

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: Food Permits; Requirements and Fees

RULE NO.: 5K-4.020

PURPOSE AND EFFECT: To establish a definition for an additional type of food establishment and the amount charged for an annual food permit for establishments of that type.

SUBJECT AREA TO BE ADDRESSED: Definitions used in determining food permit fees.

SPECIFIC AUTHORITY: 500.09, 500.12(1)(b), 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a),(b),(c),(d), 500.121, 500.171, 500.172, 500.177 FS.

IF REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 27, 2004

PLACE: George Eyster Auditorium, Doyle Conner Administration Building, 3125 Conner Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. J. D. Warren, 3125 Conner Blvd., Suite D, Tallahassee, Florida 32399-1650, (850)488-0295

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) through (m) No change.

(n) Minor food outlet, only non-perishable foods. A minor food outlet which sells, stores or offers only commercially prepackaged, non-potentially hazardous, non-perishable foods and at which there is no food processing activity, no food service or any activity related to repackaging of foods. Commercially prepackaged ice, not bagged on the premises, may be sold.

(n) through (bb) renumbered (o) through (cc) No change.

(2) through (4) No change.

(5) Food Permit Fees.

(a) No change.

(b) The following schedule of fees is established for each food permit.

Bottled Water Plant	\$500
Bottling Plant	350
Conning Plant	375
Convenience Store	300
Convenience Store with Limited Food Service	350
Convenience Store with Significant Food Service	425
Food Salvage Center	400
Food Storage Warehouse	325
Grocery Store	425
Health Food Store	275
Health Food Store with Food Service	350
Limited Sales	75
Meat Market	350
Minor Food Outlet	275
<u>Minor Food Outlet, Only Non-perishable Foods</u>	<u>200</u>
Minor Food Outlet with Limited Food Service	325
Minor Food Outlet with Significant Food Service	400
Mobile Vendor	275
Packaged Ice Plant	250
Processor, Other Non-perishable Foods	300
Processor, Other Perishable Foods	375
Rabbit or Game Processor	300
Retail Bakery	325

(5) through (7) No change.

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a),(b),(c),(d), 500.121, 500.171, 500.172, 500.177 FS. History--New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03, _____.

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."

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Agency Travel Rule

RULE CHAPTER NO.: 20-115

PURPOSE AND EFFECT: Adopting by reference changes to travel policy.

SUBJECT AREA TO BE ADDRESSED: Department of Citrus travel rule.

SPECIFIC AUTHORITY: 601.15(8)(a) FS.

LAW IMPLEMENTED: 601.15(8)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Alice P. Wiggins, License and Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

COMMISSION ON ETHICS

RULE TITLE: List of Forms and Instructions
 RULE NO.: 34-7.010

PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise CE Forms 1, 6, 1F, and 6F, which are adopted by reference in Rule 34-7.010, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: CE Forms 1, 6, 1F, and 6F will be effected by this rulemaking.

SPECIFIC AUTHORITY: Art. II, Sec. 8(f),(h), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(13), 112.322(7),(10), 112.324 FS.

LAW IMPLEMENTED: Art. II, Sec. 8(a),(f),(h), Fla. Const., 112.313(9),(12), 112.3143, 112.3144, 112.3145, 112.3148, 112.3149, 112.3215 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., July 21, 2004

PLACE: Commission on Ethics Conference Room, 3600 Maclay Boulevard, South, Suite 201, Tallahassee, FL 32312

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julia Cobb Costas, Senior Attorney, Commission on Ethics, (850)488-7864

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

COMMISSION ON ETHICS

RULE CHAPTER TITLE: Gifts and Honoraria
 RULE CHAPTER NO.: 34-13

RULE TITLES: General Definition of "Gift"
 RULE NOS.: 34-13.210

Specific Examples of What Does Not Constitute a Gift
 34-13.214

"Reporting Individual" Defined
 34-13.270

Exceptions to Prohibitions Against Accepting and Giving Gifts
 34-13.320

Quarterly Gift Disclosure for Reporting Individuals and Procurement Employees
 34-13.400

Annual Gift Disclosures for Reporting Individuals and Procurement Employees 34-13.410
 Quarterly Gift Disclosure for Lobbyists and Others 34-13.420
 Gift Valuation 34-13.500

PURPOSE AND EFFECT: The purpose of the proposed amendments is to update the rules and incorporate legislative changes to Sections 112.312(12), 112.3148 and 112.3149, Florida Statutes, in the related provisions contained in Chapter 34-13, Florida Administrative Code.

SUBJECT AREA TO BE ADDRESSED: Chapter 34-13, F.A.C., interprets the provisions in Sections 112.3148 and 112.3149, Florida Statutes, concerning the receipt of and acceptance of gifts and honoraria but public officers and employees.

SPECIFIC AUTHORITY: 112.322(10)(b) FS.

LAW IMPLEMENTED: 112.312, 112.313, 112.3148, 112.3149 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., July 21, 2004

PLACE: Commission on Ethics Conference Room, 3600 Maclay Boulevard South, Suite 201, Tallahassee, FL 32312

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Julia Cobb Costas, Senior Attorney, Commission on Ethics, (850)488-7864

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

34-13.210 General Definition of "Gift".

"Gift" means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his benefit or by any other means, for which equal or greater consideration is not given within 90 days of receipt of the gift.

(1) through (2) No change.

(3) Substantiation of equal or greater consideration having been given is the responsibility of the donee. In substantiating or justifying whether equal or greater consideration has been given by the donee to the donor, the donee should be able to provide information demonstrating the following factors:

(a) through (b) No change.

(c) Consideration will not include a promise to repay the donor unless the promise is in writing and enforceable, and is satisfied within 90 days after receipt of the gift.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148, 112.3149 FS. History--New 4-16-92, Amended _____.

34-13.214 Specific Examples of What Does Not Constitute a Gift.

The following are specifically excluded from being a “gift”.

(1) Salary, benefits, services, fees, commissions, expenses, or other things associated primarily with the donee’s employment or business or service as an officer or director of a corporation or organization. “Associated primarily with the donee’s employment or business” means associated with the donee’s principal employer or business occupation and unrelated to the donee’s public position.

(2) through (8) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148, 112.3149 FS. History–New 4-16-92, Amended 7-30-00, _____.

34-13.270 “Reporting Individual” Defined.

(1) A “reporting individual” means any individual who is required by law, pursuant to Article II, Section 8, Florida Constitution, or pursuant to Section 112.3145, F.S., to file either full or limited disclosure of his financial interest. The Commission has promulgated CE Form 1, Statement of Financial Interests, for use in making the disclosures required by Section 112.3145, F.S., and CE Form 6, Full and Public Disclosure of Financial Interests, for use in making the disclosures required under Article II, Section 8, Florida Constitution. Lists of persons required to file each form can be found on each form.

(2) For purposes of Section 112.3148, F.S., the “agency” of a candidate, upon qualifying, is:

(a) The agency to which the individual seeks election if the candidate is not already a public officer or employee.

(b) The agency to which the individual was elected to serve, whether or not the individual has formally taken office.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.313, 112.3148, 112.3149 FS. History–New 4-16-92, Amended _____.

34-13.320 Exceptions to Prohibitions Against Accepting and Giving Gifts.

Notwithstanding the prohibitions expressed in Rule 34-13.310, F.A.C., the following gifts are permitted.

(1) No change.

(2) An entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, a water management district created pursuant to Section 373.069, F.S., the South Florida Regional Transportation Tri-County Commuter Rail Authority, the Technological Research and Development Authority, or a school board may give, either directly or indirectly, to a reporting individual or procurement employee a gift having a value in excess of \$100 if a public purpose can be shown for the gift. The reporting individual or procurement employee may accept such a gift if a public purpose can be shown for the gift.

(a) through (b) No change.

(3) through (4) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History–New 4-16-92, Amended 2-27-95, _____.

34-13.400 Quarterly Gift Disclosure for Reporting Individuals and Procurement Employees.

(1) Each reporting individual or procurement employee shall file a sworn statement with the Commission on Ethics Secretary of State containing a list of gifts, if any, accepted by him during a calendar quarter which he believes to be valued in excess of \$100, on or before the last day of the following calendar quarter. The Commission shall promulgate CE Form 9, Quarterly Gift Disclosure, for use in making the required disclosure.

(2) through (7) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History–New 4-16-92, Amended _____.

34-13.410 Annual Gift Disclosures for Reporting Individuals and Procurement Employees.

(1) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the individual or employee, either directly or indirectly, during the previous calendar year from an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, a water management district created pursuant to Section 373.069, F.S., the South Florida Regional Transportation Tri-County Commuter Rail Authority, the Technological Research and Development Authority, or a school board, for which a public purpose can be shown as provided in Rule 34-13.320, F.A.C.

(2) through (6) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History–New 4-16-92, Amended 2-27-95, _____.

34-13.420 Quarterly Gift Disclosure for Lobbyists and Others.

(1) through (4) No change.

(5) The Commission shall promulgate CE Form 30, Donor’s Quarterly Gift Disclosure, for use in making the disclosures required under this rule. CE Form 30 shall be filed with the Commission on Ethics Secretary of State, except with respect to gifts to reporting individuals of the legislative branch, in which case the form shall be filed with the Office of Legislative Services.

(6) No change.

(7) The reports required under this rule do not apply:

(a) No change.

(b) To any gift from an entity of the legislative or judicial branch, a department or commission of the executive branch, a county, a municipality, an airport authority, a water management district created pursuant to Section 373.069, F.S., the South Florida Regional Transportation Tri-County Commuter Rail Authority, the Technological Research and Development Authority, or a school board.

(c) through (d) No change.

(8) through (9) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.3148 FS. History—New 4-16-92, Amended 2-27-95, 7-30-00,_____.

34-13.500 Gift Valuation.

In addition to the provisions contained in Section 112.3148(7), F.S., a donee shall use the following rules to determine the value of a gift received from a donor:

(1) through (2) No change.

(3) “Compensation provided by the donee” as stated in Section 112.3148(7)(b), F.S., means payment provided by the donee to the donor within 90 days after receipt of the gift, and excludes personal services rendered by the donee for the benefit of the donor. Where the gift received by a donee is a trip and includes payment or provision of the donee’s transportation, lodging, recreational, or entertainment expenses by the donor, the value of the gift is equal to the total value of the various aspects of the trip paid or provided by the donor, and any consideration paid by the donee for the trip should be subtracted from the total value of the trip.

EXAMPLE: Lobbyist X provides reporting individual Y with a trip to New York to see a play. X pays \$300 for Y’s round-trip airfare, \$50 for Y’s ground transportation, \$150 for Y’s hotel room, and \$100 for Y’s ticket to the play. In order to accept the trip from X, Y must pay X at least \$500, so that the value of the gift from X does not exceed \$100.

(4) through (10) No change.

Specific Authority 112.322(10)(b) FS. Law Implemented 112.312, 112.3148 FS. History—New 4-16-92, Amended 7-5-92, 2-27-95, 7-30-00,_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Consumptive Use of Water
 RULE CHAPTER NO.: 40D-2

PURPOSE AND EFFECT: To adopt rules to implement the regulatory portion of the Southern Water Use Caution Area minimum flows and levels which are being developed simultaneously with these rules.

SUBJECT AREA TO BE ADDRESSED: Implementation of the regulatory rules portion of the Southern Water Use Caution Area’s minimum flows and levels which are being developed simultaneously with these rules.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., July 15, 2004

PLACE: Southwest Florida Water Management District, Bartow Service Office, 170 Century Blvd., West Wing Conference Room, Bartow, Florida

WHAT: Workshop to discuss water use permitting rules to implement the recovery strategy for minimum flows and levels for the Southern Water Use Caution Area.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow
 RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To establish minimum flows and levels for the Southern Water Use Caution Area for the Most Impacted Area, the upper Peace River and Lakes Jackson, Letta, Lotela and Little Lake Jackson on the Highlands County Ridge and Lakes Clinch, Eagle, McLeod and Wales in Polk County.

SUBJECT AREA TO BE ADDRESSED: The establishment of minimum flows and levels within the Southern Water Use Caution Area for the Most Impacted Area, the upper Peace River and Lakes Jackson, Letta, Lotela and Little Lake Jackson on the Highlands County Ridge and Lakes Clinch, Eagle, McLeod and Wales in Polk County.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., July 15, 2004

PLACE: Southwest Florida Water Management District, Bartow Service Office, 170 Century Blvd., West Wing Conference Room, Bartow, Florida

WHAT: Workshop regarding the establishment of minimum flows and levels for the Southern Water Use Caution Area for the Most Impacted Area, the upper Peace River and Lakes Jackson, Letta, Lotela and Little Lake Jackson on the Highlands County Ridge and Lakes Clinch, Eagle, McLeod and Wales in Polk County.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Water Levels and Rates of Flow RULE CHAPTER NO.: 40D-8

PURPOSE AND EFFECT: To amend Chapter 40D-8, F.A.C., to incorporate the next set of priority lake pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Crooked Lake, Polk County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 6:00 p.m., July 27, 2004

PLACE: Webber International University, 1201 North Scenic Highway, Babson Park, FL 33827

WHAT: Public workshop on proposed minimum and guidance levels for Crooked Lake, Polk County, Florida.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, Resource Conservation and Development Department, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, Extension 4272

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Recovery and Prevention Strategies for Minimum Flows and Levels RULE CHAPTER NO.: 40D-80

PURPOSE AND EFFECT: To adopt rules describing the recovery strategy for minimum flows and levels within the Southern Water Use Caution Area which minimum flows and levels are being developed simultaneously with these rules.

SUBJECT AREA TO BE ADDRESSED: The recovery strategy for minimum flows and levels for the Southern Water Use Caution Area.

SPECIFIC AUTHORITY: 373.0361, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.0395, 373.042, 373.0421, 373.171 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 2:00 p.m., July 15, 2004

PLACE: Southwest Florida Water Management District, Bartow Service Office, 170 Century Blvd., West Wing Conference Room, Bartow, Florida

WHAT: Workshop to discuss recovery strategy for minimum flows and levels for the Southern Water Use Caution Area.

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact: Dianne Lee, (352)796-7211, Ext. 4658, TDD only 1(800)231-6103.

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

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

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE TITLE: Professional Guardian Registration RULE NO.: 58M-2.001

PURPOSE AND EFFECT: The purpose of this rule is to revise and clarify the requirements for professional guardianship registration and to conform the rule to changes in Section 744.1083, F.S.

SUBJECT AREA TO BE ADDRESSED: Registration of public guardians with the Statewide Public Guardianship Office.

SPECIFIC AUTHORITY: 744.1083(6) FS.

LAW IMPLEMENTED: 744.1083, 744.1085, 744.3135 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Avellone, Office of Legal Affairs, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE TITLE: Permitted Medications for Horses

RULE NO.: 61D-6.008

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to amend the Division’s rules regarding the race day administration of Salix to racehorses.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in this rule is race day administration of Salix to racing horses. Specifically, the Division is considering amending rules regarding the following:

1. The time that a horse that is shipped in from another track or training facility will be required to be in a permitholder’s receiving barn,
2. Changes to the forms for reporting of Salix administration by veterinarians, and
3. Changes to the procedure by which reports of administration will be received and processed by the Division.

SPECIFIC AUTHORITY: 550.2415(13) FS.

LAW IMPLEMENTED: 550.2415 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 4:00 p.m., July 22, 2004

PLACE: North Broward Regional Service Center, 1400 West Commercial Blvd., Suite 115, Room 195, Ft. Lauderdale, 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: Mary Polombo, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: Procedures for an Architect Adopting Building Permit Documents Approved Under

RULE NO.:

Provisions of the Florida Building Code 61G1-18.003

PURPOSE AND EFFECT: The Board proposes to review a new rule to determine whether it is needed.

SUBJECT AREA TO BE ADDRESSED: The proposed new rule sets forth roles and responsibilities for an architect assuming the work documents of another architect designated “prototype building approval” under provisions of the Florida Building Code.

SPECIFIC AUTHORITY: 481.2055, 481.222 FS.

LAW IMPLEMENTED: 481.222 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE TITLE: Disciplinary Guidelines

RULE NO.:

61G5-30.001

PURPOSE AND EFFECT: The Board intends to have complete review and substantial rewording of this rule, and possibly moving the aggravating and mitigating circumstances portion and the cumulative and consecutive portion to the new rules.

SUBJECT AREA TO BE ADDRESSED: The substantial rewording would make the guidelines easier to track.

SPECIFIC AUTHORITY: 455.2273, 477.016, 477.029(2) FS.

LAW IMPLEMENTED: 455.2273, 477.029(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Julie Malone, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, FL 32399-0783
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE TITLES:	RULE NOS.:
Requirements for Burglar Alarm System Agent Identification Card	61G6-12.0015
Continuing Education Requirements for Burglar Alarm System Agents	61G6-12.0016

PURPOSE AND EFFECT: The proposed new rules are intended to set forth criteria to be included on burglar alarm system agent identification cards and to set forth continuing education requirements for burglar alarm system agents.

SUBJECT AREA TO BE ADDRESSED: Burglar alarm system agents.

SPECIFIC AUTHORITY: 489.507(3) FS.

LAW IMPLEMENTED: 489.507(3), 489.518(4)(a),(b),(d),(5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: John Knap, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-12.0015 Requirements for Burglar Alarm System Agent Identification Card.

After the completion of the course outlined in Rule 61G6-12.001, F.A.C., the licensee shall issue identification cards to each of the alarm system agents. The card shall be at least 3 1/4 x 2 1/4 inches in size. The card shall contain: 1 x 1 1/4 inch full face picture of the alarm system agent; name of the holder of the card; name and license number of the unlimited electrical contractor or licensed alarm system contractor; name and address of the business organization; signature of the contractor and the card holder; and issue date and expiration date of the card. The expiration date must be within 2 years of the issue date. The identification card must be

in the possession of the burglar alarm system agent while engaged in the burglar alarm system agent duties. The card shall be issued in the following format:

<u>BURGLAR ALARM SYSTEM AGENT</u>	
<u>The bearer of this card has met the training requirements pursuant to Chapter 489.518, Florida Statutes.</u>	
<u>PHOTO HERE</u>	<u>Name: Tom Brown</u>
	<u>Business: Alarm Center, Inc.</u>
	<u>Address: 1940 N. Monroe St.</u>
	<u>Tallahassee, FL 32399</u>
	<u>Signature: Tom Brown</u>
<u>Qualifier: John Doe</u>	<u>License # EC 0012345</u>
<u>Signature: John Doe</u>	
<u>Issued: October 1, 2004</u>	<u>Expires: September 30, 2006</u>
<u>BURGLAR ALARM SYSTEM AGENT</u>	
<u>The bearer of this card has met the training and CE requirements pursuant to Chapter 489.518, Florida Statutes.</u>	
<u>PHOTO HERE</u>	<u>Name: Tom Brown</u>
	<u>Business: Alarm Center, Inc.</u>
	<u>Address: 1940 N. Monroe St.</u>
	<u>Tallahassee, FL 32399</u>
	<u>Signature: Tom Brown</u>
<u>Qualifier: John Doe</u>	<u>License # EC 0012345</u>
<u>Signature: John Doe</u>	
<u>Issued: October 1, 2004</u>	<u>Expires: September 30, 2006</u>

Specific Authority 489.507(3) FS. Law Implemented 489.507(3), 489.518(4)(a),(b) FS. History-New _____.

61G6-12.0016 Continuing Education Requirements for Burglar Alarm System Agents.

Each burglar alarm system agent must attend 6 hours of Board-approved continuing education on burglar alarm system installation and repair and false alarm prevention every 2 years, from a Board-approved sponsor of training and through a Board-approved training course as outlined in Rule 61G6-12.001, F.A.C. The contractor shall reissue an identification card which shall state the bearer of the card has met the 6 hours of continuing education pursuant to Section 489.5185, F.S.

Specific Authority 489.507(3) FS. Law Implemented 489.507(3), 489.518(4)(d),(5) FS. History-New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Continuing Education Credit Requirements	61G10-18.001

PURPOSE AND EFFECT: The Board proposes to review and adjust CE credit requirements as deemed necessary by the Board.

SUBJECT AREA TO BE ADDRESSED: Revised continuing education requirements.

SPECIFIC AUTHORITY: 455.2124, 481.306, 481.313 FS.

LAW IMPLEMENTED: 481.313, 553.841 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0754

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

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 Clinical Laboratory Personnel

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions

RULE NO.: 64B3-8.006

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule pursuant to the Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Exemption of spouses of members of armed forces from licensure renewal provisions.

SPECIFIC AUTHORITY: 456.024(2), 483.817 FS.

LAW IMPLEMENTED: 456.024(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-8.006 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board. The licensee is required to notify the Board of a change in status within six months of the licensee's return to the State of Florida or the spouse's discharge from active duty. If the change of status occurs within the second half of the biennium, the licensee is exempt from the continuing education requirement for that biennium.

Specific Authority 456.024(2), 483.817 FS. Law Implemented 456.024(2) FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Examination for Licensure

RULE NO.: 64B4-3.003

PURPOSE AND EFFECT: The Board proposes the development of the rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination for Licensure.

SPECIFIC AUTHORITY: 456.017, 491.004(5) FS.

LAW IMPLEMENTED: 456.017, 491.005 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE TITLE: Approved Courses for Continuing Education

RULE NO.: 64B4-6.002

PURPOSE AND EFFECT: The Board proposes the development of the rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Approved Courses for Continuing Education.

SPECIFIC AUTHORITY: 456.013(6), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 456.013(6), 491.007(2), 491.0085(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: Citations RULE NO.: 64B8-44.005

PURPOSE AND EFFECT: The Council proposes to review the rule and see if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Whether changes or adjustments need to be made to those violations currently slated for citations in lieu of other disciplinary actions.

SPECIFIC AUTHORITY: 456.077, 468.507 FS.

LAW IMPLEMENTED: 456.077, 468.517, 468.518 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Dietetics and Nutrition Practice Council, Department of Health, MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-0797

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

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE: Community Based Residential Facilities RULE CHAPTER NO.: 64E-12

RULE TITLES: General, Definitions, Water Supply RULE NOS.: 64E-12.001, 64E-12.002, 64E-12.003

Table with 2 columns: Subject Area and Rule Number. Includes Food Service (64E-12.004), Housing (64E-12.005), Insect and Control (64E-12.006), Laundry (64E-12.008), Medications, Poisonous or Toxic Substances (64E-12.009), and Recreational Areas (64E-12.011).

PURPOSE AND EFFECT: The purpose of the proposed rule change is to incorporate technical and scientific advancements that promote the protection of the public from a safety, health, and sanitation perspective. The majority of these changes involve updating the rule's present requirements to more accurately reflect today's safety and health standards based on the Food and Drug Administration, Center for Disease Control, and other safety related data resource guidelines. Additionally, the purpose of the proposed change is to clarify identified standards in the existing rule as requested by the regulated community and regulatory officials.

SUBJECT AREA TO BE ADDRESSED: The changes will define terms used in statute and rule that have been identified as confusing or ambiguous as well as incorporate safety, health and general sanitation requirements that better safeguard the public against illnesses, injury and disease.

SPECIFIC AUTHORITY: 381.006(6)(16) FS.

LAW IMPLEMENTED: 381.006(6)(16) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., July 19, 2004

PLACE: Pinellas County Health Department, 4175 East Bay Drive, Suite 340, Clearwater, Florida 33764

TIME AND DATE: 10:00 a.m., July 22, 2004

PLACE: Broward Emergency Management Agency, 201 N. W. 84 Avenue, Room 332B, Plantation, Florida 33324

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robin Eychaner, Group Care Program Coordinator, Bureau of Facility Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4277

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-12.001 General.

This rule prescribes sanitary practices relating to construction, operation and maintenance of ~~c~~Community ~~b~~Based ~~r~~Residential ~~f~~Facilities. If there is any written or implied language in this rule that may conflict with a rule written to regulate a specific type community based residential facility, the rule written for that specific type establishment will be followed. Base camps of wilderness programs shall be exempt from paragraphs (6) and (7) of ~~Rule Section~~ 64E-12.005, F.A.C., of this chapter, and the mobile components of wilderness programs shall be exempt from all sections of this

rule. Personal services may be provided to the residents through coordinated outsourcing by the community based residential facility.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6),(16), 386 FS. History—New 6-18-87, Formerly 10D-23.001, Amended _____.

64E-12.002 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning indicated:

(1) Community Based Residential Facilities – means any building or buildings, section of a building, or distinct part of a building or other place, whether operated for profit or not, which undertakes, through its ownership or management, to provide for a period exceeding 24 hours, housing, food service, and one or more personal services for persons not related to the owner or administrator by blood or marriage, who require such services. This term does not include correctional facilities, such as detention centers, jails or prisons.

(2) Department – means the Florida Department of Health and county health departments.

(3) Food Preparation – means the manipulation of foods intended for human consumption by such means as washing, slicing, peeling, chipping, shucking, scooping, and or portioning. The term also includes those activities involving temperature changes, combining ingredients, opening ready-to-eat food packages, or any other activity causing physical or chemical alterations in the food.

(4) Hot Water – means water heated to a minimum temperature of 100 degrees Fahrenheit (°F).

(5) Minor – means any person under the age of 18 years old.

(6) Open Water Hazard – means a body of water unprotected by a barrier or fence at least 4 feet in height on or adjacent to the property of a community based residential facility.

(7) Personal Services – means providing supervision, custodial care, or assisting a resident with the tasks or functions in their daily living activities, such as bathing, dressing, laundry, eating, ambulation, or monitoring medications.

(8)(2) Resident – means a person living residing in and receiving personal services care from a community based residential facility typically due to a specific emotional, social, or health related condition.

(9) Wading Pool – means a temporary and portable pool that holds water, is less than 24 inches in depth and only allowed in private single-family residences. It may also be known as a kiddie pool.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6),(16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.002, Amended _____.

64E-12.003 Water Supply.

(1) Water supplies shall be adequate to serve the demands of the facility and shall be constructed, operated and maintained in accordance with requirements of Chapters 62-550 and 62-555 or Chapter 64E-8, Florida Administrative Code (F.A.C.). Facilities served by a private well water supply not meeting the definition of a Chapter 64E-8 or a 62-550, F.A.C., drinking water supply must submit bacteriological water test results annually to the local county health department (CHD). Laboratory test results must be negative for bacteriological contamination.

(2) Drinking water shall be accessible to all residents. When drinking fountains are available, they shall be designed in compliance with the Florida Building State Plumbing Code first edition including the 2002 Florida Code Inserts, Plumbing Volume May, 2001 and Chapter 553.06, Florida Statutes (F.S.). When no approved drinking fountains are available, residents shall be provided with single service cups or clean drinking utensils which shall be stored and dispensed in a manner to prevent contamination. Common drinking cups are prohibited.

(3) Hot and cold running water under pressure and at safe temperatures, not to exceed 120 degrees Fahrenheit at the faucet to prevent scalding, shall be provided to all restroom lavatories and bathing areas.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6),(16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.003, Amended _____.

64E-12.004 Food Service.

There shall be three levels of food service with different minimal requirements in community based residential facilities based on facility type or the number of residents in care.

(1) Facilities meeting the definition of “adult family-care home” as defined in Section 400.618, F.S., or “family foster home” as defined in paragraph 409.175(2)(e), F.S., shall comply with the following requirements:

(a) Food used in the facility shall be clean, wholesome, free from spoilage and safe for human consumption. Canned food must be obtained from approved sources, which are state or federally licensed.

(b) The facility shall protect food from dust, flies, rodents and other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage and all other sources of contamination at all times during storage, food preparation, and service.

(c) Food storage equipment shall be provided to keep all potentially hazardous foods at safe temperatures, 41°F or below or 140°F or above, except during necessary periods of preparation and service.

(d) At least a two compartment sink with hot and cold potable water under pressure shall be provided in the food preparation area. Facilities that were regulated by the Department prior to January 1, 2004, and have been in

continuous operation since that time, are exempt from the two-compartment sink and may have only a single compartment sink in the food preparation area. This exemption is not transferable from one location to another or from one owner to another.

(e) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

(2)(+) Except as described in (1) above, if food service is provided in the facility for 10 or fewer residents in care, the facility shall comply with the following requirements:

(a) Food used in the facility shall be clean, wholesome, free from spoilage and safe for human consumption.

(b) The facility shall store, prepare and serve foods in such a manner as to protect the food from dust, flies, rodents and other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage and all other sources of contamination.

(c) Food storage equipment shall be provided to keep all potentially hazardous foods at safe temperatures, 45°F or below or 140°F or above, except during necessary periods of preparation and service.

(d) At least one sink with hot and cold potable water under pressure shall be provided in the food preparation area.

(2) If food service is provided in the facility for 11 or more, but fewer than 25, residents in care, the facility shall comply with the following requirements:

(a) Rules 64E-11.002, Definitions; 64E-11.003, Food Supplies; 64E-11.004, Food Protection; 64E-11.005, Personnel; 64E-11.013(3)(c).1.2.4. of Chapter 64E-11, F.A.C., shall apply.

(b) Facilities opening or remodeling on or after July 1, 2004, shall give to the department, prior to construction or renovation of a food service operation, notification and plans of the proposed construction or renovation. Plans shall be submitted by the owner, prospective operator, or their designated representative. All plans shall be in compliance with this section, shall be drawn to scale, describe the layout, construction, general operation of the facility, equipment design and installation, copy of the intended menu, and similar aspects of the facility's food service operation.

(c)(b) The floor surfaces in kitchens, all the rooms and areas in which food is stored or prepared and in which utensils are washed or stored, shall be of smooth, nonabsorbent material and constructed so it can be easily cleaned and shall be kept clean and in good repair.

(d)(e) The walls and shelving ceilings of all food preparation areas, food storage areas, utensil washing and handwashing rooms or areas shall have smooth, easily cleanable surfaces. Walls shall be washable up to the highest level reached by splash or spray.

(e)(d) Hot and cold running water under pressure shall be easily accessible where food is prepared and where utensils are washed.

(f)(e) A handwashing sink facilities, provided with hot and cold running water, shall be located within the food preparation area and labeled as such in new residential facilities and residential facilities which are extensively altered. Existing facilities shall have until October 1, 2004, to comply with this requirement.

(g)(f) Multi-use equipment and utensils shall be constructed and repaired with materials that are non-toxic, corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable and durable under conditions of normal use; and shall not impart odors, color or taste nor contribute to the contamination of food.

(h)(g) All multi-use eating and drinking utensils shall be thoroughly cleaned with hot water and an effective detergent, then shall be rinsed free of such solution, then effectively sanitized as defined in Chapter 64E-11, F.A.C.

(i)(h) A three compartment sink or a two compartment sink or and one compartment sink and a dishwasher with an effective, automatic sanitizing cycle, shall be provided for warewashing. Existing facilities shall have until October 1, 2004, to comply with this requirement. Machine sanitization may be accomplished by the use of chemical solutions, hot water or hot air. After sanitizing, utensils shall be air dried and properly stored. Other types of warewashing devices may be approved by the county health unit.

(j)(i) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

(k)(j) No live animals shall be kept or allowed in the food storage, preparation and serving areas. Service animals are allowed in areas that are not used for food service that are usually open for residents and customers, such as dining and sales areas. Service animals shall be controlled by the disabled employee or person, to ensure a health or safety hazard will not result from the presence or activities of the service animal.

(l) Pets living in or visiting a community based residential facility are allowed in the common dining area at times other than meals if effective partitioning and self closing doors separate the common dining area from food storage, preparation, and service areas. In addition, all condiments, equipment, and utensils shall be stored in enclosed cabinets or

removed from the common dining area when pets are present and the tables, countertops, and other similar surfaces are effectively cleaned before the next meal service.

(3) If food service is provided in the facility for 11 25 or more residents it shall comply with Chapter 64E-11, F.A.C. Existing facilities shall have until October 1, 2004, to comply with this requirement.

(4) If food is catered from outside sources, the caterer shall be licensed or regulated by a state or federal regulatory food program. A copy of a current catering agreement shall be provided to the county health department at least annually or when a change in the agreement occurs. The agreement shall minimally include the designated delivery times, method of hot and cold holding once food is delivered, whether bulk or individually portioned food will be provided, and a designated responsible party for multi-use equipment and utensil sanitization comply with Chapter 64E-11, F.A.C. Catered food once delivered to a community based residential facility must be adequately protected. The facility shall maintain a daily log indicating the date and time of delivery, name or type of potentially hazardous food(s), and the food temperatures upon arrival. Entries in the log shall be made at the time of delivery. These temperature logs shall be maintained and retained at the facility for a period not less than 6 months. The records required by this section must be made available for review by the department upon request of the department.

Specific Authority 381.006(16), 381.0072(2)(a) FS. Law Implemented 381.006(6),(16), 381.0072(2)(a)(b)(c), 386 FS. History—New 6-18-87, Formerly 10D-23.006, Amended _____.

64E-12.005 Housing.

(1) The facility shall provide safe and sanitary housing free from objects, materials, and conditions that constitute a danger to the residents.

(2) Floors, walls, ceilings, windows, doors and all appurtenances of the structures shall be of sound construction, properly maintained, easily cleanable and shall be kept clean.

(a) Floor surfaces shall be of non-slip type and maintained free of loose or broken tiles and boards, holes, uneven projections, protruding nails, tears, splinters, water spillage and other tripping hazards. Bathtubs and showers shall contain slip-resistant strips, slip-resistant rubber bath mats, or slip-resistant surfaces.

(b) Wall surfaces shall be maintained free of hazardous projections, splinters, loose moldings, and broken plaster.

(c) Overhead surfaces shall be free of water damage, loose, missing or broken tiles, plaster, lath, or loose hanging fixtures, pipes and electric wiring.

(d) All external windows designed to open shall be accessible and operable.

(3) All housing facilities shall be kept free of offensive odors by adequate cleanliness and proper ventilation.

(4) All areas of the facility shall be well lighted. Dormitories, bedrooms, toilets, bathing rooms, shower rooms, and dayrooms shall have light fixtures that capable of providing at least 20 foot candles of illumination in all areas of the room, measured at a distance 30 inches from the floor, to permit observation, cleaning and maintenance. Light fixtures shall be maintained to work as designed and kept clean.

(5) All areas of the facility occupied by residents, including sleeping rooms, common areas, hallways, bathrooms, and dining areas shall have natural or mechanical ventilation.

(a) If natural ventilation is utilized, the opened window area for ventilation purposes should be equal to one-tenth of the floor space.

(b) When mechanical ventilation systems are employed, the systems shall be maintained to operate as designed and kept clean. Intake air ducts shall be designed and installed so that dust or filters can be readily removed. In resident occupied areas mechanical ventilation systems shall provide a minimum of 10 cubic feet of fresh or filtered recirculated air per minute for each resident occupying the area.

(c) All toilet rooms shall be provided with direct openings to the outside or provided with mechanical ventilation to the outside.

(6) Adequate heating facilities shall be provided to maintain a minimum temperature of 68 degrees Fahrenheit, 20 inches above the floor in all resident occupied rooms.

(7) Mechanical cooling devices shall be made available for used and in working condition in those areas of buildings occupied by residents when inside temperatures exceed 85° degrees Fahrenheit. Exceptions are made when the resident is capable and in control of the thermostat or cooling devices in their personal area and chooses for it to exceed 85° Fahrenheit.

(8) All heating and cooling systems shall be consistent with current building and fire code rules applicable to the area where the facility is located, as determined by building and fire officials.

(9) All furniture and furnishings must be in good repair and kept clean.

(10) Plumbing shall be maintained in compliance with the requirements of the Florida Building State Plumbing Code first edition, including the 2002 Florida Code Inserts, Plumbing Volume May 2001, and Chapter 553.06, F.S.

(11) Sanitary facilities shall comply with the requirements of Chapter 64E-10, F.A.C.

(12) Sewage and liquid waste shall be disposed of in accordance with Chapter 62-601 or Chapter 64E-6, F.A.C., whichever is applicable.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6),(16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.009, Amended _____.

64E-12.006 Vermin ~~Insect and Rodent~~ Control.

Effective control measures shall be utilized to eliminate ~~minimize~~ the presence of rodents, flies, cockroaches and other vermin insects on the premises. The primary means of pest control shall be the use of Integrated Pest Management (IPM) practices for the control of pests throughout a residential facility, as recognized by the United States Environmental Protection Agency. The creation, maintenance or causing of any condition capable of propagating insects, rodents, and other vermin will not be permitted. All buildings shall be effectively rodent-proofed, free of rodents and maintained in a rodent-proof and rodent-free condition. All exterior openings outside openings shall be effectively sealed or screened with 16 mesh screening or equivalent to prevent entry of insects or rodents, except in wilderness programs when mosquito netting is provided to each resident.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.010, Amended _____.

64E-12.008 Laundry.

(1) Where laundry facilities are provided, they shall be adequate to ensure an ample quantity of clean clothing, bed linens and towels. Laundry facilities shall be of sound construction and shall be kept clean and in good repair. Adequate space shall be provided for the complete separation of clean and soiled clothing, linen and towels.

(2) Laundry rooms shall have fixtures that provide at least 30 foot-candles of illumination, kept clean and free of lint build-up, and be well lighted and properly ventilated as specified in the Florida Building Code first edition, including the 2002 Florida Code Inserts. Lighting will be measured 30 inches above the floor. Clothes dryers shall be vented to the exterior. Carts used for transporting dirty clothes, linens and towels shall not be used for transporting clean articles unless they carts have been thoroughly cleaned and sanitized.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Formerly 10D-23.012, Amended _____.

64E-12.009 Medications, Poisonous or Toxic Substances.

Medications, poisonous, or toxic compounds are to be stored apart from food and other areas that would constitute a hazard to the residents and containers are to be clearly labeled with a label indicating their contents.

(1) In facilities housing minors or those not capable of self-medication, medications shall be kept in a locked area such as a locked office, locked cabinet, or locked box at all times when not in use. This is in addition to a childproof medicine bottle cap or lid. Exceptions are extended to antibiotics requiring refrigeration equipped with a child proof cap or lid and medications such as insulin, nitro glycerin, or asthma inhalers that may be needed by the resident who is capable of self-medication in an emergency due to illness or disease.

(2) Medications that require refrigeration shall be stored in such a manner that they do not pose a contamination hazard to food.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Formerly 10D-23.013, Amended _____.

64E-12.011 Recreational Areas.

(1) through (2) No change.

(3) If swimming pools, spas, or open water hazards are located ~~available~~ on the property of a community based residential facility, the facility shall provide direct pools should be supervised by an adult when in used or when the area is occupied by children, minors and other residents in care that are not capable of self-preservation.

(a) Private single-family homes using a wading pool must empty the pool immediately after use and whenever the water becomes soiled during use.

(b) Access to open water hazards located on the property must be restricted by a barrier at least 4 feet in height. Access through the barrier shall be equipped with an audio-visual alarm, key lock, or self-locking doors. Facilities located in a deed restricted area or are part of a homeowners association which prevents the construction of a 4 foot high barrier, must provide such documentation and are required to install an audio visual alarm on all exterior doors exiting the facility. Existing facilities shall have until October 1, 2004, to comply with this requirement.

(c) All community based residential facilities with private swimming pools or a water hazard must have a person on staff who has completed a community water safety course administered by the American Red Cross or YMCA program. The adult responsible for supervision in sub Section 12.011(3), F.S., above must have successfully completed the community water safety course.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New 6-18-87, Amended 8-7-96, Formerly 10D-23.015, Amended _____.

64E-12.012 Radon Testing.

Radon Testing shall be conducted in accordance with requirements listed in Chapter 404 of the Florida Statutes (F.S.).

Specific Authority 404.056(4), (6) FS. Law Implemented 404.056(4) FS. History—New _____.

64E-12.013 Animal Health and Safety.

(1) Animals requiring rabies vaccination under Section 828.30, F.S., must be vaccinated for rabies and their vaccinations must be current at the time of inspection. Proof of Rabies vaccination or veterinary certification of vaccination exemption shall be kept on the premises at all times.

(2) All animals must be kept free from disease and in good health or under treatment by a licensed veterinarian.

(3) Aggressive, venomous, or potentially dangerous animals must be restricted from access by the residents at all times and kept in such a manner so as not to be able to become free roaming and cause or inflict harm to the residents, visitors, or employees. These animals may not be housed in the residents' sleeping quarters.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6),(16) FS. History--New _____.

64E-12.014 Inspection Forms.

The forms in this section are incorporated by reference. DH Form 4029, 12/03, Residential Group Care Inspection Report. This form is not intended for public use.

Specific Authority 381.006(16) FS. Law Implemented 381.006(6),(16) FS. History--New _____.

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Standards and Procedures for Licensure
PURPOSE AND EFFECT: The Commission proposes to clarify the requirements for an institution and its catalog if courses are taught in a language other than English and to amend the financial requirements for the various levels of licensure.

RULE NO.: 6E-2.004

SUMMARY: The proposed rule amendment adds language to amend the financial requirements for the various levels of licensure and to clarify the requirements for an institution and its catalog if courses are taught in a language other than English.

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: 1005.22(1)(e), 1005.31(2),(3), 1005.34, 1005.39 FS.

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 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: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Institutions ~~Each institution~~ applying for a license or moving to a new level of licensure or any other Commission action shall provide all required information to the Commission ~~the following specific information~~, in English. Institutions providing information to students in a language other than English must retain a notarized translation certifying the accuracy of the language of the documents in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (5) No change.

(6) Standard 6: Finances.

(a) No change.

1. ~~Provisional License~~ Approved Applicant Status:

a. through b. No change.

c. If the corporation that controls the institution is ongoing, the institution shall provide a financial statement of the parent corporation compiled, reviewed or audited in accordance with Generally Accepted Accounting Principles, prepared by an independent certified public accountant.

d. No change.

2. ~~Provisional License~~, Annual License, Extended Annual License, or Annual Review: Licensed nondegree schools shall provide annually a review or audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. ~~Licensed, and licensed~~ colleges and universities shall provide annually an audit, prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This annual financial statement shall demonstrate that the current assets of the institution exceed the current liabilities, and that there was a positive net working capital and a profit or surplus for the prior year. If an institution does not meet the above requirements, the Commission shall require an explanation of the financial condition of the institution, which could include the following: a financial improvement plan, teach-out plan, or form of surety guaranteeing that the resources are sufficient to protect the current students. If the Commission determines that the institution does not have sufficient resources, it shall take actions up to and including revocation of licensure.

3. License by Means of Accreditation: All institutions shall submit an annual audit prepared in accordance with Generally Accepted Accounting Principles by an independent certified public accountant. This audit shall demonstrate that the current assets of the institution exceed the current