

(d) The use of Emergency Subsidy payments shall include all areas of the cost of living including mortgage payments and rent.

(e) Emergencies resulting from the failure of support staff to adequately plan shall not be a reason to deny the Emergency Subsidy.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

65G-12.010 Payment.

(1) Payments to clients eligible for In-Home Subsidies or to their families shall be in the form of either a one-time lump sum, a recurring supplement, or a combination of both.

(2) Payments shall be considered a client service rather than a purchase of service.

(3) Specifics regarding the intent and payment plan of the Subsidy must be addressed in the support plan or its addendum and in the Letter of Agreement.

(4) Payments shall be made directly to the client or his or her designated fiscal agent.

(5) If the client has been adjudicated incompetent, payments shall be made to the guardian, appointed fiscal agent, or representative payee.

(6) The Social Security Administration and the ACCESS Florida Food Program does not consider In-Home Subsidies as reportable income, therefore, Subsidy payments will not affect eligibility for Medicaid services.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

65G-12.011 Notice of Denial or Change of In-Home Subsidy Amount.

The Agency shall inform the client of the action taken on the client’s request for an In-Home Subsidy and include adequate notice of any rights to an administrative hearing pursuant to Section 120.569 F.S.

Rulemaking Authority 393.501(1) FS. Law Implemented 393.0695, 393.066 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker’s Compensation**

RULE NO.:	RULE TITLE:
69L-5.216	Provision of Benefits and Safe Working Environment by Self-Insurers

PURPOSE AND EFFECT: This amendment clarifies when Form SI-19 (Certification of Servicing for Self-Insurers) is due to the Division of Workers’ Compensation or Florida Self-Insurers Guaranty Association (FSIGA) for current and former self-insurers who contract with Qualified Servicing Entities for one or more years.

SUBJECT AREA TO BE ADDRESSED: Certification of Servicing requirements for current and former self-insurers.

RULEMAKING AUTHORITY: 440.38(1), (2), (3), 440.385(6), 440.525(2), 440.591 FS.

LAW IMPLEMENTED: 440.38(1), (2), (3), 440.385(1), (3), (6), 440.525 FS.

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

DATE AND TIME: Tuesday, August 7, 2012, 9:30 a.m.

PLACE: Room 102, 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 workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Pam Macon, (850)413-1708 or Pamela.Macon@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pam Macon, Bureau Chief, Bureau of Monitoring and Audit, Division of Workers’ Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4224, (850)413-1708 or Pamela.Macon@myfloridacfo.com

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

**Section II  
Proposed Rules**

**DEPARTMENT OF STATE**

**Division of Cultural Affairs**

RULE NOS.:	RULE TITLES:
IT-12.001	Definitions
IT-12.002	Acquisition Procedures
IT-12.003	Accessioning Procedures
IT-12.004	Inventory of State-owned Artifacts
IT-12.005	Loan of State-owned Artifacts
IT-12.006	Deaccession and Disposal of State-owned Artifacts

PURPOSE AND EFFECT: Create a new chapter and rules for the Museum of Florida History. The new chapter is IT-12 Museum of Florida History.

SUMMARY: Create a new chapter and rules for the Museum of Florida History. The new rule details Acquisition Procedures, Accessioning Procedures, Inventory of State-owned Artifacts, Loan of State-owned Artifacts, and Deaccession and Disposal of State-owned Artifacts.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based upon the following, the Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S., or other applicable statutes: 1) no requirement for SERC was triggered under Section 120.541(1), F.S., and 2) based on past experiences with cultural-related activities and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S.

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: 265.704(1), 265.706(6) FS.

LAW IMPLEMENTED: 265.704, 265.706 FS.

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

DATE AND TIME: Monday, August 13, 2012, 9:30 a.m.

PLACE: Museum of Florida History, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Jeana Brunson, Museum of Florida History, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6400. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Jeana Brunson, Museum of Florida History, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6400

THE FULL TEXT OF THE PROPOSED RULES IS:

MUSEUM OF FLORIDA HISTORY

IT-12.001 Definitions.

The following words and terms are used in reference to the management of permanent historical collections of the Museum of Florida History and shall have the following meanings:

(1) “Accession” means the process of formally adding a newly-acquired artifact to the permanent historical collections records and assigning it a unique number.

(2) “Acquire” means the process of agreeing to accept an artifact for the permanent historical collections of the museum and taking possession of the artifact by any lawful method, including but not limited to donation, bequest, purchase, transfer from another agency, staff field collection, or exchange.

(3) “Artifact” means an object or group of objects of intrinsic historical value relating to the history, government, or culture of the state of Florida.

(4) “Deaccession” means the process of formally removing a state-owned artifact from the permanent historical collections records.

(5) “Disposal” means the process of permanently removing a state-owned artifact from the permanent historical collections by one of the following means:

(a) Transferring title to another agency, institution, organization, or other entity, and moving the artifact to the premises of that agency, institution, organization, or other entity; or

(b) Properly discarding or destroying the artifact, if it has deteriorated or has been damaged beyond usefulness or repair.

(6) “Hazardous” means any material that is regulated by the Florida Department of Environmental Protection.

(7) “Museum” means the Museum of Florida History.

(8) “State-owned artifact” means an artifact in the permanent historical collections of the museum that is owned by the State, with title vested in the division.

(9) “Division” means the Division of Cultural Affairs.

Rulemaking Authority 265.704(1), 265.706(6) FS. Law Implemented 265.7025-265.706 FS. History–New \_\_\_\_\_.

Editorial Note: Formerly 1A-40.003, F.A.C.

IT-12.002 Acquisition Procedures.

(1) The Division of Cultural Affairs (division) delegates responsibility for management of permanent historical collections to the Museum of Florida History (museum). The museum’s policies for the management of historical collections are built upon the accreditation requirements of the American Association of Museums (AAM), the organization responsible for the accreditation of museums throughout the United States. When contacted by a prospective donor or vendor, the museum determines in accordance with subsection IT-12.002(2), F.A.C., whether the offered artifact falls within museum’s

responsibility or is the responsibility of another agency, institution, or organization. If the artifact is more appropriate for the collections administered by another agency, institution, or organization, the prospective donor or vendor is referred to that agency, institution, or organization.

(2) The museum evaluates artifacts and determines whether they should be accepted into the permanent historical collections.

(a) When the museum accepts custody of an artifact from a prospective donor or vendor, an Examination Receipt is completed by museum staff. Examination Receipt FAC (Form CAMFH150), effective 9/2012, hereby incorporated by reference and available from the museum at [www.museumoffloridahistory.com](http://www.museumoffloridahistory.com).

(b) Evaluation of artifacts is based on the following criteria:

1. All acquisitions must have intrinsic historical value relating to the history, government, or culture of the state of Florida; and

2. All acquisitions must possess potential for research or be useful for exhibition or interpretive purposes.

3. In addition to these general criteria, the following factors shall be considered when evaluating artifacts:

a. Whether the artifacts have been carefully examined and evaluated by a museum staff member who is knowledgeable about them;

b. Whether the artifacts have legitimate and clear provenance;

c. Whether the current owner of the artifacts has clear title to them and is free to convey them to the museum;

d. Whether the museum can provide proper storage, protection, and preservation for the artifacts, to ensure their availability for museum and division purposes; and

e. The artifacts' copyright status.

(3) When evaluation is completed, the museum makes a decision whether to acquire the artifact and accept it into the permanent historical collections.

(a) In the case of artifacts that the museum determines will have a significant impact on the public or may cause public controversy, the approval of the division director is required.

(b) The prospective donor or vendor is notified of the decision.

(4) If the museum decides to acquire an artifact, acquisition is accomplished by one of the following methods.

(a) If the artifact is acquired by donation, a Deed of Gift is completed by museum staff and signed by the donor or donors. The Deed of Gift FAC (Form CAMFH151), effective 9/2012, is hereby incorporated by reference and available from the museum at [www.museumoffloridahistory.com](http://www.museumoffloridahistory.com).

(b) If the artifact is acquired by purchase, a receipt of purchase is secured;

(c) If the artifact is transferred to the museum from another agency, institution, or organization appropriate documentation by acknowledgement and receipt is obtained.

(5) If the museum decides not to acquire an artifact for its permanent collections, the artifact, if it is in the museum's custody, is returned to the prospective donor or vendor, or is disposed of as noted on the Examination Receipt.

Rulemaking Authority 265.704(1), 265.706(6) FS. Law Implemented 265.7025-265.70 FS. History--New.

Editorial Note: Formerly 1A-40.005, F.A.C.

#### 1T-12.003 Accessioning Procedures.

(1) When the Museum of Florida History acquires a historical artifact, a designated staff member accessioning it into the permanent historical collections. The acquired artifact is assigned a unique accession number and listed in an accessions register. The artifact is moved into the museum's collections storage area.

(2) The accession number assigned to an acquired artifact consists of three elements:

(a) Year of acquisition.

(b) A museum identifier letter. The museum is designated as "M" in the accession number.

(c) Group Number. The group number refers to the museum's acquisition of a specific group of artifacts from a single source on a specific date.

(3) Additional subordinate numbers may be assigned, following the accession number, to further identify artifacts within groups. (Example: In the number "99M.5.3," "99" refers to the year 1999, "M" to the Museum of Florida History, "5" to the fifth group of objects acquired during that calendar year, and "3" to the third discrete artifact in a group of several artifacts).

(4) The museum shall maintain electronic databases and files of paper records of the permanent historical collections to document accessioned artifacts.

(a) The electronic databases contain the following information about each state-owned artifact:

1. Accession number;

2. Date of acquisition;

3. Method of acquisition;

4. A brief description of the artifact;

5. Name of the source of acquisition;

6. Storage location; and

7. Catalog information concerning the artifact including, but not limited to, subject headings, information about associations with persons, places, and historical topics, information about the artifact's condition; and information about the materials and techniques of manufacture.

(b) Paper records contain the following information concerning state-owned artifacts:

1. An accessions register that documents the date of accession, the source of the artifact, the method of acquisition, and a short description of the artifact; and

2. The following distinct files:

a. Reference cards, filed by source name, that duplicate the information listed in the accessions register;

b. Reference information about the artifact, filed by accession number, including transfers of title and related documents, research material related to the artifact, and information about the artifact's condition and provenance.

c. Object cards and worksheets that describe the artifact and its location in detail;

d. Photographic records of artifacts;

e. A separate file containing completed copies of the Deaccession Worksheet FAC (Form CAM156), effective 9/2012, and the Deaccessioned Receipt FAC (Form CAMFH152), effective 9/2012. Both forms are hereby incorporated by reference and available from the museum at [www.museumoffloridahistory.com](http://www.museumoffloridahistory.com); and

f. Records of previous inventories.

Rulemaking Authority 265.704(1), 265.706(6) FS. Law Implemented 265.7025- 265.70 FS. History—New \_\_\_\_\_.

Editorial Note: Formerly 1A-40.006, F.A.C.

#### IT-12.004 Inventory of State-owned Artifacts.

(1) The Museum of Florida History (museum) conducts an annual inventory of artifacts in its permanent historical collections beginning July 1, or as soon thereafter as practicable, and completes the inventory not later than August 31, according to the following procedures:

(a) A complete inventory is taken of all state-owned artifacts valued at \$1,000 or more. Using a printout of information from an electronic database, a designated staff member looks for each item listed on the inventory, and records whether the item is present, updating its location as necessary. If inventory information is maintained manually, rather than in an electronic database (i.e., on object cards and worksheets), the staff member uses these paper records to conduct the inventory.

(b) An inventory is taken, by a simple random sample, of one per cent (1%) of all accessioned artifacts valued at less than \$1,000. Using a printout of information from an electronic database, the designated staff member looks for each randomly-selected item listed on the inventory, and records whether the item is present, updating its location as necessary. If inventory information is maintained manually (i.e., on object cards and worksheets), rather than in an electronic database, the staff member uses these paper records to conduct the inventory.

(2) If a state-owned artifact is not found during the inventory, all relevant collections records are checked to determine if the artifact has been removed from the location given on the inventory for a particular purpose.

(3) If the state-owned artifact cannot be located after collections records are checked, the division director is informed, and the Florida Department of Law Enforcement (FDLE) is notified if the value exceeds \$1,000. To accomplish this, the museum completes a Missing Artifact FAC (Form CAMFH153), effective 9/2012, hereby incorporated by reference, and available from the museum at [www.museumoffloridahistory.com](http://www.museumoffloridahistory.com). The Florida Department of Law Enforcement also is asked to conduct an investigation or take other appropriate steps to determine the whereabouts of the missing state-owned artifact and recover it.

(4) The fact that the state-owned artifact is missing is noted on all museum collections records.

Rulemaking Authority 265.704(1), 265.706(6) FS. Law Implemented 265.7025-265.70 FS. History—New \_\_\_\_\_.

Editorial Note: Formerly 1A-40.007, F.A.C.

#### IT-12.005 Loan of State-owned Artifacts.

(1) The Museum of Florida History may make loans of state-owned historical artifacts for scholarly or educational purposes or to assist in carrying out its responsibility to ensure proper curation of state-owned artifacts.

(2) While the museum makes loans primarily to not-for-profit agencies, institutions, and organizations, a loan occasionally may be made to a for-profit agency, institution, or organization when the loan's purpose is consistent with the purposes set out in subsection IT-12.005(1), F.A.C. The museum does not loan state-owned artifacts:

(a) For decorative or personal use.

(b) To any agency, institution, or organization that is or has been under criminal investigation, unless the agency, institution, or organization has been cleared of any wrongdoing.

(c) To any agency, institution, or organization that plans to offer artifacts for sale during the term of the loan.

(3) Whether a loan is initiated by the museum or is requested by another agency, institution, or organization, a written request is submitted to the museum at least two months prior to the anticipated date for the requested artifacts to leave the museum's premises. This request includes the following information:

(a) A list of the state-owned artifacts requested for loan;

(b) A statement of the proposed loan's purpose, including, if applicable, the title of the exhibition in which state-owned artifacts will be displayed;

(c) The dates for which the proposed loan of state-owned artifacts is requested; and

(d) The manner in which loaned state-owned artifacts will be presented in an exhibition and the estimated size and composition of the exhibition's audience.

(e) A copy of the agency, institution, or organization's facilities report.

(4) Upon receipt of a written request and the organization's facilities report, the museum evaluates the request.

(a) To be approved, a loan must serve one of the following purposes and satisfy the criteria in paragraph (4)(b):

1. To provide state-owned artifacts relating to interpretive exhibits and other educational programs which promote knowledge and appreciation of Florida history and culture, and the programs of the museum; or

2. To assist the museum in carrying out its responsibility to ensure proper curation of state-owned artifacts.

(b) The following criteria are considered when evaluating loan requests, to determine that the loan will produce a substantial public benefit and that loaned state-owned artifacts will be properly protected and preserved:

1. The care, security, and insurance to be provided by the borrowing agency, institution, or organization. No loans of state-owned artifacts are made without adequate insurance coverage for these artifacts. Information is obtained about the amount of fine arts or liability insurance coverage needed for the requested loan, based on its appraised value. The appraisal is obtained by one of the following methods:

a. Determination by a museum staff member;

b. Consultation of collections records; or

c. Determination by a hired consultant. The cost of this type of appraisal shall be paid for as agreed between the parties.

2. Any anticipated use by the museum itself of the requested artifact;

3. The condition, rarity, and value of the requested artifact;

4. The duration of the loan, all loans being made for a specified period of time only;

5. The feasibility of preparing the loan within the time requested;

6. The size and composition of the anticipated audience, if this information is appropriate to the purpose of the loan; and

7. The context in which the requested artifact will be exhibited and how this would reflect on the museum, division, and the State of Florida.

(5) Based on the criteria set out in subsection IT-12.005(4), F.A.C., the museum decides whether to approve the loan request and notifies the requesting agency, institution, or organization in writing of the decision. To complete the loan process:

(a) Collections records are verified to ensure that they are current, and that they contain a photograph or photocopy of the artifact;

(b) A Outgoing Loan Form FAC (Form CAMFH155), effective 9/2012, hereby incorporated by reference and available from the museum at [www.museumoffloridahistory.com](http://www.museumoffloridahistory.com), is completed by museum staff and signed and returned by the borrowing agency, institution, or organization;

(c) A commitment is obtained for insurance of loaned state-owned artifacts in an amount determined by museum staff members or by outside appraisal. For loans of state-owned artifacts whose combined value is over \$500, proof of insurance is obtained. Proof of insurance must be received by the museum before state-owned artifacts leave the museum's custody; and

(d) The artifact is prepared for delivery to the borrower and arrangements are made for transportation.

(6) The museum may seek to recover costs associated with loans, including costs for materials, staff time, and shipping or transportation, and such costs may be charged to the borrowing agency, institution, or organization. These charges are negotiated prior to approving a loan, and moneys collected are deposited in the division's Grants and Donations Trust Fund. Any income received from the loan of state-owned artifacts is used to defray costs associated with the loan, or assist in the curation or maintenance of state-owned artifacts.

(7) A written request to renew a loan must be received at least one month prior to the end of the existing loan agreement. Procedures described in subsections IT-12.005(5)-(7), F.A.C., are followed to evaluate each request for renewal and to complete the loan process.

(8) Every loan, including those considered to be long-term, must be reviewed annually. If any of the loan conditions are violated, and if the museum determines that such violations are detrimental to the security or preservation of the artifacts, the museum shall terminate the loan agreement.

Rulemaking Authority 265.704(1), 265.706(6) FS. Law Implemented 265.7025-265.70 FS. History—New \_\_\_\_\_.

Editorial Note: Formerly 1A-40.008, F.A.C.

IT-12.006 Deaccession and Disposal of State-owned Artifacts.

Decisions to remove a state-owned artifact from the Museum of Florida History's permanent collections by deaccession and disposal are made in the best interests of the public and the artifact. The museum initiates recommendations for state-owned artifacts that should be deaccessioned and the method of disposition. A Deaccession Worksheet FAC (Form CAMFH156), effective 9/2012, hereby incorporated by reference and available from the museum at [www.museumoffloridahistory.com](http://www.museumoffloridahistory.com), is completed to document the deaccession and disposal process. The museum's policies

and procedures for deaccession and disposal are in keeping with the accreditation requirements of the American Association of Museums.

(1) The criteria listed below are used to determine whether a state-owned artifact may be deaccessioned and disposed of:

(a) Deaccessioning and disposing of a state-owned artifact may be recommended only if:

1. The artifact is not relevant and useful to the functions and activities of the museum;

2. The artifact cannot be properly stored, preserved, or interpreted by the museum; and

3. The artifact has been in the museum's permanent collections for at least one year (hazardous or actively decomposing materials excepted).

(b) Circumstances under which the museum may recommend the deaccession and disposal of a state-owned artifact include, but are not limited to, instances in which an artifact:

1. Has no further use or value for the research, exhibit, or interpretive programs of the museum;

2. Will receive appropriate interpretation, maintenance, or preservation by another agency, institution, or organization;

3. Has deteriorated or been damaged beyond usefulness or repair;

4. Is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other state-owned artifacts or the health and safety of employees or other persons.

(c) Before a recommendation on deaccession and disposal is made, a determination is made as to whether the museum is free to deaccession and dispose of a state-owned artifact by verifying that the State of Florida legally owns the artifact, and that the division is not prohibited from deaccessioning and disposing of the artifact by a legal condition of ownership. Where any such restriction of ownership applies:

1. An opinion is sought from the Florida Department of State General Counsel regarding the intent and force of any restrictions; and

2. A deaccessioned artifact to which precatory restrictions apply is not disposed of until reasonable efforts have been made to comply with the restrictions.

(2) If the division is free to deaccession and dispose of a state-owned artifact, the museum determines an appropriate method of disposal.

(a) The museum ensures that:

1. Preference shall be given to retaining within Florida those materials that are part of the state's historical heritage; and

2. Ownership shall not be given to any employee of the State of Florida, or board, council, or committee member, or to a spouse or relative of an employee or board, council, or committee member, unless that person was the original donor of the artifact.

(b) The appropriate method of disposal is chosen from among the following:

1. If a state-owned artifact is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other state-owned artifacts or the health and safety of employees or other persons, the Florida Department of Environmental Protection shall be contacted to determine appropriate procedures for handling, transporting, and disposing of the artifact.

2. If a state-owned artifact has deteriorated or been damaged beyond usefulness or repair, it may be properly discarded or destroyed.

3. When determining the appropriate method of disposal, every reasonable effort shall be made to ensure that ownership of the artifact is maintained by a public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization. To accomplish this end, the following options may be investigated:

a. Donating the deaccessioned artifact to another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or

b. Exchanging the deaccessioned artifact for a Florida-related artifact owned by another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or

c. Selling the deaccessioned artifact to another public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization; or

d. Transferring the deaccessioned artifact to the museum's non-permanent education collection to be used for research or in interpretive exhibits or other educational programs which promote knowledge and appreciation of Florida history and culture.

e. Only after all reasonable efforts have been made to ensure that ownership of a deaccessioned artifact is maintained by a public or not-for-profit historical, archaeological, cultural, or other educational agency, institution, or organization may the following alternatives be investigated for disposing of the artifact:

1. All reasonable efforts are made to locate the original donor and offer the deaccessioned artifact to him or her;

2. If the original donor cannot be located, or does not wish to have custody of the deaccessioned artifact, the artifact may be donated to, sold to, or exchanged with a private, for-profit organization, or not-for-profit organization, other than one of the types of not-for-profit entities named in subsection IT-12.006(2), F.A.C., or the artifact may be disposed of by any other legal means.

(c) The method of disposal chosen shall be consistent with the principles described in subsection IT-12.006(1), F.A.C., and the reason or reasons for choosing a method shall be documented in writing by the museum.

(3) After determining an appropriate method of disposal, the museum seeks final approval from the division director for deaccessioning and disposing of a state-owned artifact. If approval is received, the museum carries out deaccession and disposal in the manner recommended.

(a) The following steps are taken to complete the process:

1. A staff member ensures that collections records contain the following:

a. A photograph or photocopy of the artifact;

b. A physical description of the artifact; and

c. Information about the provenance of the artifact, if available.

2. The museum's accession number is removed from the artifact unless, by doing so, the integrity of the artifact would be damaged; and

3. Deaccession of the artifact is noted on all relevant division and museum collections records.

(b) If ownership is being given to another agency, institution, or organization, the new owner:

1. Signs a Deaccession Receipt FAC (Form CAMFH152), effective 9/2012, hereby incorporated by reference and available from the museum at [www.museumoffloridahistory.com](http://www.museumoffloridahistory.com); and

2. Removes the artifact from the museum's premises.

(c) If the artifact is made of hazardous materials or is actively decomposing in a manner that directly affects the condition of other state-owned artifacts or the health and safety of employees or other persons, recommendations of the Florida Department of Environmental Protection for handling, transporting, and disposing of the artifact are complied with.

(d) In the sale of deaccessioned artifacts, the museum ensures that:

1. Deaccessioned artifacts are not offered for sale in any retail establishment operated by the Department of State or where state-owned artifacts are on loan from the department; and

2. Any income received from the sale of deaccessioned artifacts is deposited in the division's Grants and Donations Trust Fund, pursuant to Section 265.706(5), F.S. Such funds remain permanently restricted and used only as allowed by Section 265.706(5), F.S., and by the accreditation requirements of the American Association of Museums (AAM).

Rulemaking Authority 265.704(1), 265.706(6) FS. Law Implemented 265.7025-265.70 FS. History--New \_\_\_\_\_.

Editorial Note: Formerly 1A-40.009, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jeana Brunson, Museum of Florida History, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Detzner, Secretary of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 3, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE NO.: 59C-1.0355                      RULE TITLE: Hospice Programs

PURPOSE AND EFFECT: The agency is proposing to update the rule to reflect changes to the hospice rule as currently defined in 59C, F.A.C.

SUMMARY: The proposed rule is updated to include the dates of material incorporated by reference in the rule as adopted May 3, 2010, and the dates of the data included in the semi-annual reports.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

Based on the fact that the updates to the proposed rule simply facilitate the addition of dates of material incorporated by reference in the rule as adopted May 3, 2010 along with the dates of the data included in the semi-annual reports, the Agency has determined that no SERC is required.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based on the fact that the updates to the proposed rule simply facilitate the addition of dates of material incorporated by reference in the rule as adopted May 3, 2010 along with the dates of the data included in the semi-annual reports, the Agency has determined that no legislative ratification pursuant to subsection 120.541(3), F.S. is required.

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: 408.15(8), 408.034(3), (6) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(3), (4) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, August 13, 2012, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, Conference Room C, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Marisol Novak at (850)412-4401. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marisol Novak, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 3, Tallahassee, Florida or call (850)412-4401

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.0355 Hospice Programs.

(1) through (3) No change.

(4) Criteria for Determination of Need for a New Hospice Program.

(a) Numeric Need for a New Hospice Program. Numeric need for an additional hospice program is demonstrated if the projected number of unserved patients who would elect a hospice program is 350 or greater. The net need for a new hospice program in a service area is calculated as follows:

$$(HPH) - (HP) \geq 350$$

where:

(HPH) is the projected number of patients electing a hospice program in the service area during the 12 month period beginning at the planning horizon. (HPH) is the sum of  $(U65C \times P1) + (65C \times P2) + (U65NC \times P3) + (65NC \times P4)$

where:

U65C is the projected number of service area resident cancer deaths under age 65, and P1 is the projected proportion of U65C electing a hospice program.

65C is the projected number of service area resident cancer deaths age 65 and over, and P2 is the projected proportion of 65C electing a hospice program.

U65NC is the projected number of service area resident deaths under age 65 from all causes except cancer, and P3 is the projected proportion of U65NC electing a hospice program.

65NC is the projected number of service area resident deaths age 65 and over from all causes except cancer, and P4 is the projected proportion of 65NC electing a hospice program.

The projections of U65C, 65C, U65NC, and 65NC for a service area are calculated as follows:

U65C	=	$(u65c/CT)$	×	PT
65C	=	$(65c/CT)$	×	PT
U65NC	=	$(u65nc/CT)$	×	PT
65NC	=	$(65nc/CT)$	×	PT

where:

u65c, 65c, u65nc, and 65nc are the service area's current number of resident cancer deaths under age 65, cancer deaths age 65 and over, deaths under age 65 from all causes except cancer, and deaths age 65 and over from all causes except cancer.

CT is the service area's current total of resident deaths, excluding deaths with age unknown, and is the sum of u65c, 65c, u65nc, and 65nc.

PT is the service area's projected total of resident deaths for the 12-month period beginning at the planning horizon.

"Current" deaths means the number of deaths during the most recent calendar year for which data are available from the Department of Health Office of Vital Statistics at least 3 months prior to publication of the fixed need pool.

"Projected" deaths means the number derived by first calculating a 3-year average resident death rate, which is the sum of the service area resident deaths for the three most recent calendar years available from the Department of Health Office of Vital Statistics at least 3 months prior to publication of the fixed need pool, divided by the sum of the July 1 estimates of the service area population for the same 3 years. The resulting average death rate is then multiplied by the projected total population for the service area at the mid-point of the 12-month period which begins with the applicable planning horizon. Population estimates for each year will be the most recent population estimates from the Office of the Governor at least 3 months prior to publication of the fixed need pool. The following materials are incorporated by reference within this rule; Department of Health Office of Vital Statistics Florida Vital Statistics Annual Report 2010 ~~2008~~, Deaths, and the Office of the Governor Florida Population Estimates And Projections by AHCA District 2000 To 2020, released September 2010 ~~2009~~. These publications are available on the Agency website at [http://ahca.myflorida.com/MCHQ/CON\\_FA/Publications/index.shtml](http://ahca.myflorida.com/MCHQ/CON_FA/Publications/index.shtml).

The projected values of P1, P2, P3, and P4 are equal to current statewide proportions calculated as follows:

$$P1 = (Hu65c/Tu65c)$$

$$P2 = (H65c/T65c)$$

$$P3 = (Hu65nc/Tu65nc)$$

$$P4 = (H65nc/T65nc)$$

where:

Hu65c, H65c, Hu65nc, and H65nc are the current 12-month statewide total admissions of hospice cancer patients under age 65, hospice cancer patients age 65 and over, hospice patients under age 65 admitted with all other diagnoses, and hospice patients age 65 and over admitted with all other diagnoses. The current totals are derived from reports submitted under subsection (8) of this rule.

Tu65c, T65c, Tu65nc, and T65nc are the current 12-month statewide total resident deaths for the four categories used above.



(HP) is the number of patients admitted to hospice programs serving an area during the most recent 12-month period ending on June 30 or December 31. The number is derived from reports submitted under subsection (8) of this rule.

350 is the targeted minimum 12-month total of patients admitted to a hospice program.

(4)(b) through (7) No change.

(8) Semi-Annual Utilization Reports. Each hospice program shall report utilization information to the agency or its designee on or before July 20 of each year and January 20 of the following year. The July report shall indicate the number of new patients admitted during the 6-month period composed of the first and second quarters of the current year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The January report shall indicate the number of new patients admitted during the 6-month period composed of the third and fourth quarters of the prior year, the census on the first day of each month included in the report, and the number of patient days of care provided during the reporting period. The following detail shall also be provided.

(a) For the number of new patients admitted:

1. The 6-month total of admissions under age 65 and age 65 and over by type of diagnosis (e.g., cancer; AIDS).

2. The number of admissions during each of the 6 months covered by the report, by service area of residence.

(b) For the patient census on January ~~April~~ 1 or July ~~October~~ 1, as applicable, the number of patients receiving hospice care in:

1. A private home.
2. An ~~assisted adult congregate~~ living facility.
3. A hospice residential unit.
4. A nursing home.
5. A hospital.

(9) No change.

Rulemaking Authority 408.034(3), (6), 408.15(8) FS. Law Implemented 408.034(3), 408.035, 408.036(1)(d), 408.043(2), 400.606(3), (4) FS. History—New 4-17-95, Amended 7-30-95, 7-21-09, 5-3-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Marisol Novak

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 6, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2011

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:  
59G-6.020

RULE TITLE:  
Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan), effective July 1, 2011. The Plan, effective July 1, 2011, includes the addition of a reference to Rule Number 59G-9.070, F.A.C. for the amount of late cost report sanctions; a reimbursement rate reduction (Medicaid trend adjustment), exemptions from reimbursement ceilings; the opportunity for certain hospitals to buy back their reimbursement rate reductions; a rate freeze on inpatient hospital reimbursement rates; the establishment of hospitals rates being set once a year every July 1; and disproportionate share payments in compliance with the limits set forth in Section 1923(g-j) of the Social Security Act and overpayments made in the disproportionate share program handled in compliance with 42 CFR Part 433, Subpart F; the addition of a definition of a hospital buy back, rate setting unit cost, legislative unit cost, and base rate; statutory teaching hospitals allocation formula changes; updated audited disproportionate share data years used to calculate disproportionate share payments, revised buy back descriptions, and the addition of an appendix explaining Provider Preventable Conditions (PPC).

SUMMARY: The proposed rule incorporates changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) payment methodology, effective July 1, 2011 for a recurring reimbursement rate reduction (Medicaid trend adjustment), exemptions, buy backs, specification of the rule for the amount of late cost report sanctions, a reimbursement rate freeze, and an annual reimbursement rate calculation, a buy back definition, and updates to the disproportionate share hospital payment methodology.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: At the time of the analysis of the regulatory impact it was determined that this rule will not require ratification by the Legislature pursuant to Section 120.541(3), F.S.

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: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.9117, 409.9118, 409.9118, 409.9119 FS.

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

DATE AND TIME: August 22, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Edwin Stephens, (850)412-4077 or edwin.stephens@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, (850)412-4077 or edwin.stephens@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version XXXVIII, Effective Date July 1, 2011<sup>0</sup> and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908, 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.9117, 409.911, 409.9119, 409.913 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 8-10-04, 10-12-04, 1-10-06, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09, 3-24-10, 7-5-10, 7-15-10, 2-23-11,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2011

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.030  
 RULE TITLE: Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Title XIX Outpatient Hospital Reimbursement Plan (the Plan), effective July 1, 2011. The Plan, effective July 1, 2011, includes the addition of a reference to Rule Number 59G-9.070, F.A.C., for the amount of late cost report sanctions; a reimbursement rate reduction (Medicaid trend adjustment); exemptions from reimbursement ceilings; the opportunity for certain hospitals to buy back their reimbursement rate reductions; a rate freeze on inpatient hospital reimbursement rates; the establishment of hospitals rates being set once a year every July 1; revisions to buy back descriptions; the addition of definitions for a hospital buy back, rate setting unit cost, legislative unit cost, and a base rate; and the addition of an appendix explaining Provider Preventable Conditions (PPC).

SUMMARY: The proposed rule incorporates changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) payment methodology, effective July 1, 2011 for a recurring reimbursement rate reduction (Medicaid trend adjustment), exemptions, buy backs, specification of the rule for the amount of cost report sanctions, a reimbursement rate freeze, an annual reimbursement rate calculation, and addition of definitions, and an appendix for PPCs.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: At the time of the analysis of the regulatory impact it was determined that this rule will not require ratification by the Legislature pursuant to Section 120.541(3), F.S.

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: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

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

DATE AND TIME: August 22, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version XXII Effective date: July 1, 2011, and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908, 409.913 FS. History—New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-5-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, 7-4-05, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09, 3-24-10, 6-24-10, 2-23-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 17, 2011

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.081

RULE TITLE: Developmental Disabilities Home and Community Based Medicaid Waiver Services Tiers 1 through 4 and Individual Budgeting Waivers Provider Rate Tables

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.081, F.A.C., is to incorporate by reference the Developmental Disabilities Medicaid Home and Community Based Waiver Services Tiers 1 through 4 and Individual Budgeting (iBudget) Waivers Provider Rate Tables. The new rate tables will be available upon adoption of the rule.

SUMMARY: This rule will implement a four (4) percent rate reduction for all Developmental Disabilities Medicaid Waiver’s services enacted during the 2011 legislative session and provided for in Senate Appropriations Act 2000. Tiers 1-4 Waivers:

This rate table contains the 4% reduction for all rates, required by statute in General Appropriations Act (GAA) for FY 2011-12. It incorporates Companion rate change, limits Transportation units and frequencies, standardizes Residential Habilitation Intensive Behavior rates, and Nursing services and Nursing and Therapy Assessments to align with Medicaid State Plan rates in conjunction with the September 1, 2011 Legislative Cost Containment Plan.

iBudget:

This rate table contains the 4% reduction for all rates, required by statute in General Appropriations Act (GAA) for FY 2011-12, and rates applicable to combined services. It incorporates Life Skills Development Level 1 (formerly Companion) rate change, limits Transportation units and frequencies, standardizes Residential Habilitation Intensive Behavior rates, and Nursing services and Nursing and Therapy Assessments to align with Medicaid State Plan rates in conjunction with the September 1, 2011 Legislative Cost Containment Plan.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

There is no additional regulatory cost associated with this rule. The Florida Legislature mandated a 4% rate reduction for the Developmental Disabilities Home and Community Based Services Waivers, effective July 1, 2011. The Agency for Persons with Disabilities (APD) in consultation with AHCA, instituted cost savings measures under the authority in Section 393.0661(8)-(9), F.S. Providers of Developmental Disabilities

waiver services enter into a voluntary contract with the Florida Medicaid program; therefore there is no regulatory effect from these rate cuts. The accompanying waiver coverage and limitations handbooks for the waiver programs that describe the services have reduced regulation and will continue to be reviewed for further opportunities to streamline regulations while still maintaining health and safety standards requirements for these services. The APD was spending more than its appropriation of \$805 million. For fiscal year 2010-2011, service expenditures were approximately 958 million. Additionally, the Florida Legislature required that the APD submit a cost containment plan. These rate changes are aligned with the cost containment plan developed in September 2011.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Refer to Summary of Statement of Estimated Regulatory Costs above.

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: 409.919 FS.

LAW IMPLEMENTED: 393.0661, 409.902, 409.906, 409.908, 409.912, 409.913 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, August 20, 2012, 1:00 p.m. –3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Susan DeBeaugrine at the Bureau of Medicaid Services, (850)412-4261. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan DeBeaugrine, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4261, e-mail: susan.debeaugrine@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.081 Developmental Disabilities Home and Community Based Medicaid Waiver Services Tiers 1 through 4 and Individual Budgeting Waivers Provider Rate Tables.

(1) This rule applies to all developmental disabilities home and community based services Tiers 1 through 4 Waiver providers and Individual Budgeting Waiver providers enrolled in the Medicaid program.

(2) All developmental disabilities home and community based services Tiers 1 through 4 providers and Individual Budgeting providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community Based Services Tiers 1 through 4 and Individual Budgeting Waivers Provider Rate Tables, which is incorporated by reference. In accordance with the Agency for Persons with Disabilities Cost Containment Plan, dated September 1, 2011, as required by the 2011/2012 General Appropriations Act, the following services were implemented on the dates specified herein: August 1, 2011 for Companion; September 1, 2011 for Transportation (trip); January 1, 2012 for Residential Habilitation Intensive Behavior in a Licensed Facility (Levels 1-6); and April 1, 2012 for Nursing Assessment Registered Nurse, Occupational Therapy Assessment, Physical Therapy Assessment, Private Duty Nursing Licensed Practical Nurse (LPN) and Registered Nurse (RN), Residential Nursing Services LPN and RN, Respiratory Therapy Assessment, Skilled Nursing LPN and RN, and Speech Therapy Assessment. The rate tables are available from the Medicaid fiscal agent's Web site at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com). Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies of the reimbursement schedule may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

~~Developmental Disabilities Waiver Provider Rate Table.~~

~~(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.~~

~~(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community Based Services Waiver Provider Rate Table, July 1, 2008, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Paper copies of the rate table may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.~~

Rulemaking Authority 409.919 FS. Law Implemented 393.0661, 409.902, 409.906, 409.908, 409.912, 409.913 FS. History—New 5-29-06, Amended 11-15-07, 10-13-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Susan DeBeaugrine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Karen Zeiler for Elizabeth Dudek
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 11, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 3, 2011

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

Table with 2 columns: RULE NOS. and RULE TITLES. Rows include 60W-5.001 Scope and Purpose, 60W-5.002 Statements of Policy, 60W-5.003 Receipts, 60W-5.004 Investment of Funds, 60W-5.005 Disbursements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal this rule as it is no longer necessary.

SUMMARY: The assets and liabilities of the Institute of Food and Agricultural Sciences Supplemental Retirement Program were consolidated into the Florida Retirement System as provided in Section 121.047, F.S., making this rule obsolete and unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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: 121.40(13) FS.

LAW IMPLEMENTED: 112.61, 121.40, 121.40(13) FS.

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

DATE AND TIME: August 10, 2012, 10:00 a.m.

PLACE: Division of Retirement, 1317 Winewood Blvd., Bldg 8., Suite 208, Tallahassee, Florida 32399-1560

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Richard Clifford, Senior Benefits Analyst, Division of Retirement, Department of Management Services at (850)414-6345 or via e-mail at richard.clifford@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Garry Green

THE FULL TEXT OF THE PROPOSED RULES IS:

60W-5.001 Scope and Purpose.

This chapter establishes the procedures for the management of the Institute of Food and Agricultural Sciences Supplemental Retirement Trust Fund and administration of the Institute of Food and Agricultural Sciences Supplemental Benefit Program, pursuant to Section 121.40, Florida Statutes.

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40 FS. History-New 2-4-86, Formerly 22Q-5.001, Repealed.

60W-5.002 Statements of Policy.

(1) It shall be the responsibility of the Administrator to administer the Institute's Supplemental Benefit Program in accordance with applicable laws and sound actuarial principles.

(2) The use of any procedure, methodology, or assumptions the effect of which would be to transfer to future taxpayers any portion of the costs which may reasonably have been expected to be paid by the current taxpayers shall be prohibited.

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 112.61, 121.40 FS. History-New 2-4-86, Formerly 22Q-5.002, Repealed.

60W-5.003 Receipts.

(1) The Administrator shall insure that all receipts are promptly deposited in the State Treasury.

(2) The Administrator shall maintain accurate records of the contributions of each participant made each pay period.

Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40(13)(14) FS. History-New 2-4-86, Formerly 22Q-5.003, Repealed.

60W-5.004 Investment of Funds.

The State Board of Administration shall be responsible for investing the funds of the trust fund in accordance with the provisions of Sections 215.44-53, F.S.

~~Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40(13) FS. History--New 2-4-86, Formerly 22Q-5.004, Repealed.~~

60W-5.005 Disbursements.

~~(1) The Administrator shall be responsible for authorizing disbursements from the trust fund and accounts in accordance with applicable laws and these rules.~~

~~(2) Expenses of the Division for administering the Institute's Supplemental Benefit Program, and administrative expenses of the State Board of Administration for investing the funds of the trust fund, shall be paid from interest earned on investments of the trust fund.~~

~~Rulemaking Specific Authority 121.40(13)(14) FS. Law Implemented 121.40(13)(14) FS. History--New 2-4-86, Formerly 22Q-5.005, Repealed.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Garry Green, Operations & Management Consultant Manager, Research & Education Section, Division of Retirement, Department of Management Services. Office, tel.: (850)414-6349, E-mail: garry.green@dms.myflorida.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Scott Stewart, Interim Secretary of the Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NO.: 61C-4.0161  
 RULE TITLE: Mobile Food Dispensing Vehicles and Theme Park Food Carts

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to exempt self-sufficient mobile food dispensing vehicles from the requirements to operate from a commissary, report to a commissary, and notify the division of the commissary used.

SUMMARY: The proposed rule exempts self-sufficient mobile food dispensing vehicles from the commissary requirement and specifies that mobile food dispensing vehicles may not conduct public food service related activities in a private residence.

OTHER RULES INCORPORATING THIS RULE: None.

EFFECT ON THOSE OTHER RULES: N/A

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the economic review conducted by the agency.

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: 509.032, 509.221 FS.

LAW IMPLEMENTED: 509.032, 509.101, 509.211, 509.215, 509.221 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-1133, Michelle.Comingore@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61C-4.0161 Mobile Food Dispensing Vehicles and Theme Park Food Carts.

(1) No change.

(2) Mobile food dispensing vehicles shall meet the following additional requirements:

(a) through (b) No change.

(c) Mobile food dispensing vehicles shall operate from an approved commissary that meets all applicable requirements of this rule. The commissary must be provided with potable water and adequate facilities for disposal of liquid and solid waste. The mobile food unit must report to the commissary to store or replenish supplies, clean utensils and equipment, or dispose of liquid and solid waste. ~~Mobile food dispensing vehicles which are self-sufficient for equipment, storage, and utilities must report to the commissary as often as needed, but not less than once weekly, to replenish supplies, clean the interior of the unit, or dispose of liquid or solid wastes. For the purpose of this rule, a mobile food dispensing vehicle which is self-sufficient includes a three compartment sink for washing, rinsing, and sanitizing of equipment and utensils; a separate handwash sink; adequate refrigeration and storage capacity; full provision of power utilities including electrical, LP gas, or a portable power generation unit; a potable water holding tank; and a liquid waste disposal system in accordance with Subparts 5-3 and 5-4 of the Food Code, as adopted by reference in Rule 61C-1.001, F.A.C. Mobile food dispensing vehicles which are not self-sufficient~~ must report to their commissary at least once

daily. The exterior of the vehicle may be washed in any location, provided the waste water does not create a sanitary nuisance.

(d) through (e) No change.

(f) Mobile food dispensing vehicles shall not obtain water from or dispose of wastewater at a private residence or prepare food; store food products, equipment or utensils; or conduct warewashing or any other activities related to the public food service in a private residence. The exterior of the vehicle may be washed in any location, provided the wastewater does not create a sanitary nuisance.

(g) Self-sufficient mobile food dispensing vehicles are exempt from paragraphs (2)(c) and (2)(e) of this rule.

(3) through (9) No change.

Rulemaking Authority 509.032, 509.221 FS. Law Implemented 509.032, 509.101, 509.211, 509.215, 509.221 FS. History--New 2-21-91, Formerly 10D-13.0291, 7C-4.0161, Amended 3-31-94, 9-25-96, 5-11-98, 7-2-98, 2-12-08, 8-12-08, 6-13-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill Veach, Director, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2012

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-4.002 RULE TITLE: Requirements for Certification

PURPOSE AND EFFECT: The Board proposes this rule amendment to approve another certification body for acute care nurse practitioners.

SUMMARY: In this rule amendment another approved certification body for acute care nurse practitioners.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and

experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.048, 464.006, 464.012 FS.

LAW IMPLEMENTED: 456.048, 456.072(1)(f), 464.012, 464.018(1)(b), (2) 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-4.002 Requirements for Certification.

(1) through (2) No change.

(3) Professional or national nursing specialty boards recognized by the Board include, but are not limited to:

(a) through (h) No change.

(i) American Association of Critical-Care Nursing's (AACN) (certification for acute care nurse practitioners) (ACNP).

(4) through (5) No change.

Rulemaking Authority 456.048, 464.006, 464.012 FS. Law Implemented 456.048, 456.072(1)(f), 464.012, 464.018(1)(b), (2) FS. History--New 8-31-80, Amended 3-16-81, 10-6-82, 6-18-85, Formerly 21O-11.23, Amended 3-19-87, 4-6-92, Formerly 21O-11.023, Amended 3-7-94, 7-4-94, Formerly 61F7-4.002, Amended 5-1-95, 5-29-96, Formerly 59S-4.002, Amended 2-18-98, 11-12-98, 4-5-00, 3-23-06, 6-4-09, 12-6-10, 1-3-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2012

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-7.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The purpose of this amendment is to reduce the active renewal license fees.

SUMMARY: The rule amendment will correct the active renewal license fees.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 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: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) through (6) No change.

(7) For renewal of RN or LPN license as provided in Section 464.013, F.S., seventy dollars (\$70.00) ~~eighty dollars (\$80.00)~~.

(8) For renewal of a dual RN/ARNP license certificate, one hundred twenty ~~thirty~~ dollars (\$120.00 ~~130.00~~).

(9) For renewal of a dual RN/CNS license certificate, one hundred forty-five ~~fifty-five~~ dollars (\$145.00 ~~155.00~~).

(10) For renewal of an RN/CNS/ARNP license certificate, one hundred ninety-five ~~two hundred five~~ dollars (\$195.00 ~~205.00~~).

(11) through (19) No change.

Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History--New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05, 9-4-06, 5-20-07, 12-21-08, 1-3-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2012

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-10.014  
 RULE TITLE: Administration Procedures for Licensure Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment to incorporate the correct Department of Health rule.

SUMMARY: The referenced rule will be updated to incorporate the correct Department of Health rule and change the title to reflect the rule's contents.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.



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(1)(d) FS.

LAW IMPLEMENTED: 456.017(1)(d) 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: Bruce Deterding, Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-10.014 ~~Administration Security and Monitoring~~  
 Procedures for Licensure Examination.

The Board adopts by reference Rule ~~64B-1.003~~~~64B-1.010~~, F.A.C., of the Department of Health as its rule governing examination ~~administration security and monitoring~~.

~~Rulemaking Specific~~ Authority 456.017(1)(d) FS. Law Implemented 456.017(1)(d) FS. History—New 1-5-82, Formerly 21Z-10.14, 21Z-10.014, 61G12-10.014, 59T-10.014, Amended 5-17-99,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 25, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2012

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.:                     RULE TITLE:  
 64B33-2.003                 Requirements for Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language from the rule due to changes to Chapter 468, Florida Statutes.

SUMMARY: The rule amendment will delete unnecessary language from the rule due to changes to Chapter 468, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.013, 456.034(5), 468.705, 468.711(2), (3) FS.

LAW IMPLEMENTED: 456.013, 456.034, 468.711(2), (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 RULE IS: Sue Foster, Executive Director, Board of Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-2.003 Requirements for Continuing Education.

(1) In the 24 months preceding each biennial renewal period, every athletic trainer licensed pursuant to Chapter 468, Part XIII, F.S., shall be required to complete 24 hours of continuing education in courses approved by the Board. However, athletic trainers who receive an initial license during the second half of the biennium shall be required to complete only 12 hours of continuing education in courses approved by the Board prior to renewal. The hours of continuing education required for renewal must include a minimum of ~~one hour in HIV/AIDS as described in Rule 64B33-2.002, F.A.C., and~~ a two-hour course in prevention of medical errors required by Section 456.013(7), F.S. The continuing education requirement includes current certification in cardiovascular pulmonary resuscitation with an automated external defibrillator at the professional rescue level from the American Red Cross, the American Heart Association, American Safety and Health Institute, the National Safety Council, or an entity approved by the Board as equivalent. Athletic trainers who receive an initial

license during the 90 days preceding a renewal period shall not be required to complete any continuing education for that renewal period.

(2) through (6) No change.

Rulemaking Authority 456.013, 456.034(5), 468.705, 468.711(2), (3) FS. Law Implemented 456.013(7), 456.034, 468.711(2) FS. History—New 8-4-98, Formerly 64B30-25.0031, Amended 8-22-00, 3-6-07, 8-12-08, 7-29-09, 1-16-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Athletic Training

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Department of Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2012

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.: 64B33-5.001  
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to add new language to update penalties in the disciplinary guidelines.

SUMMARY: The rule amendment will add new language to update penalties in the disciplinary guidelines.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.079, 468.705, 468.719 FS.

LAW IMPLEMENTED: 456.072, 456.717, 456.079, 468.719 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 Athletic Training/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B33-5.001 Disciplinary Guidelines.

(1) through (4) No change.

(5) When the Board finds an applicant or licensee whom it regulates under Chapter 468, Part XIII, F.S., has violated Section 456.072, F.S., by violating any of the following provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
(a) No change			
(b) No change			
(c) No change			
(d) No change			
(e) No change			
(f) No change			
(g) No change			
(h) No change			
(i) No change			
(j) No change			
(k) No change			
(l) No change			
(m) Failing to remit the sum owed to the state for overpayment from the Medicaid program pursuant to a final order, judgment, or settlement. (456.072(1)(jj), F.S.)	From reprimand to suspension of license up to five years and an administrative fine of \$1,000 to \$25,000, or refusal to certify an application for licensure		
(n) No change			

(o) Being convicted of, or entering into a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, which relates to health care fraud. (456.072(1)(II), F.S.)	<u>From reprimand to suspension of license up to five years and an administrative fine of \$1,000 to \$25,000, or refusal to certify an application for licensure</u>		
--	---	--	--

Rulemaking Authority 456.079, 468.705, 468.719 FS. Law Implemented 456.072, 456.717, 456.079, 468.719 FS. History--New 10-22-02, Amended 1-16-07, 6-30-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Athletic Training

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Department of Health

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2012

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-22.001	General Information
65C-22.0011	Definitions
65C-22.002	Physical Environment
65C-22.003	Training
65C-22.004	Health Related Requirements
65C-22.005	Food and Nutrition
65C-22.006	Record Keeping
65C-22.007	Evening Child Care
65C-22.008	School Age Child Care
65C-22.009	Gold Seal Quality Care Program
65C-22.010	Enforcement

PURPOSE AND EFFECT: Chapter 2010-161 sections 17 & 18, Laws of Florida eliminated the Department of Health’s authority to license and inspect food preparation and food service in child care facilities. The legislation effectively requires the Department to assume responsibility for food hygiene in licensed child care facilities. The Department adopted an emergency rule to provide temporary standards for food preparation and food service similar to those previously administered by the Department of Health, but a permanent

rule is required to establish ongoing standards and enforcement authority to ensure the health, safety, and welfare of children in childcare facilities that provide meals/snacks. Chapter 2010-114 sections 22 & 38, Laws of Florida provides updated background screening requirements for child care personnel. Title 16, Parts 1219 &1220, Code of Federal Regulations updated crib requirements. Modifications to fire safety and emergency preparedness rules reflect updated standards that provide clarifying language; incorporate provisions for emergency procedures for children with special needs; and procedures related to parental notification in the event of an emergency. Modifications to planned activities rules reflect updated standards based on National Health and Safety Performance Standards and the national initiative to combat childhood obesity. The modifications to the training curriculum rule provide clarifying language and incorporate food safety training as a new topic area option for continuing education. Clarifying language is also included for indoor square footage. Finally, the modifications to the after-school program descriptions provide clarifying language regarding instructional based after-school programs and provides an exception for programs that are otherwise excluded from licensure, that are on the federal After School Nutrition Program to provide a dinner meal.

SUMMARY: The proposed rule amends several rules within Chapter 65C-22, F.A.C., regarding food preparation, food service, and food storage in child care facilities licensed by the Department. It will also revise language concerning indoor square footage; background screening standards; procedures related to fire safety and parental notification following an emergency; planned activity schedules; updated crib safety standards; updated topics acceptable to meet continuing education requirements; and afterschool program descriptions for programs that do not require licensure by the Department.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

The proposed rule revisions will provide for lower costs to child care providers who provide food service to children in care compared to the regulatory scheme previously administered by the Department of Health. Providers will no longer be required to pay an annual permit fee (approximately \$110) previously charged by the Department of Health.

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: 402.305 FS.  
LAW IMPLEMENTED: 402.305 FS.

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES:

1. August 28, 2012 8:30 a.m. – 10:30 a.m.;
2. August 29, 2012 9:00 a.m. – 11:00 a.m.;
3. August 31, 2012 9:00 a.m. – 11:00 a.m.

PLACES:

1. Early Learning Coalition of Miami-Dade/Monroe, 2555 Ponce de Leon Boulevard, Fifth Floor Board Room, Coral Gables, Florida 33134

2. Institute of Early Childhood Professionals, 8413 Laurel Fair Circle, Suite 100, Tampa, Florida 33610

3. Department of Children and Families, 1317 Winewood Boulevard, Building 4, Tallahassee, Florida 32399-0700

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Child Care Program Office, 1317 Winewood Boulevard, Building 6, 3rd Floor, Tallahassee, Florida 32399-0700, (850)488-4900. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dinah Gallon, (850)488-4900

The Department will receive comments through close of business September 7, 2012. Comments may be sent to the following email address: [dinah\\_gallon@dcf.state.fl.us](mailto:dinah_gallon@dcf.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULES IS:

65C-22.001 General Information.

(1) No change.

(a) Application for a license or for renewal of a license to operate a child care facility must be made on CF-FSP Form 5017, July 2012 ~~March 2009~~, Application for a License to Operate a Child Care Facility, which is incorporated by reference. CF-FSP Form 5017 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(b) No change.

(c) The completed CF-FSP Form 5017 must be signed by the individual owner, prospective owner, or the designated representative of a partnership, association, or corporation, and must include ~~submission of~~ background screening clearance documents for the owner/operator/director, and an approved fire ~~and environmental health~~ inspections. Child care facilities that have a well or septic system must maintain current written records indicating the well and/or septic system meets the requirements of the Department of Health on an annual basis.

(d) through (e) No change.

(2) through (4) No change.

(5) Supervision.

(a) Direct supervision means actively watching and directing children's activities within the same room or designated outdoor play area, and responding to the needs of each child. 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, shall be capable of responding to emergencies, and are accountable for children at all times, including when children are separated from their groups.

(b) During nap time, supervision requires that staff be in close proximity, within sight and hearing of all the children. All other staff required to meet the staff-to-child ratio shall be within the same building on the same floor, and must 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 children up to 24 months of age, who must be directly supervised at all times.

(c) During feeding times, children shall be individually fed or supervised appropriately for their ages.

1. High chairs shall be used for infants at feeding times. The use of safety straps to prevent falls is required whenever children are placed in high chairs.

2. There shall be no propped bottles. If a child cannot hold the bottle, then a staff person or volunteer must hold the bottle during feeding. There shall be no automatic feeding devices unless medically prescribed and documented in the child's file.

~~(d)~~ (e) No person shall be an operator, owner, or employee of a child care facility while using or under the influence of narcotics, alcohol, or other drugs that impair an individual's ability to provide supervision and safe child care.

~~(e)~~ (d) Additional Supervision Requirements.

1. through 3. No change.

(6) through (7) No change.

(a) Each age group or class must have a written and followed plan of scheduled daily activities posted in a conspicuous location accessible to parents. The written plan must meet the needs of the children being served, and must include alternate activities in case of inclement weather, and include scheduled activities that:

1. Promote emotional, social, intellectual and physical growth. Children shall not be left in confining devices as an alternative to active play or adult/child interaction, supervision, or discipline. If television, videos, movies, and/or computer games are used, they shall be limited to a maximum combined total of two hours per day, or in the case of school age children, the length of one movie if the movie is more than two (2) hours in length.;

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

3. No change.

(b) through (c) No change.

(8) through (11) No change.

Rulemaking Authority 402.305, 402.309 FS. Law Implemented 402.305, 402.309, 402.3055, 402.308, 402.310 FS. History--New 6-1-97, Amended 3-17-99, 7-26-00, 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10.

65C-22.0011 Definitions.

(1) Definitions

(a) Caterer – A food service business that prepares food at a remote or distant location and transports ready-to-be-served meals to a provider for a fee. Caterers must be licensed and/or permitted by the applicable state or federal agency. A copy of the license or permit must be in the facility and available for review by licensing authority.

(b) Classroom – Rooms occupied by children, arranged with materials and equipment intended to implement a plan of activities.

(c) Food equipment – All stoves, ranges, crock pots, microwaves, hoods, tables, counters, cabinets, refrigerators, freezers, sinks, dishwashing machines, and other items used in the preparation, reheating, and serving of food, with the exception of utensils.

(d) Potentially Hazardous Food – Any food that requires time-temperature control (refrigeration or hot holding) and contains in whole or in part: milk, milk products, eggs, meat, poultry, fish, shellfish, cooked plant food (rice, beans, vegetables, and baked potatoes), tofu, other soy-protein products, mushrooms, cut melon, cut tomatoes, raw sprouts, and untreated garlic/oil mixtures.

(e) Preparation of food – Includes the selection, measurement and combining of ingredients in an ordered procedure to create a meal intended for consumption. This definition is not limited to cooking. Bottle preparation and the cutting of fruits and vegetables are included in this definition. Excludes warming of pre-prepared bottles and pre-prepared food (including catered food and food brought from home), distributing snacks, and learning activities provided by a child care program that may include raw and prepared food. A learning activity may not replace a regularly scheduled meal.

(f) Sanitize – The process of destroying or reducing organisms to a safe level. Includes properly cleaned equipment and surfaces, such as sinks and sleep mats. Sanitation shall be accomplished with the application of an approved chemical sanitizer or the use of hot water or steam.

(g) Serving food – for the purpose of this definition, serving food is limited to meals and snacks, as indicated on the posted menu.

(h) Single-service articles – Any cups, containers, plates, straws, place mats, napkins, doilies, spoons, stirrers, paddles, knives, forks, wrapping materials and all similar articles that are constructed wholly or in part from paper, paperboard, molded pulp, foil, wood, plastic, synthetic or other readily

destructible materials, and which are intended by the manufacturers to be for one-time, one-person use, then to be discarded.

(i) Tableware – utensils used for eating, drinking, and serving food including forks, knives, spoons, bowls, cups and serving dishes. Tableware may be either multi-use or single service.

(j) Utensils – pots, pans, ladles, pitchers, cutting boards, knives, or food containers used in the preparation, storage, transportation, or serving of food.

Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History--New.

65C-22.002 Physical Environment.

(1) No change.

(a) through (b) No change.

(c) It is the responsibility of the director/operator to ensure all areas and equipment of the facility are free from fire hazards, such as; lint build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents; and grease build up in ovens, stoves, and food equipment.

(d) No change.

(e) Animals must be properly immunized, free from disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form. Documentation of current immunizations must be available for review upon request by the licensing authority. Animals are prohibited in areas where food is prepared. If animals or birds are kept in classrooms as pets, they shall be caged away from the food storage and preparation or service area, and cages kept clean.

(f) through (h) No change.

(i) Pursuant to Chapter 386, F.S., smoking is prohibited within the child care facility, all outdoor areas, during field trips, and in vehicles when being used to transport children. Owners/operators are to notify custodial parents and legal guardians, in writing, that smoking is prohibited on the premises of the child care facility.

(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. The facility must provide current written approval from the local governing body to verify compliance with building and plumbing requirements.

(2) through (3) No change.

(a) No change.

(b) Usable indoor floor space refers to ~~that~~ space available for indoor play, classroom, work area, or nap area space. To determine overall facility capacity, usable indoor floor space; ~~for the facility as a whole~~, 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 and designated food preparation areas, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space to determine total facility capacity. Each room routinely used as a classroom must provide the minimum square footage per child defined in paragraph (3)(a), above.

~~(e)~~ In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must also have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times, pursuant to Section 402.305(6), F.S.

~~(c)(4)~~ Shelves or storage for toys and other materials shall be considered as usable indoor floor space if accessible to children.

~~(d)(e)~~ 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.

~~(e)(f)~~ The capacity, as calculated by the licensing authority for each room, must be posted in a conspicuous location within the room.

~~(f)(g)~~ When common or multi-purpose areas are used for dining or occasional large group assembly activities and special events, the applicable 20 or 35 square feet requirement of usable space for each child does not apply for that period of time only; however, the facility must maintain minimum square footage per child in accordance with the local fire authority requirements.

(4) through (5) No change.

(a) through (b) No change.

(c) Children up to one year of age must be in an individual crib, portacrib, or playpen with sides. Crib sides must be ~~raised and~~ secured while an infant is in the crib, and bar spacings may not exceed two and three-eighths inches. Cribs must meet the construction regulations as outlined in Title 16, Parts 1219 & 1220 ~~1508 & 1509~~, Code of Federal Regulations, December 28, 2010 January 2009, which is incorporated by reference. A copy of may be obtained from the department's website, [www.myflorida.com/childcare](http://www.myflorida.com/childcare). No double or multi-deck cribs, cots or beds may be used.

(d) No change.

(6) Restrooms Toilet and Bath Facilities.

(a) through (f) No change.

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

(7) No change.

(a) through (b) No change.

(c) ~~The child-care~~ facility must properly maintain fire extinguishers with a minimum rating of 2A10BC at all times. All staff shall be trained in the use and operation of a fire extinguisher. Travel distance to the nearest extinguisher shall not be more than 50 feet from rooms occupied by children. A fire extinguisher must be present in a kitchen.

(d) No change.

(e) During the facility's operating license year, fire drills shall be conducted monthly a minimum of 10 times and be conducted at various dates and times when children are in care; ~~30 days and shall not occur less than apart.~~ 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. The fire drills conducted must include, at a minimum:

1. through 3. No change.

(f) through (g) No change.

(h) The operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the ~~child-care~~ facility during a fire, lockdown and inclement weather (tornadoes), and to facilitate parent/guardian reunification. The plan shall describe how the facility will meet the needs of all children, including children with special needs, during and following an emergency event.

(i) Emergency preparedness drills shall be conducted when children are in care. Each drill, ~~excluding fire drills~~, outlined in the emergency preparedness plan must be practiced a minimum of one time per year, and may substitute for up to three monthly fire drill as referenced in paragraph 65C-22.003(7)(e), F.A.C., documentation of which must be maintained for one year. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for all children.

(j) through (l) No change.

(m) Automatic range-top fire suppression systems are required in the kitchen for facilities that produce steam or grease laden vapors or shallow fry or deep fry food. Documentation of an approved annual inspection of the suppression system per the Fire Prevention Code is required by local fire safety authority.

(n) The use of portable equipment utilized to fry food is allowable in a kitchen beneath an automatic range-top fire suppression system.

(8) Food Preparation Area. A food preparation area is a designated room, such as a kitchen, or a designated space in a facility not used in normal day-to-day operations - such as indoor play, classroom, work, or nap spaces - and not included when calculating usable indoor floor space. A food preparation area is required for facilities that choose to prepare food in a manner consistent with the definition of "preparation of food" in paragraph 65C-22.002(1)(c), F.A.C.

(a) The food preparation area must include the following:

1. Ventilation provided either by mechanical or natural means to provide fresh air and control of unpleasant odors.

2. Smooth, nonabsorbent food contact surfaces with no unsealed cracks or seams. Food-contact surfaces are surfaces of equipment, countertops, utensils, etc. that food contacts during food preparation.

3. Food equipment maintained and stored in a sanitary manner and out of the reach of children.

4. Shielded lighting.

5. Nonabsorbent and easily-cleaned flooring or floor covering.

6. Nonabsorbent walls and ceilings by means of surface material or applied coating/sealant.

7. A separate hand washing station with hot running water a minimum of 100 degrees Fahrenheit. A hand washing station must include a sink with running water and drainage, soap, trash receptacle, and disposable towels or hand drying machines that are properly installed and maintained. Hand washing stations must include posted signs visible to employees and children demonstrating proper hand washing technique. Portable sinks may not be used for warewashing or food preparation. If a portable sink is used for hand washing in the food preparation area, hot water must be provided.

8. Leakproof, nonabsorbent containers, covered with a tight-fitting lid, for all food waste stored inside the facility. The container shall be emptied, cleaned and sanitized or disinfected at least daily.

(b) Employees, volunteers, and substitutes, while working in the food preparation area, must wear clean outer garments and proper head covering, such as a hair net or hat, and must use disposable gloves, utensils, or similar items to prevent barehand contact with ready to eat foods.

(c) For safety, children shall not be present in the food preparation area when meals and snacks are prepared.

(d) The food preparation area must be clean and free of dust, dirt, food particles, and grease deposits.

(9) Food Storage. Facilities choosing to prepare food must have a designated space for food storage within the designated food preparation area or in a room not calculated as part of indoor floor space, and in an area not used for diapering. Off-site food storage is permissible only if site of storage is a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.

(a) Food containers, such as, but not limited to cans, plastic containers, boxes, and bags, shall be stored above the floor, a minimum of six inches, on clean surfaces protected from splash and other contamination.

(b) Food must be consumed or discarded on or before the expiration dates listed by the manufacturer.

(c) Poisonous/toxic or cleaning products must be stored separately from food.

(d) Opened packages of perishable or leftover food items must be properly covered/sealed, labeled with date, properly stored, and discarded within seven calendar days.

(e) Opened packages of dried goods must be properly covered/sealed, properly stored, and discarded according to the manufacturer's recommended date or if the quality of the goods has been compromised.

(f) Refrigerators/freezers.

1. An accurate thermometer must be inside each refrigeration unit used to verify adequate cold storage temperature.

2. Food may be frozen prior to the expiration date but when thawed it must be labeled with the date it was removed from the freezer and discarded within seven calendar days.

3. Frozen food must be labeled by date and type noted below and stored according to the following table:

Food Item	Months
Bacon and sausage	1 to 2 months
Casseroles	2 to 3 months
Frozen dinner and entrees	3 to 4 months
Ham, hot dogs, lunchmeats	1 to 2 months
Meat, uncooked	4 to 12 months
Meat, uncooked ground	3 to 4 months
Meat, cooked	2 to 3 months
Poultry, cooked	4 months
Soups and stews	2 to 3 months

(10)(8) Health and Sanitation.

(a) No change.

1. No change.

2. Employees, volunteers, substitutes, and children shall wash their hands with soap and running water, dry thoroughly, and follow personal hygiene procedures for themselves, or while assisting others, and immediately after outdoor play. Examples of activities when hand washing is required include, but are not limited to: before and after eating, immediately following outdoor play, after toileting, following the use of any cleaners or toxic chemical, before and after administering medication, and during food preparation and snack distribution.

a. Employees, volunteers, substitutes, and children must follow the Centers for Disease Control guidelines for hand washing and encourage the children in care to develop good hand washing habits. Copies of the Center for Disease Control guidelines may be obtained from the Center for Disease Control website at [www.cdc.gov](http://www.cdc.gov).

b. The use of hand sanitizers does not substitute for hand washing.

c. Employees, volunteers, and substitutes with open wounds and/or any injury that inhibits hand washing, such as casts, bandages, or braces, shall not prepare food.

3. through 4. No change.

(b) Diapering Requirements.

1. A hand-washing station facilities that includes a sink basin with running water, soap, trash receptacle, and disposable towels or hand drying machines that are properly installed and maintained shall be provided 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.

2. through 8. No change.

(c) No change.

1. through 3. No change.

(d) Warewashing and Sanitization. For facilities that prepare food, non-disposable food equipment, tableware, and utensils utilized for food preparation and food consumption shall be properly cleaned by pre-rinsing or scraping, washing, rinsing, sanitizing, and air drying. If the child care facility lacks adequate warewashing and sanitation described in this section for dishes, equipment, and utensils, only disposable single-use items may be used. All single service items must be discarded after each use. Food equipment, tableware, and utensils used to prepare food must be washed and sanitized on-site, except when a caterer is used and the caterer is responsible for warewashing as evidenced by a written agreement.

1. Warewashing and sanitation must be accomplished by one of the following:

a. A dishwasher with a sanitizing cycle.

1. The dishwasher must use heat or chemical injection for sanitization.

2. If chemical sanitization is used, the wash water temperature must be set at a minimum of 120 degrees Fahrenheit and the rinse water must be a minimum of 75 degrees Fahrenheit.

3. Automatic sanitizing dispenser must be properly installed and maintained.

4. A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during one full cycle per day at minimum.

5. If hot water is used for sanitization, the dishwasher must achieve a temperature of 160 degrees Fahrenheit on the surface of equipment/dishes/utensils being washed.

6. The facility must have a means for measuring the required temperature either by an irreversible registering temperature indicator (heat strip) or an external temperature display built into the machine:

b. An installed three compartment sink or an installed two compartment sink with a non-stationary or portable compartment receptacle. Installed compartment sinks may be used to wash produce and to fill cooking pots and pans with water when not in use for warewashing. Sinks must be sanitized before and after each use.

1. The first compartment must be used for washing, the second compartment must be used for rinsing, and the third compartment must be used for sanitizing.

2. If chemical sanitization is used, an exposure time of at least seven seconds is required for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 75 degrees Fahrenheit. If other sanitizers are used, equipment/dishes/utensils must be immersed for a period of at least one minute in sanitizing solution at a temperature not less than 75 degrees Fahrenheit. The sanitizing solution must contain the minimum concentration per manufacturer instructions.

3. A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during each use.

4. If hot water is used for sanitizing, equipment/dishes/utensils must be immersed for a period of at least one-half minute in hot water at a temperature of 170 degrees Fahrenheit or above:

(e) Food handling.

1. Bottles and sippy cups provided by the facility must be washed and sanitized between each use. Bottles and sippy cups brought from home shall be individually labeled with the child's first and last name. Sippy cups and bottles brought from home shall be returned to the custodial parent or legal guardian daily.

2. Bottles and sippy cups provided by the facility which are washed, rinsed, and sanitized after each use do not have to be labeled.

3. Milk and food shall not sit out for longer than 15 minutes prior to the beginning of the meal to avoid contamination and spoilage.

4. Employees, volunteers, and substitutes, while distributing snacks or serving food, must use disposable gloves, utensils, or similar items to prevent skin contact with food.

5. Food provided by parents must be stored and handled in a sanitary manner at all times.

(9) No change.

(a) No change.

1. through 2. No change.

3. Facilities shall provide sufficient age-appropriate seating at meals.

(b) No change.

Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 6-1-97, Amended 7-2-98, 3-17-99, 7-13-03, 9-12-04, 6-30-05, 4-12-07, Repromulgated 5-1-08, Amended 1-13-10.

65C-22.003 Training.

(1) No change.

(a) through (k) No change.



(l) Foster Grandparents” are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department’s training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. This requirement can be met by either instructor-led or online training. Foster grandparents must begin training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one year from the date of working in the child care industry in any licensed Florida child care facility. Foster grandparents are not classified as child care personnel, and they may not be assigned the roles of teacher’s aides, group leaders or other similar positions.

(m) through (s) No change.

(2) No change.

(a) No change.

1. All child care personnel must begin training within 90 days of employment in the child care industry and successfully complete training within 12 months from the date training begins. Training completion may not exceed 15 months from the date of employment in the child care industry in any licensed Florida child care facility.

2. The 40 hour Introductory Child Care Training requirement is divided into two parts. Part I is comprised of 30 hours of training ~~that consists of the department’s training courses;~~ developed by the department, identified below:

a. through e. No change.

3. No change.

4. No change.

5. In the event an individual leaves Child care personnel who left the child care industry in compliance with the training requirements described in this section, and upon returning to the industry either at the same or a different child care facility, he or she shall be granted 90 days to comply with any new mandated training requirements established during the gap in employment in the child care industry. Completion of such training may be counted toward the in-service training requirement.

6. In the event an individual leaves Child care personnel who left the child care industry not in compliance with the training requirements described in this section, and returns to the industry either at the same or a different child care facility, he or she must comply with the training requirements described in this section, in addition to any new mandated training requirements that may have been established during the gap in employment in the child care industry complete required training prior to re-employment.

7. No change.

(b) No change.

(3) through (4) No change.

(a) A copy of the ~~CF-FSP Form 5267 until October 1, 2010,~~ or Training Transcript must be included in each staff member’s child care personnel record and maintained at each child care facility.

(b) A copy of the ~~CF-FSP Form 5267 until October 1, 2010,~~ or Training Transcript for the director of a child care facility must be included in the department’s official licensing file.

(c) through (d) No change.

(5) through (6) No change.

(a) Upon completion of Part I and Part II introductory training requirements, child care personnel ~~All child care facility personnel~~ must complete a minimum of 10-clock-hours or one CEU of in-service training annually during the state’s fiscal year beginning July 1 and ending June 30.

(b) No change.

1. through 20. No change.

21. Food safety training;

~~22.21.~~ Developing special interest centers/spaces and environments; ~~or~~

~~23.22.~~ Other course areas relating to child care or child care management.

(c) Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, ~~July 2012–March 2009,~~ Child Care In-Service Training Record, which is incorporated by reference, and included in the child care facilities’ personnel records. CF-FSP Form 5268 may be obtained from the department website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). A new in-service training record is required each fiscal year. The in-service training records for the previous two fiscal years must also be maintained at the child care facility for review by the licensing authority.

~~(d) Mandated 40 clock hour introductory child care training, Parts I and II, may be used to meet the annual in-service training requirement during the first fiscal year of employment.~~

~~(d)(e)~~ All child care personnel employed in the industry beyond 15 months, who change employment from one child care program to another during the fiscal year continuously employed or hired between July 1 and June 1 of the state’s fiscal year must complete the annual in-service training requirement. This includes any changes in employment from one program to another.

~~(e)(f)~~ Child care personnel not in compliance with the annual in-service training requirement described in this section continuously employed or hired between July 1 and June 1 of the state’s fiscal year who do not complete the required annual in-service training during any given year must complete the

remaining in-service training requirement ~~hours~~ within 30 days of the noncompliance finding by the licensing authority. These hours cannot be used to meet the current year’s in-service training requirements.

(7) through (8) No change.

Rulemaking Authority 402.305 FS. Law Implemented 402.305, 402.309 FS. History–New 6-1-97, Amended 7-2-98, 3-17-99, 7-26-00, 10-10-01, 4-2-02, 7-17-03, 9-12-04, 6-30-05, 4-12-07, 5-1-08, 1-13-10,\_\_\_\_\_.

65C-22.004 Health Related Requirements.

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

(c) At least one first aid kit must be maintained on the premises of the child care facility 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. If the first aid kit is stored in the food preparation area it shall be stored in a manner to prevent contamination of food, food contact surfaces, or first aid supplies. Each kit must, at a minimum, include:

1. Soap, (to be used with water) and or hand sanitizer (for use when water may not be available),

2. through 11. No change.

(d) No change.

(3) No change.

(a) through (f) No change.

(g) All medicine must have child resistant caps, if applicable, and shall either be stored in a locked area or must be inaccessible and out of a child’s reach. If medication is stored in the food preparation area it must be stored in a manner to prevent contamination of food, food contact surfaces, or medication.

(h) No change.

Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History–New 6-1-97, Amended 3-17-99, 7-26-00, 4-2-02, 7-13-03, 9-12-04, 4-12-07, 5-1-08, 1-13-10,\_\_\_\_\_.

65C-22.005 Food and Nutrition.

(1) Nutrition.

(a) If a facility provides ~~chooses to supply~~ food to children in care, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA MyPlate MyPyramid, June 2011 April 2005, 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 ages two and older. The categories “oils” and “discretionary calories” may not be considered food groups. Copies of the USDA MyPlate MyPyramid may be obtained from the USDA website at http://www.choosemyplate.gov www.mypyramid.gov. Using the USDA MyPlate MyPyramid, 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 to provide food to children in care, directly or by contract with an outside source such as a caterer, the food must be in sound condition, free from spoilage and contamination and safe for human consumption, and must be stored and handled in a sanitary manner at all times. The facility must have adequate equipment available to maintain food safety.

1. Meat, poultry, fish, dairy products, and processed foods shall have been inspected under the United States Department of Agriculture requirements.

2. No raw milk or unpasteurized juice may be served without the written consent of the parent or legal guardian.

3. No home-canned food may be served.

4. No home-grown eggs may be served.

5. No recalled food products may be served.

6. All raw fruits and vegetables shall be washed thoroughly before being served or cooked.

7. To prevent food from becoming potentially hazardous, hot foods shall be maintained at a temperature of 135 degrees Fahrenheit or above, and cold foods shall be maintained at a temperature of 40 degrees Fahrenheit or below. The facility must supply adequate equipment to maintain temperature requirements.

8. Foods that comprise meals included on a facility’s menu may not be prepared or partially prepared outside of the facility unless prepared by a caterer or a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.

9. Food must be thoroughly cooked and or reheated according to the following table:

Food	Minimum Internal Temperature
Fruits, Vegetables, Grains, and Legumes	135°F
Roasts (Beef, Pork and Ham)	145° F
Fish	145° F
Eggs – to be served immediately	145° F (whites and yolks are firm)
Eggs – cooked and held for service	155° F
Ground meat	155° F
Poultry – whole, parts, or ground	165° F
Leftovers	165° F
Foods cooked in microwave	165° F
Sauces, gravy, soups	165° F

(c) If a facility chooses to provide or make available food to children in care from an outside source such as a caterer, or as the result of a learning activity provided by a child care

program, such as a garden, it is the responsibility of the provider to ensure all food intended for consumption by a child in care be in sound condition, free from spoilage, and contamination and safe for human consumption. The following documentation shall be maintained by the provider:

1. Food Acceptance Log. A log shall be maintained for all pre-prepared meals being transported into the facility. The log shall be retained for a minimum of four months. The log shall include the date, time of arrival, quantity and types of food, verification by recipient of condition of food, verification by recipient of adequate temperatures of food, and the name and signature of recipient.

2. Written permission slips for all food-related activities, such as special occasions and learning activities, which include food consumption.

(d)(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.

(e)(e) 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 file and followed. If the custodial parent or legal guardian notifies the child care facility of any known food allergies, written documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

(f)(d) Meal and snack menus shall be planned, written, dated, 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. All meals and snacks prepared outside of the facility's kitchen or designated food preparation area, such as catered food, must be listed along with the source of the prepared food.~~ Daily meal and snack menus shall be maintained for a minimum of four months for licensing purposes. Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and the USDA requirements.

#### (2) Infant Formula and Food.

1. Formula and breast milk must be handled in a sanitary manner at all times and according to manufacturer's instructions and instructions by parent. All formulas and food brought from home shall be labeled with the child's first and last name. Bottles of formula prepared from powder or concentrate ready-to-feed formula must be labeled with the time and date the bottle was prepared. Frozen breast milk shall be dated when expressed. Breast milk provided for a specific infant by a parent or guardian shall not be fed to other children. Prepared bottles shall be placed immediately in the refrigerator and used within 48 hours.

a. In the event that the wrong formula or breastmilk is provided to an infant in care, the provider must immediately inform the child's parent or legal guardian of the incident as well as the parent or legal guardian of the infant that the formula/breast milk was intended. These events must be documented as an accident/incident referenced in subparagraph 65C-22.004(2)(d)3., F.A.C.

b. Due to extreme risk of choking, solid foods including cereal, shall not be given in bottles or with infant feeders to children with normal eating abilities unless authorized by a physician.

2. Bottle warming. For optimum digestion, formula is to be served at body temperature.

a. Bottle warming devices and crock pots, including cords shall be kept inaccessible to children at all times; shall be maintained at the devices' lowest available temperature setting; and shall be secured in such a manner as to prevent them from tipping over, splashing, or spilling. Any bottle warming device that has a water reservoir must be emptied, washed, and refilled each day.

b. Bottled breast milk, infant bottles, and formula shall not be heated in a microwave oven.

c. Heated bottles or food must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

d. Once milk has been warmed, it shall not be re-warmed or returned to the refrigerator. All milk remaining in bottles after feeding shall be discarded within one hour after serving an infant.

3. Previously opened baby food jars shall not be accepted in the center. If food is fed directly from the jar by the caregiver, the jar shall be used for only one feeding and the remainder discarded.

#### (3) Food Service.

(a) Children shall be individually fed or supervised at feeding, and offered foods appropriate for their ages.

(b) Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles, and sippy cups provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.

(c) There shall be no propped bottles. If a child cannot hold the bottle, then a staff person or volunteer must hold the bottle during feeding. There shall be no automatic feeding devices unless medically prescribed. Formula shall be refrigerated and handled in a sanitary manner at all times.

(d) All bottles and sippy cups prepared and used continuously throughout the day or brought from home shall be individually labeled with the child's first and last name. Sippy cups and bottles brought from home shall be returned to the custodial parent or legal guardian daily.

(e) Heated foods and bottles must be tested before feeding to ensure heat is evenly distributed and to prevent injury to children.

~~(f) Facilities shall provide sufficient age appropriate seating so that children are seated at tables for meals.~~

Rulemaking 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, 9-12-04, 4-12-07, Repromulgated 5-1-08, Amended 1-13-10, \_\_\_\_\_.

65C-22.006 Record Keeping.

(1) through (2) No change.

(3) 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, July 2012 March 2009, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent form that contains all the information required by the department on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from the licensing authority or on the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(a) through (c) No change.

1. No change.

2. No change.

3. The child care facility's food and nutrition policies that includes language on food safety and food allergens.

~~4.3.~~ Annually, during the months of August and September, the child care facility director must provide parents with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers the department developed a brochure, CF/PI 175-70, June 2009, Influenza Virus, Guide to Parents, which may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

5.4. Prior to beginning volunteering in a child care facility, a CF-FSP 5217, July 2012 March 2009, Volunteer Affidavit, which is incorporated by reference, and may be obtained from the department's website [www.myflorida.com/childcare](http://www.myflorida.com/childcare), must be completed and on file at the child care facility for the volunteer.

(4) No change.

(a) through (c) No change.

(d) Initial Screening. Screening information must be documented on CF-FSP Form 5131, July 2012 March 2009, Background Screening and Personnel File Requirements, which is incorporated by reference. Screening includes the following:

1. Level 2 screening as defined in Section 435.04, F.S. ~~which includes at a minimum Federal Bureau of Investigations (FBI), Florida Department of Law Enforcement (FDLE), and local law enforcement records checks.~~ For the purpose of issuing a license, any out-of-state criminal offense, which if committed in Florida, would constitute a disqualifying felony offense, shall be treated as a disqualifying felony offense for screening purposes under this rule.

2. No change.

3. CF Form 1649A, July 2012 January 2007, Child Care Affidavit Attestation of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel at time of initial screening or upon a change in employers annually or in accordance with the local licensing authority. A copy of the CF Form 1649A may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(e) Re-Screening. A screening conducted under this rule is valid for five years, at which time a statewide re-screen must be conducted in the same manner as the initial screening.

1. The five year re-screen is required for all child care personnel.

~~2. The five year re-screen must include, at a minimum, statewide criminal records checks through the FDLE and a local criminal records check.~~

~~3. CF Form 1649A Child Care Attestation of Good Moral Character must be completed for all child care personnel annually. A copy of the CF 1649A may be obtained from the department's website at www.myflorida.com/childcare.~~

2.4. Re-screening. Re-screening information for all child care personnel must be documented on CF-FSP Form 5131 July 2012 March 2009, Background Screening and Personnel File Requirements.

3.5. A copy of all background screening clearance documents for the director and owner must be included in the department's official licensing file or in accordance with the appropriate local licensing agency requirements.

~~4.6.~~ Break In Employment. Child care personnel must be re-screened as outlined in paragraph (4)(d) above following a break in employment in the child care industry that exceeds 90 days.

~~5.7.~~ Leave of Absence. If child care personnel takes a leave of absence, such as maternity leave, extended sick leave, migrant child care programs, etc., re-screening is not required unless the five year re-screen has come due during the leave of absence.

(f) Copies of training information and credentials as described in subsections 65C-22.004(4), (6) and (7) 65C-22.003(4), (6) and (7), F.A.C., as applicable.

(g) No change.

(5) No change.

(a) Driver's log must be retained for a minimum of four months as referenced in subparagraph 65C-22.001(6)(f)1., F.A.C.

(b) Documentation of parental permission for field trips and food activities/special occasions must be retained for a minimum of four months as referenced in paragraphs 65C-22.001(7)(c) and 65C-22.006(1)(c), F.A.C.

(c) Facility's written disciplinary policies as referenced in paragraph 65C-22.001(8)(c), F.A.C.

(d) Daily attendance of children records must be maintained for a minimum of four months as referenced in subsection 65C-22.001(10), F.A.C.

(e) Written record of fire drills must be maintained for a minimum of one year as referenced in paragraph ~~65C-22.003(7)(f)~~, ~~65C-22.002(7)(f)~~, F.A.C.

(f) Documentation of staff members that have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement as referenced in paragraph ~~65C-22.005(2)(b)~~, ~~65C-22.004(2)(b)~~, F.A.C.

(g) Posted emergency telephone numbers, the facility address, and directions to the facility as referenced in subparagraph ~~65C-22.005(2)(d)1~~, ~~65C-22.004(2)(d)1~~, F.A.C.

(h) Documentation of accidents/incidents must be maintained for one year as referenced in subparagraph ~~65C-22.005(2)(d)3~~, ~~65C-22.004(2)(d)3~~, F.A.C.

(i) Emergency evacuation plan and emergency preparedness plan as referenced in subparagraph ~~65C-22.003(7)(h)-(k)~~, ~~65C-22.002(7)(h)-(k)~~, F.A.C. Written records of emergency preparedness plan drills must be maintained for one year from each drill.

(j) Record for each child receiving medication must be maintained for a minimum of four months after the last day the child received the dosage as referenced in paragraph ~~65C-22.005(3)(f)~~, ~~65C-22.004(3)(f)~~, F.A.C.

(k) Sample meal plan for special diet (if applicable). A copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in paragraph ~~65C-22.006(1)(e)~~, ~~65C-22.005(1)(e)~~, F.A.C.

(l) Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in paragraph ~~65C-22.006(1)(e)~~, ~~65C-22.005(1)(e)~~, F.A.C.

(m) Daily meal and snack menus, including meal substitutions must be maintained for four months as referenced in paragraph ~~65C-22.006(1)(f)~~, ~~65C-22.005(1)(d)~~, F.A.C.

(n) Food Acceptance Log must be retained for a minimum of four months as referenced in paragraph 65C-22.006(1)(c), F.A.C.

(o) Copy of license or permit for caterers, if applicable.

Rulemaking 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, 9-12-04, 4-12-07, 5-1-08, 1-13-10, \_\_\_\_\_.

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 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-22.007~~, ~~65C-22.006~~, F.A.C., apply to Evening Child Care with the following exceptions:

(a) No change.

(b) Credentialed staff, pursuant to Sections 402.305(3), F.S., are not required for Evening Child Care.

(c) No change.

Rulemaking Authority 402.305 FS. Law Implemented 402.305 FS. History—New 7-2-98, Amended 9-12-04, 4-12-07, Repromulgated 5-1-08, Amended 1-13-10, \_\_\_\_\_.

65C-22.008 School Age Child Care.

(1) No change.

(a) No change.

(b) "School-Age Child Care Program" means any licensed child care facility serving school-aged children as defined in paragraph (1)(a), above or any before and after school programs that are licensed as a child care facility defined in Sections 402.302, F.S., and serve only school-aged children as defined in paragraph (1)(a), above.

(2) No change.

(a) through (b) No change.

(c) An "After School Program" serving school-age children is not required to be licensed if the program meets one of the following criteria, and complies with the minimum background screening requirements provided in Sections 402.305 and 402.3055, F.S.:

1. Program is located on public/nonpublic school sites, operated and staffed directly by that school or through a written or formal agreement between the school and a provider to serve school-age children attending the school. These programs exclusively serve 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. Program provides only activities that are strictly instructional or tutorial/academic in nature. These programs cannot provide any services extend beyond its regular the instructional and tutorial/academic activities, of that program and cannot serve or prepare meals. The program may choose to provide drinks, snacks, and 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. No change.

a. through c. No change.

d. Does not serve or prepare any meals, except those provided through the federal After school Nutrition Program (ANP) administered by the Florida Department of Health. The Department will consider a meal to be provided through the ANP only if the program is actively participating in the ANP, is in good standing with the Department of Health, and the meal meets ANP requirements or snacks. Programs not participating in the ANP ~~The program~~ may choose to provide drinks, snacks, and vending machine items that do not require refrigeration; or

4. No change.

(d) Application for licensure. Application for a license or for renewal of a license to operate a school-age child care program must be made on CF-FSP Form 5017, July 2012 ~~March 2009~~, Application for a License to Operate a Child Care Facility, which is incorporated by reference. CF-FSP Form 5017 may be obtained from the department's website at www.myflorida.com/childcare.

1. No change.

2. The completed CF-FSP Form 5017 must be signed by the individual owner, or prospective owner, or director, or the designated representative of a partnership, association, or corporation, and must include submission of background screening documents for the owner/operator, and approved fire and environmental health inspections.

3. No change.

4. A completed CF-FSP Form 5017 for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. Failure to submit a completed CF-FSP Form 5017 at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in paragraph 65C-22.011(2)(d) ~~65C-22.010(2)(d)~~, F.A.C.

(e) No change.

(3) No change.

(a) through (c) No change.

1. through 4. No change.

5. During feeding times, children shall be individually fed or supervised appropriately for their ages.

(d) No change.

(e) No change.

1. All school-age child care program facilities must be clean, in good repair, and free from health and safety hazards and from vermin infestation. During the hours that the program is in operation, no portion of the building shall be used for any activity which endangers the health and safety of the children. It is the responsibility of the director/owner that all areas and equipment of the facility are free from fire

hazards, such as lint and dust build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents; and grease build up in ovens, stoves, and food equipment.

2. through 5. No change.

6. Animals must be properly immunized, free from disease, and clean. Parents must be informed in writing of all animals on the premises. Such information may be provided by way of a conspicuously posted notice or bulletin, policy handbook, parent flier, or a statement included on the enrollment form. Documentation of current immunizations must be available for review upon request by the licensing authority. Animals are prohibited in areas where food is prepared. If animals or birds are kept in classrooms as pets, they shall be caged away from the food storage and preparation or service area, and cages kept clean.

7. Pursuant to Chapter 386, F.S., smoking is prohibited within the school-age child care facility, all outdoor areas, during field trips, and in vehicles when being used to transport children. Owner/operators are to notify custodial parents and legal guardians, in writing that smoking is prohibited on the premises of the child care facility.

8. 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. The facility must provide current written approval from the local governing body to verify compliance with building and plumbing requirements.

(f) through (g) No change.

(h) Restrooms Toilet and Bath Facilities.

1. through 5. No change.

(i) No change.

1. No change.

2. Usable indoor floor space refers to ~~that~~ space available for indoor play, classroom, work area, or nap area space. To determine overall facility capacity, usable indoor floor space, for the facility as a whole, 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 and designated food preparation areas, offices, laundry rooms, storage areas, hallways, and other areas not used in normal day-to-day operations are not included when calculating usable indoor floor space to determine total facility capacity. Each room routinely used as classroom must provide the minimum square footage per child defined in paragraph (i)1., above.

~~3. In addition to the total facility minimum square footage per child, each room that is routinely occupied by children must have a minimum of 20 square feet or 35 square feet (whichever is applicable) per child at all times.~~

a. through b. No change.

4. through 5. No change.

(j) No change.

(k) Health and Sanitation.

1. No change.

2. Employees, volunteers, substitutes, and children shall wash their hands with soap and running water, dry thoroughly, and follow personal hygiene procedures for themselves, or while assisting others, ~~and immediately after outdoor play~~. Examples of activities when hand washing is required include, but are not limited to: before and after eating, immediately following outdoor play, after toileting, following the use of any cleaners or toxic chemical, before and after administering medication, and during food preparation and snack distribution.

a. Employees, volunteers, substitutes, and children must follow the Centers for Disease Control guidelines for hand washing and encourage the children in care to develop good hand washing habits. Copies of the Center for Disease Control guidelines may be obtained from the Center for Disease Control website at [www.cdc.gov](http://www.cdc.gov).

b. The use of hand sanitizers does not substitute for hand washing.

c. Employees, volunteers, and substitutes with open wounds and/or any injury that inhibits hand washing, such as casts, bandages, or braces, shall not prepare food.

3. No change.

4. Warewashing and Sanitization. For facilities that prepare food, non-disposable food equipment, tableware, and utensils utilized for food preparation and food consumption shall be properly cleaned by pre-rinsing or scraping, washing, rinsing, sanitizing, and air drying. If the school-age child care facility lacks adequate warewashing and sanitation described in this section for dishes, equipment, and utensils, only disposable single-use items may be used. All single service items must be discarded after each use. Food equipment, tableware, and utensils used to prepare food must be washed and sanitized on-site, except when a caterer is used and the caterer is responsible for warewashing as evidenced by a written agreement. Warewashing and sanitation must be accomplished by one of the following: School-age child care programs must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards.

a. A dishwasher with a sanitizing cycle.

(I) The dishwasher must use heat or chemical injection for sanitization.

(II) If chemical sanitization is used, the wash water temperature must be set at a minimum of 120 degrees Fahrenheit and the rinse water must be a minimum of 75 degrees Fahrenheit.

(III) Automatic sanitizing dispenser must be properly installed and maintained.

(IV) A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during one full cycle per day at minimum.

(V) If hot water is used for sanitization, the dishwasher must achieve a temperature of 160 degrees Fahrenheit on the surface of equipment/dishes/utensils being washed.

(VI) The facility must have a means for measuring the required temperature either by an irreversible registering temperature indicator (heat strip) or an external temperature display built into the machine:

b. An installed three compartment sink or an installed two compartment sink with a non-stationary or portable compartment receptacle. Installed compartment sinks may be used to wash produce and to fill cooking pots and pans with water when not in use for warewashing. Sinks must be sanitized before and after each use.

(I) The first compartment must be used for washing, the second compartment must be used for rinsing, and the third compartment must be used for sanitizing.

(II) If chemical sanitization is used, an exposure time of at least seven seconds is required for a chlorine solution of 50 mg/L that has a pH of 10 or less and a temperature of at least 75 degrees Fahrenheit. If other sanitizers are used, equipment/dishes/utensils must be immersed for a period of at least one minute in sanitizing solution at a temperature not less than 75 degrees Fahrenheit. The sanitizing solution must contain the minimum concentration per manufacturer instructions.

(III) A test kit or other device that accurately measures the concentration of the sanitizing solution must be available and used to confirm appropriate concentration of solution during each use.

(IV) If hot water is used for sanitizing, equipment/dishes/utensils must be immersed for a period of at least one-half minute in hot water at a temperature of 170 degrees Fahrenheit or above;

5. Food handling.

a. Milk and food shall not sit out for longer than 15 minutes prior to the beginning of the meal to avoid contamination and spoilage.

b. Employees, volunteers, and substitutes, while distributing snacks or serving food, must use disposable gloves, utensils, or similar items to prevent skin contact with food.

c. Food provided by parents must be stored and handled in a sanitary manner at all times.

(I) No change.

1. No change.

a. through b. No change.

c. Facilities shall provide sufficient age-appropriate seating at meal and snack time.

2. No change.

(m) No change.

1. through 2. No change.

a. through b. No change.

c. At least one first aid kit must be maintained on the premises of the school-age child care program 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. If the first aid kit is stored in the food preparation area it shall be stored in a manner to prevent contamination of food, food contact surfaces, or first aid supplies. Each kit must at a minimum include:

(I) Soap, (to be used with water) and or hand sanitizer (for use when water may not be available),

(II) through (XI) No change.

3. through 4. No change.

a. through f. No change.

g. All medicine must have child resistant caps, if applicable, and shall either be stored in a locked area or must be inaccessible and out of a child's reach. If medication is stored in the food preparation area it must be stored in a manner to prevent contamination of food, food contact surfaces, or medication.

h. No change.

(n) through (p) No change.

1. If a school-age child care program ~~provides~~ ~~chooses to~~ ~~supply~~ ~~food to children in care~~, it shall provide nutritious meals and snacks of a quantity and quality to meet the daily nutritional needs of the children. The USDA MyPlate My Pyramid, June 2011 ~~April 2005~~, 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 ages two and older. Using the USDA MyPlate My Pyramid, 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. The categories "oils" and "discretionary calories" may not be considered food groups. Copies of the USDA MyPlate My Pyramid may be obtained from the USDA website at <http://www.choosemyplate.gov> [www.mypyramid.gov](http://www.mypyramid.gov).

2. If a facility chooses to provide food to children in care, directly or by contract with an outside source such as a caterer, the food must be in sound condition, free from spoilage and contamination and safe for human consumption, and must be stored and handled in a sanitary manner at all times. The facility must have adequate equipment available to maintain food safety.

a. Meat, poultry, fish, dairy products, and processed foods shall have been inspected under the United States Department of Agriculture requirements.

b. No raw milk or unpasteurized juice may be served without the written consent of the parent or legal guardian.

c. No home-canned food.

d. No home grown eggs may be served.

e. No recalled food products may be served.

f. All raw fruits and vegetables shall be washed thoroughly before being served or cooked.

g. To prevent food from becoming potentially hazardous, hot foods shall be maintained at a temperature of 135 degrees Fahrenheit or above, and cold foods shall be maintained at a temperature of 40 degrees Fahrenheit or below. The facility must supply adequate equipment to maintain temperature requirements.

h. Foods that comprise meals included on a facility's menu may not be prepared or partially prepared outside of the facility unless prepared by a caterer or a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.

i. Food must be thoroughly cooked and or reheated according to the following table:

Food	Minimum Internal Temperature
Fruits, Vegetables, Grains, and Legumes	135° F
Roasts (Beef, Pork and Ham)	145° F
Fish	145° F
Eggs – to be served immediately	145° F (whites and yolks are firm)
Eggs – cooked and held for service	155° F
Ground meat	155° F
Poultry – whole, parts, or ground	165° F
Leftovers	165° F
Foods cooked in microwave	165° F
Sauces, gravy, soups	165° F

3. If a facility chooses to provide or make available food to children in care from an outside source such as a caterer, or as the result of a learning activity provided by a child care program, such as a garden, it is the responsibility of the provider to ensure all food intended for consumption by a child in care be in sound condition, free from spoilage, and contamination and safe for human consumption. The following documentation shall be maintained by the provider:

a. Food Acceptance Log. A log shall be maintained for all pre-prepared meals being transported into the facility. The log shall be retained for a minimum of four months. The log shall include the date, time of arrival, quantity and types of food,



verification by recipient of condition of food, verification by recipient of adequate temperatures of food, and the name and signature of recipient.

b. Written permission slips for all food-related activities, such as special occasion and learning activities which include food consumption.

4.2. If a school-age child care program 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.

5.3. 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 file and followed. If the custodial parent or legal guardian notifies the school-age child care program of any known food allergies, written documentation must be maintained in the child's file for as long as the child is in care. Special food restrictions must be shared with staff and must be posted in a conspicuous location.

6.4. Meal and snack menus shall be planned, written, dated, and posted at the beginning of each week in a conspicuous place accessible to parents. Any menu substitution shall be noted on the menu. ~~Menus shall be dated and posted in the food service area and in a conspicuous place accessible to parents. All meals and snacks prepared outside of the facility's kitchen or designated food preparation area, such as catered food, must be listed along with the source of the prepared food.~~ Daily meal and snack menus shall be maintained for a minimum of four months for licensing purposes. Operators who participate in the USDA Food Program must keep menus in accordance with the Department of Health and USDA requirements.

(q) Food Preparation Area. A food preparation area is a designated room, such as a kitchen, or a designated space in a facility not used in normal day-to-day operations – such as that available for indoor play, classroom, work, or nap spaces – and not included when calculating usable indoor floor space. A food preparation area is required for facilities that choose to prepare food in a manner consistent with the definition of "preparation of food" in paragraph 65C-22.002(1)(c), F.A.C.

1. The food preparation area must include the following:

a. Ventilation provided either by mechanical or natural means to provide fresh air and control of unpleasant odors.

b. Smooth, nonabsorbent food contact surfaces with no unsealed cracks or seams. Food-contact surfaces are surfaces of equipment, countertops, utensils, etc. that food comes into contact during food preparation.

c. Food equipment maintained and stored in a sanitary manner and out of the reach of children.

d. Shielded lighting.

e. Nonabsorbent and easily-cleaned flooring and floor covering.

f. Nonabsorbent walls and ceilings by means of surface material or applied coating/sealant.

g. A separate hand washing station with hot running water a minimum of 100 degrees Fahrenheit. A hand washing station must include a sink with running water and drainage, soap, trash receptacle, and disposable towels or hand drying machines that are properly installed and maintained. Hand washing stations must include posted signs visible to employees and children demonstrating proper hand washing technique. Portable sinks may not be used for warewashing or food preparation. If a portable sink is used for hand washing in the food preparation area, hot water must be provided.

h. Leakproof, nonabsorbent containers, covered with a tight fitting lid, for all food waste stored inside the facility. The container shall be emptied, cleaned and sanitized or disinfected at least daily.

i. The food preparation area must be clean and free of dust, dirt, food particles, and grease deposits.

2. Employees, volunteers, and substitutes, while working in the food preparation area, must wear clean outer garments and proper head covering, such as a hair net or hat, and must use disposable gloves, utensils, or similar items to prevent barehand contact with ready to eat foods.

3. For safety, children shall not be present in the food preparation area when meals and snacks are prepared.

1. All licensed school-age child care programs approved by the Environmental Health Section to prepare food shall have documentation on file from the Department of Health verifying the facility meets the applicable requirements as specified in Chapter 64E-11, F.A.C., Food Hygiene.

2. School-age child care programs must have written documentation from the local Environmental Health Unit that they have either met or have been exempted from local environmental health standards, specified in Chapter 64E-11, F.A.C., Food Hygiene, as it pertains to the food preparation area defined above.

(r) ~~Food Service.~~ Food Storage. Facilities choosing to prepare food must have a designated space for food storage within the designated food preparation area or in a room not calculated as part of indoor floor space, and in an area not used for diapering. Off-site food storage is permissible only if site of storage is a licensed child care facility under the same ownership that includes a food preparation area that meets licensing standards.

1. Food containers, such as, but not limited to cans, plastic containers, boxes, and bags, shall be stored above the floor, a minimum of six inches, on clean surfaces protected from splash and other contamination.

2. Food must be consumed or discarded on or before the expiration dates listed by the manufacturer.

3. Poisonous/toxic or cleaning products must be stored separately from food.

4. Opened packages of perishable or leftover food items must be properly covered/sealed, labeled with date, properly stored, and discarded within seven calendar days.

5. Opened packages of dried goods must be properly covered/sealed, properly stored, and discarded according to the manufacturer’s recommended date or if the quality of the goods has been compromised.

6. Refrigerators/freezers.

a. An accurate thermometer must be inside each refrigeration unit used to verify adequate cold storage temperature.

b. Food may be frozen prior to the expiration date but when thawed it must be labeled with the date it was removed from the freezer and discarded within seven calendar days.

c. Frozen food must be labeled by date and type noted below and stored according to the following table:

Food Item	Months
Bacon and sausage	1 to 2 months
Casseroles	2 to 3 months
Frozen dinner and entrees	3 to 4 months
Ham, hot dogs, lunchmeats	1 to 2 months
Meat, uncooked	4 to 12 months
Meat, uncooked ground	3 to 4 months
Meat, cooked	2 to 3 months
Poultry, cooked	4 months
Soups and stews	2 to 3 months

1. ~~School-age child care programs shall provide sufficient age appropriate seating so that children are seated at tables for meals.~~

2. ~~Children shall be supervised during all meals and snacks and offered foods appropriate for their ages.~~

3. ~~Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils and cups provided by the facility that are not disposable shall be washed, rinsed, and sanitized between uses.~~

(s) No change.

1. through 2. No change.

3. The child care facility must properly maintain fire extinguishers with a minimum rating of 2A10BC at all times. All staff shall be trained in the use and operation of a fire extinguisher. Travel distance to the nearest extinguisher shall not be more than 50 feet from rooms occupied by children. A fire extinguisher must be present in a kitchen.

4. No change.

5. During the facility’s operating license year, fire drills shall be conducted monthly a minimum of 10 times and be conducted at various dates and times when children are in care; 30 days and shall not occur less than apart. 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. The fire drills conducted must include, at a minimum:

a. through b. No change.

6. through 7. No change.

8. The operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the child care facility during a fire, lockdown, and inclement weather (tornadoes), and facilitating parent/guardian reunification. The plan shall describe how the facility will meet the needs of all children, including children with special needs, during and following an emergency event.

9. Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding fire drills, outlined in the emergency preparedness plan must be practiced a minimum of one time per year, and may substitute for up to three monthly fire drill as referenced in paragraph 65C-22.003(7)(e), F.A.C., documentation of which must be maintained for one year. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for all children.

10. through 12. No change.

13. Automatic range-top fire suppression systems are required in the kitchen for facilities that produce steam or grease laden vapors or shallow fry or deep fry food. Documentation of an approved annual inspection of the suppression system per the Fire Prevention Code is required by local fire safety authority.

14. The use of portable equipment utilized to fry food is allowable in a kitchen beneath an automatic range-top fire suppression system.

(t) No change.

1. through 11. No change.

12. No change.

a. Each group or class must have a written and followed plan of scheduled activities posted in a conspicuous location accessible to parents. The written plan must meet the needs of the children being served, and must include alternate activities in case of inclement weather, and include scheduled activities that:

(I) Promote emotional, social, intellectual and physical growth. If television, videos, movies, and/or computer games are used, they shall be limited to a maximum combined total of two hours per day or the length of a movie if more than two (2) hours in length.

(II) Include both indoors and outdoor play, if applicable; and

(III)(H) Include meals, snacks, and the times the children are in care.

b. No change.

(u) No change.

1. through 2. No change.

3. 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, Child Care Application for Enrollment, which is incorporate by reference in subsection 65C-22.007(3) ~~65C-22.006(3)~~, F.A.C., or an equivalent form that contains all the information required by the department on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from the licensing authority or by going to the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

a. through c. No change.

(I) The department's child care facility brochure, CF/PI 175-24, Know Your Child Care Facility, which is incorporated by reference in subparagraph 65C-22.007(3)(a)1. ~~65C-22.006(3)(a)1.~~, F.A.C. This brochure may be obtained from the licensing authority or by going to the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Local licensing agencies may use an equivalent brochure approved by the department.

(II) through (III) No change.

4. No change.

a. An employment application with the required statement pursuant to Section 402.3055(1)(b), F.S.

b. No change.

c. CF-FSP Form 5337, Child Abuse & Neglect Reporting Requirements, which is incorporated by reference in paragraph 65C-22.007(4)(c) ~~65C-22.006(4)(c)~~, F.A.C., must be signed annually by all child care personnel.

d. Prior to beginning volunteering in a school-age program, a CF-FSP 5217, July 2012 ~~March 2009~~, Volunteer Affidavit, which is incorporated by reference, and may be obtained from the department's website [www.myflorida.com/childcare](http://www.myflorida.com/childcare), must completed and on file at the facility for the volunteer.

e. Initial Screening. Screening information must be documented on CF-FSP Form 5131, Background Screening and Personnel File Requirements, which is incorporated by reference in paragraph 65C-22.007(4)(d) ~~65C-22.006(4)(d)~~, F.A.C. Screening includes the following:

(I) Level 2 screening as defined in Section 435.04, F.S.; ~~which includes at a minimum, FBI, FDLE, and local law enforcement records checks.~~

(II) No change.

(III) CF Form 1649A, July 2012 ~~January 2007~~, Child Care ~~Affidavit~~ Attestation of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel at time of initial screening or upon a change in employers annually. CF Form 1649A may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

f. Re-Screening. A screening conducted under this rule is valid for five years, at which time a ~~statewide~~ re-screen must be conducted in the same manner as the initial screening.

(I) The five year re-screen is required for the all child care personnel.

~~(II) The five year re screen must include, at a minimum, statewide criminal records checks through the Florida Department of Law Enforcement (FDLE) and a local criminal records check.~~

~~(III) CF 1649A, Child Care Attestation of Good Moral Character, which is incorporated by reference, must be completed for all child care personnel annually. A copy of the CF 1649A may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).~~

~~(II)(IV)~~ A copy of all background screening clearance documents for the director and owner must be included in the department's official licensing file or in accordance with the appropriate local licensing agency requirements.

g. through h. No change.

i. Copies of training information and credentials as described in subsection 65C-22.009(4) ~~65C-22.008(4)~~, below.

j. No change.

5. No change.

a. through h. No change.

i. Sample meal plan for special diet (if applicable). A copy of the physician's order, a copy of the diet, and a sample meal plan for the special diet must be maintained for as long as the child is in care as referenced in subparagraph (3)(p)~~5.3.~~, above.

j. Written documentation of known food allergies (if applicable). Must be maintained for as long as the child is in care as referenced in subparagraph (3)(p)~~5.3.~~, above.

k. Daily meal and snack menus, including meal substitutions. Must be maintained for four months as referenced in subparagraph (3)(p)~~6.4.~~, above.

(4) No change.

(a) No change.

1. through 2. No change.

3. "Begin training for child care personnel" refers to a candidate's commencement of at least one of the child care training courses listed in Section 402.305(2)(d), F.S. and paragraph 65C-22.009(4)(c), F.A.C. This may be accomplished by classroom attendance in a department-approved training course, acquiring an educational exemption from a department-approved training course, beginning a department-approved online child care training course, or by receiving results from a department-approved competency examination within the first 90 days of employment in the child care industry in any licensed Florida school-age child care program. The child care facility is responsible for obtaining documentation from child care personnel.

4. through 6. No change.

7. "Foster Grandparents" are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional

needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department’s training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. This requirement can be met by either instructor-led or online training. Foster grandparents must begin training within 30 days of working in the child care industry in any licensed Florida child care facility. Training must be completed within one (1) year from the date of working in the child care industry in any licensed Florida child care facility. Foster grandparents are not classified as child care personnel, and they may not be assigned the roles of teacher’s aides, group leaders or other similar positions.”

8. through 13. No change.

(b) No change.

(c) No change.

1. Child Care Facility Rules and Regulation (6 hours);

2. Health, Safety, and Nutrition (8 hours);

3. Identifying and Reporting Child Abuse and Neglect (4 hours); ~~and~~

4. School Age-Appropriate Practices (10 hours); ~~and~~

5. The remaining 12 hours must be met by completing ~~any combination of training identified in either sub-subparagraphs a. or and b. below.~~

a. Successful completion of competency examinations offered by the department or its designated representative with a weighted score of 70 or better for ~~any of~~ the following courses:

(I) Standards for Quality Afterschool Programs (8 hours online).

(II) Quality Self-Assessment and Improvement for Afterschool Programs (4 hours online).

~~(I) Child Growth and Development (6 or 10 hours);~~

~~(II) Behavioral Observation and Screening (6 or 10 hours);~~

~~(III) Infant and Toddler Appropriate Practices (10 hours);~~

~~(IV) Preschool Appropriate Practices (10 hours);~~

~~(V) Special Needs Appropriate Practices (10 hours);~~

~~(VI) Basic Guidance and Discipline (5 hours online);~~

~~(VII) Early Literacy for Children Ages Birth Through Three (5 hours online);~~

~~(VIII) Early Childhood Computer Learning Centers (5 hours online);~~

~~(IX) Emergent Literacy for Voluntary Pre Kindergarten (VPK) Instructors (5 hours online); or~~

b. Completion of specialized school-age training, provided by ~~the department~~, a national organization or affiliates of a national organization, 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).

6. School-age child care personnel in compliance with paragraph ~~65C-22.004(2)(a)~~ ~~65C-22.003(2)(a)~~, F.A.C., shall be considered in compliance with the school-age child care personnel training requirements.

~~7. In the event an individual leaves Child-care personnel who left the child care industry in compliance with the training requirements described in this section, and upon returning to the industry either at the same or a different child care facility, he or she shall be granted 90 days to comply with any new mandated training requirements established during the gap in employment in the child care industry. Completion of such training may be counted toward the in-service training requirement.~~

8. ~~In the event an individual leaves Child-care personnel who left the child care industry not in compliance with the training requirements described in this section, and returns to the industry either at the same or a different child care facility, he or she must comply with the training requirements described in this section, in addition to any new mandated training requirements that may have been established during the gap in employment in the child care industry complete required training prior to re-employment.~~

~~9. Child care personnel employed at the same child care facility prior to October 1, 1992, with no break in employment with the same employer, are exempt from completing Part II of the child care training.~~

(d) No change.

1. A copy of ~~the CF-FSP Form 5267 until October 1, 2010,~~ ~~or~~ Training Transcript must be maintained at the school-age child care program.

2. A copy of ~~the CF-FSP Form 5267 until October 1, 2010,~~ ~~or~~ Training Transcript for the director of a school-age child care program must be maintained in the department’s licensing file.

~~3. Training documented on CF-FSP Form 5267 that is not included on the Training Transcript must be sent to the department or designated representative prior to October 1, 2010, to be documented on the individual’s Training Transcript.~~

~~3.4.~~ As of October 1, 2010, any course completion certificate not documented on the Training Transcript will be considered invalid, requiring that the course(s) be retaken. Until the coursework is retaken and completed, child care facilities will be out of compliance with the mandated training standard.

(e) School-age child care personnel are exempt from the training requirement of five clock-hour early literacy and language development of children from birth to five years of age, under paragraph ~~65C-22.004(2)(b)~~ ~~65C-22.003(2)(b)~~, F.A.C.

(f) School-age child care programs are exempt from the staff credential requirement as outlined in subsection ~~65C-22.004(7)~~ ~~65C-22.003(7)~~, F.A.C.

(g) No change.

1. Competency Examination Exemptions. Child care personnel have one opportunity, if they choose, to exempt from one or more of the department's Introductory Child Care Training courses prior to attending training by successful completion of corresponding competency examinations with a weighted score of 70 or better. ~~Exemption examinations are not available for the department's online Part II specialized training courses.~~

2. No change.

(h) No change.

1. Upon successful completion of the 40-hr introductory training requirements, as referenced in paragraph 65C-22.009(4)(c), F.A.C., child care personnel ~~All child care facility personnel~~ must complete a minimum of 10 clock-hours or one CEU of in-service training annually during the state's fiscal year beginning July 1 and ending June 30.

2. No change.

a. through t. No change.

u. Food safety training;

~~v. Developing special interest centers/spaces and environments; ø~~

~~w. Other course areas relating to child care or child care management.~~

3. Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, Child Care In-Service Training Record, which is incorporated by reference in paragraph ~~65C-22.004(6)(c)~~ ~~65C-22.003(6)(e)~~, F.A.C., and included in the child care facilities' personnel records. CF-FSP Form 5268 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). A new in-service training record is required each fiscal year. The in-service training records for the previous two fiscal years must also be maintained at the school-age child care program for review by the licensing authority.

~~4. Mandated 40 clock hour introductory child care training, Parts I and II, may be used to meet the annual in-service training requirement during the first fiscal year of employment.~~

~~4.5. All child care personnel employed in the industry beyond 15 months, who change employment from one child care program to another during the fiscal year continuously employed or hired between July 1 and June 1 of the state's fiscal year must complete the annual in-service training requirement. This includes any changes in employment from one program to another.~~

~~5.6. Child care personnel not in compliance with the annual in-service training requirement described in this section continuously employed or hired between July 1 and June 1 of the state's fiscal year who do not complete the required annual in-service training during any given year must complete the remaining in-service training requirement hours within 30 days~~

of the noncompliance finding by the licensing authority. These hours cannot be used to meet the current year's in-service training requirements.

(i) No change.

1. Director Credential Requirement. Pursuant to Section 402.305(2)(f), F.S., a child care facility must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a child care facility. An applicant for the Director Credential must meet the requirements referenced in CF-FSP Form 5290, March 2009, Florida Child Care Director Credential and Renewal Application which is incorporated by reference in paragraph ~~65C-22.004(8)(a)~~ ~~65C-22.003(8)(a)~~, F.A.C. CF-FSP Form 5290 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). All applications and documentation will be verified, and if complete, the credential will be issued by the department or designated representative on CF-FSP Form 5252, April 2006, Florida Director Credential Certificate, which is incorporated by reference in paragraph ~~65C-22.004(8)(a)~~ ~~65C-22.003(8)(a)~~, F.A.C.

a. through e. No change.

2. No change.

a. through b. No change.

c. In counties where the public school district has included four 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 that serve four 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-22.004(7)(a)~~ ~~65C-22.003(7)(a)~~, F.A.C., in order to accommodate the four year-old children.

d. No change.

3. through 4. No change.

Rulemaking Authority 402.305 FS. Law implemented 402.305 FS. History--New 9-12-04, Amended 4-12-07, 5-1-08, 1-13-10, \_\_\_\_\_.

65C-22.009 Gold Seal Quality Care Program.

(1) No change.

(a) through (c) No change.

(d) "Gold Seal Quality Care Accrediting Association" refers to an accrediting association that has applied for and been approved by the department as an accrediting association.

1. through 2. No change.

3. "Nationally Recognized" refers to an association whose accrediting body is recognized and is actively issuing accreditation certificates in at least five states ~~at the time of approval.~~

(2) No change.

(a) through (b) No change.

1. No change.

2. If a provider's Gold Seal Quality Care designation is revoked by the department, the Gold Seal Quality Care designation will be terminated effective on the date of revocation. The effective date of a termination of a provider's Gold Seal Quality Care designation is the date of the department's written notification to the provider.

3. If a provider's accreditation is revoked by the accrediting association, termination of the provider's Gold Seal Quality Care designation by the department will be effective on the date of revocation.

3.4. If a provider receives accreditation from an inactive accrediting association, it shall not be recognized as a Gold Seal Quality Care Provider.

(3) No change.

Rulemaking Authority 402.281 FS. Law Implemented 402.281 FS. History--New 5-1-08, Amended 1-13-10,\_\_\_\_\_.

65C-22.010 Enforcement.

(1) No change.

(a) through (c) No change.

(d) No change.

1. "Class I Violation" is an incident of noncompliance with a Class I standard as described on CF-FSP Form 5316, July 2012 March 2009. Child Care Facility Standards Classification Summary, which is incorporated by reference. A copy of the CF-FSP Form 5316 may be obtained from the department's website at www.myflorida.com/childcare. Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or does result in death or serious harm to the health, safety or well-being of a child.

2. through 4. No change.

(2) No change.

Rulemaking Authority 402.305, 402.310 FS. Law Implemented 402.305, 402.310 FS. History--New 5-1-08, Amended 1-13-10,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Deborah Russo

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2011, Vol. 37/51 (original notice) February 3, 2012 Vol. 38/05 (second notice)

DEPARTMENT OF FINANCIAL SERVICES

Division of Treasury

RULE NOS.:	RULE TITLES:
69C-8.001	Purpose
69C-8.002	Scope
69C-8.003	Definitions
69C-8.0035	Procedures for Cashing Personal Checks
69C-8.004	Procedures for Approval of Personal Check Cashing Privileges
69C-8.0045	Procedures for Cashing State Warrants
69C-8.005	Cancellation of Check Cashing Privilege
69C-8.006	Collection of Dishonored Checks and Forged Warrants

PURPOSE AND EFFECT: The proposed rule repeals rules that are no longer necessary. All rules listed under Rule Chapter 69C-8, F.A.C., were rendered obsolete following the 2011 Florida legislature's repeal of Section 17.53, F.S.

SUMMARY: Rule Chapter 69C-8, F.A.C., is repealed. A review determined that all rules contained therein were made obsolete as a result of changes in statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The above rules implemented Section 17.53, F.S., which was repealed by the 2011 Florida legislature. The rules provided guidance regarding procedures related to check-cashing services available through the Department of Financial Services' Division of Treasury. The repeal of these obsolete rules will not have any adverse impact or impose any regulatory costs.

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: 17.29 FS.

LAW IMPLEMENTED: 17.53, 832.07(1)(a) FS.

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

DATE AND TIME: Friday, August 10, 2012, 10:00 a.m.  
 PLACE: Suite 440, Hermitage Building, 1801 Hermitage Blvd., Tallahassee, Florida  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Karen Ashworth, (850)413-3304 or Karen.Ashworth@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen Ashworth, Senior Management Analyst, Division of Treasury, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319, (850)413-3304 or Karen.Ashworth@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

**69C-8.001 Purpose.**

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.53 FS. History–New 6-19-89, Amended 7-17-91, Formerly 4C-8.001, Repealed.

**69C-8.002 Scope.**

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.53 FS. History–New 6-19-89, Amended 7-17-91, 1-10-99, Formerly 4C-8.002, Repealed.

**69C-8.003 Definitions.**

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.53 FS. History–New 6-19-89, Amended 7-17-91, 12-8-91, 1-10-99, Formerly 4C-8.003, Repealed.

**69C-8.0035 Procedures for Cashing Personal Checks.**

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.53 FS. History–New 7-17-91, Amended 12-8-91, 1-10-99, Formerly 4C-8.0035, Repealed.

**69C-8.004 Procedures for Approval of Personal Check Cashing Privileges.**

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.53 FS. History–New 6-19-89, Amended 7-17-91, 12-8-91, 1-10-99, Formerly 4C-8.004, Repealed.

**69C-8.0045 Procedures for Cashing State Warrants.**

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.53 FS. History–New 7-17-91, Amended 12-8-91, 1-10-99, Formerly 4C-8.0045, Repealed.

**69C-8.005 Cancellation of Check Cashing Privilege.**

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.53 FS. History–New 6-19-89, Amended 7-17-91, 1-10-99, Formerly 4C-8.005, Repealed.

**69C-8.006 Collection of Dishonored Checks and Forged Warrants.**

Rulemaking Specific Authority 17.29 FS. Law Implemented 17.53, 832.07(1)(a) FS. History–New 6-19-89, Amended 7-17-91, 12-8-91, Formerly 4C-8.006, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bert Wilkerson, Director, Division of Treasury, Florida Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 19, 2012

**DEPARTMENT OF FINANCIAL SERVICES  
 Division of Funeral, Cemetery, and Consumer Services**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
69K-32.003	Time for Completion of Courses
69K-32.004	Confirmation of Completion of Courses
69K-32.006	Failure to Complete Course
69K-32.007	Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases

PURPOSE AND EFFECT: This rulemaking is for purposes of repealing Rule(s) 69K-32.003, 69K-32.004, 69K-32.006, and 69K-32.007, F.A.C. The repeal of Section 497.367, F.S., as enacted by the Florida Legislature in Chapter 2010-125, Laws of Florida, rendered the aforementioned rules obsolete.

SUMMARY: All rules listed under Chapter 69K-32, F.A.C., have become obsolete; the rules are repealed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A preliminary analysis performed by the agency indicates that the repeal of these rules will result in reduced

costs to licensees. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require ratification pursuant to Section 120.541(3), F.S.

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: 497.103, 497.367, 397.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS.

LAW IMPLEMENTED: 497.367, 397.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS.

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

DATE AND TIME: Tuesday, August 14, 2012, 8:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Douglas Shropshire, (850)413-4984 or Doug.Shropshire@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4984, Doug.Shropshire@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULES IS:

69K-32.003 Time for Completion of Courses.

Rulemaking Specific Authority 497.103, 497.367, 397.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS. Law Implemented 497.367, 397.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS. History—New 5-24-89, Amended 2-14-90, Formerly 21J-32.003, Amended 10-29-97, Formerly 61G8-32.003, Repealed.

69K-32.004 Confirmation of Completion of Courses.

Rulemaking Specific Authority 497.103, 497.367 FS. Law Implemented 497.367 FS. History—New 5-24-89, Amended 2-14-90, Formerly 21J-32.004, 61G8-32.004, Repealed.

69K-32.006 Failure to Complete Course.

Rulemaking Specific Authority 497.103, 497.367 FS. Law Implemented 497.367 FS. History—New 5-24-89, Amended 2-14-90, Formerly 21J-32.006, 61G8-32.006, Repealed.

69K-32.007 Requirement for Instruction on Human Immunodeficiency Virus, Acquired Immune Deficiency Syndrome and Communicable Diseases.

Rulemaking Specific Authority 497.103, 497.367, 397.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS. Law Implemented 497.367, 397.368, 497.369, 497.370, 497.373, 497.374, 497.378, 497.379, 497.602, 497.603 FS. History—New 3-19-92, Amended 6-17-92, Formerly 21J-32.007, Amended 5-1-95, 10-29-97, 8-8-00, 10-17-01, 3-13-02, Formerly 61G8-32.007, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2012

**DEPARTMENT OF FINANCIAL SERVICES**  
**Division of Funeral, Cemetery, and Consumer Services**

RULE NO.:	RULE TITLE:
69K-100.026	Charge for Installation and Maintenance of Marker or Monument

PURPOSE AND EFFECT: The Department has reviewed Rule 69K-100.026, F.A.C., and determined it to be obsolete; the rule is repealed.

SUMMARY: Rule 69K-100.026, F.A.C., is repealed following a review that determined it to be obsolete.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: There is no adverse impact on economic growth, private-sector job creation or employment or private sector investment from the repeal of this rule. Further, there is no adverse impact on business competitiveness or innovation and



no regulatory costs resulting from the repeal of this rule. There is no cost to other states, local government entities, small counties or small cities and no impact on state or local revenues from the repeal of this rule.

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: 20.05(5), 120.53(2)(a) FS.

LAW IMPLEMENTED: 497.023(3) FS.

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

DATE AND TIME: Tuesday, August 14, 2012, 9:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Douglas Shropshire, (850)413-4984 or Doug.Shropshire@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, (850)413-4984, Doug.Shropshire@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-100.026 Charge for Installation and Maintenance of Marker or Monument.

Rulemaking Specific Authority 20.05(5), 120.53(2)(a), 497.011(1), FS. Law Implemented 497.023(3) FS. History—New 1-27-81, Formerly 3D-30.26, 3D-30.026, Repealed\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Jeff Atwater, Chief Financial Officer, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2012

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-137.001	Annual and Quarterly Reporting Requirements

PURPOSE AND EFFECT: This rule is being amended to adopt the current NAIC Annual Statement Instructions and also adopts the 2011 NAIC accounting practices and procedures manual.

SUMMARY: Section 624.424, Florida Statutes, requires insurers to file quarterly and annual financial reports with the Office of Insurance Regulation and allows the Office to enact rules setting the standards for those reports. By adopting the current versions of these NAIC instructions and manuals, the Office is establishing up-to-date, uniform standards for annual and quarterly reports which will provide the information necessary for the Office to evaluate insurers' financial conditions. In addition, by adopting the 2011 versions of the manuals, the Office is preventing any potential challenges from insurers who may protest the Office using manuals which have not been formally adopted.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 624.308(1), 624.424(1) FS.

LAW IMPLEMENTED: 624.424(1) FS.

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

DATE AND TIME: August 14, 2012, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@floir.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@floir.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-137.001 Annual and Quarterly Reporting Requirements.

- (1) through (3) No change.
- (4) Manuals Adopted.

(a) Annual statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Annual Statement Instructions, Property and Casualty, 2011 2010;
2. The NAIC's Annual Statement Instructions, Life, Accident and Health, 2011 2010;
3. The NAIC's Annual Statement Instructions, Health, 2011 2010;
4. The NAIC's Annual Statement Instructions, Title, 2011 2010; and
5. The NAIC's Accounting Practices and Procedures Manual, as of March 2011 2010;

(b) Quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly Statement Instructions, Property and Casualty, 2012 2011;
2. The NAIC's Quarterly Statement Instructions, Life, Accident and Health, 2012 2011;
3. The NAIC's Quarterly Statement Instructions, Health, 2012 2011;
4. The NAIC's Quarterly Statement Instructions, Title, 2012 2011; and
5. The NAIC's Accounting Practices and Procedures Manual, as of March 2012 2011.

- (c) No change.

Rulemaking Authority 624.308(1), 624.424(1) FS. Law Implemented 624.424(1) FS. History--New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, 9-28-11, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@floir.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2012

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-138.001  
 RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

PURPOSE AND EFFECT: This rule is being amended to adopt the 2012 NAIC Financial Condition Examiners Handbook. The current rule adopted the 2010 version.

SUMMARY: Section 624.316, Florida Statutes, requires the Office to examine insurer's financial condition using generally accepted accounting procedures. This statute also allows the Office to adopt the NAIC Financial Condition Examiners Handbook to facilitate these exams. By adopting the newest version of the handbook, this rule ensures that the procedures used by the Office to examine insurers are the current generally accepted accounting practices.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 624.308(1), 624.316(1)(c) FS.  
 LAW IMPLEMENTED: 624.316(1)(c) FS.

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

DATE AND TIME: August 14, 2012, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2012 (~~2010~~) is hereby adopted and incorporated by reference.

(2) through (3) No change.

Rulemaking Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, 3-16-08, 3-4-09, 1-4-10, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2012

## FINANCIAL SERVICES COMMISSION

### OIR – Insurance Regulation

RULE NO.: RULE TITLE:

69O-142.011 Insurer Conduct Penalty Guidelines

PURPOSE AND EFFECT: Repeals Rule 69O-142.011, Florida Administrative Code.

SUMMARY: This rule establishes guidelines for the assessment of administrative fines imposed upon entities, concerning certain violations of the Florida Insurance Code and applicable Office Rules.

This rule became effective on November 6, 1994. Since that time, many of the fines prescribed by the rule have become antiquated. Furthermore, the Florida Insurance Code, specifically Section 624.4211, Florida Statutes, contains guidelines for the assessment of administrative fines. As a result, this rule is unnecessary and should be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule repeal have performed an economic analysis of the rule repeal that shows that the rule repeal is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 624.308 FS.

LAW IMPLEMENTED: 624.11, 624.307(1), 624.418, 624.4211 FS.

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

DATE AND TIME: August 16, 2012, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-142.011 Insurer Conduct Penalty Guidelines.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.11, 624.307(1), 624.418, 624.4211 FS. History--New 11-6-94, Formerly 4-142.01, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012

### FINANCIAL SERVICES COMMISSION

#### OIR – Insurance Regulation

RULE NO.: 690-143.045  
RULE TITLE: Definitions

PURPOSE AND EFFECT: Repeals Rule 690-143.045, Florida Administrative Code.

SUMMARY: Rule 690-143.045, Florida Administrative Code, was originally promulgated in the early 1970s. The rule defines a list of insurance terms. Many of the terms defined in the rule are inconsistent with portions of the Insurance Code. As result of these inconsistencies, this rule should be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule repeal have performed an economic analysis of the rule repeal that shows that the rule repeal is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 624.308 FS.

LAW IMPLEMENTED: 624.307(1), 624.317, 624.318, 624.424(6), 628.251, 628.461, 628.801 FS.

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

DATE AND TIME: August 16, 2012, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-143.045 Definitions.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.317, 624.318, 624.424(6), 628.251, 628.461, 628.801 FS. History--New 12-16-70, Formerly 4-26.01, 4-26.001, 4-143.045, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012

### FINANCIAL SERVICES COMMISSION

#### OIR – Insurance Regulation

RULE NO.: 690-149.003  
RULE TITLE: Rate Filing Procedures

PURPOSE AND EFFECT: Amends Rule 690-149.003, Florida Administrative Code.

SUMMARY: Pursuant to Section 627.410(6)(a), Florida Statutes, health insurers seeking to issue or renew health insurance policy forms in the State of Florida must submit documentation (rating manuals, rating schedules, change in rating manual, change in rating schedule, etc) to the Office demonstrating that the proposed policy or policy renewal's premium rates are reasonable in relation to the benefits provided. Rule 690-149.003, Florida Administrative Code, provides insurers with detailed rate filing procedures.

Subsection 690-149.003(5), Florida Administrative Code, allows insurers without fully credible data to make streamlined rate increase filings with the Office that are simpler in format and content than the full filing format defined in subsection 690-149.003(2), Florida Administrative Code. Insurers who qualify and elect to file streamlined rate increase filings with the Office are limited to rate increases equal to the maximum annual medical trend for medical expense coverage or the

maximum annual medical trend for Medicare Supplement coverage. The current version of subsection 690-149.003(6), Florida Administrative Code, includes tables which display the applicable maximum annual medical trend. The proposed amendments to Rule 690-149.003, Florida Administrative Code deletes the aforementioned maximum annual medical trend tables from the text of the rule and provides the URL of the Office's website on which the Office will update the tables as needed.

Paragraph 690-149.003(5)(a), Florida Administrative Code, defines the qualifications that insurers must meet to make streamlined rate increase filings. The current version of paragraph 690-149.003(5)(a), Florida Administrative Code, allows Medicare Supplement providers with fewer than 1,000 Florida policyholders to make streamlined rate increase filings with the Office. The proposed amendments to paragraph 690-149.003(5)(a), Florida Administrative Code, limit the use of streamlined rate increase filings to Medicare Supplement providers with fewer than 1,000 policyholders nationwide rather than to 1,000 policyholders in Florida.

#### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 624.308(1), 624.424(1)(c), 627.410(6)(b), (e) FS.

LAW IMPLEMENTED: 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 FS.

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

DATE AND TIME: August 16, 2012, 1:00 p.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

690-149.003 Rate Filing Procedures.

(1) through (2) No change.

(3) Filings shall be submitted electronically to <https://portal.fldfs.com/>.

(4) No change.

(5)(a) Insurers with fewer than 1,000 Florida policyholders, under medical expense forms with coverage meeting the definition of Section 627.6561(5)(a)2., F.S., or any form or pooled group of Medicare supplement forms with fewer than 1,000 Nationwide policyholders, or medical expense forms with coverage meeting the definition of Section 627.6561(5)(a)2., F.S., may, at their option, file a streamlined rate increase filing where the annualized rate increase does not exceed the annual medical trend as provided in subsection (6) below.

(b) through (f) No change.

(6)(a) The ~~following~~ tables found at [www.flor.com](http://www.flor.com) shall apply to filings made pursuant to subsection (5) above. They contain the maximum medical trend for medical expense coverage described in Section 627.6561(5)(a)2., F.S. and the maximum medical trend for Medicare Supplement coverage.

(b) A company without fully credible data may, at its option, use an annual medical trend assumption not to exceed the values in the ~~following~~ tables referenced in paragraph (a) for the medical trend assumption used in a complete filing made pursuant to paragraph 690-149.003(2)(b), F.A.C., including the actuarial memorandum required by Rule 690-149.006, F.A.C., without providing explicit trend justification.

(c) Use of an annual medical trend assumption exceeding the maximum medical trend in the ~~following~~ tables referenced in paragraph (a) shall be filed pursuant to subparagraph 690-149.006(3)(b)18., F.A.C.

(d) ~~The maximum medical trend for medical expense coverage described in Section 627.6561(5)(a)2., F.S., is:~~

Category	Individual Without Rx	Individual With Rx	Group Without Rx	Group With Rx
Major Medical	11.5%	12.0%	13.0%	13.5%
Health Maintenance Organizations	10.5%	11.0%	13.0%	13.5%

(e) The maximum medical trend for Medicare supplement coverage is:

Medicare supplement	5.5%	10%	5.5%	10%
---------------------	------	-----	------	-----

Rulemaking Specific Authority 624.308(1), 624.424(1)(c), 627.410(6)(b), (e) FS. Law Implemented 119.07(1)(b), 624.307(1), 626.9541(1), 627.410 FS. History—New 7-1-85, Formerly 4-58.03, 4-58.003, Amended 8-23-93, 4-18-94, 8-22-95, 4-4-02, 10-27-02, 6-19-03, Formerly 4-149.003, Amended 5-18-04, 12-22-05, 1-16-08, 10-2-08,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2012

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-149.022  
RULE TITLE: Forms Adopted

PURPOSE AND EFFECT: To update and edit the contents of the forms and instructions used by Life and Health insurers to make electronic form filings via the Office’s I-File system.

SUMMARY: Form OIR-B2-1507 “Universal Standardized Data Letter” and OIR-B2-1505A “Instruction Sheet” are being revised to provide for more efficient generation of data processing for review by the Office of form and rate filings submitted by insurers. The definitions used in the instructions are being updated and made consistent.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is

unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 624.308 FS.

LAW IMPLEMENTED: 624.424(1)(c), 627.410, 636.216 FS.

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

DATE AND TIME: Friday, August 24, 2012, 9:30 a.m.

PLACE: 116 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.022 Forms Adopted.

(1) The forms adopted in subsection (2), below, shall be used, as applicable, by insurers making form filings for life and accident insurance, annuities, and health insurance. All the forms in subsection (2), below, are hereby adopted and incorporated by reference. All forms are available and may be printed from the Office’s website: www.flor.com.

(2)(a) Form OIR-B2-1507, “Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter”, Rev. ~~06/12~~ ~~9/04~~.

(b) Form OIR-B2-1507 A, “Office of Insurance Regulation, Life and Health Forms and Rates Universal Standardized Data Letter Instruction Sheet”, Rev. ~~06/12~~ ~~9/04~~.

(c) through (d) No change.

Rulemaking Specific Authority 624.308 FS. Law Implemented 624.424(1)(c), 627.410, 636.216 FS. History–New 10-29-91, Amended 5-15-96, 4-4-02, 5-2-02, 6-19-03, Formerly 4-149.022, Amended 4-7-05, 1-12-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Tom Zutell, Office of Insurance Regulation, E-mail Tom.Zutell@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2012

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 690-164.030  
RULE TITLE: Application of Rule 690-164.020, F.A.C., to Various Product Designs

PURPOSE AND EFFECT: Repeals Rule 690-164.030, Florida Administrative Code.

SUMMARY: The Office of Insurance Regulation has recently conducted a comprehensive review of all agency rules to determine whether any of its rules should be modified or eliminated. As a result of this process, it has been determined that Rule 690-164.030, Florida Administrative Code, is unnecessary and should be repealed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule repeal have performed an economic analysis of the rule repeal that shows that the rule repeal is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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: 624.308(1), 625.121(5) FS.

LAW IMPLEMENTED: 624.307(1), 625.121(5) FS.

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

DATE AND TIME: August 14, 2012, 9:30 a.m.

PLACE: 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com

**THE FULL TEXT OF THE PROPOSED RULE IS:**

690-164.030 Application of Rule 690-164.020, F.A.C., to Various Product Designs.

Rulemaking Specific Authority 624.308(1), 625.121(5) FS. Law Implemented 624.307(1), 625.121(5) FS. History–New 5-4-06, Amended 1-16-08, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kerry Krantz, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail Kerry.Krantz@flor.com

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 11, 2007

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 690-170.012  
RULE TITLE: Sinkhole Insurance

PURPOSE AND EFFECT: Repeals Rule 690-170.012, Florida Administrative Code.

SUMMARY: This rule prohibits insurers from non-renewing or canceling property insurance policies “on the basis of filing of claims for partial loss caused by sinkhole damage or clay shrinkage.”

This rule has become antiquated and unnecessary due to legislative changes dealing with sinkhole loss that occurred after the rule was promulgated. As a result, this rule should be repealed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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:** 624.308(1) FS.

**LAW IMPLEMENTED:** Sec. 4, House Bill 89-B, Special Session B (1992), Ch. 92-146, Sec.2 Laws of Florida, 624.307(1), 626.9541, 626.9641, 627.4133, 627.706 FS.

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

**DATE AND TIME:** August 16, 2012, 9:30 a.m.

**PLACE:** 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com

**THE FULL TEXT OF THE PROPOSED RULE IS:**

69O-170.012 Sinkhole Insurance.

Rulemaking Specific Authority 624.308(1) FS. Law Implemented Sec. 4, House Bill 89-B, Special Session B (1993), Ch. 92-146, Sec. 2, Laws of Florida, 624.307(1), 626.9541, 626.9641, 627.4133, 627.706 FS. History—New 9-29-92, Amended 9-8-93, Formerly 4-170.012, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com.

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** The Financial Services Commission

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** June 26, 2012

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

**RULE NO.:** 69O-198.003

**RULE TITLE:** License Required

**PURPOSE AND EFFECT:** Repeals Rule 69O-198.003, Florida Administrative Code.

**SUMMARY:** This rule prohibits any person, entity or administrator from providing or offering to provide service warranties unless they are authorized to do so under a license issued by the Office. This rule substantially restates the language of Section 634.403, Florida Statutes and is unnecessary. This rule should be repealed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Agency personnel familiar with the subject matter of the rule amendment have performed an economic analysis of the rule amendment that shows that the rule amendment is unlikely to have an adverse impact on the State economy in excess of the criteria established in Section 120.541(2)(a), Florida Statutes.

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:** 634.402 FS.

**LAW IMPLEMENTED:** 634.403 FS.

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

**DATE AND TIME:** August 16, 2012, 9:30 a.m.

**PLACE:** 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida

**DATE AND TIME:** August 16, 2012, 9:30 a.m.

**PLACE:** 142 Larson Building, 200 East Gaines Street, Tallahassee, Florida



Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-198.003 License Required.

Rulemaking Specific Authority 634.402 FS. Law Implemented 634.403. History--New 3-28-93, Formerly 4-198.003, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Debra Seymour, Office of Insurance Regulation, E-mail Debra.Seymour@flor.com.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Financial Services Commission  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 26, 2012

**DEPARTMENT OF ECONOMIC OPPORTUNITY**

**Division of Workforce Services**

RULE NO.: 73B-21.003  
 RULE TITLE: Filing an Appeal

PURPOSE AND EFFECT: The Commission is proposing to amend the rule to include delivery through the future Connect system, to clarify where an appeal may be filed, and to clarify what will signify receipt of an appeal.

SUMMARY: The amended rule will clarify the specific process by which a claimant files a timely appeal to the Commission.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: 443.012(11), 443.151(4)(b) (d) FS.

LAW IMPLEMENTED: 443.151(4)(b), (d) FS.

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

DATE AND TIME: July 31, 2012, 10:00 a.m.

PLACE: Office of the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Dorothy Johnson, Deputy General Counsel, Office of the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy Johnson, Deputy General Counsel, Office of the Reemployment Assistance Appeals Commission, 101 Rhyne Building, 2740 Centerview Drive, Tallahassee, Florida 32399-4151, (850)487-2685

THE FULL TEXT OF THE PROPOSED RULE IS:

73B-21.003 Filing an Appeal.

(1) Any person who is entitled by law to notice of an appeals referee's decision and is adversely impacted by that decision may file an appeal of that decision within 20 calendar days after the ~~mailing~~ of notice of the appeals referee's decision is mailed to the parties at their last known addresses or made available electronically through a Department-approved electronic account, or, in the absence of mailing or electronic delivery, the date of other delivery to the appellant, if not mailed, within 20 calendar days after the date of delivery of such notice.

~~(2) The appeal shall be filed by mail to any appeal location designated in subsection 73B-21.002(1), F.A.C.; by facsimile transmission of the appeal document to any appeal location designated in paragraphs 73B-21.002(1)(a), (b), and (c), F.A.C.; or by hand delivery of the appeal document to any appeal location designated in paragraphs 73B-21.002(1)(a), (b), and (d), F.A.C.~~

~~(2)(3) Appeals filed by mail are shall be considered to have been~~ filed when postmarked by the United States Postal Service. Appeals filed by hand delivery, courier service, or facsimile are shall be considered to have been filed when date

stamped ~~received~~ at the authorized location. Appeals filed through the Department web site as provided in Rule 73B-21.002, F.A.C., shall be considered to have been filed on the date the confirmation number is issued.

~~(3)(4) Upon receipt of An appeal delivered in person or by facsimile transmission will be date stamped by a the Commission or Department of Economic Opportunity, or Office of Appeals employee on the date hand delivered or the date placed on the document by the Department or Commission fax system shall record the date of receipt on the appeal document. The Internet filing system shall post on the appeal the date the confirmation number is issued and the appeal was successfully received by the system.~~

Rulemaking Specific Authority 443.012(11), 443.151(4)(b), (d) FS. Law Implemented 443.151(4)(b), (d) FS. History--New 5-22-80, Formerly 38E-2.03, Amended 8-20-86, 1-5-93, 8-7-01, Formerly 38E-2.003, 60BB-6.003, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dorothy Johnson, Deputy General Counsel  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Reemployment Assistance Appeals Commission  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 23, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 31, 2012

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-2.0010                   Educational Facilities

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. 38, No. 15, April 13, 2012 issue of the Florida Administrative Weekly.

Legal Citations for Rule 6A-2.0010, FAC., are amended as follows:

Rulemaking Authority Section 1(a) Article IX, State Constitution; 1001.02(1), 1013.02(2), ~~1013.12(1)~~, 1013.37 FS. Law Implemented 1(a) Article IX, State Constitution; 1001.02, ~~1001.42(9)~~, 1001.453, 1011.09, 1011.74, 1013.01, 1013.03, ~~1013.12(1)~~, 1013.31, 1013.35, 1013.37, 1013.371, 1013.60, 1013.61, 1013.64, 1013.735, 1013.736, 1013.737 FS. History--New 10-30-94, Amended 4-28-97, Formerly 6A-2.0111, Amended 1-5-00, Formerly 6-2.001, Amended 8-22-05, 7-2-06, 2-12-08, 12-15-09, \_\_\_\_\_.

The State Requirements for Educational Facilities 2012 is amended as follows:

Appendix, Sample Forms

APPENDIX	II	187	SAMPLE FORMS
			OEF 110A – Project Implementation Information
			OEF 110B – Certificate of Occupancy
			OEF 208 – Letter of Transmittal
			OEF 208A – Facility Space Chart/Net and Gross Square Footage
			OEF 209 – Certificate of Final Inspection
			OEF 216CC – Capital Outlay Bond Issue (COBI) Amendment (Florida Colleges) Instructions for OEF 216CC for Florida Colleges
			OEF 216PS – Capital Outlay Bond Issue (COBI) Amendment (Districts) Instructions for OEF 216PS for School Districts
			OEF 217CC – Request to State Board of Education for Approval of Order of Priority for Expenditure of State Capital Outlay Funds (Florida Colleges)
			OEF 217PS --Request to State Board of Education for Approval of Order of Priorities for Expenditure of State Capital Outlay Funds (Public Schools)
			OEF 220 – Building Permit Application
			<u>OEF 226 – Annual Maintenance Permit</u>
			OEF 352 – Capital Outlay Request Encumbrance Authorization
			OEF 400 – Qualified Public Educational Facility Bond Application
			OEF 410 – Qualified Zone Academy Bond Program Application
			OEF 442 – DOE Project Disbursement Report
			OEF 564CC – Report of Cost of Construction - Florida Colleges
			OEF 564PS v Report of Cost of Construction - Public Schools
			OEF FISH CERT – Certification of Facilities Data
			OEF LCCA – Life Cycle Cost Analysis
			OEF SCOA-1CC – Sample Resolution Requesting Issuance of Capital Outlay Bonds (COBI) for Florida Colleges
			OEF SCOA-1PS – Sample Resolution Requesting Issuance of Capital Outlay Bonds (COBI) for Public Schools
			Charter School Capital Outlay Plan

Section 1.1, Paragraph (4)

(4) Rules. Public educational facilities shall comply with the following rules, as applicable:

(a) FDOT-AASHTO. For on-site transportation improvements, including roads, sidewalks, bridges, and drainage structures, districts shall comply with the Florida Department of Transportation (FDOT) *Manual of Uniform*