

### Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Standards**

**RULE NOS.:**

**RULE TITLES:**

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**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 35, September 4, 2009 issue of the Florida Administrative Weekly.

5F-2.001 Standards.

(1) No change.

(a) Standards. All gasoline shall conform to the chemical and physical standards for gasoline as set forth in ASTM International Designation D ~~4814-09b~~ ~~4814-09a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel," with the following exceptions, providing that the base gasoline used under the exceptions conforms to the chemical and physical standards for gasoline as set forth in ASTM International Designation D ~~4814-09b~~ ~~4814-09a~~:

1. Vapor Pressure Class Requirements: Gasoline containing one (1) through ten (10) percent ethanol by volume shall be allowed a 1.0 psi increase to the applicable vapor pressure class maximum from September 16 through May 31 (not applicable for gasoline/ethanol blend tankage at refineries, importers, pipelines, and terminals for the month of May).

From June 1 (May 1 for gasoline/ethanol blend tankage at refineries, importers, pipelines, and terminals) through September 15, gasoline blends containing ethanol shall conform to the vapor pressure class requirements and are entitled to the permissible increases provided by the Environmental Protection Agency (EPA) and outlined in ASTM International Designation D ~~4814-09b~~ ~~4814-09a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

2. through 3. No change.

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D ~~4814-09b~~ ~~4814-09a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(c) through (e) No change.

(2) through (3) No change.

(a) Standards. All diesel fuel oils No. 1-D and No. 2-D shall conform to the chemical and physical standards for diesel fuel oils No. 1-D and No. 2-D as set forth in ASTM International Designation D ~~975-09b~~ ~~975-09a~~, "Standard Specification for Diesel Fuel Oils."

(b) Analysis. For purposes of inspection and testing, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D ~~975-09b~~ ~~975-09a~~, "Standard Specification for Diesel Fuel Oils."

(4) No change.

(5) Alternative Fuels.

(a) through (b) No change.

(c) No change.

1. No change.

a. Standards. All E85 Fuel Ethanol shall conform to the chemical and physical standards for E85 Fuel Ethanol as set forth in the ASTM International Designation D ~~5798-09b~~, "Standard Specification for Fuel Ethanol (Ed75-Ed85) for Automotive Spark-Ignition Engines" and shall conform to the end-point distillation temperature requirements for gasoline, as defined in subsection 5F-2.001(1), F.A.C. ~~with the following exceptions:~~

~~(i) E85 Fuel Ethanol of Class 1 Type shall have a minimum vapor pressure limit of 4.5 psi. This provision shall expire on November 30, 2010.~~

~~(ii) E85 Fuel Ethanol of Class 2 Type shall have a minimum vapor pressure limit of 5.0 psi. This provision shall expire on April 30, 2011.~~

b. No change.

2. No change.

(d) Fuels, other than alcohol, derived from biological materials:

1. through 2. No change.

a. Standards. Biodiesel blends containing diesel fuel and 6% or more biodiesel shall meet the specifications set forth by ASTM International Designation D 7467-09a, "Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20)."

b. Standards. Biodiesel blends containing diesel fuel and less than 6% biodiesel shall meet the specifications set forth by ASTM International Designation D 975-09b, "Standard Specification for Diesel Fuel Oils."

~~c.~~ Standards. Biodiesel blends containing fuel oil shall meet the specifications set forth by ASTM International Designation D 396-09, "Standard Specification for Fuel Oils."

~~d.~~ Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel and 6% or more biodiesel, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D 7467-09a "Standard Specification for Diesel Fuel Oil, Biodiesel Blend (B6 to B20)."

e. Analysis. For purposes of inspection and testing biodiesel blends containing diesel fuel and less than 6% biodiesel, laboratory analyses shall be conducted using the methods recognized by ASTM International Designation D 975-09b, "Standard Specification for Diesel Fuel Oils."

~~f.~~ Analysis. For purposes of inspection and testing biodiesel blends containing fuel oil, laboratory analyses shall be conducted using the methods recognized by the ASTM International Designation D 396-09, "Standard Specification for Fuel Oils."

(6) Water in Retail Storage Tanks.

(a) Water in retail storage tanks containing products, with the exception of products listed in subsection (6)(b), enumerated in this rule shall not exceed two inches in depth when measured from the bottom of the tank.

(b) Water in retail storage tanks containing gasoline blended with 1% ~~one (1)~~ or more percent ethanol, by volume; E85; M85; biodiesel; or biodiesel blends containing 6% or more than five (5) percent biodiesel, by volume, shall not exceed one quarter inch in depth when measured from the bottom of the tank.

(7) In accordance with Section 525.035, Florida Statutes, any petroleum fuel that fails to meet applicable labeling requirements, as adopted in this rule, shall be placed under Stop Sale Order by the Department using DACS Form 03206, Stop Sale Order, Rev. 1/09, and the measuring devices and storage tanks of said product shall be sealed by the Department with DACS Form 03537, Warning Tag, Rev. 1/09, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the Department from the Stop Sale Order in accordance with Section 525.035, Florida Statutes, using DACS Form 03209, Release, Rev. 1/09. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

(8) In accordance with Section 525.037, Florida Statutes, any petroleum fuel that fails to meet applicable standards, as adopted in this rule, shall be placed under Stop Sale Order by the Department using DACS Form 03206, Stop Sale Order, Rev. 1/09, and the measuring devices and storage tanks of said petroleum fuel shall be sealed by the Department with DACS Form 03537, Warning Tag, Rev. 1/09, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the Department from the Stop Sale Order in accordance with Section 525.037, Florida Statutes, using DACS Form 03209, Release, Rev. 1/09. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

(9) No change.

(a) ASTM International Designation D 4814-09b ~~4814-09a~~, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(b) No change.

(c) ASTM International Designation D 975-09b ~~975-09a~~, "Standard Specification for Diesel Fuel Oils."

(d) through (i) No change.

Rulemaking Specific Authority 525.14, 570.07(23) FS. Law Implemented 525.01, 525.035, 525.037, 525.14 FS. History—Amended 1-15-68, 7-1-71, 7-1-73, 12-1-73, 11-16-74, 2-13-80, 5-3-83, Formerly 5F-2.01, Amended 5-3-90, 8-13-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 4-18-05, 6-1-06, 5-6-08, \_\_\_\_\_.

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.

(1) Gasoline. All gasoline found not meeting any standard adopted in subsection 5F-2.001(1), F.A.C.; any other standard pertaining to gasoline adopted in this rule chapter, or by reason of containing water, sediment, or suspended matter, shall be withheld from sale to the public under the provisions of this section shall be dispositioned in accordance with the procedures in subsections ~~(6)(5) and (7)(6)~~.

~~(a) Gasoline found not in compliance by reason of containing water, sediment, or suspended matter.~~

~~(b) Gasoline with an octane rating difference of more than one (1.0), but not more than two (2.0) from the octane rating ((R+M)/2), displayed on the dispenser.~~

~~(c) Gasoline blended with ethanol found to have an ethanol content of more than one (1.0) percent by volume, but not more than three (3.0) percent by volume, above or below the posted ethanol content displayed on the dispenser. No concentration shall be permitted to be less than one (1.0) percent by volume ethanol if the product is labeled as containing ethanol according to the requirements in subsection 5F-2.003(7), F.A.C.~~

(d) Gasoline found not in compliance because of a silver corrosion rating of two (2) as set forth in ASTM International Designation D 4814-09a, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(e) Gasoline found not in compliance from June 1 through September 15 because of a vapor pressure of up to and including 11.0 psi as set forth in ASTM International Designation D 4814-09a, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

(2) Kerosene. All kerosene found not meeting any standard adopted in subsection 5F-2.001(2), F.A.C.; any other standard pertaining to kerosene adopted in this rule chapter, or by reason of containing water, sediment, or suspended matter, shall be withheld from sale to the public under the provisions of this section shall be disposed in accordance with the procedures in subsections (6)(5) and (7)(6).

~~(a) Kerosene found not in compliance by reason of containing water, sediment, or suspended matter.~~

~~(b) Kerosene found not in compliance by reason of color.~~

(3) Diesel Fuel Oils No. 1-D and No. 2-D, ~~and Fuel Oils No. 1 and No. 2.~~ All Diesel Fuel Oils No. 1-D and No. 2-D, ~~and Fuel Oils No. 1 and No. 2~~ found not meeting any standard adopted in subsection 5F-2.001(3), F.A.C.; any other standard pertaining to Diesel Fuel Oils No. 1-D and No. 2-D adopted in this rule chapter, or by reason of containing water, sediment, or suspended matter, shall be withheld from sale to the public under the provisions of this section shall be disposed in accordance with the procedures in subsections (6)(5) and (7)(6).

~~(a) All Diesel fuel oils and fuel oils found not in compliance by reason of containing water, sediment, or suspended matter.~~

~~(b) Diesel fuel oils No. 2-D found not in compliance with the flash point standard, but above 100°F.~~

~~(c) Diesel fuel oils No. 1-D and No. 2-D found not in compliance with the ultra-low (S15) sulfur standard, but equal to or below 35 ppm sulfur.~~

(4) Fuel Oils No. 1 and No. 2. All Fuel Oils No. 1 and No. 2 found not meeting any standard adopted in subsection 5F-2.001(4), F.A.C.; any other standard pertaining to Fuel Oils No. 1 and No. 2 adopted in this rule chapter, or by reason of containing water, sediment, or suspended matter, shall be withheld from sale to the public under the provisions of this section in accordance with the procedures in subsections (6) and (7).

(5)(4) Alternative Fuels. All alternative fuels found not meeting any standard adopted in subsection 5F-2.001(5), F.A.C.; any other standard pertaining to alternative fuels adopted in this rule chapter, or by reason of containing water, sediment, or suspended matter, shall be withheld from sale to the public under the provisions of this section shall be disposed in accordance with the procedures in subsections (6)(5) and (7)(6).

~~(a) Alternative Fuels found not in compliance by reason of containing water, sediment, or suspended matter.~~

~~(b) A biodiesel blend found to have a biodiesel content of more than two (2.0) percent by volume, but not more than five (5.0) percent by volume, above or below the posted biodiesel content displayed on the dispenser.~~

~~(c) A biodiesel blend (with No. 2-D diesel fuel oil) found not in compliance with the flash point standard, but above 100 °F.~~

~~(d) Biodiesel and biodiesel blends found not in compliance with the ultra-low (S15) sulfur standard, but equal to or below 35 ppm sulfur.~~

(6)(5) In accordance with Section 525.035, Florida Statutes, any petroleum fuel that fails to meet applicable labeling requirements, as adopted in this rule, shall be placed under Stop Sale Order by the Department using DACS Form 03206, Stop Sale Order, Rev. 1/09, and the measuring devices and storage tanks of said product shall be sealed by the Department with DACS Form 03537, Warning Tag, Rev. 1/09, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the Department from the Stop Sale Order in accordance with Section 525.035, Florida Statutes, using DACS Form 03209, Release, Rev. 1/09. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

(7)(6) In accordance with Section 525.037, Florida Statutes, any petroleum fuel that fails to meet applicable standards, as adopted in this rule, shall be placed under Stop Sale Order by the Department using DACS Form 03206, Stop Sale Order, Rev. 1/09, and the measuring devices and storage tanks of said petroleum fuel shall be sealed by the Department with DACS Form 03537, Warning Tag, Rev. 1/09, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the Department from the Stop Sale Order in accordance with Section 525.037, Florida Statutes, using DACS Form 03209, Release, Rev. 1/09. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

~~Rulemaking Specific Authority 525.14, 570.07(23) FS. Law Implemented 525.035, 525.037, 525.16 FS. History—Amended 7-1-71, 7-1-73, Repromulgated 12-31-74, Amended 2-13-80, Formerly 5F-2.02, Amended 5-3-90, 8-13-92, 1-24-93, 11-29-94, 6-1-06, 5-6-08,\_\_\_\_\_.~~

5F-2.003 Registration and Identification.

(1) All terminal suppliers, importers, and wholesalers registered with the Florida Department of Revenue and manufacturers shall submit DACS Form 03202, Gasoline and Oil Inspection Affidavit and Inspection Fee Report, Rev. 8/09, to the Department before selling or offering for sale any petroleum fuel in this state. The applicant shall also list all manufacturers, terminal suppliers, wholesalers, and/or

importers of the petroleum fuel to be sold and establish responsibility for payment of the inspection fee pursuant to Section 525.09, F.S. The applicant must also identify themselves as a manufacturer, terminal supplier, wholesaler, or importer as defined below. The inspection fee shall be paid using DACS Form 03222, Report of Gasoline, Kerosene and Fuel Oil #1 Sales in the State of Florida, Rev. 10/09. The documents referenced in this subsection are ~~This form is~~ hereby adopted and incorporated by reference and ~~can~~ may be viewed and obtained by visiting ~~at~~ <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

(a) through (d) No change.

(2) through (6) No change.

(7)(a) All gasoline kept, offered, or exposed for sale, or sold, at retail, containing at least one percent but no more than 10% by volume of ethanol, methanol, or a combination shall be identified as “contains 10% or less ethanol” or “contains 1-10% ethanol,” “contains 10% or less methanol” or “contains 1-10% methanol,” or “contains 10% or less ethanol/methanol” or “contains 1-10% ethanol/methanol”, or other definitive equivalent statement declaring the presence of methanol, ethanol, or combination on the upper fifty percent of the dispenser front panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type). Gasoline kept, offered, or exposed for sale, or sold, at retail, containing specifically ten percent by volume of ethanol may be identified as “E10” and “contains ethanol” or other definitive equivalent statement declaring the presence of ethanol on the upper fifty percent of the dispenser front ~~front~~ panel in a position clear and conspicuous from the driver’s position, in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(b) No change.

(8) through (11) No change.

(12) In accordance with Section 525.035, Florida Statutes, any petroleum fuel that fails to meet applicable labeling requirements, as adopted in this rule, shall be placed under Stop Sale Order by the Department using DACS Form 03206, Stop Sale Order, Rev. 1/09, and the measuring devices and storage tanks of said product shall be sealed by the Department with DACS Form 03537, Warning Tag, Rev. 1/09, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the Department from the Stop Sale Order in accordance with Section 525.035, Florida Statutes, using DACS Form 03209, Release, Rev. 1/09. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

(13) In accordance with Section 525.037, Florida Statutes, any petroleum fuel that fails to meet applicable standards, as adopted in this rule, shall be placed under Stop Sale Order by the Department using DACS Form 03206, Stop Sale Order,

Rev. 1/09, and the measuring devices and storage tanks of said petroleum fuel shall be sealed by the Department with DACS Form 03537, Warning Tag, Rev. 1/09, prohibiting the sale of the petroleum fuel. The petroleum fuel shall be released by the Department from the Stop Sale Order in accordance with Section 525.037, Florida Statutes, using DACS Form 03209, Release, Rev. 1/09. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

Rulemaking Specific Authority 525.14, 570.07(23) FS. Law Implemented 525.01, 525.035, 525.037, 525.09, 525.14 FS. History—Amended 12-31-74, 2-13-80, 5-3-83, 4-22-85, Formerly 5F-2.03, Amended 11-28-89, 1-24-93, 11-24-94, 6-1-06, 5-6-08, \_\_\_\_\_.

#### 5F-2.005 Inaccurate Measuring Devices.

(1) through (5) No change.

(6) The department forms referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

(7) In accordance with Section 525.07, Florida Statutes, any measuring device that fails to meet applicable requirements, as adopted in this rule, shall be placed out of service by the Department using DACS Form 03538, Out of Service, Rev. 1/09, prohibiting the use of the measuring device. Upon conformance with the applicable requirement, the Out of Service tag shall be removed from the measuring device. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

Rulemaking Specific Authority 525.14, 570.07(23) FS. Law Implemented 525.07 FS. History—Amended 7-1-74, Repromulgated 12-31-74, 5-3-83, Formerly 5F-2.05, Amended 11-29-94, 5-6-08, \_\_\_\_\_.

#### 5F-2.006 Inspection Identification Stickers.

(1) No change.

(2) Any measuring device that fails to meet applicable requirements, as adopted in this rule, shall be placed out of service by the Department using DACS Form 03539, Out of Service, Rev. 3/09, prohibiting the use of the measuring device. Upon conformance with the applicable requirement, the Out of Service tag shall be removed from the measuring device. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

Rulemaking Specific Authority 525.14, 570.07(23) FS. Law Implemented 525.07 FS. History—Repromulgated 12-31-74, Formerly 5F-2.06, Amended \_\_\_\_\_.

5F-2.014 Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of National Institute of Standards and Technology Handbook 44 Meter Sealing Requirements.

(1) through (3) No change.

(4) Any measuring device that fails to meet applicable requirements, as adopted in subsections (1) or (2) of this section, shall be placed out of service by the Department using DACS Form 03539, Out of Service, Rev. 3/09, prohibiting the use of the measuring device. Upon conformance with the applicable requirement, the Out of Service tag shall be removed from the measuring device. The documents referenced in this subsection are hereby adopted and incorporated by reference and can be viewed and obtained by visiting <http://www.doacs.state.fl.us/onestop/std/petinsp.html>.

Rulemaking Specific Authority 525.14, 531.40, 531.41(3), 570.07(23) FS. Law Implemented 525.07, 531.40 FS. History—New 1-1-74, Amended 7-1-74, Repromulgated 12-31-74, Amended 4-18-75, 1-25-76, 1-17-77, 2-15-79, 6-4-80, 4-5-81, 5-2-82, 6-30-83, 7-15-84, 8-11-85, Formerly 5F-2.14, Amended 7-7-86, 4-5-87, 4-27-88, 5-31-89, 8-21-90, 8-5-91, 12-10-92, 11-29-94, 11-13-97, 12-9-98, 8-3-99, 7-31-00, 9-3-01, 8-15-02, 6-29-03, 6-21-04, 6-1-06, 5-6-08, \_\_\_\_\_.

5F-2.016 Guidelines for Imposing Administrative Penalties.

(1) through (8) No change.

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

2. Gasoline with an octane rating difference of more than one (1.0), but not more than two (2.0) below the octane rating ((R+M)/2) displayed on the dispenser. Violations of Rules 5F-2.002(1)(b), (c), (d), or (e), F.A.C.

3. Gasoline blended with ethanol found to have an ethanol content of more than one (1.0) percent by volume, but not more than three (3.0) percent by volume, above or below the posted ethanol content displayed on the dispenser. No concentration shall be permitted to be less than one (1.0) percent by volume ethanol if the product is labeled as containing ethanol according to the requirements in subsection 5F-2.003(7), F.A.C.

4. Gasoline found not in compliance because of a silver corrosion rating of two (2) as set forth in ASTM International Designation D 4814-09b, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

5. Gasoline found not in compliance from June 1 through September 15 because of a vapor pressure of up to and including 11.0 psi as set forth in ASTM International Designation D 4814-09a, "Standard Specification for Automotive Spark-Ignition Engine Fuel."

6.3. Kerosene found not in compliance by reason of color. Violations of paragraph 5F-2.002(2)(b), F.A.C.

7.4. Diesel fuel oils No. 2-D found not in compliance with the flash point standard, but above 100°F. Violations of paragraph 5F-2.002(3)(b) or (c), F.A.C.

8. Diesel fuel oils No. 1-D and No. 2-D found not in compliance with the ultra-low (S15) sulfur standard, but equal to or below 35 ppm sulfur.

5. Violations of Rules 5F-2.002(4)(b), (c), or (d), F.A.C.

9. A biodiesel blend found to have a biodiesel content of more than two (2.0) percent by volume, but not more than five (5.0) percent by volume, above or below the posted biodiesel content displayed on the dispenser.

10. A biodiesel blend (with No. 2-D diesel fuel oil) found not in compliance with the flash point standard, but above 100 °F.

11. Biodiesel and biodiesel blends found not in compliance with the ultra-low (S15) sulfur standard, but equal to or below 35 ppm sulfur.

12.6. Violations of paragraph 5F-2.003(7)(b), F.A.C.

13.7. The following violations shall result in the removal of affected equipment from service.

a. through v. No change.

(c) No change.

1. through 8. No change.

9. Violations of Rule 5F-2.001(5)(c)1.a.(i) and (ii), F.A.C.

9.10. Violations of subparagraph 5F-2.001(5)(d)2., F.A.C., pertaining to the maximum biodiesel content allowed in biodiesel blends (with diesel fuels or fuel oils).

10.11. Failure to match the posted biodiesel content for biodiesel blends (with diesel fuels or fuel oils); specifically, when the biodiesel content is found to be more than five (5.0) percent by volume from the posted biodiesel content (percentage by volume).

11.12. Any fuel found below standard by reason of containing water, sediment, and/or suspended matter.

12.13. Failure to meet any other requirements listed in the standards for gasoline (including gasoline blended with oxygenates), as incorporated through the adopted version of ASTM International Designation D 4814 in paragraph 5F-2.001(1)(a), F.A.C., not already listed in this section.

13.14. Failure to meet any other requirements listed in the standards for kerosene (kerosine), as incorporated through the adopted version of ASTM International Designation D 3699 in paragraph 5F-2.001(2)(a), F.A.C., not already listed in this section.

14.15. Failure to meet any other requirements listed in the standards for diesel fuel oils No. 1-D and No. 2-D, as incorporated through the adopted version of ASTM International Designation D 975 in paragraph 5F-2.001(3)(a), F.A.C., not already listed in this section.

~~15.16.~~ Failure to meet any other requirements listed in the standards for fuel oils No. 1 and No. 2, as incorporated through the adopted version of ASTM International Designation D 396 in paragraph 5F-2.001(4)(a), F.A.C., not already listed in this section.

~~16.17.~~ Failure to meet any requirements listed in the standards for denatured fuel ethanol, as incorporated through the adopted version of ASTM International Designation D 4806 in subparagraph 5F-2.001(5)(a)1., F.A.C.

~~17.18.~~ Failure to meet any other requirements listed in the standards for E85 Fuel Ethanol, as incorporated through the adopted version of ASTM International Designation D 5798 in sub-subparagraph 5F-2.001(5)(c)1.a., F.A.C., not already listed in this section.

~~18.19.~~ Failure to meet any other requirements listed in the standards for M85 Fuel Methanol, as incorporated through the adopted version of ASTM International Designation D 5797 in sub-subparagraph 5F-2.001(5)(c)2.a., F.A.C., not already listed in this section.

~~19.20.~~ Failure to meet any requirements listed in the standards for biodiesel fuel blend stock (or biodiesel), as incorporated through the adopted version of ASTM International Designation D 6751 in sub-subparagraph 5F-2.001(5)(d)1.a., F.A.C.

~~20.21.~~ Failure to meet any other requirements listed in the standards for biodiesel blends (with diesel fuel), as incorporated through the adopted version of ASTM International Designation D 7467 in sub-subparagraph 5F-2.001(5)(d)2.a., F.A.C., not already listed in this section.

~~21.22.~~ Failure to meet any other requirements listed in the standards for biodiesel blends (with fuel oil), as incorporated through the adopted version of ASTM International Designation D 396 in sub-subparagraph 5F-2.001(5)(d)2.b., F.A.C., not already listed in this section.

~~22.23.~~ Violations of paragraph 5F-2.003(7)(a), F.A.C.

~~23.24.~~ Violations of subsection 5F-2.005(5), F.A.C.

~~24.25.~~ Violations of subsection 5F-2.014(2), F.A.C.

~~25.26.~~ Failure to correct violations of law, rule, or adopted sections of NIST Handbook 44 or NIST Handbook 130 (pertaining to petroleum measuring devices, as adopted in Rule 5F-7.005, F.A.C.) within the time period specified in a notice of non-compliance.

(d) No change.

(9) No change.

Rulemaking Specific Authority 525.14, 531.41, 570.07(23) FS. Law Implemented 525.16 FS. History--New 2-24-00, Amended 7-30-02, 6-1-06, 5-6-08,\_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.099821  
 RULE TITLE: Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly.

The language below in paragraph (4)(d) was inadvertently not stricken and should read as follows:

(4)(d) The Kindergarten Readiness Rate for private and public school VPK Providers will be displayed as follows:

|  | Screening Measure #1 | Screening Measure #2 | Screening Measure #3 |
|--|----------------------|----------------------|----------------------|
| Children Ready for Kindergarten            | 22                   | 15                   | <del>12</del>        |
| Children Screened                          | 22                   | 20                   | <del>20</del>        |
| Percent of Children Ready for Kindergarten | 100                  | 75                   | <del>60</del>        |
| VPK Provider Readiness Rate                | 175                  |                      |                      |

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE NOS.: 59C-1.008, 59C-1.010, 59C-1.012, 59C-1.013, 59C-1.030  
 RULE TITLES: Certificate of Need Application Procedures, Certificate of Need Application Review Procedures, Administrative Hearing Procedures, Monitoring Procedures, Criteria Used in Evaluation of Applications

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

|                   |   |
|-------------------|---|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                               |
| 59C-1.008         | Certificate of Need Application Procedures        |
| 59C-1.010         | Certificate of Need Application Review Procedures |
| 59C-1.012         | Administrative Hearing Procedures                 |
| 59C-1.013         | Monitoring Procedures                             |
| 59C-1.030         | Criteria Used in Evaluation of Applications       |

**NOTICE OF PUBLIC HEARING**

The Agency For Health Care Administration; Certificate of Need announces an additional hearing regarding the above rule, as noticed in Vol. 34, No. 48, November 26, 2008, Florida Administrative Weekly.

DATE AND TIME: November 16, 2009, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuation of hearing held November 26, 2008.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Regulatory Council of Community Association Managers**

|                  |   |
|------------------|---|
| <b>RULE NO.:</b> | <b>RULE TITLE:</b>                        |
| 61E14-4.001      | Continuing Education Renewal Requirements |

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

|                  |  |
|------------------|--|
| <b>RULE NO.:</b> | <b>RULE TITLE:</b>                           |
| 61H1-20.0053     | Standards for Assembled Financial Statements |

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures. The changes are as follows:

1. Subsection (3) shall be deleted in its entirety.
2. (4) through (12) will be renumbered as (3) through (11).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

|                  |  |
|------------------|--|
| <b>RULE NO.:</b> | <b>RULE TITLE:</b>                       |
| 61H1-20.007      | Generally Accepted Accounting Principles |

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures. The changes are as follows:

1. Subsection (2) shall now read as follows:
  - (2) Governmental generally accepted accounting principles in the United States of America shall be deemed and construed to mean the principles and standards as promulgated by the Governmental Accounting Standards Board (GASB) Summary of Statement No. 55, "The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments" (Issued 03/09), hereby adopted and incorporated by reference and available from GASB at 401 Merritt 7, P. O. Box 5116, Norwalk, CT 06850-5116, telephone: (203)847-0700 or at its website at <http://www.gasb.org/>, for state and local governments or the principles and standards as promulgated by the Federal Accounting Standards Advisory Board (FASAB) (Issued 6/30/08), hereby adopted and incorporated by reference and available from FASAB, 750 First Street, Suite 1001, Washington, D.C. 20002, telephone (202)512-7350 or at its website at <http://www.fasab.gov/index.html> for federal governmental entities. A certified public accountant shall not permit his/her name to be associated with financial statements of units of government unless he/she has complied with these standards and departure from such standards must be justified by those who do not follow them.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Veloria Kelly, Division Director, Board of Accountancy, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:                    RULE TITLE:  
 62-602.720                Inactive Status of License  
                                   NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 35, No. 41, October 16, 2009 issue of the Florida Administrative Weekly.

The Summary of the Rule should say: The rule makes minor changes to procedures for individuals with null and void (expired) water or wastewater treatment plant operator licenses or water distribution system operator licenses to reapply to the Department to reacquire their licenses.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mr. Ronald McCulley, Bureau of Water Facilities Funding, MS 3506, Department of Environmental Protection, 2600 Blair Stone Rd, Tallahassee, Florida 32399-2400; (850)245-8384 or email Ronald.mcculley@dep.state.fl.us

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NOS.:                RULE TITLES:  
 64B-4.005                Pain Management Clinic Inspection  
                                   Fee  
 64B-4.006                Pain Management Clinic  
                                   Registration Requirements, Fees

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Pharmacy**

RULE NO.:                RULE TITLE:  
 64B16-27.420            Pharmacy Technician 2:1 or 3:1  
                                   Ratio

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 32, August 14, 2009 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (2) shall now read as follows:
  - (2) Registered pharmacy technicians shall not:
    - (a) through (g) shall remain as noticed.
2. Subsection (3) shall now read as follows:
  - (3) Nuclear pharmacy permits allow the registered pharmacy technician to receive diagnostic orders only. The pharmacist must receive therapy or blood product procedure orders.

3. Immediately following the final text: PROPOSED EFFECTIVE DATE: JANUARY 1, 2010.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

**DEPARTMENT OF HEALTH**

**Board of Athletic Training**

RULE NO.:                RULE TITLE:  
 64B33-4.001                Protocols; Scope of Practice  
                                   NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 22, June 5, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

|                   |   |
|-------------------|---|
| RULE CHAPTER NO.: | RULE CHAPTER TITLE:   |
| 65C-20            | Family Day Care Standards and Large Family Child Care Homes |
| RULE NOS.:        | RULE TITLES:  |
| 65C-20.008        | Application   |
| 65C-20.009        | Staffing Requirements                                       |
| 65C-20.010        | Health and Safety Related Requirements                      |
| 65C-20.011        | Health Records  |
| 65C-20.012        | Enforcement   |
| 65C-20.013        | Large Family Child Care Homes (LFCCH)                       |

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 20, May 22, 2009, issue of Florida Administrative Weekly.

These changes are being made to address changes requested during public hearings, written material received by the Child Care Program Office, technical changes and written comments received from the Joint Administrative Procedures Committee. The proposed rule changes will have no transactional cost impact on small employers as defined in Section 288.703, F.S. Pursuant to Section 120.54(3)(b)1., F.S., the department's prepared a statement of estimated regulatory costs. The cost of the initial hearing conducted by the impartial decision maker is estimated to be less than the \$250.00 per hour. The estimated cost is determined to be approximately \$250.00 per hour for review of the decision of the impartial decision maker. Any person who wishes to provide information regarding a statement of estimated regulatory costs must do so in writing within 21 days of this notice.

- 65C-20.008 Application.
- (1) through (3)(a)2. No change.



~~3.(b)~~ CF Form 1649A, January 2007, Child Care ~~an~~ Attestation of Good Moral Character, which is incorporated by reference, must be completed for all operators/applicants and all adult household members, annually or in accordance with the local licensing agency compliance and must be maintained in the department's licensing file. A copy of the CF Form 1649A may be obtained from the licensing authority or on the department's Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) by clicking on the forms link.

4. No change.

(b) No change.

~~(a) The five (5) year re-screen is required for the operator/applicant and all other household members, including juveniles and substitutes, and must be maintained in the department's licensing file.~~

1. through 3. No change.

4. Documentation/clearance from the five year re-screening must be included in the department's licensing file.

(c) An operator, substitute and all household members /applicant, must be re-screened as outlined in Section 402.305, Florida Statutes following a break in operation of the family day care home that exceeds 90 days. A person in this category must undergo the same level of screening that was required at the time of initial operation of the family day care home.

(d) No change.

(4) No change.

(5) CF-FSP Form 5337, March 2009, Child Abuse & Neglect Reporting Requirements, which is incorporated by reference, must be signed annually by the operator and substitute(s). A copy of the CF-FSP Form 5337 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

Rulemaking Specific Authority 402.309, 402.313 FS. Law Implemented 402.302(13), 402.309, 402.313 FS. History--New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07, 5-1-08,\_\_\_\_\_.

65C-20.009 Staffing Requirements.

(1) No change.

(a) "Foster Grandparents" are directly supervised volunteers who participate in the federal program pursuant to Title 45 Public Welfare, part 2552, Code of Federal Regulation. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department's training courses: Family Child Care Home Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster grandparents are

not classified as child care personnel, and they may not be assigned the roles of teacher's aides, group leaders or other similar positions.

(b) through (c) No change.

(2)(b)2. Personnel.

3. Family day care home operators must maintain written documentation (i.e. time records) of the number of hours a substitute worked in their home each day for the preceding 12 months. Substitutes may not work more than over 40 hours per month on average over a six month period during a 12 month period in any single home for which they have been identified as the designated substitute.

(c) No change.

(3) No change.

(a) through (b) No change.

(c) The operator and substitute must have certificate(s) of course completion for infant and child cardiopulmonary resuscitation (CPR) procedures and first aid training, which must be current and valid at all times. Certificates of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three years. CPR courses must include an on-site instructor-based skills assessment that shall be documented by the certified CPR instructor. Documentation of completion of the online course and on-site assessment must be maintained at the facility and available for review by the licensing authority.

(d) Effective October 1, 2010, the department's Training Transcript will be the only acceptable verification of successful completion of the department's training. Training completion documented on CF-FSP Form 5267, March 2009, Child Care Training Course Completion Certificate, which is incorporated by reference, will no longer be accepted by the department after October 1, 2010, nor any previous version of the form. A copy of the department's Training Transcript may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

1. through 2. No change.

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

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

(4) through (5) No change.

## 65C-20.010 Health and Safety Related Requirements.

(1) No change.

(a) through (h) No change.

(i) All in-ground swimming pools and above-ground swimming pools more than one (1) foot deep shall have either a fence or barrier on all four (4) sides, at a minimum of four (4) feet in height, separating the home from the swimming pool, or a pool alarm that is operable at all times when children are in care. The fence or barrier shall not have any gaps or openings that would allow a young child to crawl under, squeeze through, or climb over the barrier. All spas and hot tubs must meet the same barrier requirements for in-ground and above-ground swimming pools, or spas and hot tubs may be covered with a safety cover, ~~that meet the requirements of defined in Section 515.25(1), F.S., that complies with (ASTM) F1346-91 (2003), Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Hot Tubs, and Spas,~~ at all times when children are in care ~~the licensing authority or on the Department of Children and Family Services' website at www.myflorida.com/childcare by clicking on the forms link.~~ The exterior wall of the home with an ingress and egress does not constitute a fence or barrier. All doors or gates in the fence or barrier shall be locked at all times when children are in care and when the pool is not being used by the children in care. In addition to the fence, barrier or pool alarm, the family day care home operator shall ensure that all exterior doors leading to the pool, spa, or hot tub area remain locked at all times while children are in care. Barriers may be temporary in nature, but must be sturdy and meet all the above requirements, and be in place during all times when children are in care. The wall of an above-ground swimming pool may be used as its barrier; however, such structure must be at least four (4) feet in height. In addition, any ladder or steps that are the means of access to an above-ground pool must be removed at all times while children are in care and when the pool is not being used by the children in care.

(j) through (m) No change.

(n) Children up to one (1) year of age must be in an individual crib, portacrib or playpen with sides. Crib sides must be raised and secured while an infant is in the crib and bar spacings may not exceed two and three-eighths inches. Cribs must meet the construction regulations as outlined in Title 16, sections ~~Parts~~ 1508.7 and 1509.8, Code of Federal Regulations, January 1, 2009, which is incorporated by reference January 1, 2004. A copy may be obtained from the department's website, www.myflorida.com/childcare. No double or multi-deck cribs, cots or beds may be used. When napping or sleeping, young infants ~~who that~~ are not capable of rolling over on their own shall be positioned on their back and on a firm surface to reduce the risk of Sudden Infant Death Syndrome (SIDS),

unless an alternative position is authorized in writing by a physician. The documentation shall be maintained in the child's record.

(o) through (p) No change.

(q) Single service paper or plastic plates, utensils, and cups shall not be reused. Plates, utensils, cups, bottles and sippy cups provided by the family day care home that are not disposable shall be washed, rinsed, and sanitized between uses. All bottles and sippy cups prepared and used continuously throughout the day shall be individually labeled with the child's first and last name. This does not limit any type of identification system in addition to names. Sippy cups or bottles and brought from home shall be individually labeled with the child's first and last name and returned to the custodial parent or legal guardian daily.

(r) through (s) No change.

1. It is the responsibility of the director/operator to ensure all areas of the facility are free from fire hazards such as lint and dust build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents.

2. through 4. No change.

(t) No change.

(2) through (3)(b)2. No change.

3. All accidents, incidents, and observed health related signs and symptoms which occur at a family day care home must be documented on the day they occur. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken, and signature of operator and custodial parent or legal guardian. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Records of accidents, incidents, and observed health related signs and symptoms must be maintained for one (1) year. If the parent or legal guardian does not pick up the child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

4. During the home's licensure year, fire drills shall be conducted a minimum of 10 times monthly and shall be conducted at various dates and times when children are in care, and shall not occur less than 30 days apart. A written record shall be maintained showing the date, time, number of children in attendance, evacuation route used, and time taken to evacuate the home. This record shall be maintained for one year from the date of the fire drill six (6) months. The fire drills conducted must include, at a minimum:

a. One fire drills during the established napping/sleeping times.

b. One fire drill using different an alternate evacuation routes, and

c. One fire drill in the presence and at the request of the licensing authority in coordination with the operator.

5. The operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the family day care home during a fire, lockdown, and inclement weather (tornadoes).

6. Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding the fire drills, outlined in the emergency preparedness plan must be practiced a minimum of one time per year, documentation of which must be maintained for one year. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for all children.

7. The operator shall maintain a written record of the emergency preparedness drills showing the type of drill, date conducted, number of children in attendance, and time taken for all individuals to complete the drill.

8. Documentation of conducted fire and emergency preparedness drills must be available at the time of the inspection. Documentation produced after the inspection shall not meet the licensing standard or corrective action requirements.

9. No change.

(4) through (8) No change.

65C-20.011 Health Records.

(1) Immunizations

(a) The family day care home provider is responsible for obtaining, for each child in care, a current, complete and properly executed Florida Certification of Immunization form, Parts A-1, B, and/or C, DH 680 (April 2009 July 2004), or the Religious Exemption from Immunization form, DH 681 (July 2008) (~~May 1999~~), which are incorporated herein by reference, from the custodial parent or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local health department. Immunizations received out-of-state are acceptable; however, immunizations must be documented on the Florida Certification of Immunization form and must be signed by a physician practicing in the State of Florida. Specific immunization requirements are included and detailed in the most current edition of the “Immunization Guidelines – Florida Schools, Child Care Facilities and Family Day Care Homes” as referenced in Rule 64D-3.011, F.A.C.

(b) The family day care home operator is responsible for obtaining, for each child in care, a current, complete and properly executed Student Health Examination form, DH 3040 (June 2002), incorporated herein by reference and may be obtained from the local county health department, or a signed statement by an authorized professional that indicates the results of the components of the form are included in the health examination from the custodial parent or legal guardian, within 30 days of enrollment. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(c) through (g) No change.

(2) No change.

(a) The operator shall obtain enrollment information from the child’s custodial parent or legal guardian prior to accepting the child into care. This information shall be documented on CF-FSP Form 5219, March 2009 January 2008, Child Care Application for Enrollment, which is incorporated by reference, or an equivalent that contains all the information required by the department’s form. CF-FSP Form 5219 may be obtained from the department’s Department of Children and Family Services website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) ~~of the local licensing agency.~~

(b) through (c) No change.

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

65C-20.012 Enforcement.

(1) No change.

(a) through (c) No change.

(d) No change.

1. “Class I Violation” is an incident incidence of noncompliance with a Class I standard as described on CF-FSP Form 5318, March 2009 Family Day Care Home Standards Classifications Summary and CF-FSP Form 5317, March 2009 Large Family Child Care Home Standards Classification Summary, which is incorporated by reference. A copy of CF-FSP Form 5318 and 5317 may be obtained from the department’s website [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect and which could or do result in death or serious harm to the health, safety or well-being of a child.

2. through 4. No change.

(2) through (3)(c) No change.

(d) Failure to submit a completed CF-FSP Form 5133, Application for a License to Operate a Family Day Care Home, which is incorporated by reference in subsection 65C-20.008(1), F.A.C., or CF-FSP Form 5238, Application for a License to Operate a Large Family Child Care Home, which is incorporated by reference in paragraph 65C-20.013(3)(a), F.A.C., for renewal of an annual license at least 45 days prior to the expiration date of the current license constitutes a licensing violation. The department shall issue an administrative complaint imposing a fine of \$50.00 for the first occurrence, \$100.00 for the second occurrence, and \$200.00 for each subsequent occurrence within a five year period.

(e) No change.

1. No change.

a. No change.

b. For the third and subsequent violation of a Class I standard violation, the department shall issue an administrative complaint to suspend, deny or revoke the license. The department, upon applying the factors in Section 402.310(1), F.S., may also levy a fine not less than \$100 nor more than \$500 per day for each violation in addition to any other disciplinary sanction.

2. through 4. No change.

(4) No change.

Rulemaking Specific Authority 402.310, 402.313 FS. Law Implemented 402.310, 402.313 FS. History—New 7-2-98, Amended 7-13-03, 9-12-04, 4-12-07, 5-1-08,\_\_\_\_\_.

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

(1) through (3) No change.

(4) No change.

~~(a)(d) Prior to caring for children, T~~the employee ~~and substitute for the employee~~ must, within 5 working days after starting work, submit to the employer a complete set of information necessary to conduct a screening under this section.

(b) Initial Screening. Screening information for the employee must be documented on CF-FSP Form 5131, March 2009, Background Screening and Personnel File Requirements, which is incorporated by reference. A copy of CF-FSP 5131 may be obtained from the department's website [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(c) No change

(5) No change.

(a) No change.

1. No change.

2. "Begin training for child care personnel" refers to a candidate's commencement of at least one ~~(1)~~ of the child care training courses listed in paragraph 65C-20.0013(5)(c), F.A.C. Section 402.305(2)(d), F.S. This may be accomplished by classroom attendance in a department-approved training course, acquiring an educational exemption from a department-approved training course, beginning a department-approved online child care training course, or by receiving results from completion of a department-approved competency examination within the first 90 days of employment in the child care industry in any licensed Florida family day care home or large family child care home. The large family child care home is responsible for obtaining documentation from child care personnel.

3. through 4. No change.

5. "Florida Child Care Professional Credential (FCCPC)," pursuant to Section 402.305(3)(b), F.S., certifies successful completion of ~~is~~ a department-approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight ~~years~~ ~~(8)~~, and at least two ~~(2)~~ methods of formal assessment that offers two ~~(2)~~ areas of certification.~~;~~ "Birth

Through Five" (formerly the department-approved CDA Equivalency training programs)" and "School-Age" (formerly the Florida School-Age Certification) Credentials must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate, which is incorporated by reference. A copy of CF-FSP Form 5270 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Active credentials are valid for five years from the date of issuance. A list of approved and recognized FCCPC programs may be obtained from ~~on~~ the department's Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

6. through 8. No change.

9. High School Diploma, GED and/or College Degree" means a diploma or degree obtained from institution accredited and recognized by U.S. Department of Education. High school diplomas issued by private schools that are registered with the Florida Department of Education will be accepted. If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university. If a college degree is earned outside the U.S., it must be evaluated by an approved credential evaluation agency approved by the Bureau of Educators Certification or an accredited college/university to be equivalent to a U.S. degree.

10. through 13. No change.

(b) No change.

1. Possess an active CF-FSP Form 5206, April 2005, Staff Credential Verification Confirmation, documented on the Training Transcript.

a. through c. No change.

d. Florida law requires that VPK instructional personnel possess an appropriate credential. If the department identifies that a designated VPK teacher does not have an active credential, the department will notify the local Early Learning Coalition or its designated representative.

2. No change.

a. No change.

b. Child care operators have one opportunity, if they choose, to exempt from one or more of the department's training courses prior to attending training by successful completion of corresponding competency examinations. If the Part II training course is only available online, exemption examinations are not available.

c. No change.

3. No change.

a. through c. No change.

(c) through (d) No change.

(6) No change.

(a) Large family child care home employees may apply the mandated 30-clock-hour Family Child Care Home training may be used to meet the annual in-service training requirement during the first year of employment.

- (b) through (c) No change.
- (7) through (10) No change.

Rulemaking Specific Authority 402.309, 402.3131 FS. Law Implemented 402.302, 402.302(13), 402.305, 402.309, 402.3131 FS. History–New 5-21-00, Amended 1-4-01, 7-13-03, 9-12-04, 4-12-07, 5-1-08,\_\_\_\_\_.

65C-20.014 Gold Seal Quality Care Program.

- (1) through (b) No change.

1. through 2. No change.

3.(f) “Nationally Recognized” refers to an association whose accrediting body is recognized and is actively issuing accreditation certificates, accepted and present in at least five (5) states at the time of approval or which had been approved as a Gold Seal Quality Care Accrediting Association by the department prior to July 1, 2007.

- (2) through (3) No change.

Rulemaking Specific Authority 402.281 FS. Law Implemented 402.281, 402.294 FS. History–New 5-1-08, Amended\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

|            |                                |
|------------|--------------------------------|
| 65C-22     | Child Care Standards           |
| RULE NOS.: | RULE TITLES:                   |
| 65C-22.001 | General Information            |
| 65C-22.002 | Physical Environment           |
| 65C-22.003 | Training                       |
| 65C-22.004 | Health Related Requirements    |
| 65C-22.005 | Food and Nutrition             |
| 65C-22.006 | Recordkeeping                  |
| 65C-22.007 | Evening Child Care             |
| 65C-22.008 | School Age Requirements        |
| 65C-22.009 | Gold Seal Quality Care Program |
| 65C-22.010 | Enforcement                    |

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 22, May 22, 2009, issue of Florida Administrative Weekly.

These changes are being made to address changes requested during public hearings, written material relating received by the Child Care Program Office, technical changes and comments from the Joint Administrative Procedures Committee.

The proposed rule changes will have no transactional cost impact on small employers as defined in Section 288.703, F.S. Pursuant to Section 120.54(3)(b)1., F.S., the department’s prepared a statement of estimated regulatory costs. The cost of the initial hearing conducted by the impartial decision maker is estimated to be less than the \$250.00 per hour. The estimated cost is determined to be approximately \$250.00 per hour for review of the decision of the impartial decision maker. Any person who wishes to provide information regarding a statement of estimated regulatory costs must do so in writing within 21 days of this notice.

65C-22.001 General Information.

- (1) through (5) No change.

(6) Transportation. For the purpose of this section, vehicles refer to those that are owned, operated, or regularly used by the child care facility and vehicles that provide transportation through a contract or agreement with an outside entity. Parents’ personal vehicles used during field trips are excluded from meeting the requirements in paragraphs 65C-22.001(6)(a)2., (b) & (c), F.A.C.

(a) When any vehicle is regularly used by a child care facility to provide transportation, the driver shall have the following:

- 1. through 2. No change.

(b) No change.

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

- (d) through (f) No change.

(g) Each vehicle shall be equipped with contact information for all children being transported. When transporting children with chronic medical conditions (such as asthma, diabetes or seizures), their emergency care plans and supplies or medication shall be available. The responsible adult shall be trained to recognize and respond appropriately to the emergency.

- (7) through (11) No change.

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

65C-22.002 Physical Environment.

- (1) General Requirements.

(a) through (b) No change

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

- (d) through (j) No change.

(2) Rooms Occupied by Children.

(a) through (d) No change.

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

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

(3) through (5) No change.

(a) through (b) No change.

~~(c)(f)~~ Children up to one ~~(4)~~ year of age must be in an individual crib, portacrib, or playpen with sides. Crib sides must be raised and secured while an infant is in the crib, and bar spacings may not exceed two and three-eighths ~~(2-3/8)~~ inches. Cribs must meet the construction regulations as outlined in Title 16, Parts 1508 & 1509, Code of Federal Regulations, January 2009, which is incorporated by reference. A copy of may be obtained from the department's website, [www.myflorida.com/childcare](http://www.myflorida.com/childcare). No double or multi-deck cribs, cots or beds may be used.

(d) No change.

(6) No change.

(7) Fire and Emergency Safety.

(a) No change.

(b) There shall be at least one ~~(4)~~ corded telephone in the child care facility that is neither locked nor located at a pay station and is available to all staff during the hours of operation.

(c) through (d) No change.

(e) During the facility's licensure year, fire drills shall be conducted a minimum of 10 times monthly and be conducted at various dates and times when children are in care, and shall not occur less than 30 days apart. A current attendance record must accompany staff out of the building during a drill or actual evacuation, and be used to account for all children. The fire drills conducted must include, at a minimum:

1. One fire drill during the established napping/sleeping times,

2. One fire drill using different an alternate evacuation routes, and

3. One fire drill in the presence and at the request of the licensing authority in coordination with the operator or designee.

(f) The operator shall maintain a written record of the ~~monthly~~ fire drills showing the date, number of children and staff in attendance, evacuation route used, and time taken for all individuals to evacuate the premises. Each ~~fire drill monthly~~ record shall be maintained for a minimum of one year ~~four (4) months~~ from the date of the fire drill.

(g) When the facility's fire alarm is activated, all adults and children must evacuate the facility.

(h) The operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the child care facility during a fire, lockdown and inclement weather (tornadoes).

(i) Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding fire drills, outlined in the emergency preparedness plan must be practiced a minimum of one time per year, documentation of which must be maintained for one year. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for all children.

(j) The operator shall maintain and post in a conspicuous location a written record of emergency preparedness drills showing the type of drill, date conducted, number of children and staff in attendance, and time taken for all individuals to complete the drill.

(k) Documentation of conducted fire and emergency preparedness drills must be available at the time of the inspection. Documentation produced after the inspection shall not meet the licensing standard or corrective action requirements.

(l) After a fire or natural disaster, the operator must notify the licensing authority within 24 hours as to their operational status in order for the licensing authority to ensure health standards are being met for continued operation.

(8) No change.

(9) No change.

65C-22.003 Training.

(1) No change.

(a) through (g) No change.

(h) "Florida Child Care Professional Credential (FCCPC)," pursuant to Section 402.305(3)(b), F.S., certifies successful completion of is a department-approved training program that consists of a minimum of 120 hours of early childhood instruction, 480 contact hours with children ages birth through eight years ~~(8)~~, and at least two ~~(2)~~ methods of formal assessment that offers two ~~(2)~~ areas of certification, "Birth Through Five" (formerly the department-approved CDA Equivalency training programs)" and "School-Age" (formerly the Florida School-Age Certification).<sup>22</sup> Credentials must be documented on CF-FSP Form 5270, April 2006, Florida Child Care Professional Credential Certificate, which is incorporated by reference. A copy of CF-FSP 5270 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Active credentials are valid for five years from the date of issuance. A list of approved and recognized FCCPC programs may be obtained from ~~on~~ the department's Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

(j) through (l) No change.

(m) Foster Grandparents” are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department’s training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster grandparents are not classified as child care personnel, and they may not be assigned the roles of teacher’s aides, group leaders or other similar positions.

(n) “High School Diploma, GED and/or College Degree” means a diploma or degree obtained from institution accredited and recognized by U.S. Department of Education. High school diplomas issued by private schools that are registered with the Florida Department of Education will be accepted. If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university. If a college degree is earned outside the U.S., it must be evaluated by an approved credential evaluation agency approved by the Bureau of Educators Certification or an accredited college/university to be equivalent to a U.S. degree.

(o) through (t) No change.

(2) No change.

(3) Exemptions from the Introductory Child Care Training.

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

(b) No change.

(4) Documentation of Training. Effective October 1, 2010, the department’s Training Transcript will be the only acceptable verification of successful completion of the department’s training. Completed successfully will be documented on the Training completion documented transcript or on CF-FSP Form 5267, March 2009 April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference, will no longer be accepted by the department after October 1, 2010, nor will any previous version of the form. CF-FSP 5267, Form CF-FSP 5267 is

provided to participants upon completion of a department approved training course. A copy of the department’s Training Transcript may be obtained from the licensing authority or on the department’s Department of Children and Family Services’ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare) by clicking on the training link.

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

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

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

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

(5) through (6) No change.

(7) Staff Credentials.

(a) Staff Credential Requirement. Pursuant to Section 402.305(3), F.S. a licensed child care facility must have a minimum of one (1) credentialed staff member for every 20 children.

1. A credentialed staff member is defined as a child care professional who has been issued a ~~CF-FSP Form 5206, January 2008, Staff Credential Verification~~ documented on the individual’s Training Transcript, which is incorporated by reference, by the department. Florida law requires that VPK instructional personnel possess an appropriate credential. If the department identifies that a designated VPK teacher does not have an active credential, the department will notify the local Early Learning Coalition or its designated representative.

(b) through (e) No change.

(8) No change.

(a) Director Credential Requirement. Pursuant to Section 402.305(2)(f), F.S., every child care facility must have a credentialed director. An individual with an inactive Director Credential is ineligible to be the director of a child care facility. An applicant for the Director Credential ~~or Advanced Director Credential~~ must meet the requirements referenced in CF-FSP Form 5290, March 2009 April 2006, Florida Child Care Director Credential and Renewal Verification and Application, which is incorporated by reference. CF-FSP Form 5290 may be obtained from on the department’s Department of Children and Family Services website at: [www.myflorida.com/](http://www.myflorida.com/)

childcare. All applications and documentation will be verified, and if complete, the credential will be issued by the ~~Department or designated representative of Children and Family Services~~ on CF-FSP Form 5252, April 2006, Florida Director Credential Certificate, incorporated by reference. Form CF-FSP 5252 is issued to participants upon meeting the requirements for issuance of a Director Credential.

1. No change.

2. Each child care facility must have a credentialed director ~~who that~~ is on-site a majority of hours, excluding weekends and evening hours that the facility is in operation that the facility is in operation. Documentation of majority of hours must be maintained and available for review by the licensing authority.

3. through 5. No change.

(b) through (e) No change.

65C-22.004 Health Related Requirements.

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

(b) Certificate(s) of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three ~~(3)~~ years. CPR courses must include an on-site instructor-based skills assessment by a certified CPR instructor. Documentation of completion of the online course and on-site assessment must be maintained at the facility and available for review by the licensing authority. On-line CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction. Documentation that identifies staff members who have met the first aid and infant and child cardiopulmonary resuscitation (CPR) training requirement shall be kept on file at the child care facility.

(c) through (d)2. No change.

3. All accidents and incidents which occur at a facility or while a child is in the care of facility staff must be documented on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of facility staff and custodial parent or legal guardian. The documentation must be ~~and~~ maintained for one (1) year. If the parent or legal guardian does not pick up the child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

(3) No change.

65C-22.005 Food and Nutrition.

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

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

(e) through (f) No change.

65C-22.006 Record Keeping.

(1) through (2) No change.

(a) The child care facility is responsible for obtaining for each child in care a current, complete and properly executed Student Health Examination form DH 3040 (June 2002), which is incorporated herein by reference and may be obtained from the local county health department, from the parent or legal guardian or a signed statement by authorized professionals that indicates the results of the components of the Student Health Examination form are included in the health examination. The Student Health Examination shall be completed by a person given statutory authority to perform health examinations.

(b) No change.

(c) The child care facility is responsible for obtaining for each child in care a current, complete and properly executed Florida Certification of Immunization form Part A-1, B, or C, DH 680 (~~April 2009 July 2004~~), or the Religious Exemption from Immunization form, DH 681 (~~July 2008 May 1999~~), which are incorporated herein by reference, from the custodial parent or legal guardian. DH Form 680 and DH Form 681 may be obtained from the local county health department. Immunizations received out-of-state are acceptable; however immunizations must be documented on the Florida Certification of Immunization form and must be signed by a physician practicing in the State of Florida. Specific immunization requirements are included and detailed in the most current edition of the "Immunization Guidelines-Florida Schools, Child Care Facilities and Family Day Care Homes" as promulgated by the Florida Department of Health.

(d) through (g) No change.

(3) No change.

(a) through (c) No change.

1. through 2. No change.

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

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

(4) No change.

(a) though (e)4. No change.

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



6. through 7. No change.

(f) through (g) No change.

(5) Summary of Records. In addition to the documentation outlined in subsections ~~65C-22.006(1)-(4)~~; above F.A.C., the following is a list of records that shall be maintained at the facility, and that shall be available during the hours of operation for review by the licensing authority:

(a) No change.

(b) Documentation of parental permission for field trips: ~~m~~Must be retained for a minimum of four ~~(4)~~ months as referenced in paragraph 65C-22.001(7)(~~c~~)(~~b~~), F.A.C.

(c) through (d) No change.

(e) Written record of ~~monthly~~ fire drills: ~~m~~Must be maintained for a minimum of one year ~~four (4) months~~ as referenced in paragraph 65C-22.002(7)(~~f~~)(~~d~~), F.A.C.

(f) through (h) No change.

(i) Emergency evacuation plan and emergency preparedness plan as referenced in subparagraph ~~65C-22.002(7)(h)-(k)~~ ~~65C-22.004(2)(d)5.~~, F.A.C. Written records of emergency preparedness plan drills must be maintained for one year from each drill.

(j) through (m) No change.

65C-22.007 Evening Child Care.

(1) through (3) No change.

65C-22.008 School Age Child Care.

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

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

1. through 4. No change.

(d) No change.

1. through 3. No change.

4. A completed CF-FSP Form ~~5017 5272~~ for renewal of an annual license must be submitted to the licensing authority at least 45 days prior to the expiration date of the current license to ensure that a lapse of licensure does not occur. Failure to submit a completed CF-FSP Form 5017 at least 45 days prior to the expiration date of the current license constitutes a licensing violation as defined in paragraph 65C-22.010(2)(d), F.A.C.

(e) No change.

(3) No change.

(a) through (d) No change.

(e) General Requirements.

1. All school-age child care programs facilities must be clean, in good repair, and free from health and safety hazards and from vermin infestation. During the hours that the program is in operation, no portion of the building shall be used for any activity which endangers the health and safety of the children.

It is the responsibility of the director/owner to ensure all areas of the facility are free from fire hazards, such as lint and dust build up in heating and air vents, filters, exhaust fans, ceiling fans, and dryer vents.

2. through 8. No change.

(f) No change.

1. No change.

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

3. ~~Rodents and vermin shall be exterminated.~~ Pest control shall not take place while rooms are occupied by children.

(g) Napping and Sleeping Space. For the purposes of this standard, sleeping refers to the normal night time sleep cycle while napping refers to a brief period of rest during daylight or early evening hours. Each school-age child care program must include a designated area where each child can sit quietly or lie down to rest or nap. When not in use, napping space and usable indoor floor space may be used interchangeably as described in paragraph ~~65C-22.008(3)(i)~~, below F.A.C.

(h) through (m) No change.

1. through 2.a. No change.

b. Certificate(s) of course completion are valid based on the time frames established by each first aid and CPR training program, not to exceed three ~~(3)~~ years. CPR courses must include an on-site instructor-based skill assessments by a certified CPR instructor. Documentation of completion of the online course and on-site assessment must be maintained at the facility and available for review by the licensing authority. Online CPR courses are not acceptable to meet this standard. CPR training must be done by classroom instruction. Documentation that identifies staff members have met the first aid and child cardiopulmonary resuscitation (CPR) training requirement shall be kept on file at the school-age child care program facility.

c. No change.

3. No change.

a. through b. No change.

c. All accidents and incidents which occur at a school-age child care program or while a child is in the care of program staff must be documented on the day they occur. This documentation must be shared with the custodial parent or legal guardian on the date of occurrence. Documentation shall include the name of the affected party, date and time of occurrence, description of occurrence, actions taken and by whom, and appropriate signatures of program staff and custodial parent or legal guardian. The documentation must be ~~and~~ maintained for one ~~(1)~~ year. If the parent or legal guardian does not pick up the child on the date of occurrence of the accident or incident, the individual authorized to pick up the child must sign and be provided a copy of the accident/incident form.

4. No change.

(n) through (r) No change.

(s)(~~r~~) Fire and Emergency Safety.

1. through 4. No change.

5. During the facility's licensure year, fire drills shall be conducted a minimum of 10 times and be conducted monthly at various dates and times when children are in care, and shall not occur less than 30 days apart. A current attendance record must accompany staff out of the building during a drill or actual evacuation, and be used to account for all children. The fire drills conducted must include, at a minimum:

a. One fire drill using an alternate evacuation routes, and

b. One drill in the presence and at the request of the licensing authority in coordination with the operator or designee.

6.4. The operator shall maintain a written record of monthly fire drills showing the date, number of children and staff in attendance, evacuation route used, and time taken for all individuals to evacuate the premises. Each monthly record shall be maintained for a minimum of one year ~~four (4) months~~ from the date of the fire drill.

7. When the school-age program's fire alarm is activated, all adults and children must evacuate the facility.

8. The operator shall develop a written emergency preparedness plan to include, at a minimum, procedures to be taken by the child care facility during a fire, lockdown, and inclement weather (tornadoes).

9. Emergency preparedness drills shall be conducted when children are in care. Each drill, excluding the fire drills, outlined in the emergency preparedness plan must be practiced a minimum of one time per year, documentation of which must be maintained for one year. A current attendance record must accompany staff during the drill or actual emergency and must be used to account for all children.

10. The operator shall maintain and post in a conspicuous location a written record of emergency preparedness drills showing the type of drill, date conducted, number of children and staff in attendance, and time taken for all individuals to complete the drill.

11. Documentation of conducted fire and emergency preparedness drills must be available at the time of the inspection. Documentation produced after the inspection shall not meet the licensing standard or corrective action requirements.

12. After a fire or natural disaster, the operator must notify the licensing authority within 24 hours as to their operational status in order for the licensing authority to ensure health standards are being met for continued operation.

(t)(~~s~~) Transportation. For the purpose of this section, vehicles refer to those owned, operated, or regularly used by the school-age child care program, and vehicles that provide

transportation through a contract or agreement with an outside entity. Parents' personal vehicles used for transporting during field trips are excluded from meeting the requirements in paragraphs 65C-22.001(6)(a)2., (b) & (c), F.A.C.

1. When any vehicle is regularly used by a school-age child care program to provide transportation, the driver shall have the following:

a. through b. No change.

2. No change.

3. All vehicles regularly used to transport children shall be inspected annually by a mechanic to ensure that they are in proper working order. Documentation by the mechanic shall be maintained in the vehicle.

4. through 10. No change.

11. Each vehicle shall be equipped with contact information for all children being transported. When transporting children with chronic medical conditions (such as asthma, diabetes or seizures), their emergency care plans and supplies or medication shall be available. The responsible adult shall be trained to recognize and respond appropriately to the emergency.

12. No change.

(u) No change.

1. through 2. No change.

3. Enrollment Information. The facility operator shall obtain enrollment information from the child's custodial parent or legal guardian prior to accepting a child in care. This information shall be documented on CF-FSP Form 5219, Child Care Application for Enrollment, which is incorporate by reference in subsection 65C-22.006(3), F.A.C., or an equivalent form that contains all the information required by the ~~Department of Children and Family Services~~ on CF-FSP Form 5219. CF-FSP Form 5219 may be obtained from the licensing authority or by going to the ~~department's Department of Children and Family Services'~~ website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

a. through b. No change.

c. No change.

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

(II) No change.

(III) Annually, during the months of August and September, the child care facility director must provide parents with information detailing the causes, symptoms, and transmission of the influenza virus. To assist providers the

department developed a brochure, CF/PI 175-70, June 2009, Inﬂuenza Virus, Guide to Parents, which may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

4. No change.

a. through b. No change.

c. CF-FSP Form 5337, Child Abuse & Neglect Reporting Requirements, which is incorporated by reference in paragraph 65C-22.006(4)(c), F.A.C., must be signed annually by all child care personnel. Signed statement that the employee understands the statutory requirements for professionals' reporting of child abuse and neglect.

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

~~e. Initial Screening. Level 2 Screening information must be documented on CF-FSP Form 5131, Feb. 2004, Background Screening and Personnel File Requirements, which is incorporated by reference in paragraph 65C-22.006(4)(d), F.A.C., Screening includes the following:~~

~~(I) through (III) No change.~~

~~e. No change.~~

~~(I) through (III) No change.~~

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

~~f. through i. No change.~~

~~5. No change.~~

~~a. through g. No change.~~

~~h. Record for each child receiving medication. Must be maintained for a minimum of four (4) months after the last day the child received the dosage as referenced in sub-subparagraph 65C-22.008(3)(m)4.3.f., above F.A.C.~~

~~i. through k. No change.~~

~~(4) No change.~~

~~(a) No change.~~

~~1. through 6. No change.~~

7. "Foster Grandparents" are directly supervised volunteers who participate in the federal program pursuant to 45 Code of Federal Regulations part 2552. Foster grandparents work with one or more children with special or exceptional needs in child care programs. Foster grandparents are not counted in the staff-to-child ratio. Foster grandparents shall be required to have 100% attendance in the following department's training courses: Child Care Facility Rules and Regulations; Health, Safety, and Nutrition; Identifying and Reporting Child Abuse and Neglect; and Special Needs Appropriate Practices. Foster grandparents are not classified as child care personnel, and they may not be assigned the roles of teacher's aides, group leaders or other similar positions."

8. High School Diploma, GED and/or College Degree" means a diploma or degree obtained from institution accredited and recognized by U.S. Department of Education. High school diplomas issued by private schools that are registered with the Florida Department of Education will be accepted. If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university. If a college degree is earned outside the U.S., it must be evaluated by an approved credential evaluation agency approved by the Bureau of Educators Certification or an accredited college/university to be equivalent to a U.S. degree. "High School Diploma, GED and/or College Degree" means a diploma or degree obtained from institution accredited and recognized by U.S. Department of Education. If a high school diploma is earned outside the U.S., it must be translated by someone who is a member of the American Translators Association, an approved credential evaluation agency approved by the Bureau of Educators Certification, or an accredited college/university. If a college degree is earned outside the U.S., it must be evaluated by an approved credential evaluation agency approved by the Bureau of Educators Certification or an accredited college/university to be equivalent to a U.S. degree.

9. through 13. No change.

(b) through (c) No change.

(d) Documentation of Training. Effective October 1, 2010, the department's Training Transcript will be the only acceptable verification of successful completion of the department's training. Training completion documented on CF-FSP Form 5267, April 2006, Child Care Training Course Completion Certificate, which is incorporated by reference, will no longer be accepted by the department after October 1, 2010, nor will any previous versions. Form CF-FSP 5267 is provided to participants upon completion of a department approved training course. A copy of the department's Training Transcript may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

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

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

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

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

(e) through (g) No change.

(h) No change.

1. through 2. No change.

3. Documentation of the in-service training requirement must be recorded on CF-FSP Form 5268, Child Care In-Service Training Record, which is incorporated by reference in paragraph 65C-22.003(6)(c), F.A.C., and included in the child care facilities' personnel records. CF-FSP Form 5268 may be obtained from the licensing authority or on the department's Department of Children and Family Services' website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). A new in-service training record is required each fiscal year. The in-service training records for the previous two (2) fiscal years must also be maintained at the school-age child care program facility for review by the licensing authority.

(4)(a) through (h) No change.

(i) No change.

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

(a) through (e) No change.

2. through 4. No change.

65C-22.009 Gold Seal Quality Care Program.

(1) No change.

(a) through (c) No change.

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

1. through 2. No change.

3.(f) "Nationally Recognized" refers to an association whose accrediting body is recognized; and is actively issuing accreditation certificates accepted and in at least five (5) states at the time of approval or which had been approved as a Gold Seal Quality Care Accrediting Association by the department prior to July 1, 2007.

(2) through (3) No change.

65C-22.010 Enforcement.

(1) No change.

(a) No change

(b) "Probation" is a licensing status indicating the license is in jeopardy of being revoked or not renewed due to violations of licensing standards. Probation may require the licensee to comply with specific conditions intended to ensure that the licensee comes into and maintains compliance with licensing standards. Examples of such conditions are: a deadline to remedy an existing violation, a specified period during which compliance with licensing standards must be strictly maintained; and specified conditions under which the facility must operate during the probationary period a violation or violations, which are within the control of the facility, to become compliant with licensing standards.

(c) through (d) No change.

1. "Class I Violation" is an incident incidence of noncompliance with a Class I standard as described on CF-FSP Form 5316, March 2009 October 2007, Child Care Facility Standards Classification Summary, which is incorporated by reference. A copy of the CF-FSP Form 5316 may be obtained from the department's website at [www.myflorida.com/childcare](http://www.myflorida.com/childcare). Class I violations are the most serious in nature, pose an imminent threat to a child including abuse or neglect, and which could or does result in death or serious harm to the health, safety or well-being of a child.

2. through 4. No change.

(2) No change.

(a) through (c) No change.

(d) Failure to submit a completed CF-FSP Form 5017, Application for a License to Operate a Child Care Facility, which is incorporated by reference in paragraph 65C-22.001(1)(a), F.A.C., for renewal of an annual license at least 45 days prior to the expiration date of the current license constitutes a licensing violation. The department shall issue an administrative complaint imposing a fine of \$50.00 for the first occurrence, \$100.00 for the second occurrence, and \$200.00 for each subsequent occurrence within a five year period.

(e) No change.

1. No change.

a. No change.

b. For the third and subsequent violation of a Class I standard violations, the department shall issue an administrative complaint to suspend, deny or revoke the license. The department, upon applying the factors in Section

402.310(1), F.S., may also levy a fine not less than \$100 nor more than \$500 per day for each violation in addition to any other disciplinary sanction.

2. through 4. No change.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

|            |                   |
|------------|-------------------|
| RULE NOS.: | RULE TITLES:      |
| 65G-4.0021 | Tier Waivers      |
| 65G-4.0022 | Tier One Waiver   |
| 65G-4.0024 | Tier Three Waiver |
| 65G-4.0025 | Tier Four Waiver  |

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 23, June 12, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery, and Consumer Services**

|            |   |
|------------|---|
| RULE NO.:  | RULE TITLE:                                   |
| 69K-24.040 | Licensure of Centralized Embalming Facilities |

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly.

The changes are as follows:

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule change will not have an impact on small businesses.

(3) Centralized embalming facilities shall apply to the Department for renewal of registration and shall pay a nonrefundable renewal fee of \$300 together with the annual inspection fee of ~~\$225~~ ~~\$255~~ for each year for which the license will be issued.

**THE PERSON TO BE CONTACTED REGARDING THESE CHANGES IS:** Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361

**Section IV  
Emergency Rules**

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

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

**DEPARTMENT OF THE LOTTERY**

|           |  |
|-----------|--|
| RULE NO.: | RULE TITLE:                              |
| 53ER09-57 | Instant Game Number 1041, COOL \$100,000 |

**SUMMARY:** This emergency rule describes Instant Game Number 1041, "COOL \$100,000," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Faith Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

53ER09-57 Instant Game Number 1041, COOL \$100,000.

(1) Name of Game. Instant Game Number 1041, "COOL \$100,000."

(2) Price. COOL \$100,000 lottery tickets sell for \$5.00 per ticket.

(3) COOL \$100,000 lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning COOL \$100,000 lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-89, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

|           |           |             |            |            |           |             |             |            |        |
|-----------|-----------|-------------|------------|------------|-----------|-------------|-------------|------------|--------|
| 1         | 2         | 3           | 4          | 5          | 6         | 7           | 8           | 9          | 10     |
| ONE       | TWO       | THREE       | FOUR       | FIVE       | SIX       | SEVEN       | EIGHT       | NINE       | TEN    |
| 11        | 12        | 13          | 14         | 15         | 16        | 17          | 18          | 19         | 20     |
| ELEVEN    | TWELVE    | THIRTEEN    | FOURTEEN   | FIFTEEN    | SIXTEEN   | SEVENTEEN   | EIGHTEEN    | NINETEEN   | TWENTY |
| 21        | 22        | 23          | 24         | 25         | 26        | 27          | 28          | 29         | 30     |
| TWENTYONE | TWENTYTWO | TWENTYTHREE | TWENTYFOUR | TWENTYFIVE | TWENTYSIX | TWENTYSEVEN | TWENTYEIGHT | TWENTYNINE | THIRTY |

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

|           |           |             |            |            |           |             |             |            |        |
|-----------|-----------|-------------|------------|------------|-----------|-------------|-------------|------------|--------|
| 1         | 2         | 3           | 4          | 5          | 6         | 7           | 8           | 9          | 10     |
| ONE       | TWO       | THREE       | FOUR       | FIVE       | SIX       | SEVEN       | EIGHT       | NINE       | TEN    |
| 11        | 12        | 13          | 14         | 15         | 16        | 17          | 18          | 19         | 20     |
| ELEVEN    | TWELVE    | THIRTEEN    | FOURTEEN   | FIFTEEN    | SIXTEEN   | SEVENTEEN   | EIGHTEEN    | NINETEEN   | TWENTY |
| 21        | 22        | 23          | 24         | 25         | 26        | 27          | 28          | 29         | 30     |
| TWENTYONE | TWENTYTWO | TWENTYTHREE | TWENTYFOUR | TWENTYFIVE | TWENTYSIX | TWENTYSEVEN | TWENTYEIGHT | TWENTYNINE | THIRTY |

(6) The prize symbols and prize symbol captions are as follows:

|         |             |             |              |              |               |                      |
|---------|-------------|-------------|--------------|--------------|---------------|----------------------|
| \$1.00  | \$2.00      | \$5.00      | \$10.00      | \$20.00      | \$30.00       | \$40.00              |
| ONE     | TWO         | FIVE        | TEN          | TWENTY       | THIRTY        | FORTY                |
| \$50.00 | \$100       | \$200       | \$500        | \$1,000      | \$4,000       | \$100,000            |
| FIFTY   | ONE HUNDRED | TWO HUNDRED | FIVE HUNDRED | ONE THOUSAND | FOUR THOUSAND | ONE HUNDRED THOUSAND |