

Rulemaking Specific Authority 456.025, 483.805(4), 483.807(1) FS. Law Implemented 456.025, 483.807 FS. History—New 12-7-93, Formerly 61F3-9.002, 59O-9.002, Amended 6-10-99, 4-7-02, _____.

64B3-9.004 Active Status Renewal Licensure Fee.

- (1) Director – ~~\$130~~ 150.
- (2) Supervisor – ~~\$110~~ 130.
- (3) Technologist – ~~\$90~~ 110.
- (4) Technician – ~~\$50~~ 75.
- (5) through (6) No change.

Rulemaking Specific Authority 456.025(4), 456.036, 483.807(1) FS. Law Implemented 456.025(4), 456.036, 483.807 FS. History—New 12-7-93, Formerly 61F3-9.004, Amended 12-26-94, Formerly 59O-9.004, Amended 5-26-98, 3-9-00, 5-16-02, 5-25-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 31, 2009

DEPARTMENT OF HEALTH

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

RULE NO.:	RULE TITLE:
64B4-3.006	Security and Monitoring Procedures for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule repeal due to the fact that the department no longer conducts the licensing exam.

SUMMARY: The Department no longer conducts the licensing exam, causing the rule to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rules will not have an impact on small business.

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

RULEMAKING AUTHORITY: 456.017, 491.004(5) FS.

LAW IMPLEMENTED: 456.017 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 Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.006 Security and Monitoring Procedures for Licensure Examination.

~~The Board adopts by reference Rule 64B 1.010, F.A.C., of the Department of Health as its rule governing licensure examination security and monitoring.~~

Rulemaking Specific Authority 456.017, 491.004(5) FS. Law Implemented 456.017 FS. History—New 8-18-93, Formerly 61F4-3.006, 59P-3.006, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.030121	Exceptional Education Eligibility for Students with Language Impairments

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 6, February 12, 2010 issue of the Florida Administrative Weekly.

Subparagraph (6)(a)2. of Rule 6A-6.030121 has been amended to read:

2. Prior to obtaining consent for evaluation, intensive interventions are demonstrated to be effective but require sustained and substantial effort that may include the provision of exceptional student education; or ~~and~~

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board Acupuncture

RULE NO.:	RULE TITLE:
64B1-6.005	Standards for Approval of Continuing Education Credit

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, FS, published in Vol. 35, No.21, of the May 29, 2009, issue and the Notice of Change published in Vol. 35, No. 51, of the December 24, 2009 issue of the Florida Administrative Weekly. The change is in response to stated comments from the public at the rule hearing on February 5, 2010.

64B1-6.005(6) shall read as:

(6) Continuing education programs ~~related to laboratory test or imaging findings~~ shall be designed to provide course content on the clinical relevance of ~~laboratory and diagnostic tests and procedures as well as~~ biomedical ~~sciences~~ physical examination findings and to advance, extend or enhance the licensee's skills and knowledge ~~in biomedical sciences related to the safe and beneficial use of laboratory test and imaging findings.~~

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NOS.:	RULE TITLES:
64B3-9.001	Application Fees
64B3-9.002	Initial Licensure Fees
64B3-9.004	Active Status Renewal Licensure Fee

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 7, February 19, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-2.0151	Review Procedure And Methodology For Certification of Foreign Dental Education Programs

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 39, September 26, 2008 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.:	RULE TITLE:
64B13-5.002	Criteria for Approval

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.:	RULE TITLE:
64B20-2.001	Licensure by Certification of Credentials

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated January 27, 2010 and the language voted on by the Board at its meeting on December 3, 2009. The change is as follows:

64B20-2.001(1) shall read as:

"Any person desiring to be licensed as a speech-language pathologist..... can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or on the Board's website at <http://www.doh.state.fl.us/mqa/speech/index.html>.

The Department shall....."

Form DH-SPA-1, Page 9, question 5. shall read as:

~~F. In the last five years, have you been treated for or had a recurrence of a diagnosed addictive disorder?~~

~~F. G.~~ No change.

~~G. H.~~ No change.

Form DH-SPA-1, Page 11

Reference to "Title 42 USCS subsection 666(a)(13)" is being corrected to "Title 42 USCA subsection 666(a)(13)".

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.003
 RULE TITLE: Provisional License; Requirements
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

The change is in response to concerns stated by the Joint Administrative Procedures Committee in a letter dated February 9, 2009 and to the language voted on by the Board at its meeting on December 3, 2009. The change is as follows:

64B20-2.003(2) shall read as:

“(2) Any person desiring to receive a provisional license.....and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or on the Board’s website at <http://www.doh.state.fl.us/mqa/speech/index.html>.

The Department”

Form DH-SPA-2 Page 7, question 5. shall read as:

~~F. In the last five years, have you been treated for or had a recurrence of a diagnosed addictive disorder?~~

~~F.G.~~ No change.

~~G.H.~~ No change.

Form DH-SPA-2, Page 9

Reference to “Title 42 USCS subsection 666(a)(13)” is being corrected to “Title 42 USCA subsection 666(a)(13)”.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-4.001
 RULE TITLE: Certification of Assistants
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 50, December 18, 2009 issue of the Florida Administrative Weekly.

The change is in response concerns stated by the Joint Administrative Procedures Committee in a letter dated January 27, 2010 and to the language voted on by the Board at its meeting on December 3, 2009. The change is as follows:

64B20-4.001(1) shall read as:

“(1) Any person desiring to be certified as a speech-language pathology assistant or audiology assistant....., and can be obtained from the Board of Speech-Language Pathology and Audiology, Department of Health, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256 or at the Board’s website at <http://www.doh.state.fl.us/mqa/speech/index.html>. Such application and.....”

Form DH-SPA-3 Page 8, question 5. shall read as:

~~F. In the last five years, have you been treated for or had a recurrence of a diagnosed addictive disorder?~~

~~F.G.~~ No change.

~~G.H.~~ No change.

Form DH-SPA-3, Page 10

Reference to “Title 42 USCS subsection 666(a)(13)” is being corrected to “Title 42 USCA subsection 666(a)(13)”.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: 65C-35.001
 RULE TITLE: Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly. subsection 65C-35.001(15), F.A.C., makes reference to the “Medical Report” form CF-FSP5339 dated October 2009, which is incorporated by reference. The form date is incorrect and should read January 2010.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-4.0026	Tier Waivers
65G-4.0027	Tier One Waiver
65G-4.0028	Tier Two Waiver
65G-4.0029	Tier Three Waiver
65G-4.00291	Tier Four Waiver

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 49, December 11, 2009 issue of the Florida Administrative Weekly.

The proposed rules were renumbered as follows:

65G-4.0021 renumbered 65G-4.0026

65G-4.0022 renumbered 65G-4.0027

65G-4.0023 renumbered 65G-4.0028

65G-4.0024 renumbered 65G-4.0029

65G-4.0025 renumbered 65G-4.00291

Section IV Emergency Rules

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

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DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF CHILDREN AND FAMILY
SERVICES****Family Safety and Preservation Program**

RULE NO.: RULE TITLE:

65CER10-1 Substitute Care of Children

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Currently, Chapter 65C-13, Florida Administrative Code, does not have measurement standards for food holding temperatures, vermin control, water supply, garbage and rubbish disposal or sewage. Due to the lack of standards to define satisfactory in the above-mentioned areas, Department of Health will immediately cease to inspect these areas in family foster homes. The intent of this emergency rule revision is to create the necessary verbiage that will appropriately reflect standards for the inspection of these vital areas and ensure the continued safety and well-being of the children served by Department of Children and Families. This emergency rule revision will allow the Department of Health to create a form, specifically for the inspection of family foster homes; the inspection form will include all areas of health and safety previously mentioned in this statement.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Chapter 65C-13, Florida Administrative Code is the most efficient means of

providing guidance to protect the health, safety, and welfare of children found to be dependent as defined by Chapter 39, F.S., and who have been placed in licensed out-of-home care.

SUMMARY: The new rule provides standards for the measurement of food holding temperatures, vermin control, water supply, sewage, and garbage.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Stacey Cleveland, Family Safety Program Office, 1317 Winewood Boulevard, Building 1, Room 301T, Tallahassee, Florida 32399. Phone: (850)921-8833 Email: Stacey_Cleveland@dcf.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

65CER10-01 (65C-13.030) Substitute Care of Children
Standards for Licensed Out-of-Home Caregivers.

(1) General Requirements.

(a) Generally, there should be no more than five children in a licensed home, including the family's own children.

(b) There shall be no more than two children under the age of two years in a home, including the licensed out-of-home caregiver's children.

(c) Therapeutic foster homes are limited to the placement of two children.

(d) Serving as a licensed out-of-home caregiver is a privilege and public trust. Applicants do not have an inherent right to a license as an out-of-home caregiver.

(e) Each licensed out-of-home caregiver applicant shall sign a Bilateral Service Agreement as defined in subsection 65C-30.001(11), F.A.C. The agreement shall be reviewed, and discussed with a licensing counselor prior to initial licensure and again at each re-licensure. The document must be signed by a representative from the supervising agency and the potential or licensed out-of-home caregiver.

(2) Utilization of Foster Home.

(a) Placement of a child in a home licensed by the Agency for Persons with Disabilities shall be approved by the Agency for Persons with Disabilities prior to placement. A home licensed by the Agency for Persons with Disabilities may be utilized for placement of children eligible for both programs without obtaining a separate license if the child is receiving Supplemental Security Income (SSI).

(b) Licensed Out-of-Home Caregivers Wishing To Offer Child Care.

1. Licensed out-of-home caregivers that have contracted with a lead agency are authorized by Section 409.1671(5)(b), F.S., to provide child care as a Licensed Family Day Care Home, as defined in Section 402.302(7), F.S., if they choose to do so and meet the requirements for licensing. A dually licensed foster home cannot provide care for more than five children, including biological, foster, and adopted children. Therapeutic or Medical Foster Homes can not be dually licensed.