

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
 RULE CHAPTER NO.: 1S-1
 RULE TITLE: Minimum Security Procedures for Voting Systems
 RULE NO.: 1S-2.015

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish minimum security standards for voting systems.

SUBJECT AREA TO BE DISCUSSED: The rule incorporates an updated security procedure to accommodate changes in election law.

SPECIFIC AUTHORITY: 120.535, 101.015 FS.

LAW IMPLEMENTED: 101.015(4) FS.

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

If requested by April 2, 2004, in writing and not deemed unnecessary by the agency head, a rule development workshop will be noticed in the next available Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kathleen McGregor, Division of Elections, Department of State, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6220. Copies of the proposed rule may be obtained on the Division of Elections' website, or you may contact Kathleen McGregor.

Pursuant to the Americans with Disabilities Act, persons needing special accommodations to review the documents should contact Kathleen McGregor, (850)245-6220.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.015 Minimum Security Procedures for Voting Systems.

(1) Purpose.

~~(a) To achieve and maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting, including write-in voting, and of counting, tabulating and recording votes by voting systems used in the State of Florida, pursuant to Section 101.015(3), F.S.~~

~~(b) To establish minimum security standards for voting systems and requirements for filing and review of written security procedures, pursuant to Section 101.015(4), F.S.~~

(2) Definitions. The following words and phrases shall be construed as follows when used in this rule:

(a) A "Ballot" when used in reference to ~~means one or more of the following:~~

1. "Paper ballot" means that printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates, or a statement of proposed constitutional amendments or other questions or propositions submitted to the electorate at any election. A device created for the purpose of advising an elector of the valid choices for voting. Ballots may be reproduced on paper, video screens, liquid crystal displays, or on other visual, audible, printed, or electronic media.

2. "Electronic or electromechanical device" means a ballot that is voted by the process of electronically designating, including by touchscreen, or marking with a marking device for tabulation by automatic tabulating equipment or data processing equipment. Any medium used to record each vote cast which may include marksense forms, printed paper sheets, unprinted strips for write-in votes, electronic, optical, electromechanical, or magnetic storage devices.

~~3. Any device which combines the features of paragraphs 1. and 2. above.~~

(b) A "Voted ballot" means a ballot as defined in ~~subparagraph (2)(a)2. or (2)(a)3. above,~~ which has been cast by an elector.

(c) "Voting system" means a method of casting and processing votes that functions wholly or partly by use of ~~mechanical,~~ electromechanical, or electronic apparatus or by use of paper ballots and includes, but is not limited to, the procedures for casting and processing votes and the programs, operating manuals, tabulating cards, printouts, and other software necessary for the system's operation.

(d) "Voting machine" means any ~~mechanical voting machine or any~~ electronic or electromechanical direct recording equipment (DRE) voting machine.

(3) Requirements for filing security procedures with the Division of Elections. ~~Each No later than January 1, 1994, each~~ supervisor of elections shall place on file with the Division of Elections security procedures which meet the minimum standards set forth in this rule. ~~Revisions After January 1, 1994, revisions~~ to procedures on file with the Division of Elections shall be submitted at least 45 days before the first election in which they are to take effect and shall be accompanied by a statement describing which part of the procedures previously filed have been revised. Each supervisor of elections has the authority to make changes to the security procedures within 45 days of an election as a result of an emergency situation or other unforeseen circumstance. The supervisor shall document any changes to include the reasons why such changes were necessary. A copy of any changed document authorized by the supervisor shall be submitted to the Division of Elections within 5 days of the change.

(4) Review of Security Procedures.

(a) The Division of Elections shall conduct a review of the submitted security procedures to determine if they meet the minimum requirements set forth in this rule. The Division of Elections will notify the supervisor of elections as to the results of the review within 90 days of the date security procedures are received and within 30 days of the date revisions to the security procedures are received in the office of the Division of Elections. If the Division is unable to complete its review within the time frames established in this rule, the procedures or revisions shall be temporarily approved until such time as the review is completed and the supervisor of elections will be notified accordingly. The notification of the results of the review will include an enumeration of specific provisions which were found to be incomplete or otherwise do not meet the provisions of this rule.

(b) Security procedures on file with the Division of Elections shall be reviewed by the Division of Elections in each odd numbered year, pursuant to Section 101.015(4)(b), F.S.

(5) Standards for Security Procedures.

(a) Security Procedures shall include copies of each referenced form, schedule, log or checklist or descriptions of the contents of forms, schedules, logs or checklists that vary from election to election.

(b) Election Schedule. The security procedures shall require the establishment of an election schedule at least 90 days prior to each regularly scheduled election and within 20 days of the date a special election is scheduled. The election schedule shall contain the following:

1. A list of all tasks necessary to conduct the election,
2. The legal deadline, where applicable, or tentative date each task is to be completed; and
3. The individual (position, title), group or organization responsible for completing each task.

(c) Ballot Preparation. The security procedures shall describe the steps necessary to insure that the ballot contains the proper races, candidates and issues for each ballot variation and that the ballots can be successfully tabulated. The ballot preparation procedures shall, at a minimum, contain the following:

1. Method and materials required to determine each type of ballot or ballot variations;
2. Assignment of unique marks, ~~punches~~ or other coding necessary for identifying ballot variations or precincts;
3. Verification that unique marks, punches, or other coding necessary for tabulation are correct; ~~and~~
4. Description of system used to facilitate ballot preparation, if applicable; and
5. Description of method to verify that all ballots and ballot variations are accurately prepared and printed.

(d) Preparation and Configuration of Tabulation System.

1. The procedures relating to the preparation and configuration of the tabulation system shall, at a minimum, include the following:

- a. Description of the ballot definition and verification process;
- b. Description of the steps necessary to program the system; and
- c. Description of the process to install the program and the procedures for verification of correctness.

2. The security procedures shall describe the test materials utilized and the voting system tests performed prior to the conduct of the public logic and accuracy test.

(e) Logic and Accuracy Test. The security procedures for use with electronic and electromechanical voting systems shall, at a minimum, describe the following aspects of logic and accuracy testing as required by Section 101.5612, F.S.:

1. Description of each test performed including test materials utilized.
2. Description of how the programs, ballots, and other test materials are sealed, secured and retained.

(f) Filing election parameters. The security procedures shall include filing with Counties shall establish procedures to provide the Division of Elections a copy of the software and with parameters used within the voting system to define, for each election, the tabulation and reporting instructions. The filing shall, at a minimum, include the following: within 24 hours after the completion of any logic and accuracy test conducted pursuant to Section 101.5612(1), F.S., or pre-election test conducted pursuant to Section 101.35, F.S. Counties using paper ballots shall file election parameters prior to the election.

1. Copy of the voting system software: For electronic and electromechanical systems, the election parameters shall be submitted in a format readable by the tabulation system and shall be accompanied by a copy of the tabulation program. If the voting system cannot produce a machine readable copy, election parameters may be submitted as printed listings or copies of the original coding sheets.

2. Copy of the administrative database used to define the election: For voting machines the election parameters shall be a copy of the instructions used to prepare the voting machines for each election.

3. Copy of all election-specific files generated and used by the system: For the tabulation of paper ballots by hand count, the election parameters shall be a written description of the tabulation plan for the election.

4. Documentation stating the release level of the precinct tabulation equipment and firmware; and

5. If the election definition is created by an individual who is not an employee of the supervisor of elections, then the parameters shall include an affidavit signed by the person who created the election definition. The affidavit shall be in substantially the following form:

ELECTION PARAMETER AFFIDAVIT

Under the penalties of false swearing, I do solemnly swear (or affirm) that the (name of election) election coding for _____ County was assembled according to specified procedures using (name of system and Florida certification number). Furthermore, included with the election materials is a duplicate copy of the administrative database used to define the election, a copy of the voting system software, a copy of all election-specific files generated and used by the system and a document stating the release level of the precinct tabulation equipment and firmware. Signature of the Person Coding the Election.

Sworn to and subscribed before me this _____ day of _____, Notary Signature.

(g) Pre-election Steps for Voting Machines. The security procedures for use with ~~mechanical or electromechanical~~ voting machines shall, at a minimum, include the following:

1. Description of how the number of voting machines for each precinct is determined; ~~and~~
2. Description of each component of the public test, including any test materials utilized;
3. Description of the process to seal and secure the voting machines. It shall also provide for a record to be kept on which the identification numbers, seal numbers and protective counter numbers for voting machines shall be noted; and
4. Description of the procedures for retaining the test results and any records of the proceedings.

(h) Ballot Distribution. Where paper ballots (as defined in ~~subparagraph (2)(a)1, subparagraphs (2)(a)2, and 3.~~ of this rule) are used, the security procedures shall, at a minimum, include the following:

1. Description of how the number and variations of ballots required by each precinct is determined;
2. Description of the method for securing the ballots; and
3. Description of the process for distributing the ballots to precincts, to include an accounting of who distributed and who received the ballots, the date, and how they were checked.

(i) Distribution of Precinct Tabulation Equipment. The security procedures shall describe the steps necessary for distributing voting system equipment to the precincts. ~~Distribution of Voting Machines. Where voting machines are used, the security procedures shall describe the steps necessary for compliance with the requirements of Chapter 101, F.S., pertaining to voting machine distribution.~~

(j) Election Board Duties.

1. The security procedures for use when paper ~~where~~ ballots, including provisional ballots ~~(as defined in paragraph (2)(a)2. of this rule)~~ are used shall, at a minimum, include the following Election Board duties:

- a. Verification that the correct number of ballots were received, and that they are the proper ballots for that precinct;

- b. Checking the operability or readiness of the voting equipment;
- c. Checking and sealing the ballot box;
- d. Description of how spoiled ballots are handled;
- e. Description of how write-in ballots are handled; and
- f. Accounting for all ballots after the polls close.

2. The security procedures for use with voting machines shall, at a minimum, include the following Election Board duties:

- a. Verification of the identification numbers, seal numbers, and protective counter numbers of precinct tabulation and/or DRE devices ~~voting machines~~;
- b. Checking the operability or readiness of the voting equipment;
- c. Verification that all counters are set at zero on each voting device ~~machine~~;
- d. Securing a printed record from each voting system ~~machine~~, if applicable;
- e. Checking the correctness of the ballot;
- f. Preparing voting devices ~~machines~~ for voting;
- g. Verification that the correct number of signature identification slips were received;
- h. Checking and sealing the signature identification slip container(s);
- i. Handling white-in ballots;
- j. Handling voting system ~~machine~~ malfunctions;
- k. ~~Securing~~ Locking voting machines at the close of the polls to prevent further voting;
- l. Accounting for all signature identification slips received; and
- m. Recording and verifying the votes cast.

(k) Transport of Ballots. The security procedures shall describe the steps necessary to ensure a complete record of the chain of custody of ~~for compliance with the requirements of Chapter 101, F.S., which pertain to the transportation of~~ ballots and shall include:

1. A description of the method and equipment used to transport all ballots;
- ~~2. A method of recording the Election Board's certification required by Section 101.5614(2)(a), F.S.;~~
- ~~2.3.~~ A method of recording the names of the individuals who transport the ballots from one site to another and the time they left the sending site; and
- ~~3.4.~~ A method of recording the time the individuals who transport the ballots arrived at the receiving site and the name of the individual at the receiving site who accepted the ballots.

(l) Receiving and Preparing the Ballots for Central and Regional Counting. Where ballots (as defined in ~~subparagraph 2. (2)(a)2.~~ of this rule) are used, the security procedures shall describe the process of receiving and preparing voted ballots for counting to include, at a minimum, the following:

1. Verification that all of the ballot containers are properly secured and accounted for and that the seal numbers are correct;

2. Verification that the ballot container(s) for each precinct contain voted ballots, unused ballots, spoiled ballots, and write-in ballots as shown to exist on the forms completed each election board for that purpose;

3. Inspection of the ballots to identify those which must be duplicated or upon which voter intent is unclear, thus requiring a determination by the Canvassing Board. A voter record shall be kept of which ballots are submitted to the Canvassing Board and the disposition of those ballots; and

4. Description of the process for duplicating and recording the voted ballots which are damaged or defective.

(m) Tabulation of Vote.

1. The security procedures for use with central and regional counting sites shall describe each step of a ballot tabulation to include, at a minimum, the following:

- a. Counting and reconciliation of voted precinct ballots;
- b. Processing, tabulation and reconciliation of voted ballots;
- c. Processing and recording of all write-in votes;
- d. Responses to machine checks for electronic or electromechanical voting systems;
- e. The process for handling unreadable ballots and returning any duplicates to tabulation;
- f. Backup and recovery of tabulated results and voting system programs for electronic or electromechanical voting systems; and
- g. Describe the process for public viewing of the tabulation process and access to results.

2. Security procedures shall describe the steps necessary for vote tabulation in the precincts. ~~Where voting machines are used, the security procedures shall describe the steps necessary for compliance with the requirements of Chapter 101, F.S., which pertain to vote tabulation.~~

3. The security procedures for use in all other cases shall include procedures which describe each step of ballot tabulation to include, at a minimum, the following:

- a. Printing of precinct results and results from individual tabulating devices.
- b. Processing and recording of write-in votes;
- c. Endorsing a copy of the precinct results by the Election Board;
- d. Posting of precinct results;
- e. Transport of precinct results to central or regional site;
- f. Consolidation of precinct and absentee ballot results; and
- g. Describe the process for public viewing of the tabulation process and access to results.

4. The procedures for resolving discrepancies between the counted ballots and voted ballots and any other discrepancies found during the tabulation process shall be described.

(n) ~~Electronic Access to Voting Systems.~~ Security procedures ~~for electronic or electromechanical voting systems~~ shall identify all methods of electronic access to the vote tabulation system. including procedures for authorizing electronic access and specific functions, and specifying methods for detecting, controlling and reporting access to the vote tabulation system.

(o) Absentee Ballot Handling. The security procedures shall include procedures which describe absentee ballot handling to include, at a minimum, the following:

- 1. Description of process for determining and verifying absentee ballot variations;
- 2. Description of process to insure voters are issued the proper absentee ballot;
- 3. Process for precluding voters from voting at the polls and casting an absentee ballot;
- 4. Process for opening valid absentee ballots in preparation for tabulation;
- 5. Process for recording the receipt of advance absentee ballots, regular absentee ballots, State write-in ballots and Federal write-in ballots and determining which ones should be counted if more than one is received; and
- 6. Security measures for storing absentee ballots and related materials prior to and after an election.

(p) Ballot Security. The security procedures shall describe ballot accountability and security beginning with their receipt from a printer or manufacturer until such time as they are destroyed. The procedures for each location shall describe physical security, identify who is authorized access; and identify who has the authority to permit access.

(q) Voting System Maintenance and Storage. The security procedures shall describe the maintenance and testing performed on all components of the system ~~electronic, electromechanical and mechanical devices~~ to insure that it is ~~they are~~ in proper working order and is ~~are~~ within manufacturer's operating specifications. Procedures shall also describe storage and nonoperational maintenance of all voting equipment.

(6) Access to Tabulation Program Source Code.

(a) No supervisor shall have access to any vote tabulation program source code to be used in an election unless prior approval has been obtained from the Division of Elections. Approval shall be based on the supervisor establishing security procedures which provide for maintaining a secured control copy of the certified release of the tabulation program source code; protecting source code from unauthorized access; and verification that the tabulation program source code used for each election is identical to the certified release.

(b) Any modification to tabulation program source code must be certified by the Division under the provisions of Rule ~~Chapter Chapters~~ 1S-5 and 1S-7, F.A.C., before use in any election.

Specific Authority 120.535, 101.015 FS. Law Implemented 101.015(4) FS. History—New 5-27-85, Formerly 1C-7.15, 1C-7.015, Amended 8-28-93, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE TITLE: _____ RULE NO.: _____

General Requirements for the Manufacturing, Processing, Packing, Holding and Retailing of Foods 5K-4.004

PURPOSE AND EFFECT: To promote food safety, and to notify consumers, food retailers, wholesalers or transporters, regarding health and safety concerns of consuming or selling dietary supplements containing ephedrine alkaloids.

SUBJECT AREA TO BE ADDRESSED: Adulterated foods, specifically dietary supplements.

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

LAWS IMPLEMENTED: 500.09, 500.12(2)(b) FS.

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

TIME AND DATE: 10:00 a.m., April 13, 2004

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.004 General Requirements for the Manufacturing, Processing, Packing, Holding and Retailing of Foods.

The provisions of subsections (1) through ~~(7)(6)~~ shall apply in determining whether the facilities, methods, practices and controls used in the manufacture, processing, packing, holding, retailing or offering for sale of foods are in conformance with or are operated or administered in conformity with this rule to assure that food for human consumption is safe.

(1) through (6) No change.

(7) DIETARY SUPPLEMENTS CONTAINING EPHEDRINE ALKALOIDS. Dietary supplements containing ephedrine alkaloids present an unreasonable risk of illness or injury to health under conditions of use recommended or suggested in the labeling, or if no conditions of use are recommended or suggested in the labeling, under ordinary

conditions of use. Therefore ephedrine alkaloids are deleterious substances, and dietary supplements containing ephedrine alkaloids are adulterated under Section 500.10, F.S.

~~(8)(7)~~ EXCLUSIONS. The following operations are excluded from coverage under these general regulations, however, the department will issue special regulations when believed necessary to cover these excluded operations: Establishments engaged solely in the harvesting, storage, or distribution of one or more raw agricultural commodities which are ordinarily cleaned, prepared, treated or otherwise processed before being marketed to the consuming public.

~~(9)(8)~~ REVIEW OF PLANS BY THE DEPARTMENT.

(a) An Applicant or holder of a food permit may request assistance from the department in the review of construction or remodeling plans to evaluate conformance with requirements as established in this chapter.

(b) The fee for plan review assistance will be determined by multiplying the number of reviewer hours expended in reviewing plans and in consulting with the applicant, at the rate of \$30.10 per hour. An additional flat fee of \$25.00 per plan review will be charged for associated expense costs such as FAX, telephone, mailing, shipping or document duplication expenditures incurred by the department. Time expended shall be recorded in quarter hour increments with a minimum charge of one hour per plan review.

Payment for plan review assistance is due 15 days from the date of invoice from the department.

Specific Authority 500.09, 500.12, 570.07(23) FS. Law Implemented ~~500.02, 500.03, 500.032, 500.121, 500.172, 500.04, 500.10, 500.13, 500.09, 500.12(2)(b) FS.~~ History—Revised 3-1-72, Repromulgated 12-31-74, Amended 1-18-83, Formerly 5E-6.04, 5E-6.004, Amended 9-30-96, _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: _____ RULE CHAPTER NO.: _____

Qualification, Selection and Performance Evaluation Requirements for Professional Consultants to Perform Work for DOT 14-75

RULE TITLE: _____ RULE NO.: _____

Consultant Qualification Process 14-75.0022

PURPOSE AND EFFECT: The Request for Qualification Package for Professional Consultants, DOT Form 375-030-01, is being revised to include two new fields. Because this form was previously incorporated by reference, the revised form also must be incorporated by reference in the same manner as the previous version. The website address also is updated.

SUBJECT AREA TO BE ADDRESSED: This amendment incorporates by reference a revised version of the Request for Qualification Package for Professional Consultants, DOT Form 375-030-01. The website address also is updated.

SPECIFIC AUTHORITY: 287.055, 334.044(2), 337.105 FS.

LAW IMPLEMENTED: 287.055, 337.107, 337.1075, 337.167 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-75.0022 Consultant Qualification Process.

(1) through (2) No change.

(3) Application for Qualification.

(a) A Professional Consultant who desires to qualify with the Department shall submit a Request for Qualification Package for Professional Consultants, Form No. 375-030-01, Rev. 03/04 ~~01/03~~, incorporated herein by reference, which may be obtained from the Procurement Office, MS 20, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0450, or from the Department's web page at <http://www.dot.state.fl.us/procurement/> ~~www11.myflorida.com/procurement/~~.

(b) through (7) No change.

Specific Authority 287.055, 334.044(2), 337.105 FS. Law Implemented 287.055, 337.107, 337.1075, 337.167 FS. History--New 3-29-89, Amended 1-2-91, 9-29-92, 2-22-94, 8-5-96, 1-17-99, 8-2-01, 4-29-03, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE: Standards for Fresh Squeezed

RULE CHAPTER NO.:

Citrus Juices 20-49

PURPOSE AND EFFECT: Repealing Rules 20-49.001 through 20-49.0071, F.A.C., which are now superceded by Food & Drug Administration's rule 21CFR Part 120, and amending Rule 20-49.008, F.A.C., to allow up to 10% *Citrus Reticulata* in fresh squeezed orange juice from oranges licensed to use the "Florida Citrus Growers" symbol.

SUBJECT AREA TO BE ADDRESSED: Repealing of rule sections which are no longer necessary and allowing Citrus Reticulata to be used in fresh squeezed orange juice.

SPECIFIC AUTHORITY: 601.10(7), 601.11 FS.

LAW IMPLEMENTED: 601.10(7), 601.11, 601.29, 601.33, 601.38 FS.

IF REQUESTED AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT A TIME, DATE AND PLACE TO BE ANNOUNCED.

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

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE CHAPTER TITLE: Organization and Procedure

RULE CHAPTER NO.:

40C-1

PURPOSE AND EFFECT: The St. Johns River Water Management District gives notice that it is developing rules in Chapters 40C-1, 40C-2, 40C-4, 40C-20, 40C-40, 40C-41, and 40C-42, F.A.C., and the associated Applicant's Handbooks incorporated by reference, that propose to: (a) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas, (b) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area, and (c) lower the current CUP permit thresholds in Rule 40C-2.041, F.A.C., in the proposed Wekiva Recharge Protection Area for requiring CUPs in that area. The District is also analyzing the impact of redevelopment projects in the proposed Wekiva Recharge Protection Area upon aquifer recharge and considering the development of rules to require certain redevelopment projects that are currently exempt to obtain an ERP.

SUBJECT AREA TO BE ADDRESSED: (1) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas; (2) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the

proposed Wekiva Recharge Protection Area; (3) lower CUP thresholds in Rule 40C-2.041, F.A.C., for requiring CUPs in the proposed Wekiva Recharge Protection Area, and (4) require certain redevelopment projects in the proposed Wekiva Recharge Protection Area that are currently exempt to obtain an ERP.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.415 FS.

LAW IMPLEMENTED: 373.109, 373.1131, 373.219, 373.223, 373.229, 373.413, 373.414, 373.415, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE CHAPTER TITLE: Permitting of Consumptive Uses of Water
 RULE CHAPTER NO.: 40C-2

PURPOSE AND EFFECT: The St. Johns River Water Management District gives notice that it is developing rules in Chapters 40C-1, 40C-2, 40C-4, 40C-20, 40C-40, 40C-41, and 40C-42, F.A.C., and the associated Applicant's Handbooks incorporated by reference, that propose to: (a) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas, (b) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area, and (c) lower the current CUP permit thresholds in Rule 40C-2.041, F.A.C., in the proposed Wekiva Recharge Protection Area for requiring CUPs in that area. The District is also analyzing the impact of redevelopment projects in the proposed Wekiva Recharge Protection Area upon aquifer recharge and considering the development of rules to require certain redevelopment projects that are currently exempt to obtain an ERP.

SUBJECT AREA TO BE ADDRESSED: (1) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas; (2) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area; (3) lower CUP thresholds in Rule 40C-2.041, F.A.C., for requiring CUPs in the proposed Wekiva Recharge Protection Area, and (4) require certain redevelopment projects in the proposed Wekiva Recharge Protection Area that are currently exempt to obtain an ERP.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.415 FS.

LAW IMPLEMENTED: 373.109, 373.1131, 373.219, 373.223, 373.229, 373.413, 373.414, 373.415, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits:
 RULE CHAPTER NO.: Surface Water Management Systems 40C-4

PURPOSE AND EFFECT: The St. Johns River Water Management District gives notice that it is developing rules in Chapters 40C-1, 40C-2, 40C-4, 40C-20, 40C-40, 40C-41, and 40C-42, F.A.C., and the associated Applicant's Handbooks incorporated by reference, that propose to: (a) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas, (b) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the

proposed Wekiva Recharge Protection Area, and (c) lower the current CUP permit thresholds in Rule 40C-2.041, F.A.C., in the proposed Wekiva Recharge Protection Area for requiring CUPs in that area. The District is also analyzing the impact of redevelopment projects in the proposed Wekiva Recharge Protection Area upon aquifer recharge and considering the development of rules to require certain redevelopment projects that are currently exempt to obtain an ERP.

SUBJECT AREA TO BE ADDRESSED: (1) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas; (2) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area; (3) lower CUP thresholds in Rule 40C-2.041, F.A.C., for requiring CUPs in the proposed Wekiva Recharge Protection Area, and (4) require certain redevelopment projects in the proposed Wekiva Recharge Protection Area that are currently exempt to obtain an ERP.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.415 FS.

LAW IMPLEMENTED: 373.109, 373.1131, 373.219, 373.223, 373.229, 373.413, 373.414, 373.415, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE CHAPTER TITLE: Standard General Water Use Permits **RULE CHAPTER NO.:** 40C-20

PURPOSE AND EFFECT: The St. Johns River Water Management District gives notice that it is developing rules in Chapters 40C-1, 40C-2, 40C-4, 40C-20, 40C-40, 40C-41, and 40C-42, F.A.C., and the associated Applicant's Handbooks incorporated by reference, that propose to: (a) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated

environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas, (b) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area, and (c) lower the current CUP permit thresholds in Rule 40C-2.041, F.A.C., in the proposed Wekiva Recharge Protection Area for requiring CUPs in that area. The District is also analyzing the impact of redevelopment projects in the proposed Wekiva Recharge Protection Area upon aquifer recharge and considering the development of rules to require certain redevelopment projects that are currently exempt to obtain an ERP.

SUBJECT AREA TO BE ADDRESSED: (1) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas; (2) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area; (3) lower CUP thresholds in Rule 40C-2.041, F.A.C., for requiring CUPs in the proposed Wekiva Recharge Protection Area, and (4) require certain redevelopment projects in the proposed Wekiva Recharge Protection Area that are currently exempt to obtain an ERP.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.415 FS.

LAW IMPLEMENTED: 373.109, 373.1131, 373.219, 373.223, 373.229, 373.413, 373.414, 373.415, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE CHAPTER TITLE: Standard General Environmental Resource Permits
 RULE CHAPTER NO.: 40C-40

PURPOSE AND EFFECT: The St. Johns River Water Management District gives notice that it is developing rules in Chapters 40C-1, 40C-2, 40C-4, 40C-20, 40C-40, 40C-41, and 40C-42, F.A.C., and the associated Applicant's Handbooks incorporated by reference, that propose to: (a) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas, (b) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area, and (c) lower the current CUP permit thresholds in Rule 40C-2.041, F.A.C., in the proposed Wekiva Recharge Protection Area for requiring CUPs in that area. The District is also analyzing the impact of redevelopment projects in the proposed Wekiva Recharge Protection Area upon aquifer recharge and considering the development of rules to require certain redevelopment projects that are currently exempt to obtain an ERP.

SUBJECT AREA TO BE ADDRESSED: (1) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas; (2) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area; (3) lower CUP thresholds in Rule 40C-2.041, F.A.C., for requiring CUPs in the proposed Wekiva Recharge Protection Area, and (4) require certain redevelopment projects in the proposed Wekiva Recharge Protection Area that are currently exempt to obtain an ERP.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.415 FS.

LAW IMPLEMENTED: 373.109, 373.1131, 373.219, 373.223, 373.229, 373.413, 373.414, 373.415, 373.416 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE CHAPTER TITLE: Surface Water Management Basin Criteria
 RULE CHAPTER NO.: 40C-41

PURPOSE AND EFFECT: The St. Johns River Water Management District gives notice that it is developing rules in Chapters 40C-1, 40C-2, 40C-4, 40C-20, 40C-40, 40C-41, and 40C-42, F.A.C., and the associated Applicant's Handbooks incorporated by reference, that propose to: (a) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas, (b) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area, and (c) lower the current CUP permit thresholds in Rule 40C-2.041, F.A.C., in the proposed Wekiva Recharge Protection Area for requiring CUPs in that area. The District is also analyzing the impact of redevelopment projects in the proposed Wekiva Recharge Protection Area upon aquifer recharge and considering the development of rules to require certain redevelopment projects that are currently exempt to obtain an ERP.

SUBJECT AREA TO BE ADDRESSED: (1) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas; (2) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area; (3) lower CUP thresholds in Rule 40C-2.041, F.A.C., for requiring CUPs in the proposed Wekiva Recharge Protection Area, and (4) require certain redevelopment projects in the proposed Wekiva Recharge Protection Area that are currently exempt to obtain an ERP.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.415 FS.

LAW IMPLEMENTED: 373.109, 373.1131, 373.219, 373.223, 373.229, 373.413, 373.414, 373.415, 373.416 FS.

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

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE CHAPTER TITLE: Environmental Resource Permits: Regulation of Stormwater Management Systems
RULE CHAPTER NO.: 40C-42

PURPOSE AND EFFECT: The St. Johns River Water Management District gives notice that it is developing rules in Chapters 40C-1, 40C-2, 40C-4, 40C-20, 40C-40, 40C-41, and 40C-42, F.A.C., and the associated Applicant's Handbooks incorporated by reference, that propose to: (a) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course areas, landscaped recreational areas, or landscaped common areas, (b) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area, and (c) lower the current CUP permit thresholds in Rule 40C-2.041, F.A.C., in the proposed Wekiva Recharge Protection Area for requiring CUPs in that area. The District is also analyzing the impact of redevelopment projects in the proposed Wekiva Recharge Protection Area upon aquifer recharge and considering the development of rules to require certain redevelopment projects that are currently exempt to obtain an ERP.

SUBJECT AREA TO BE ADDRESSED: (1) amend the consumptive use permit (CUP) and environmental resource permit (ERP) rules to create a District wide consolidated environmental resource/consumptive use permit (ER/CUP) permitting process for certain projects that require both an ERP under Part IV of Chapter 373, F.S., and a CUP under Part II of Chapter 373, F.S., and that involve irrigation of golf course

areas, landscaped recreational areas, or landscaped common areas; (2) expand the area within which the recharge criteria in subsection 40C-41.063(3), F.A.C., apply to include the proposed Wekiva Recharge Protection Area; (3) lower CUP thresholds in Rule 40C-2.041, F.A.C., for requiring CUPs in the proposed Wekiva Recharge Protection Area, and (4) require certain redevelopment projects in the proposed Wekiva Recharge Protection Area that are currently exempt to obtain an ERP.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373.415 FS.

LAW IMPLEMENTED: 373.109, 373.1131, 373.219, 373.223, 373.229, 373.413, 373.414, 373.415, 373.416 FS.

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Examination and Reexamination Fees
RULE NO.: 61G18-12.002

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Examination and Reexamination Fees.

SPECIFIC AUTHORITY: 474.206, 474.207(2)a), 474.2065, 455.217, 455.219 FS.

LAW IMPLEMENTED: 474.207(2), 474.2065, 455.217(2), 455.219 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0754
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Continuing Education Standards
 RULE NO.: 61G18-16.003

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Standards.

SPECIFIC AUTHORITY: 474.206, 474.211, 474.212 FS.

LAW IMPLEMENTED: 474.211, 474.212 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-16.003 Continuing Education Standards.

(1) No change.

(2) Approved courses are scientific and continuing education courses provided by:

(a) National, State and International veterinary association meetings and Board meetings.

(b) Board Certified Specialties recognized by the AVMA

(c) University of Florida, College of Veterinary Medicine sponsored courses, including clinical grand rounds, veterinary resident's seminars and Board specialty review sessions.

(d) The Registry of Approved Continuing Education Courses (RACE).

(3) Upon specific request, continuing education courses shall be approved by the Board whenever the courses provide additional current information with respect to the practice of veterinary medicine. Such requests shall include the following:

(a) A detailed course outline or syllabus;

(b) A current curriculum vitae of each speaker or lecturer;

(c) The procedure to be used for recording attendance; and

(d) The number of continuing education hours for which the course sponsor requests approval.

Specific Authority 474.206, 474.211, 474.212 FS. Law Implemented 474.211, 474.212 FS. History--New 12-10-81, Amended 8-15-84, 5-7-85, Formerly 21X-16.03, Amended 10-14-86, 3-26-90, Formerly 21X-16.003, Amended 8-18-94, 2-6-95, 7-4-95, 12-30-97,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Standards for Providers of Continuing
 RULE NO.: 61G18-16.0035

PURPOSE AND EFFECT: The Board proposes to review the existing rules to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Standards for Providers of Continuing Veterinary Medical Education.

SPECIFIC AUTHORITY: 474.206, 474.211, 474.212 FS.

LAW IMPLEMENTED: 474.211, 474.212 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G18-16.0035 Standards for Providers of Continuing Veterinary Medical Education.

(1) through (3)(b) No change.

(4) Providers must be registered with and approved by the Board. Such Board approval must be renewed by the Provider every four years.

Specific Authority 474.206, 474.211, 474.212 FS. Law Implemented 474.211, 474.212 FS. History--New 5-19-96, Amended 9-24-96,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Veterinary Medicine

RULE TITLE: Exemption of Spouses of Members of Armed
 RULE NO.: 61G18-23.002

PURPOSE AND EFFECT: The Board proposes to enact a new rule pursuant to Section 455.02(2), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Exemption of Spouses of Armed Forces from Licensure Renewal Provisions.

SPECIFIC AUTHORITY: 455.02(2), 474.206 FS.

LAW IMPLEMENTED: 455.02(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0754
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLE: Definitions
RULE NO.: 64B14-3.001

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine if any amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 456.035(1), 468.802 FS.

LAW IMPLEMENTED: 456.035(1), 468.802, 468.803, 468.805, 468.807, 468.808, 468.809 FS.

THE BOARD WILL HOLD A PUBLIC WORKSHOP MEETING FOR THE PURPOSE OF RULE DEVELOPMENT AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., July 22, 2004

PLACE: Capital Circle Office Complex, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board’s Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399.

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT

A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE: Licensure Requirements
RULE CHAPTER NO.: 64B14-4

PURPOSE AND EFFECT: The Board proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new rules should be promulgated pertaining to licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Licensure requirements.

SPECIFIC AUTHORITY: 456.017(1)(c),(d), 468.802, 468.803(2), 468.805(3) FS.

LAW IMPLEMENTED: 456.013(1),(7), 456.017(1)(c),(d), 468.803(2), 468.805(3) FS.

THE BOARD WILL HOLD A PUBLIC WORKSHOP MEETING FOR THE PURPOSE OF RULE DEVELOPMENT AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., July 22, 2004

PLACE: Capital Circle Office Complex, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

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SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE: Licensure Renewal
 RULE CHAPTER NO.: 64B14-5

PURPOSE AND EFFECT: The Board proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new rules should be promulgated pertaining to licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Licensure renewal.
 SPECIFIC AUTHORITY: 456.013, 468.802, 468.806(2) FS.
 LAW IMPLEMENTED: 456.013, 456.024, 468.805(2), 468.806 FS.

THE BOARD WILL HOLD A PUBLIC WORKSHOP MEETING FOR THE PURPOSE OF RULE DEVELOPMENT AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., July 22, 2004
 PLACE: Capital Circle Office Complex, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE: Standards of Practice
 RULE CHAPTER NO.: 64B14-6

PURPOSE AND EFFECT: The Board proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new rules should be promulgated pertaining to licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Standards of practice.

SPECIFIC AUTHORITY: 468.802 FS.
 LAW IMPLEMENTED: 468.802 FS.

THE BOARD WILL HOLD A PUBLIC WORKSHOP MEETING FOR THE PURPOSE OF RULE DEVELOPMENT AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., July 22, 2004
 PLACE: Capital Circle Office Complex, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE CHAPTER TITLE: Discipline
 RULE CHAPTER NO.: 64B14-7

PURPOSE AND EFFECT: The Board proposes to review the existing language in the entirety of this chapter to determine if amendments are necessary and/or new rules should be promulgated pertaining to licensure requirements.

SUBJECT AREA TO BE ADDRESSED: Discipline.
 SPECIFIC AUTHORITY: 120.695, 456.057(16), 456.073, 456.077, 456.079(1), 468.802 FS.

LAW IMPLEMENTED: 120.695, 456.057(16), 456.063(1), 456.072(1)(o), (u), 456.073, 456.077, 456.079, 468.811, 468.802 FS.

THE BOARD WILL HOLD A PUBLIC WORKSHOP MEETING FOR THE PURPOSE OF RULE DEVELOPMENT AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., July 22, 2004

PLACE: Capital Circle Office Complex, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

SECTION 286.0105, FLORIDA STATUTES, PROVIDES THAT, IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED A RECORD OF PROCEEDINGS, AND FOR SUCH PURPOSES, THEY MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE AT THIS TIME.

DEPARTMENT OF HEALTH

Division of Environmental Health and Statewide Programs

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Community Based Residential Facilities	64E-12
RULE TITLES:	RULE NOS:
General	64E-12.001
Definitions	64E-12.002
Water Supply	64E-12.003
Food Service	64E-12.004
Housing	64E-12.005
Vermin Control	64E-12.006
Laundry	64E-12.008
Medications, Poisonous or Toxic Substances	64E-12-009
Garbage and Rubbish	64E-12.010
Recreational Areas	64E-12.011
Radon Testing	64E-12.012
Animal Health and Safety	64E-12.013
Inspection Forms	64E-12.014

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

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

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

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

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

TIME AND DATE: 10:00 a.m., April 16, 2004

PLACE: Department of Health, 4042 Bald Cypress Way, Room 301, Tallahassee, FL

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-12.001 General.

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

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

64E-12.002 Definitions.

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

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

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

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

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

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

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

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

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

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

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

64E-12.003 Water Supply.

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

test results annually to the local county health department (CHD). Laboratory test results must be negative for bacteriological contamination.

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

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

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

64E-12.004 Food Service.

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

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

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

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

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

(d) At least a two compartment sink with hot and cold potable water under pressure shall be provided in the food preparation area. Facilities that were regulated by the Department prior to January 1, 2004, and have been in continuous operation since that time, are exempt from the two-compartment sink and may have only a single compartment sink in the food preparation area. This exemption is not transferable from one location to another or from one owner to another.

(e) Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to

plus or minus 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units as may be applicable and of such type and so situated that the temperature can be easily and readily observed.

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

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

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

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

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

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

~~(a)~~ Rules 64E-11.002, Definitions; 64E-11.003, Food Supplies; 64E-11.004, Food Protection; 64E-11.005, Personnel; subparagraphs 64E-11.013(3)(c), 1., 2., 4. of Chapter 64E-11, F.A.C., shall apply.

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

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

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

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

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

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

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

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

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

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

~~(l)~~ Pets living in or visiting a community based residential facility are allowed in the common dining area at times other than meals if effective partitioning and self closing doors separate the common dining area from food storage, preparation, and service areas. In addition, all condiments, equipment, and utensils shall be stored in enclosed cabinets or removed from the common dining area when pets are present and the tables, countertops, and other similar surfaces are effectively cleaned before the next meal service.

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

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

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

64E-12.005 Housing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Effective control measures shall be utilized to eliminate minimize the presence of rodents, flies, cockroaches and other ~~vermin insects~~ on the premises. The primary means of pest control shall be the use of Integrated Pest Management (IPM) practices for the control of pests throughout a residential facility, as recognized by the United States Environmental Protection Agency. The creation, maintenance or causing of

any condition capable of propagating insects, rodents, and other vermin will not be permitted. All buildings shall be effectively rodent-proofed, free of rodents and maintained in a rodent-proof and rodent-free condition. All exterior openings outside openings shall be effectively sealed or screened with 16 mesh screening or equivalent to prevent entry of insects or rodents, except in wilderness programs when mosquito netting is provided to each resident.

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

64E-12.008 Laundry.

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

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

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

64E-12.009 Medications, Poisonous or Toxic Substances. Medications, pPoisonous, or toxic compounds are to be stored apart from food and other areas that would constitute a hazard to the residents and containers are to be clearly labeled with a label indicating their contents.

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

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

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

64E-12.011 Recreational Areas.

- (1) No change.
(2) No change.

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

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

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

(c) All community based residential facilities with private swimming pools or a water hazard must have a person on staff who has completed a community water safety course administered by the American Red Cross or YMCA program. The adult responsible for supervision in subsection 64E-12.011(3), F.A.C., above must have successfully completed the community water safety course.

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

64E-12.012 Radon Testing.

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

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

64E-12.013 Animal Health and Safety.

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

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

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

Specific Authority 381.006(16) FS. Law Implemented 381.006(6), (16) FS. History—New_____.

64E-12.014 Inspection Forms.

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

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

Section II Proposed Rules

DEPARTMENT OF EDUCATION

Commission for Independent Education

RULE TITLE: Standards and Procedures for Licensure RULE NO.: 6E-2.004

PURPOSE AND EFFECT: The Commission proposes a rule amendment to address the deletion of unnecessary language.

SUMMARY: The proposed amendment deletes repetitive language in the student catalog that describes the institution's policy regarding satisfying academic progress.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

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

LAW IMPLEMENTED: 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel L. Ferguson, Executive Director, Commission for Independent Education, 2650 Apalachee Parkway, Suite A, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

6E-2.004 Standards and Procedures for Licensure.

Each institution applying for a license or moving to a new level of licensure shall provide to the Commission the following specific information, in English. All information and documentation submitted pursuant to the provisions of these rules shall be accompanied by certification signed by the chief administrative officer of the institution, affirming that the information and documentation submitted is accurate. Any application or review which is not substantially complete shall be returned to the institution with a request to complete and resubmit the material.

(1) through (10) No change. (11) Standard 11: Publications and Advertising.

(a) No change.

(b) Catalog.

1. No change.

2. Each institution shall publish and provide to each enrolled student a catalog. Written catalogs shall be professionally printed and bound. If electronic catalogs are also used, the two versions shall contain the same information, except for updates that may be provided more quickly in electronic versions. The catalog shall constitute a contractual obligation of the school to the student and shall be the official statement of the school's policies, programs, services, and charges and fees. The catalog shall include, at a minimum, the following information:

a. through r. No change.

s. A complete explanation of the standards of satisfactory academic progress process. This policy shall include, at a minimum: Minimum grades and/or standards considered satisfactory; conditions for interruption due to unsatisfactory grades or progress; a description of the probationary period, if applicable; and conditions of re-entrance for those students suspended for unsatisfactory progress;

t. through y. No change.

z. A description of the institution's policy regarding satisfying academic progress;

aa. through ee. renumbered z. through dd. No change.

3. No change.

(c) No change.

Specific Authority 1005.22(1)(e), 1005.31(2), (3), 1005.34, 1005.39 FS. Law Implemented 1005.04, 1005.31, 1005.33(1), 1005.34, 1005.39 FS. History--Repromulgated 12-5-74, Formerly 6E-3.01(1), Readopted 11-11-75, Amended 3-7-77, 5-7-79, 10-13-83, Formerly 6E-2.04, Amended 11-27-88, 11-29-89, 12-10-90, 10-19-93, 4-2-96, 4-11-00, 1-7-03.

NAME OF PERSON ORIGINATING PROPOSED RULE: Commission for Independent Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Commission for Independent Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 22, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2004

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission - RULE CHAPTER NO.: 9B-3

Operational Procedures

RULE TITLE: State Building Code Adopted RULE NO.: 9B-3.047