the licensing agency within 24 hours, in order for the department or local licensing agency to ensure health standards are being met for continued operation.

(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 must be maintained in the child's file. Special restrictions to medication must be shared with staff and must be posted with stored medication.

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

(c) Medication which has expired or is no longer being administered shall be returned to the custodial parent or legal guardian.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03,

65C-22.005 Food and Nutrition.

(1) Nutrition.

(a) If a facility chooses to supply food, they 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, 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.

(b) If a facility chooses not to provide meals and snacks, arrangements must be made with the custodial parent or legal guardian to provide nutritional food for the child.

(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 must be maintained in the child's file. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

(d) Meal and snack menus shall be planned, written, and posted at the beginning of each week. Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. Any menu substitution shall be noted on the menu.

(2) Food Preparation Area. All licensed child care facilities approved by the Environmental Health Section, to prepare food shall meet the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

(3) Food Service.

(a) Children shall be individually fed or supervised at feeding and offered foods appropriate for their ages.

(b) There shall be no propped bottles. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner before and after use. All bottles shall be individually labeled.

(c) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

(d) Facilities shall provide sufficient seating so that children are seated at tables for meals.

(e) Single service paper or plastic plates, utensils, and cups shall not be reused.

Specific Authority 402.305 FS. Law Implemented 402.305 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, Repromulgated

65C-22.006 Record Keeping.

(1) General Requirements.

(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) Within 30 days of enrollment, unless statutorily exempted, each child shall have on file at the facility a completed DH Form 3040, June 2002, Student Health Examination, which is incorporated by reference. Certification that a health examination has been completed may be documented on the State of Florida, Department of Health, DH Form 3040, OR a signed statement by authorized professionals that indicates the results of the components included in the

health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(b) The Student Health Examination is valid for two (2) years from the date the physical was performed.

(c) The child care facility is responsible for obtaining ~~Within 30 days of enrollment, each child shall have on file and keep current~~ a current and completed DH Form 680, Florida Certification of Immunization Part A-1, B, or C (July 2001), or DH Form 681, Religious Exemption from Immunization (May 1999), for each child in care, within 30 days of enrollment, and maintaining a current copy on file while the child is enrolled at the facility. DH forms 680 and 681 can be obtained from the local county health department. The DH Form 680, Florida Certification of Immunization Parts A-1, Certificate of Immunization for K-12 Excluding 7th Grade Requirements or Part B Temporary Medical Exemption, shall be signed by a physician or authorized personnel licensed under the provisions of Chapter 458, 459, or 460, F.S., and shall document vaccination for the prevention of diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, and Haemophilus influenza type B (HIB), and effective July 1, 2001, completion of the varicella vaccination. The DH Form 680, Florida Certification of Immunization Part C, Permanent Medical Exemption, shall be dated and signed by a physician licensed under the provisions of Chapter 458 or 459, F.S. Immunizations received out of state are acceptable, however, immunizations must be documented on DH Form 680 and signed by a practicing physician in the State of Florida.

~~(d) School-aged children attending public or non-public schools are not required to have student health examination and immunization records on file at the child care facility as such records are on file at the school where the child is enrolled.~~

~~(d)(e)~~ Medical records are the property of the custodial parent or legal guardian when the child withdraws from the facility and are transferable if the child attends another facility.

(3) Medication Records.

(a) A written record documenting the child's name, the name of the medication, date, time and amount of dosage to be given, and signature of the custodial parent or legal guardian shall be maintained by the facility. This record shall be initialed or signed by the facility personnel who gave the medication.

(b) This record shall be maintained for a minimum of four months after the last day the child received the medication.

(4) Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian, prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Dec. 02, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the department's form.

(a) Enrollment information shall be kept current and on file.

(b) The child shall not be released to any person other than the person(s) authorized, or in the manner authorized in writing, by the custodial parent or legal guardians.

(c) There shall be signed statements that the child care facility has provided the following information to parents:

1. The department's child care facility brochure, CF/PI 175-24, March 2002, Know Your Child Care Center, which is incorporated by reference. Local licensing agencies may use an equivalent brochure approved by the department's district licensing office containing all the information required by the department.

2. The child care facility's written disciplinary practices.

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

(a) An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.

(b) Position and date of employment.

(c) Signed statement that the employee understands the statutory requirements for professionals' reporting of child abuse and neglect.

(d) Level 2 screening information documented on CF-FSP Form 5131, Feb. 04 Apr. 03, Background Screening and Personnel File Requirements. A screening conducted under this rule is valid for five (5) years, at which time a statewide re-screening must be conducted. The 5 year re-screening must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement and a local criminal records check. In addition, child care personnel must be re-screened following a break in employment in the child care industry which exceeds 90 days. A person in this category must undergo the same level of screening which was required upon initial employment. If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, etc., re-screening is not required unless the 5 year re-screening has come due during the leave of absence. An employment history check for the previous two years at a minimum, or last three jobs is required as part of background screening. An employment history check conducted under this rule, shall include not only confirmation of employment dates from previous job(s), but may also include position held and job performance. Additionally, an Affidavit of Good Moral Character, CF-FSP 1649, Sept. 03, must be completed annually for all child care personnel.

(e) Copies of training information and credentials.

(f) Driver's license and driver physical examination documentation. The physician certification, or another form containing the same elements of the physician certification, granting medical approval to operate the vehicle must also be maintained in the driver's personnel file.

(6) Other Records.

(a) Daily attendance of children shall be taken and recorded by the child care facility personnel, documenting when each child enters and departs a child care facility or program. Such records shall be maintained for a minimum of four months.

(b) Record of accidents and incidents shall be documented daily and maintained for one year. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian.

(c) The operator shall prepare an emergency evacuation plan including a diagram of safe routes by which the personnel and children may exit each area of the facility in the event of fire or other emergency requiring evacuation of the facility and post a copy of the plan in each room of the facility.

(d) The operator shall maintain a written record of monthly fire drills showing the date, number of children in attendance, and time taken to evacuate the premises. Each monthly record shall be maintained for a minimum of four months from the date of the fire drill.

(e) Documentation that identified staff members have met the first aid and infant and child cardiopulmonary resuscitation training requirement shall be kept on file at the child care facility.

(f) Documentation of parental permission for field trips shall be maintained for a minimum of four months from the date of each field trip.

(g) Daily meal and snack menus shall be maintained for a minimum of one month.

(h) Current specialized diet documentation shall be retained for each child requiring such specialized diet for as long as such child is in care.

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, 1-4-01, 7-13-03, _____.

65C-22.007 Evening Child Care.

(1) Hours of Care. Evening Child Care, as defined in Section 402.302(6), F.S., means child care provided during the evening hours and may encompass the hours of 6:00 p.m. to 7:00 a.m.

(2) Supervision. During evening child care hours, staff must remain awake at all times. While children are awake, direct supervision as described in paragraph 65C-22.001(5)(a), F.A.C., must be provided. When children are sleeping, supervision, as defined in paragraph 65C-22.001(5)(b), F.A.C., is required.

(3) Exemptions. Child care standards, as outlined in Sections 402.301 through 402.305, F.S., and Rules 65C-22.001 through 65C-22.006, F.A.C., apply to Evening Child Care with the following exceptions:

(a) Outdoor Play Area. For centers which only provide evening child care, outdoor play space is not required. An open area within the existing indoor floor space designated for play that promotes the development of gross motor skills must be available.

(b) Child Development Associate or credentialed staff is not required for Evening Child Care staff.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History—New 7-2-98, Repromulgated _____.

65C-22.008 School Age Child Care.

(1) Definitions.

(a) “School Age Child” – a child who is at least five years of age by September 1st of the beginning of the school year and who is attending kindergarten through grade 5.

(b) “School Age Child Care Program” – before and after school programs that are licensed as child care defined in Section 402.302, F.S., and serve only school age children as defined in paragraph 65C-22.008(1)(a), F.A.C., above.

(c) “After School Program (Serving School Age Children)” – as defined below is not required to be licensed if the program meets one of the following criteria:

1. Programs located on public/nonpublic school sites, operated and staffed directly by that school or through a contract between the school and a provider to serve school age children. These programs are exclusive to only those children who attend the public/nonpublic school during the school day. The program may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year. Pursuant to Section 402.305(5), F.S., programs operated in public school facilities, regardless of the operator, shall follow the standards set forth by the Florida Building Code State Requirements for Public Educational Facilities; or

2. Programs that provide activities to all children, regardless of age, that are strictly instructional or tutorial/academic in nature. These programs cannot extend beyond the instructional, academic, and extracurricular activities of that program, do not provide any transportation, and do not serve or prepare meals or snacks. However, the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration. Some examples of these programs include, but are not limited to computer class, ballet, karate, gymnastics, baseball, and other sports; or

3. After school programs that meet all the following:

a. Operate for a period not to exceed a total of 4 hours in any one day; however, may extend to providing services before school, on teacher planning days, holidays, and intercessions that occur during the school district’s official calendar year; and

b. Allow children to enter and leave the program at any time, without adult supervision; and

c. Do not provide any transportation; and

d. Do not serve or prepare any meals or snacks, however the program may choose to provide drinks and snacks that do not require refrigeration or vending machine items that do not require refrigeration; or

4. Programs providing after school care exclusively for children in grades 6 and above.

(d) After school programs exempted under subparagraphs 65C-22.008(1)(c)1. and 3., F.A.C., may be licensed if they choose to meet all of the applicable licensing standards in subsection 65C-22.008(2), F.A.C., below.

2. After school programs that choose to expand their program beyond the parameters in subparagraphs (1)(c)1.-4., above, must be assessed to determine if licensure is required. Any of the after school programs accepting children under the age of the school age child as defined in paragraph 65C-22.008(1)(a), F.A.C., above must be licensed.

(2) School Age Child Care Standards. For purposes of this section, school age child care standards apply to school age child care programs as defined in paragraph 65C-22.008(1)(b), F.A.C., above. These programs must meet the following licensing standards:

(a) Application. Application must be made on CF-FSP Form 5272, Feb. 2004, Application For A License To Operate A School Age Child Care Program, which is incorporated by reference.

(b) License. A school age child care license is issued in the name of the owner, partnership, association, or corporation, and must be posted in a conspicuous location where the school age child care program is operating.

(c) All provisions under subsections 65C-22.001(1)(b)-(d), (3), (5)(c)-(d), (6),(8), and (9), F.A.C.

(d) Ratios. For children 5 years of age and older, there must be one child care personnel for every 25 children.

(e) Supervision. When caring for school age children, child care personnel shall remain responsible for the supervision of the children in care and capable of responding to emergencies, and are accountable for children at all times, which includes when children are separated from their groups. At all times lighting must be sufficient to visually observe and supervise children while in care.

(f) All provisions under paragraphs 65C-22.002(1), (2)(b)-(d), (5)(a), (6)(a),(b),(f),(g), F.A.C., except a bath facility is not required of school age child care programs.

(g) Indoor Floor Space and Outdoor Play Area. School age child care programs must meet all provisions under paragraphs 65C-22.002(3)(a)-(c) and 65C-22.002(4)(a)-(e), F.A.C., However, the program may choose to request in writing, permission from the licensing authority, to operate under an exception to EITHER usable indoor floor space as specified in subsection 65C-22.002(3), F.A.C., OR outdoor play area as specified in subsection 65C-22.002(4), F.A.C. The written request must include an explanation of why the exception is necessary as well as an alternate plan to accommodate

instances of inclement weather for those programs requesting an exception to the usable indoor floor space and a plan for inclusion of fine and gross motor skills opportunities for those programs requesting an exception to the outdoor play area.

(h) If not requesting an exemption to the outdoor play area, the school age child care program may operate without a fence if all the following provisions are met:

1. The children using the outdoor play area are in five year old kindergarten and grades one or above;

2. In addition to the established staff to children ratios, for the purpose of safety, an additional staff member is present, during all times of outdoor activities, to assist in providing direct supervision;

3. The outdoor play area is not located adjacent to a congested, heavily trafficked location or near any major intersections, crowded business areas, or water hazards; and

4. The department or local licensing agency has provided written authorization to the program to operate without a fence.

(i) Fire Safety. School age child care programs must meet all provisions under subsection 65C-22.002(7), F.A.C. However the program may seek an exemption to state standards adopted by the State Fire Marshall, Chapter 4A-36, F.A.C., Uniform Standards for Life Safety and Fire Prevention in Child Care Facilities. The written exemption request, which must include a plan for ensuring the safety of children in care, must be made to the local fire inspection office and if granted, the exemption must be documented and maintained on file at the program.

(j) Health and Sanitation. All provisions under subparagraphs 65C-22.002(8)(a)1.-3., F.A.C., must be met. In addition, school age child care programs may seek an exemption to environmental health standards. The written exemption request, which must include a plan to ensure the health safety of children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(k) Equipment and Furnishings. All provisions as applicable, under subsection 65C-22.002(9), F.A.C., must be met.

(l) All provisions under subsections 65C-22.004(1), (2), and (3), F.A.C., must be met.

(m) All provisions under subsections 65C-22.005(1), (2), (3)(a), (c), F.A.C., as it pertains to age appropriate food and heated food only, and paragraph (3)(e). School age child care programs may seek an exemption from the environmental health standards as it pertains to the food preparation area specified in subsection 65C-22.005(2), F.A.C. The written exemption request, which must include a plan to ensure safe and sanitary food preparation for children in care, must be made to the local Environmental Health Unit and if granted, the exemption must be documented and maintained on file at the program.

(n) All provisions under subsections 65C-22.006(1), (3), (4), (5), and (6), F.A.C., must be met. School aged children attending public or nonpublic schools are not required to have student health examination and immunization records on file at the school age child care program as such records are on file at the school where the child is enrolled.

(3) Child Care Personnel (Serving School Age Children) Training Requirements.

(a) Child care personnel must complete 40 hours of child care training by completing the following 20 hours of departmental training as evidenced by passage of a competency examination with a score of seventy (70) or better:

1. State & Local Rules and Regulation;

2. Health, Safety, and Nutrition;

3. Identifying and Reporting Child Abuse & Neglect; and

4. School Age Appropriate Practices.

(b) The remaining 20 hours must be met by successfully completing other departmental training identified in paragraphs 65C-22.003(2)(a)-(b), F.A.C., or by completing 20 hours of specialized school age training, provided by a national organization or its affiliates that requires demonstration of competencies through passage of examination(s) or completion and assessment of a Professional Resource File (portfolio of materials that demonstrate competency).

(c) Child care personnel are exempt from the training requirement of 5-clock-hour early literacy and language development of children from birth to 5 years of age, under paragraph 65C-22.003(2)(d), F.A.C.

(d) Child care personnel may choose to meet the training exemptions under subsection 65C-22.003(3), F.A.C.

(e) All provisions under subsection 65C-22.003(5), F.A.C., must be met.

(f) School age child care programs are exempt from the staff credentialing requirement in subsection 65C-22.003(6), F.A.C.

(g) All provisions as applicable under subsection 65C-22.003(8), F.A.C., must be met. A director holding a foundational or advanced Director Credential may supervise multiple sites as specified in paragraph 65C-22.003(8)(j), F.A.C.

Specific Authority 402.302, 402.305 FS. Law Implemented 402.302, 402.305 FS. History—New _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Vikki Griffin, Management Analyst, 1317 Winewood Blvd.
Building 6, Room 387, 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: April 4, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: August 23, 2003

DEPARTMENT OF FINANCIAL SERVICES**Division of Workers' Compensation**

RULE TITLE:

RULE NO.:

Policies and Endorsements Covering

Employees Engaged in Work in Florida 69L-6.019

PURPOSE AND EFFECT: Sections 440.10(1)(g) and 440.38(7), Florida Statutes, were amended to require employers who have employees "engaged in work" in this state with their headquarters outside of Florida to obtain a Florida policy or endorsement utilizing Florida class codes, rates, rules, and manuals that are in compliance with and approved under the provisions of Chapter 440, Florida Statutes, and the Florida Insurance Code. The rule implements the statutory amendment by describing what must appear on a workers' compensation policy or endorsement for it to be acceptable proof of coverage in relation to employees "engaged in work" in this state so that the Department may enforce employer compliance with workers' compensation coverage requirements.

SUMMARY: Sections 440.10(1)(g) and 440.38(7), Florida Statutes, were amended to require employers who have employees "engaged in work" in this state with their headquarters outside of Florida to obtain a Florida policy or endorsement utilizing Florida class codes, rates, rules, and manuals that are in compliance with and approved under the provisions of Chapter 440, Florida Statutes, and the Florida Insurance Code. The rule implements the statutory amendment by describing what must appear on a workers' compensation policy or endorsement for it to be acceptable proof of coverage in relation to employees "engaged in work" in this state so that the Department may enforce employer compliance with workers' compensation coverage requirements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 440.107(9), 440.591 FS.

LAW IMPLEMENTED: 440.10(1)(g), 440.38(7) FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE 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: 1:30 p.m., May 18, 2004

PLACE: Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed below.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrew Sabolic, Policy Coordinator, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4220, (850)413-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.019 Policies and Endorsements Covering Employees Engaged in Work in Florida.

(1) Every employer who is required to provide workers' compensation coverage for employees engaged in work in this state shall obtain a Florida policy or endorsement for such employees that utilizes Florida class codes, rates, rules and manuals that are in compliance with and approved under the provisions of Chapter 440, Florida Statutes, and the Florida Insurance Code, pursuant to Sections 440.10(1)(g) and 440.38(7), Florida Statutes.

(2) In order to comply with Sections 440.10(1)(g) and 440.38(7), Florida Statutes, any policy or endorsement presented by an employer as proof of workers' compensation coverage for employees engaged in work in this state must be issued by an insurer that holds a valid Certificate of Authority in the State of Florida.

(3) In order to comply with Sections 440.10(1)(g) and 440.38(7), Florida Statutes, for any workers' compensation policy or endorsement presented by an employer as proof of workers' compensation coverage for employees engaged in work in this state:

(a) The policy information page (NCCI form number WC 00 00 01 A) must list "Florida" in Section 3.A. and use Florida approved classification codes, rates, and estimated payroll in Section 4.

(b) The policy information page endorsement (NCCI form number WC 89 06 00 B) must list "Florida" in Section 3.A. and use Florida approved classification codes, rates, and estimated payroll in Section 4.

(4) A workers' compensation policy that lists "Florida" in Section 3.C. of the policy information page (NCCI form number WC 00 00 01 A) does not meet the requirements of Sections 440.10(1)(g) and 440.38(7), Florida Statutes, and is not valid proof of workers' compensation coverage for employees engaged in work in this state.

(5) NCCI form numbers WC 00 00 01 A and WC 89 06 00 B are hereby adopted and incorporated herein by reference.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.10(1)(g), 440.38(7) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Brown, Chief of Compliance, Division of Workers' Compensation, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tanner Holloman, Director, Division of Workers' Compensation, Department of Financial Services
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 20, 2004

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services
 RULE CHAPTER NO: RULE CHAPTER TITLE:
 5E-2 Pesticides
 RULE NO.: RULE TITLE:
 5E-2.033 Organo-Auxin Herbicides:
 Restrictions and Prohibitions

NOTICE OF ADDITIONAL HEARINGS

Notice is hereby given that additional public hearings are being scheduled for the above rule as published in Vol. 30, No. 9, February 27, 2004, issue of the Florida Administrative Weekly. TIMES AND DATES: 10:00 a.m., May 12, 2004 through 5:00 p.m., May 13, 2004
 PLACE: AES Conference Room, 3125 Conner Blvd., Tallahassee, Florida 32399-1650
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, (850)488-8731

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

DOCKET NO. 030970-EI
 RULE NO.: RULE TITLE:
 25-6.015 Location and Preservation of Records

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 51, December 19, 2003, issue of the Florida Administrative Weekly. The change has been made to the proposed rule to address comments made by the staff of the Joint Administrative Procedures Committee.

Paragraph (3)(b) of Rule 25-6.015 is changed as follows:

(b) However, all source documents retained as required by Title 18, Subchapter C, Part 125, Code of Federal Regulations shall be maintained in their original form for a minimum of three years, or for any lesser period of time specified for that type of record in Title 18, Subchapter C, Part 125, Code of Federal Regulations, after the date the document was created or received by the utility. This paragraph does not require the utility to create paper copies of documents where the utility would not otherwise do so in the ordinary course of its business. The Commission ~~will~~ may waive the requirement that documents be retained in their original form upon a showing by a utility that it employs a storage and retrieval system that consistently produces clear, readable copies that are substantially equivalent to the originals, and clearly reproduces handwritten notations on documents.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-7.001	Definitions
61A-7.003	Licenses Not Eligible for Smoking Designation
61A-7.004	Annual Certification Requirements
61A-7.013	Penalty Guidelines for Florida Statute 561.695 – Stand Alone Bar Enforcement
61A-7.014	Aggravating or Mitigating Circumstances for 561.695 – Stand-Alone Bar Violations

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 41, October 8, 2003 issue of the Florida Administrative Weekly.

61A-7.001(7) "Stand-alone smoking with food (ssf)" means those licensed premises that operate a business that meets the definition of a stand-alone bar in Section 386.203(11), Florida Statutes, in which the serving of food is merely incidental, ~~that is and~~ the licensed premises may derive no more than ten percent of its gross revenue from the sale of food consumed on the licensed premises.