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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Diana Marr, Director, Division of Funeral, Cemetery, and Consumer Services, Alexander Building, 2020 Capital Circle S.E., Tallahassee, Florida 32399-0361, (850)413-3039

THE FULL TEXT OF THE PROPOSED RULE IS:

69K-1.002 Fingerprint Requirement and Waiver.

(1) Each person and entity applying for a license under Chapter 497, F.S., shall submit fingerprints to the Department for a criminal history report as part of the license application process as follows:

(a) Where the applicant is a natural person, the fingerprints of the natural person making application:

(b) Where the applicant is a corporation, the fingerprints of the persons serving in the following capacities: chief executive officer and president, or both persons if the positions are filled by different persons; chief financial officer; chief of operations; general counsel if a corporation employee; and members of the board;

(c) Where the applicant is a limited liability company, the fingerprints of each manager and member of the limited liability company;

(d) Where the applicant is a partnership, the fingerprints of each partner;

(e) Where the applicant is a trust, the fingerprints of each trustee.

(2) Persons and entities already licensed under Chapter 497, F.S., as of 10-1-05 are not required to submit their fingerprints to renew or retain their existing licenses. However, if such person or entity applies for an additional license under Chapter 497, F.S., such person or entity shall be required to submit their fingerprints to the Department.

(3) Applicants are exempt from submitting fingerprints if, within two (2) years preceding their new application, they had previously submitted their fingerprints to the Department of Financial Services in relation to some other type of license application, and the Department obtained a criminal history report utilizing those prior fingerprints.

(4) Fingerprints may be submitted to the Department either in an electronic format or by using a paper fingerprint card.

(5) Information about submitting electronic fingerprints is on the Department's website: <http://myfloridacfo.com/FuneralCemetery/>.

(6)(a) The Department uses the fingerprint cards of the United States Department of Justice, Federal Bureau of Investigation, Form No. FD-258 (rev. 5-11-99), which is incorporated by reference in Rule 69K-1.001, F.A.C.

Applicants shall obtain this fingerprint card form from the Department with a pre-stamped ORI number to ensure that fingerprint results are sent to the correct agency. Fingerprint cards shall be obtained from the Department prior to submitting an application by calling (850)413-3039.

(b) The fingerprints shall be taken by a certified law enforcement officer, as defined in Chapter 943, F.S., or by an employee of a law enforcement agency whose duty it is to perform fingerprint services for the public.

(c) The completed fingerprint cards shall be mailed to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361, accompanied by a nonrefundable processing fee.

Specific Authority 497.103(5)(b), 497.141, 497.142(12) FS. Law Implemented 497.141, 497.142, 497.263, 497.264, 497.281, 497.368, 497.369, 497.370, 497.373, 497.374, 497.380, 497.385, 497.453, 497.466, 497.550, 497.554, 497.602, 497.604, 497.606 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diana Marr, Director, Division of Funeral, Cemetery, and Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Chandler, Deputy Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 18, 2008

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Dairy Industry**

RULE NOS.:	RULE TITLES:
5D-1.012	Future Dairy Farms, Milk Plants, Manufacturing Milk Plants and Frozen Dessert Plants

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with paragraph 120.54(3)(d)1., F.S. published in Vol. 33, No. 51, December 21, 2007, issue of Florida Administrative Weekly.

The following language “or a method which has been approved by the regulatory agency and” is being deleted from the proposed rule as follows:

5D-1.012 Future Dairy Farms, Milk Plants, Manufacturing Milk Plants and Frozen Dessert Plants.

(f) Stainless steel pipelines are properly identified. Identification shall be made with colored tape ~~or~~ plastic bands ~~or a method which has been approved by the regulatory agency~~ and which will remain in place and retain its coloring under normal conditions of use. The following colors shall be used:

RED – RAW MILK LINES

BLUE – PASTEURIZED PRODUCTS LINES

GREEN – CLEANING SOLUTION LINES (SUPPLY AND RETURN)

YELLOW – WATER LINES (APPLICABLE TO STAINLESS STEEL LINES ONLY)

The direction of flow in each line shall also be indicated by an arrow on the pipe, tape, or plastic band. The proper placement of colored bands and directional arrows on pipelines shall be determined by the department regulatory agency to ensure easy identification of the product in the pipe and direction of flow.

Specific Authority 502.014, 503.031 FS. Law Implemented 502.014, 502.053, 502.091, 502.121, 503.031 FS. History–Revised 9-21-67, Amended 10-27-67, 3-19-69, 1-26-81, 8-16-84, Formerly 5D-1.12, Amended 6-27-90, 7-2-95, 10-15-03, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.:                   RULE TITLE:  
6A-1.09401                Student Performance Standards  
                                  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. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

The “Sunshine State Standards – Science, 2008” as incorporated by reference in the rule was amended as follows:

Page 20, Grade 1, Big Idea 6

Page 24, Grade 2, Big Idea 6

Page 30, Grade 3, Big Idea 6

Page 37, Grade 4, Big Idea 6

Deleted:

Over geologic time, internal and external sources of energy have continuously altered the features of Earth by means of both constructive and destructive forces.

Replaced with:

Humans continue to explore the composition and structure of the surface of the Earth. External sources of energy have continuously altered the features of Earth by means of both constructive and destructive forces. All life, including human civilization, is dependent on Earth's water and natural resources.

Page 24, Grade 2, Big Idea 7

Page 44, Grade 5, Big Idea 7

Deleted:

The evolution of Earth is driven by the flow of energy and the cycling of matter through dynamic interactions among the atmosphere, hydrosphere, cryosphere, geosphere, and biosphere, and the resources used to sustain human civilization on Earth.

Replaced with:

Humans continue to explore the interactions among water, air, and land. Air and water are in constant motion that results in changing conditions that can be observed over time.

Page 51, Grade 6, Big Idea 6

Page 58, Grade 7, Big Idea 6

Deleted:

The theory of plate tectonics provides the framework for much of modern geology.

Not Replaced

Page 65, Grade 8, Big Idea 5

Page 66, Grade 8, Big Idea 5

Deleted:

Humans continue to explore Earth's place in space. Gravity and energy influence the formation of galaxies, including our own Milky Way Galaxy, stars, the Solar System, and Earth. Humankind's need to explore continues to lead to the development of knowledge and understanding of our Solar System.

Replaced with:

The origin and eventual fate of the Universe still remains one of the greatest questions in science. Gravity and energy influence the formation of galaxies, including our own Milky Way Galaxy, stars, the planetary systems, and Earth. Humankind's need to explore continues to lead to the development of knowledge and understanding of the nature of the Universe.

Page 74, Grade 9-12, Big Idea 5

Page 74, Grade 9-12, Big Idea 5

Deleted:

Humans continue to explore Earth's place in space. Gravity and energy influence the formation of galaxies, including our own Milky Way Galaxy, stars, the Solar System, and Earth. Humankind's need to explore continues to lead to the development of knowledge and understanding of our Solar System.

Replaced with:

The origin and eventual fate of the Universe still remains one of the greatest questions in science. Gravity and energy influence the development and life cycles of galaxies, including our own Milky Way Galaxy, stars, the planetary systems, Earth, and residual material left from the formation of the Solar System. Humankind's need to explore continues to lead to the development of knowledge and understanding of the nature of the Universe.

Page 16, Grade K, benchmark SC.K.E.5.1 – Added the Law of Gravity

Page 20, Grade 1, benchmark SC.1.E.5.2 – Added the Law of Gravity

Page 29, Grade 3, benchmark SC.3.E.5.4 – Added the Law of Gravity

Page 38, Grade 4, benchmark SC.4.P.8.3, Added the Law of Conservation of Mass

Page 45, Grade 5, benchmark SC.5.P.8.4, Added Scientific Theory of Atoms

Page 51, Grade 6, Big Idea 7 – Added “Scientific Theory” to evolution of Earth

Page 52, Grade 6, Big Idea 7 – Added “Scientific Theory” to evolution of Earth

Page 52, Grade 6, Big Idea 11 – Added the Law of Conservation of Energy

Page 52, Grade 6, benchmark SC.6.P.11.1 – Added Law of Conservation of Energy

Page 53, Grade 6, benchmark SC.6.P.13.2 – Added the Law of Gravity

Page 54, Grade 6, Big Idea 14 – Added Scientific Theory of Cells, also called Cell Theory

Page 54, Grade 6, benchmark SC.6.L.14.2 – Added Scientific Theory of Cells, also called Cell Theory

Page 55, Grade 6, Big Idea 15 – Added “Scientific Theory” to the narrative

Page 58, Grade 7, benchmark SC.7.E.6.4 – Added “Scientific” to theory

Page 58, Grade 7, benchmark SC.7.E.6.5 – Added the scientific theory of plate tectonics

Page 59, Grade 7, Big Idea 11 – Added the Law of Conservation of Energy

Page 60, Grade 7, Big Idea 15 – Added “Scientific Theory” to the narrative

Page 60, Grade 7, benchmarks SC.7.L.15.1, SC.7.L.15.2, and SC.7.L.15.3 – Added scientific theory of evolution

Page 65, Grade 8, benchmark SC.8.E.5.4 – Added the Law of Universal Gravitation

Page 67, Grade 8, benchmark SC.8.P.8.1 – Added Scientific Theory of Atoms (also known as Atomic Theory)

Page 67, Grade 8, benchmark SC.8.P.8.7 – Added Scientific Theory of Atoms (also known as Atomic Theory)

Page 68, Grade 8, benchmark SC.8.P.9.1 – Added the Law of Conservation of Mass

Page 68, Grade 8, benchmark SC.8.L.18.4 – Added Laws of Conservation of Mass and Energy

Page 74, HS BOK Earth Science, benchmark SC.912.E.5.1 – Added the Scientific Theory of the Big Bang (also known as the Big Bang Theory)

Page 76, HS BOK Earth Science, Standard 6 – Added Scientific Theory of Plate Tectonics

Page 76, HS BOK Earth Science, benchmark SC.912.E.6.3 – Added Scientific Theory of Plate Tectonics

Page 77, HS BOK, Earth Science, Standard 7 – Added Scientific Theory of Evolution of Earth states that

Page 79, HS BOK, Physical Science, benchmarks SC.912.P.8.3 and SC.912.P.8.4 – Added Scientific Theory of Atoms (also known as Atomic Theory)

Page, 81, HS BOK, Physical Science, Standard 10 – Added Theory of Electromagnetism

Page 81, HS BOK, Physical Science, benchmark SC.912.P.10.2 – Added Law of Conservation of Energy

Page 81, HS BOK, Physical Science, benchmarks SC.912.P.10.17 and SC.912.P.10.18 – Added Theory of Electromagnetism

Page 84, HS BOK, Physical Science, Standard 12 – Added Law of Universal Gravitation

Page 85, HS BOK, Physical Science, Standard 12 – Added Law of Universal Gravitation

Page 86, HS BOK, Life Science, Benchmark SC.912.L.14.1 – Added Scientific Theory of Cells (Cell Theory)

Page 86, HS BOK, Life Science, Benchmark SC.912.L.14.5 – Added Scientific Theory

Page 89, HS BOK, Life Science, Standard 15 – Added Scientific Theory of Evolution

Page 89, HS BOK, Life Science, benchmark SC.912.L.15.1 – Added Scientific Theory of Evolution

Page 90, HS BOK, Life Science, Standard 15 – Added Scientific Theory of Evolution

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09441	Requirements for Programs and Courses Which are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly has been withdrawn.

## DEPARTMENT OF EDUCATION

### State Board of Education

RULE NO.:	RULE TITLE:
6A-1.099822	School Improvement Rating for Alternative Schools

#### 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. 33, No. 52, December 28, 2007 issue of the Florida Administrative Weekly.

6A-1.099822 School Improvement Rating for Alternative Schools.

(1) Purpose. The purpose of this rule is to implement the requirements of Sections 1008.34 and 1008.341, Florida Statutes.

(2) School Eligibility.

(a) Definition of an alternative school for accountability purposes. An alternative school, for purposes of school accountability improvement ratings, is any school that provides dropout prevention and academic intervention services pursuant to Section 1003.53, Florida Statutes, and has students referred to the school by another school in any district. Charter schools can be designated as alternative schools for the purposes of school accountability improvement ratings if the school's charter explicitly states that the mission of the charter school is to provide dropout prevention and academic intervention services through alternative education. This definition does not include "second chance schools" as defined by Section 1003.53, Florida Statutes, educational programs operated or contracted by Department of Juvenile Justice facilities, or district school board programs that serve students officially enrolled in dropout retrieval programs.

(b) In school year 2007-2008, and annually thereafter, school districts will have the opportunity to identify alternative schools for accountability purposes in compliance with the above guidelines. Those identified schools will have the option of earning a school grade, pursuant to Section 1008.34, Florida Statutes, or a school improvement rating, as outlined in subsection (5) of this rule.

(3) Accuracy of Data.

(a) Prior to the calculation of School Improvement Ratings for Alternative Schools, as described in subsection (5) of this rule, alternative schools will be identified in a cumulative list according to primary service type as designated in the Department of Education's Master School Identification file.

(b) Districts will be given the opportunity to review the cumulative list and submit additions and/or deletions, as necessary, to the Department of Education. Documentation required to make an addition or deletion to the list of alternative schools shall include, at a minimum:

1. Statement of the current mission of the school;
2. Description of the targeted student population;
3. Explanation of enrollment procedures; and
4. Verification that a majority of enrolled students are at-risk, low-performing students exhibiting discipline or attendance problems.

(4) Student Inclusion.

(a) As outlined in Section 1008.341(3), Florida Statutes, the calculation of a school improvement rating shall include the aggregate scores of students assigned to and enrolled in the alternative school during the October or February FTE count.

(b) As outlined in Section 1008.34(3)(b)3., Florida Statutes, the following students are not included in the accountability calculations for alternative schools:

1. Students subject to district school board policies for expulsion for repeated and/or serious offenses;

2. Students who are in dropout-retrieval programs who have officially been designated as dropouts; and

3. Students who are in programs operated or contracted by the Department of Juvenile Justice.

(5) Procedures for Calculating School Improvement Ratings for Alternative Schools.

(a) The school improvement ratings for alternative schools will be considered fully implemented with the following accountability elements:

1. The school improvement rating shall be based on a comparison of student learning gains for the current year and previous year. The learning gains definition will be consistent with the learning gains definition for school grades defined in Rule 6A-1.09981, F.A.C. The school improvement rating shall be calculated for each alternative school that has chosen to be rated by this method and:

a. Has a minimum of ten (10) eligible students with valid Florida Comprehensive Assessment Test (FCAT) scores in reading in the current and two previous years; and

b. Has a minimum of ten (10) eligible students with valid Florida Comprehensive Assessment Test (FCAT) scores in math in the current and two previous years.

2. The school improvement rating shall be designated as following:

a. "Improving" means the schools with students making more academic progress than when the students were served in their home schools. In order for a school to earn an "improving" designation, the percent of students making learning gains in reading and math in the current year must be at least five percentage points higher than the percent of the same students making learning gains in the prior year in their home school.

b. "Maintaining" means schools with students making progress equivalent to the progress made when the students were served in their home schools. In order for a school to earn a "maintaining" designation, the percent of students making learning gains in reading and math in the current year must be less than five percentage points above or below the percent of the same students making learning gains in the prior year in their home school.

c. "Declining" means schools with students making less academic progress than when the students were served in their home schools. In order for a school to earn a "declining" designation, the percent of students making learning gains in reading and math in the current year must be at least five percentage points lower than the percent of the same students making learning gains in the prior year in their home school.

3. The Commissioner shall withhold the designation of a school's improvement rating if performance data is determined to not accurately represent the progress of the school. Circumstances under which a school's performance data may be considered to not accurately represent the progress of the school include: Unless performance data can be determined to accurately represent the progress of the school, the Commissioner is authorized to withhold the designation of a school's improvement rating or designate the school in a lower improvement rating category. If less than ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's improvement rating were assessed, the school's improvement rating shall be designated incomplete (I) for at least thirty (30) days or until the data are determined by the Commissioner to accurately represent the performance of the school.

a. Less than ninety (90) percent of the school's student population eligible for inclusion in the designation of the school's improvement rating were assessed;

b. Circumstances identified before, during, or following the administration any state assessment where the validity or integrity of the test results are called into question and are subject to an investigation or review as determined by the Department.

The school's improvement rating shall be designated incomplete (I) until the state, district, and/or local investigation(s) are complete. If, following the completion of investigations, data are determined to accurately represent the performance of the school, a school improvement designation reflecting that data will be reported.

4. Pursuant to Section 1008.341, Florida Statutes, schools that improve at least one level or maintain an "improving" rating are eligible for school recognition awards pursuant to Section 1008.36, Florida Statutes.

5. If a school earns a "declining" rating, the school is subject to the same requirements as a school designated School Performance Grade F as outlined in Rule 6A-1.09981, F.A.C.

6. After the initial issuance of the school improvement ratings, school districts shall have the opportunity to review and submit for state review any appeal of the calculation as outlined in Rule 6A-1.09981(9)(c), F.A.C.

(6) Crediting of Student Performance at the Alternative School to the Home School for the Purposes of Calculating the Home School's School Grade. If an alternative school chooses to be evaluated through a school improvement rating rather than a school grade, the student performance of eligible students (identified in Section 1008.34(3)(b)3., Florida Statutes) shall be included in the students' home school's grade as well as the alternative school's school improvement rating.

(7) Definition of Home School. "Home School" is defined as the school the student was attending when assigned to an alternative school, pursuant to Section 1008.34, F.S.

(a) Limitations on Students Credited Back. Student performance data will only be credited back to the home school if:

1. The student was referred to the alternative school by the home school; and

2. The student's grade level at the alternative school is within the same grade configuration as the student's home school.

(b) Eligible students' performance will be included in the calculation of the home school's overall percentage of students making learning gains in reading and in math.

(c) Eligible students' performance will be included in the home school's grade calculation as long as the student is enrolled in a grade level at the alternative school that is offered by the student's home school.

Specific Authority 1008.34, 1008.341 FS. Law Implemented 1008.34, 1008.341 FS. History--New \_\_\_\_\_.

**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 ELDER AFFAIRS**

**Federal Aging Programs**

RULE NOS.:	RULE TITLES:
58A-2.003	License Required
58A-2.005	Administration of the Hospice
58A-2.010	Quality Assurance and Utilization Review (QAUR)/Quality Assessment and Performance Improvement (QAPI) Committee and Plan
58A-2.012	Program Reporting Requirements
58A-2.0232	Advance Directives

**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. 33, No. 48, November 30, 2007 issue of the Florida Administrative Weekly.

58A-2.003 License Requirements.

(1) In addition to the requirement specified in Section 400.602(1)(b), F.S., ~~the~~ the face of the license must contain the following information:

- (a) through (e) No change.
- (2) through (4) No change.

Specific Authority 400.605 FS. Law Implemented 400.602, 400.605 FS. History--New 5-6-82, Formerly 10A-12.03, 10A-12.002, Amended 4-27-94, Formerly 10A-12.03, 10A-12.003, Amended 4-27-94, Formerly 59A-2.003, Amended 6-5-97, \_\_\_\_\_.

58A-2.005 Administration of the Hospice.

- (1) through (3) No change.
- (4) Outcome Measures.

(a) Effective with the report due by March 31, 2009, hospices must annually report the outcome measures outlined in this subsection on DOEA Form H-002, State of Florida Department of Elder Affairs Hospice Demographic and Outcome Measures Report, \_\_\_\_\_ ~~January~~ 2008.

- 1. through 3. No change.
- (b) No change.
- (5) National Initiatives.
- (a) No change.

(b) The department has also considered the national initiatives ~~proposed that are under evaluation and development~~ by the Centers for Medicare and Medicaid Services (CMS) ~~located at 70 Fed. Reg., 30840-30893, dated May 27, 2005 in consultation with the NHPCO. These initiatives include patient-centered outcome measures, quality assessment and performance improvement (QAPI), and infection control. Hospices are encouraged to utilize these guidelines, along with the initiatives developed by the National Hospice and Palliative Care Organization available at <http://www.nhpco.org>, in developing their own comprehensive data collection and performance measurement process for these initiatives. Upon adoption of these initiatives by CMS in final regulation, all hospices shall be required to implement the initiatives consistent with this regulation.~~

- (c) No change.

Specific Authority 400.605, 400.60501 FS. Law Implemented 400.605(1)(c), 400.60501 FS. History—New 5-6-82, Formerly 10A-12.05, 10A-12.005, Amended 4-27-94, Formerly 59A-2.005, Amended 6-5-97, 8-6-02, 8-10-03,\_\_\_\_\_.

58A-2.010 Quality Assurance and Utilization Review (QAUR ~~QUAR~~)/Quality Assessment and Performance Improvement (QAPI) Committee and Plan.

Pursuant to Section 400.610(2), F.S. each hospice must appoint a committee which must develop, document and implement a comprehensive quality assurance and utilization review plan, also referred to as a quality assessment and performance improvement plan. The QAUR/QAPI plan must be in accordance with quality assessment and performance improvement (~~or~~ QAPI) standards incorporated within the Medicare Conditions for Participation, 42 C.F.R., Part 418, and must include goals and objectives, provisions for identifying and resolving problems, methods for evaluating the quality and appropriateness of care, and the effectiveness of actions taken to resolve identified problems. The QAUR/QAPI plan must establish a process for revising policies, procedures and practices when reviews have identified problems. The QAUR/QAPI committee must review the QAUR/QAPI plan and report findings and recommendations to the governing body annually. Dated and signed minutes of those meetings of

the governing body at which QAUR/QAPI findings and recommendations are presented must be kept in an administrative file.

(1) The QAUR/QAPI committee must be composed of individuals who are trained, qualified, supervised and supported by review procedures and written criteria related to treatment outcomes. These review procedures and written criteria must be established with involvement from physicians, and shall be evaluated and updated annually by the QAUR/QAPI committee.

(2) An incident or accident report shall be required in every instance of error in treatment, adverse reaction to treatment or medication, or injury to the patient. All of these incident or accident reports shall be reviewed by the QAUR/QAPI committee.

(3) The QAUR/QAPI committee must audit patient records, including interdisciplinary care records, on a regular and periodic basis. All records must be stored in secured areas to protect patient confidentiality.

- (a) through (b) No change.

(4) The QAUR/QAPI committee shall assist the administrator in developing, documenting and implementing a formal training and orientation program for individuals conducting utilization review activities.

(5) Activities undertaken by the QAUR/QAPI committee must demonstrate a systematic collection, review, and evaluation of information and must result in proposed actions to correct any identified problems. The information used by the QAUR/QAPI committee must include:

- (a) through (e) No change.

(f) High-risk, high-volume and problem-prone activities that would have a significant impact on patients, staff or the organization, even if adverse incidents occur infrequently. For example, high-risk activities may include review and evaluation of protocols for containment of communicable diseases, emergency evacuations and continuity of operations; high-volume activities might include collection of information regarding administration of medications; lastly, identifying problem-prone activities might include ~~be~~ deterioration or malfunction of equipment, including security of information systems, disposal of contaminated materials or other bio-medical waste; and

- (g) No change.
- (6) through (7) No change.

Specific Authority 400.605 FS. Law Implemented 400.605 FS. History—New 5-6-82, Formerly 10A-12.10, 10A-12.010, Amended 4-27-94, Formerly 59A-2.010, Amended 6-5-97,\_\_\_\_\_.

58A-2.012 Program Reporting Requirements.

- (1) No change.

(2) The report shall include the information outlined on DOE Form H-002, State of Florida Department of Elder Affairs Hospice Demographic and Outcome Measures Report, ~~January~~ 2008, incorporated by reference in Rule 58A-2.005, F.A.C.

(3) through (4) No change.

~~(5)~~(2) A copy of the annual report shall at all times be available to any member of the public.

Specific Authority 400.605 FS. Law Implemented 400.605 FS. History--New 5-6-82, Formerly 10A-12.12, 10A-12.012, Amended 4-27-94, Formerly 59A-2.012, Amended 6-5-97, \_\_\_\_\_.

58A-2.0232 Advance Directives.

(1) No change.

(2) The hospice's policies and procedures must include:

(a) At the time of admission, providing each patient, or the patient's surrogate or proxy, with a copy of Form SCHS-4-2006, "Health Care Advance Directives - The Patient's Right to Decide," effective ~~4-2006~~ (April 2006), or with a copy of some other substantially similar document which incorporates information regarding advance directives included in Chapter 765, F.S. ~~The F~~form SCHS-4-2006 is hereby incorporated by reference and is available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, or the agency's Web site at: [http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/HC\\_Advance\\_Directives/docs/adv\\_dir.pdf](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/HC_Advance_Directives/docs/adv_dir.pdf).

(b) At the time of admission ~~to a hospice program~~, providing each patient, or the patient's surrogate or proxy, with written information concerning the hospice's policies regarding resuscitation and advance directives, including information concerning DH Form 1896, Florida Do Not Resuscitate Order Form, incorporated by reference in Rule 64E-2.031, F.A.C.

~~(b)~~ through (c) No change.

(3) Pursuant to Section 400.6095(8), F.S., a hospice may honor a Do Not Resuscitate Order (DNRO) as follows:

(a) Cardiopulmonary resuscitation may be withheld or withdrawn from a patient only if a valid DNRO is present, executed pursuant to Section 401.45, F.S.

(b) Hospice personnel shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct for withholding or withdrawing cardiopulmonary resuscitation pursuant to such a DNRO and rules adopted by the department, pursuant to Section 400.6095(8), F.S. Any licensed professional hospice personnel, who, in good faith, obeys the directives of an existing DNRO, executed pursuant to Section 401.45, F.S., will not be subject to prosecution or civil liability for his or her performance regarding patient care.

(4) Pursuant to Section 765.110, F.S., a hospice health care provider or facility shall be subject to professional discipline and revocation of license or certification, and a fine, if the

healthcare provider or facility requires an individual to execute or waive an advance directive as a condition of treatment or admission.

Specific Authority 765.110, 400.605, 400.6095(8) FS. Law Implemented 400.605, 400.6095(8), Ch. 765 FS. History--New 1-11-93, Formerly 59A-2.025, Amended 4-27-94, Formerly 58A-2.0232, Amended 6-5-97, \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE NOS.:	RULE TITLES:
58A-14.0061	Admission and Appropriateness of Placement
58A-14.0085	Records

**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. 34, No. 1, January 4, 2008 issue of the Florida Administrative Weekly.

58A-14.0061 Admission and Appropriateness of Placement.

(1) through (3) No change.

(4) ADVANCE DIRECTIVES: CARDIOPULMONARY RESUSCITATION: Prior to admission to an AFCH, a statement must be provided to the individual regarding the adult family care home's policy regarding withdrawing or withholding of cardiopulmonary resuscitation pursuant to Section 429.73(3), F.S. The policy shall include language which specifies that the provider must contact "911" in the event of cardiopulmonary distress.

(a) Each adult family-care home (AFCH) must have written policies and procedures, which delineate the AFCH'S position with respect to the state law and rules relative to advance directives. The policies shall not condition treatment or admission upon whether or not the individual has executed or waived an advance directive. In the event of conflict between the AFCH's policies and procedures and the resident's advance directive, provision should be made in accordance with Chapter 765, F.S.

(b) The AFCH's policy shall include:

1. At the time of admission , providing each resident, or the resident's representative, with a copy of Form SCHS-4-2006, "Health Care Advance Directives - The Patient's Right to Decide," effective April 2006, or with a copy of some other substantially similar document which incorporates information regarding advance directives included in Chapter 765, F.S. Form SCHS-4-2006 is hereby incorporated by reference and is available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, or the agency's Web site at: [http://ahca.myflorida.com/MCHQ/Health\\_Facility\\_Regulation/HC\\_Advance\\_Directives/docs/adv\\_dir.pdf](http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/HC_Advance_Directives/docs/adv_dir.pdf).

2. At the time of admission, providing each resident, or the resident's representative, with written information concerning the AFCH's policies regarding resuscitation and advance directives, including information concerning DH Form 1896, Florida Do Not Resuscitate Order Form, incorporated by reference in Rule 64E-3.031, F.A.C.

3. At the time of admission, providing each resident, or the resident's representative, with written information concerning the AFCH's policies respecting advance directives.

4. The requirement that documentation of whether or not the resident has executed an advance directive must be contained in the resident's record. If an advanced directive has been executed, a copy of that document must be made a part of the resident's record. If the AFCH does not receive a copy of the advanced directive for a resident, the AFCH must document in the resident's record that it has requested a copy.

5. An AFCH shall be subject to revocation of its license pursuant to Section 408.815, F.S., if the AFCH, as a condition of treatment or admission, requires an individual to execute or waive an advance directive, pursuant to Section 765.110, F.S.

c. Pursuant to Section 429.73, F.S., an AFCH may honor a DNRO as follows:

1. In the event of cardiopulmonary distress, the AFCH provider, or designee, shall immediately contact "911."

2. Cardiopulmonary resuscitation may be withheld or withdrawn from a resident only if a valid DNRO is present and the withholding or withdrawing of cardiopulmonary resuscitation is executed by an individual pursuant to Section 401.45, F.S.

3. Adult Family-Care Home providers shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct for withholding or withdrawing cardiopulmonary resuscitation pursuant to such a Do Not Resuscitate Order and rules adopted by the agency, pursuant to Section 429.73, F.S. Any AFCH provider, who, in good faith, obeys the directives of an existing DNRO, executed pursuant to Section 401.45, F.S., will not be subject to prosecution or civil liability for his/her performance regarding patient care.

(5) through (6) No change.

Specific Authority 429.73 FS. Law Implemented 429.65, 429.73, 429.85 FS. History--New 2-2-95, Formerly 10A-14.0061, Amended 9-19-96, 6-6-99, 1-1-04, \_\_\_\_\_.

58A-14.0085 Records.

(1) through (3) No change.

Specific Authority 429.67, 429.73, 429.75, 429.81 FS. Law Implemented 429.67, 429.73, 429.75, 429.81, 429.85 FS. History--New 6-6-99, Amended 7-30-06.

**DEPARTMENT OF ELDER AFFAIRS**

**Division of Statewide Community Based Services**

RULE NOS.:	RULE TITLES:
58N-1.001	Application Process
58N-1.009	Care and Service Standards
58N-1.011	Outcome Measures
58N-1.013	Quality Assurance Standards
58N-1.015	Utilization Review
58N-1.017	Grievance and Conflict Resolution
58N-1.019	Service Satisfaction

**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. 33, No. 34, August 24, 2007 issue of the Florida Administrative Weekly.

58N-1.001 Application Process.

(+) ~~Entities Applicants~~ who wish to ~~apply as a provider services under for~~ the Long-Term Care Community Diversion Pilot Project must ~~enter into a contract with the Department of Elder Affairs, hereafter referred to as department complete~~ ~~DOEA Form LTCDD-001, Department of Elder Affairs Long-Term Care Community Diversion Pilot Project Provider Application, July 2007, which is hereby incorporated by reference.~~

(1)(a) ~~Interested entities should contact the department at the following address: Department of Elder Affairs, Division of Statewide Community-Based Services, Long-Term Care and Support Unit, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Attn: Long-Term Care and Support Unit Supervisor. The form is available from the Department of Elder Affairs (DOEA) Web site at <http://elderaffairs.state.fl.us/english/forms/DOEAformLTCDD001.pdf>. The form is also available for the following address: Department of Elder Affairs, Division of Statewide Community-Based Services, Long-Term Care and Support, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone number (850)414-2000.~~

(2)(b) ~~Interested entities may alternately contact the Long-Term Care and Support Unit supervisor by telephone at (850)414-2000. Applicants must follow the instructions in completing the application and submit it to the address as instructed on the application cover sheet.~~

(2) ~~In addition, applicants must also enroll as Medicaid providers by completing the following Agency for Health Care Administration (AHCA) forms:~~

(a) ~~AHCA form 2200-0003 (December 2004), Florida Medicaid Provider Enrollment Application; and~~

(b) ~~Non Institutional Medicaid Provider Agreement (February 2007).~~

(c) ~~These forms are hereby incorporated by reference and may be obtained from the AHCA Web site at <http://floridamedicaid.aes-inc.com/XJContent/Non-Institutional%20Provider%20Agreement?id=000003568505> and <http://>~~



~~floridamedicaid.aes-inc.com/XJContent/Florida%20Medicaid%20Provider%20Enrollment%20Application?id=000000745363, respectively.~~

~~(d) These forms must be submitted to the department along with DOEA Form LTC-D-001.~~

Specific Authority 430.7056 FS. Law Implemented 430.7056, 430.707 FS. History—New \_\_\_\_\_.

58N-1.009 Care and Service Standards.

~~(1) Medicaid Waiver Services: The provider must provide all Medicaid waiver services in accordance with its contract with the department. With the exception of nursing facility services, the long-term care services included under the diversion pilot projects are authorized under the Florida Nursing Home Diversion Waiver. The waiver services must meet all licensure and certification requirements as specified in Rule 58N-1.005, F.A.C.~~

~~(2) Case Management. Case management services must be provided by case managers directly employed by the diversion provider and cannot be a subcontracted service.~~

~~(a) Case managers must meet at least one of the following qualifications:~~

- ~~1. No change.~~
- ~~2. Have a Bachelor's Degree from a college or university and have at least two (2) years of related case management experience; or~~
- ~~3. through 4. No change.~~

~~(b) No change.~~

~~(c) The diversion provider may employ paraprofessionals, such as case aides, to assist case managers.~~

~~1. Case aide services are adjunctive to case management services and may be provided by paraprofessionals under the direction of case managers.~~

~~2. Case aide services include assistance with:~~

~~a. Implementing plans of care by arranging and verifying the services provided by the subcontractors;~~

~~b. Obtaining access to appointments and other services as prescribed in the plans of care; and~~

~~c. Arranging linkages between providers and participants.~~

~~3. Case aide services do not include:~~

~~a. Developing plans of care;~~

~~b. Conducting assessments or reassessments; or~~

~~c. Participating directly with assessing participant health status, medical follow-up or discharge planning.~~

~~(c)(d) At a minimum, Case managers must have one face-to-face visit with each participant at least every ninety (90) calendar days from the date of enrollment.~~

~~(d)(e) The case manager must make the necessary emergency plans or other shelter arrangements with the participant or representative during the enrollment orientation process.~~

- ~~1. through 3. No change.~~

~~(e) The diversion provider may employ case aides to assist case managers.~~

~~1. Case aide services include assistance with:~~

~~a. Implementing plans of care by arranging and verifying the services provided by the subcontractors;~~

~~b. Obtaining access to appointments and other services as prescribed in the plans of care; and~~

~~c. Arranging linkages between providers and participants.~~

~~3. Case aide services do not include:~~

~~a. Developing plans of care;~~

~~b. Conducting assessments or reassessments; or~~

~~c. Participating directly with assessing participant health status, medical follow-up or discharge planning.~~

~~(3) Care Planning:~~

~~(a) Each participant must have a care plan. The care plan is the tool used by the case manager to document a participant's assessed needs, desired outcomes, and services to be provided. The care plan is a plan of action, developed with the participation of the case manager, the program in conjunction with the participant, the participant's caregiver and/or family member or representative, and to the extent possible, the participant's health care provider physician. It is designed to assist the case manager in the overall management of the participant's care.~~

~~1. No change.~~

~~2. At any time a significant change is indicated, the participant or representative and case manager must acknowledge the change in writing. A significant change is defined as any deterioration or improvement in the participant's mental, physical or social condition that would require an adjustment in his or her care plan. A significant change could result in an increase or decrease in services, depending upon the outcome.~~

~~3. No change.~~

~~(b) No change.~~

~~(4) No change.~~

~~(5) Disenrollments:~~

~~(a) In order to disenroll a participant from the diversion program, the diversion provider must follow the requirements outlined in its contract with the department eomplete DOEA Form LTC-D-002, Department of Elder Affairs Long Term Care Community Diversion Pilot Project Request for Disenrollment, July 2007, which is hereby incorporated by reference and available at the department's Web site at <http://elderaffairs.state.fl.us/english/forms/DOEAformLTC-D-002.pdf> or from the following address: Department of Elder Affairs, Division of Statewide Community-Based Services, Long Term Care and Support Unit, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone number (850)414-2000.~~

~~(b) through (e) No change.~~

Specific Authority 430.706 FS. Law Implemented ~~430.705(2)(b)2~~, 430.706 FS. History–New \_\_\_\_\_.

58N-1.011 Outcome Measures.

(1) Service Provider Reimbursement: Diversion providers must demonstrate that service provider reimbursements meet the timeliness requirements according to Section 641.3155, F.S. Providers will demonstrate compliance with this outcome measure by providing payment data during the department’s monitoring process.

(2) Diversion Provider Reporting: Diversion providers must ~~submit all demonstrate that~~ required reports ~~as~~ outlined in their contracts with the department ~~are submitted to the department~~ on or before the due date. Providers will demonstrate compliance with this outcome measure by submitting all reports by the specified due dates.

Specific Authority 430.706 FS. Law Implemented 430.705(2)(b)3., 430.706, ~~641.3155~~ FS. History–New \_\_\_\_\_.

58N-1.013 Quality Assurance Standards.

The diversion provider must develop a quality assurance program with written policies and procedures as specified in the contract between the department and the diversion provider. ~~The quality assurance program must comply with applicable provisions of Sections 409.912(27) and 641.51, F.S., and the diversion provider’s contract with the department.~~

Specific Authority 430.706 FS. Law Implemented ~~409.912(27)~~, 430.706, ~~641.51~~ FS. History–New \_\_\_\_\_.

58N-1.015 Utilization Review.

As part of its quality assurance program referenced in Rule 58N-1.013, F.A.C., each diversion provider must develop a utilization review methodology that must include, ~~at a minimum~~, the following elements:

(1) through (3) No change.

(4) Comprehensiveness of the care plan and the participant’s compliance or non-compliance with the care plan, and the effects on the desired outcomes; A comprehensive care plan includes services necessary for the participant to attain or maintain his or her highest mental, physical and social well being in order to live safely in a community setting.

(5) Evidence of special screening for, and monitoring of, high-risk participants whose diagnoses may result in adverse outcomes; ~~and~~ High-risk participants are those whose mental, physical or social conditions, if not monitored on a regular basis, could deteriorate to the extent that they could no longer live safely in a community setting, necessitating an institutional placement.

(6) No change.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History–New \_\_\_\_\_.

58N-1.017 Grievance and Conflict Resolution.

Diversion providers must have detailed written procedures in place for participant grievance and appeal processes in accordance with their contracts with the department ~~applicable state and federal laws for the particular type of diversion provider.~~

Specific Authority 430.706 FS. Law Implemented 430.706, ~~641.511~~ FS. History–New \_\_\_\_\_.

58N-1.019 Service Satisfaction.

(1) Diversion providers must conduct participant and caregiver ~~(family/representative)~~ service satisfaction surveys and report the survey results in accordance with the requirements outlined in its contract with the department.

(2) Diversion providers must submit statements of validity, reliability and unbiasedness along with the results of the participant and caregiver satisfaction surveys.

(a) The validity and reliability statements must address how participants and caregivers completing ~~for~~ these surveys have been statistically or otherwise established.

(b) through (c) No change.

(3) No change.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic**

RULE NO.: RULE TITLE:  
64B2-18.008 Delegation of Professional Responsibilities

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 49, December 7, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: RULE TITLE:  
64B18-11.001 Application for Licensure

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 6, February 8, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Podiatric Medicine**

RULE NO.: 64B18-14.011  
 RULE TITLE: Mediation

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 6, February 8, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Division of Children’s Medical Services**

RULE NOS.: 64C-8.001, 64C-8.002, 64C-8.003, 64C-8.004  
 RULE TITLES: Definitions Used in the Child Protection Team Rule, Child Protection Team Organization, Roles and Responsibilities, Child Protection Team Services, Waivers

**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. 33, No. 50, December 14, 2007 issue of the Florida Administrative Weekly.

64C-8.001 Definitions Used in the Child Protection Team Rule.

1. Clarified “hotline” as the “central abuse hotline” referenced in Ch. 39.201, F.S.

2. Corrected citations for Specific Authority and Law Implemented

~~(1)(2) “Case” means – an individual child referred to and accepted by a child protection team for assessment services as a result of a report of alleged abuse or neglect made to the central abuse hotline as set forth in Ch. 39.201, F.S. who receives services from the child protection team.~~

Specific Authority 39.3031 ~~415.514~~ FS. Law Implemented 39.303 ~~415.5055~~ FS. History–New 3-2-93, Amended 5-7-96, Formerly 10J-10.002, 65C-7.001, Amended \_\_\_\_\_.

64C-8.002 Child Protection Team Organization, Roles and Responsibilities.

1. Deleted reference to the Department of Business and Professional Regulation.

2. Deleted “sufficient experience and expertise.” requirement for psychologists.

3. Corrected citations for Specific Authority and Law Implemented

~~(5)(6) Each team shall have available a Florida licensed psychologist with training and experience in evaluation and treatment of child abuse and neglect. The minimum qualifications for this person are:~~

a. Licensure under Chapter 490, Florida Statute, and adherence to standards established by the Department of Health, the American Psychological Association and the Florida Department of Business and Professional Regulation (DBPR).

b. Ongoing education, experience, and training as required by the Department of Health, Children’s Medical Services.

~~e. Sufficient professional experience and expertise to be qualified as a mental health and family violence expert in eriminal, civil, and dependency courts in Florida.~~

Specific Authority 39.3031 ~~415.514~~ FS. Law Implemented 39.303 ~~415.5055~~ FS. History–New 3-2-93, Amended 5-7-96, Formerly 10J-10.002, 65C-7.001, Amended \_\_\_\_\_.

64C-8.003 Child Protection Team Services.

1. Corrected citations for Specific Authority and Law Implemented.

Specific Authority 39.3031 ~~415.514~~ FS. Law Implemented 39.303 ~~415.5055~~ FS. History–New 3-2-93, Amended 5-7-96, Formerly 10J-10.002, 65C-7.001.

64C-8.004 Waivers.

1. Corrected citations for Specific Authority and Law Implemented.

Specific Authority 39.3031 ~~415.514~~ FS. Law Implemented 39.303 ~~415.5055~~ FS. History–New 3-2-93, Amended 5-7-96, Formerly 10J-10.002, 65C-7.001.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.: 64E-8.001, 64E-8.002, 64E-8.004, 64E-8.005, 64E-8.006, 64E-8.007  
 RULE TITLES: Definitions, New Limited Use Public Water System Construction, Annual Operating Permits, Existing Systems, Systems Constructed on or After 1/1/93, Annual Inspections and Registrations, Operation and Maintenance Water Quality Standards and Monitoring for Limited Use Public Water Systems, Corrective Actions

**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. 33, No. 49, December 7, 2007 issue of the Florida Administrative Weekly.

64E-8.001 Definitions.

(1) through (8) No change.

(9) “Limited Use Public Water System” – a public water system not covered or included in the Florida Safe Drinking Water Act. This includes ~~but is not limited to~~ water systems that serve the following:

(a) through (b) No change.

(c) An establishment that serves any number of persons for any number of days per year provided that the system serves no more than twenty-four (24) of the same persons for six (6) or more months per year and there is no oral consumption of the water by the transient population. Oral consumption includes ~~but is not limited to~~ consumption of the water through water fountains, cups, water-based beverages, dishwashing and water used in food preparation. Oral consumption does not include industrial food or beverage processing. ~~Transient populations include but are not limited to customers, clients, flow-through traffic and church attendees.~~

(10) through (11) No change.

(12) “Multifamily Water System” – a water system that provides piped water to three (3) or four (4) residences, one of which may be a rental residence. Examples include ~~but are not limited to~~ water systems that serve the following:

(a) through (d) No change.

(13) through (19) No change.

64E-8.002 Limited Use Public Water System Construction.

(1) through (2) No change.

(3) Water systems shall be equipped with:

(a) through (d) No change.

(e) A well vent as described in paragraph 62-555.320(8)(c), F.A.C., for well pumps installed under a water system construction permit issued by the Department on or after the effective date of this rule ~~chapter~~, unless the criteria for exemption listed in that section are met.

(4) Systems shall be sized and designed as follows, unless designed by a professional engineer:

(a) No change.

(b) Minimum storage tank size:

1. No change.

2. Beginning on the effective date of this rule ~~chapter~~, where continuous disinfection is required for groundwater supplied systems to remove confirmed microbiological contamination, Table 1 shall be used to determine the minimum water contact time and free chlorine residual concentration needed at various water temperatures:

Table 1: Minimum Free Chlorine Residual (mg/L)

	Water Temperature <sup>1</sup>					
	≥36°F	≥41.0°F	≥50.0°F	≥59.0°F	≥68.0°F	≥77.0°F
15 minutes	NA	NA	NA	2.7	2.0	1.4
30 minutes	3.5	2.7	2.0	1.4	1.0	0.7
45 minutes	2.4	1.8	1.4	0.9	0.7	0.5

Table 1 Notes:

Above values are based on a water pH of no greater than 9.0 and a baffling factor of 0.1 (no baffling). Water temperature, pH and free chlorine residuals are based on the water exiting the contact tank.

<sup>1</sup>For initial design of disinfection systems, use the coldest anticipated water temperature exiting the contact tank.

a. Therefore, the effective water contact volume for groundwater supplied systems shall be a minimum of ~~either fifteen (15), or thirty (30) or forty-five (45)~~ times the PD (to achieve a minimum water contact time of either 15, ~~or 30~~ or 45 minutes with the disinfectant at peak demand flow, based on Table 1 values).

b. through e. No change.

(c) through (d) No change.

(e) Beginning on the effective date of this rule ~~chapter~~, systems supplied by surface water or cisterns, and systems supplied by groundwater where continuous disinfection is required but is not designed according to Table 1 above, must be designed by a professional engineer and must include treatment designed according to Chapters 3 and 4 of the *Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources*, March 1991 Edition, available from the U.S. Environmental Protection Agency (EPA) at: Office of Groundwater and Drinking Water (4601), Ariel Rios Building, 1200 Pennsylvania Avenue N. W., Washington, DC, 20460-0003, or [www.epa.gov/safewater/mdbp/implement.html](http://www.epa.gov/safewater/mdbp/implement.html). All such plans must be reviewed and approved by the Department’s Bureau of Water Programs.

(5) No change.

(6) All equipment shall be installed and operated in accordance with manufacturer's instructions and specifications. Only food or water-grade chemicals, equipment and materials shall be used. These items shall meet the standards of the U.S. Food and Drug Administration under Title 21 of the Code of Federal Regulations (CFR) Parts 170-199, ~~April 1, 2007; and Pertinent Federal Registers;~~ or meet the National Sanitation Foundation/American National Standards Institute, NSF/ANSI Standard 60-2005, entitled *Drinking Water Treatment Chemicals – Health Effects*, and NSF/ANSI Standard 61-2007, entitled *Drinking Water System Components – Health Effects*, available from NSF International at P. O. Box 130140, Ann Arbor, Michigan, 48113-0140; or meet the standards of another ANSI accredited testing and certification organization.

(7) through (10) No change.

64E-8.004 Annual Operating Permits, Existing Systems, Systems Constructed On or After 1/1/93, Annual Inspections and Registrations

(1) through (4) No change.

(5) Suppliers of Limited Use Commercial Public Water Systems that do not make tap water available for public consumption are eligible for a Registration exemption if the

system meets the water quality standards of subsection 64E-8.006(2), F.A.C., and does not require continuous disinfection to remove microbiological contamination. Registered systems are exempt from obtaining annual operating permits. If corrective treatment equipment is required to correct a chemical MCL or HAL violation, the supplier shall not be eligible for a Registration exemption and shall be required to obtain an annual operating permit, unless the treatment equipment is actively managed and maintained by the Department of Environmental Protection's Water Supply Restoration Program.

(a) through (d) No change.

(e) In order to retain their potable water status as is required by the Federal Occupational Health and Safety Administration under 29 CFR 1910.141, July 1, 2007, and the Florida Plumbing Code, 2004, suppliers of Registered systems as described within this section must perform annual testing for bacteria in the form of one (1) satisfactory microbiological sample per year. Such analyses shall be performed no more than twelve (12) months apart and the results shall be provided to the Department no later than fifteen (15) days after the time period in which the sample was required. If this annual testing is not performed, the Department may revoke the Registration exemption and require the supplier to either obtain an annual operating permit per subsection (1) above, or reapply for Registration by submitting the items listed in subparagraphs (5)(b)2. through 5. above.

(f) No change.

64E-8.005 Operation and Maintenance.

(1) The following operating standards shall apply to all Limited Use Public Water Systems:

(a) through (c) No change.

(d) Where continuous disinfection is required to remove confirmed microbiological contamination, disinfection equipment shall maintain the free available chlorine residual and total chlorine residual between 0.2 milligrams per liter (mg/L) and 4.0 mg/L throughout the entire system, or the equivalent of these limits as determined by the Department.

1. through 2. No change.

3. Where continuous disinfection was initially required prior to the effective date of this rule ~~chapter~~, the effective water contact volume for groundwater supplied systems shall be 15 times the PD, and the effective water contact volume for surface water supplied systems shall be 120 times the PD (in order to achieve a minimum water contact time of 15 or 120 minutes, respectively, with the disinfectant at peak demand flow).

4. Where continuous disinfection was initially required for a groundwater supplied system on or after the effective date of this rule ~~chapter~~, the system must maintain the minimum required water contact time and free chlorine residual based on the water temperature exiting the contact tank according to Table 1, or designed in accordance with Chapters 3 and 4 of the

U.S. EPA Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources, March 1991 Edition.

64E-8.006 Water Quality Standards and Monitoring for Limited Use Public Water Systems.

(1) Water quality samples collected for compliance with this chapter, except chlorine residuals, shall be analyzed by a laboratory certified for the contaminant by the Department in accordance with chapter 64E-1, F.A.C., and shall be analyzed using a Department-certified method for analyzing drinking water samples. Approved methods for analyzing drinking water compliance samples are available at the U.S. EPA Office of Groundwater and Drinking Water website at [www.epa.gov/safewater/methods/methods.html](http://www.epa.gov/safewater/methods/methods.html).

Microbiological analyses shall be in accordance with those methods specified in 40 CFR 141.21(f), July 1, 2007. Chemical analyses shall be in accordance with those methods specified in 40 CFR 141.23(k), July 1, 2007.

(2) through (7) No change.

64E-8.007 Corrective Actions.

(1) through (7) No change.

(8) When water main breaks or other planned or unplanned disruptions of water service occur after the master meter within a Consecutive Public Water System that is excluded from coverage under the Florida Safe Drinking Water Act as defined in subsections 62-550.102(2) and 62-550.200(18), F.A.C., the Department shall be notified by the supplier within twenty-four (24) hours of the disruption, and corrective actions including disinfection, microbiological monitoring, public notification, and precautionary boil water notices shall be performed as described in Rule 62-555.340, F.A.C.

## 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.: 53ER08-9  
RULE TITLE: Incentive Leave

SUMMARY: This emergency rule grants administrative leave to employees in connection with incentive programs that will be conducted by the Lottery.