

Section III
Notices of Changes, Corrections and
Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-6.005	Licensing Requirement, Commercial Telephone Seller, Salesperson
5J-6.013	Exemption

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 50, December 17, 2010 issue of the Florida Administrative Weekly.

5J-6.003 Definitions. – No change.

5J-6.005 Licensing Requirement, Commercial Telephone Seller, Salesperson.

(1) No person may act as a commercial telephone seller or salesperson unless licensed by the Department of Agriculture and Consumer Services. All applicants for a license shall submit to the Department DACS Form 10001, Commercial Telephone Seller Business License Application Packet Package, Rev. 07/11 8/10, hereby incorporated by reference, along with the required non-refundable fee. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at the following link: [http://www.flrules.org/Gateway/reference http://www.doacs.state.fl.us/onestop/forms/10001.pdf](http://www.flrules.org/Gateway/reference/http://www.doacs.state.fl.us/onestop/forms/10001.pdf).

Businesses may also apply or renew their license online at: www.800helpfla.com/registeronline.

(2)(a) In the event a licensed commercial telephone seller hires an employee to function as a salesperson, but the employee does not possess a current commercial telephone salesperson license, the licensed commercial telephone seller may obtain interim operating authority for the unlicensed salesperson from the Department by submitting DACS Form 10005, Commercial Telephone Salesperson Individual License Application Packet, Rev. 07/11 8/10, including the Statement of Verification, hereby incorporated by reference, along with a written request that the applicant be granted interim operating authority. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at the following links: <http://www.flrules.org/Gateway/reference> <http://www.doacs.state.fl.us/onestop/forms/10005.pdf>.

[state.fl.us/onestop/forms/10005.pdf](http://www.doacs.state.fl.us/onestop/forms/10005.pdf). Salespersons may also apply or renew their license online at: www.800helpfla.com/registeronline.

(b) through (c) No change.

(3) The licensee shall notify the Department of all material changes in the information submitted in either the original application for licensure, or any application for renewal of the license within 10 days of the material change. The licensee shall utilize DACS Form 10006, Florida Telemarketing Act Material Change Form, Rev. 07/11 8/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at the following link: [http://www.flrules.org/Gateway/reference http://www.doacs.state.fl.us/onestop/forms/10006.pdf](http://www.flrules.org/Gateway/reference/http://www.doacs.state.fl.us/onestop/forms/10006.pdf) DACS Form 10006 may also be completed and submitted online at: www.800helpfla.com/registeronline.

(4) In the event that a salesperson licensee changes his/her company affiliation, the salesperson shall utilize DACS Form 10006, Florida Telemarketing Act Material Change Form, Rev. 07/11 8/10, incorporated in subsection (3), above, and pay the prescribed \$10 fee. Such change in status shall be submitted to the Department within 10 days of the change.

(5) In the event that a salesperson intends to affiliate with more than one company, the salesperson shall execute a separate Statement of Verification, as found in DACS Form 10005, Commercial Telephone Salesperson Individual License Application Packet, Rev. 07/11 8/10, incorporated in (2), above, for each commercial telephone seller with which the salesperson intends to affiliate.

Rulemaking Authority 501.605, 501.626 FS. Law Implemented 501.605, 501.607, 501.608, 501.609 FS. History–New 4-12-92, Amended 2-15-93, 6-26-94, 5-15-95, 2-11-98, 1-20-03, _____.

5J-6.013 Exemption.

(1) Any business entity claiming an exemption from the commercial telephone seller laws pursuant to Section 501.608(1)(b), Florida Statutes, shall, prior to offering its services, file with the Department the executed Affidavit of Exemption included in DACS Form 10001, Rev. 07/11 8/10, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at: [http://www.flrules.org/Gateway/reference http://www.doacs.state.fl.us/onestop/forms/10001.pdf](http://www.flrules.org/Gateway/reference/http://www.doacs.state.fl.us/onestop/forms/10001.pdf).

(2) No change.

Rulemaking Authority 501.626 FS. Law Implemented 501.604, 501.608 FS. History–New 6-26-94, Amended 2-11-98, 1-20-03, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: 5J-9.002 RULE TITLE: Registration, Document Submission
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly.

5J-9.002 Registration, Document Submission.

(1) Any person who intends to operate as a seller of travel shall submit DACS Form 10200, Sellers of Travel Registration Package, Rev. 07/11 740, hereby incorporated by reference, along with the applicable non-refundable registration fee specified by Section 559.928(2), F.S. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at ~~the following link:~~ <http://www.flrules.org/Gateway/reference> ~~http://www.doacs.state.fl.us/onestop/forms/10200.pdf.~~ Businesses may also apply or renew their license online at www.800helpfla.com/registeronline.

(2) An independent agent claiming an exemption from registration shall file with the Department DACS Form 10211, Sellers of Travel Independent Sales Agents Statement of Exemption, Rev. 07/11 740, hereby incorporated by reference. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Sellers of Travel, 2005 Apalachee Parkway, Terry L. Rhodes Bldg., Tallahassee, Florida 32399-6500, or accessed online at ~~the following link:~~ <http://www.flrules.org/Gateway/reference> ~~http://www.doacs.state.fl.us/onestop/forms/10211.pdf.~~

(3) No change.

Rulemaking Authority 559.9355(3) FS. Law Implemented 559.928, 559.935(3) FS. History—New 10-6-93, Amended 1-3-95, 6-4-95, 12-27-95, 2-11-98, 10-21-03, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NO.: 5J-9.006 RULE TITLE: Security Requirement
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 47, November 24, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0252 RULE TITLE: Use of Prescribed Pancreatic Enzyme Supplements
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CITRUS

RULE NO.: 20-64.001 RULE TITLE: Grades Established
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 46, November 18, 2011 issue of the Florida Administrative Weekly.

20-64.001 Grades Established.

Florida State Grades for processed citrus products shall be identical with applicable United States Standards for Grades of Orange Juice, Eff. 1-10-83; United States Standards for Grades of Grapefruit Juice, Eff 9-12-83; United States Standards for Grades of Canned Tangerine Juice, Eff 7-1-69; United States Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice, Eff. 9-21-68, incorporated herein by reference. Any product failing to meet the grade of minimum quality standards prescribed herein shall be labeled substandard, or in the case of bulk containers, the shipment shall be accompanied by an inspection certificate with the bill of lading and invoice for each shipment clearly bearing the legend “substandard.”

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—Formerly 105-1.19(1), Revised 1-1-75, Formerly 20-64.01, Amended.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.223 RULE TITLE: Designation of Institutions for Youthful Offenders
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 35, September 2, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.226 RULE TITLE: Youthful Offender Program Participation
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 35, September 2, 2011 issue of the Florida Administrative Weekly has been withdrawn.

The Board proposes the rule repeal as the rule is no longer necessary as it is duplicative of Rule 61G15-20.006, F.A.C.

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-5267

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-18.011 Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 10, 2011. The corrections are as follows:

The PURPOSE AND EFFECT shall read as:

The Board proposes the rule repeal as the Florida Engineering Management Corporation is defined in statute, and a definition of its acronym "FEMC" is not necessary.

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-5267

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-18.015 Education Advisory Committee

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 10, 2011. The corrections are as follows:

The PURPOSE AND EFFECT shall read as:

The Board proposes the rule repeal because rules reflects an outside committee that no longer exists.

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-5267

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-19.003 Purpose

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 10, 2011. The corrections are as follows:

The PURPOSE AND EFFECT shall read as:

The Board proposes the rule repeal because the rule is a substantial re-statement of statute.

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-5267

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-22.007 Noncompliance

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 10, 2011. The corrections are as follows:

The PURPOSE AND EFFECT shall read as:

The Board proposes the rule repeal because the rule is a substantial re-statement of statute.

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional

information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-5267

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-35.001 General Responsibility

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 10, 2011. The corrections are as follows:

The PURPOSE AND EFFECT shall read as:

The Board proposes the rule repeal because the rule is a substantial re-statement of statute.

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-5267

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:
61G15-35.002 Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

The correction is in response to comments submitted by the Joint Administrative Procedures Committee in a letter dated November 10, 2011. The corrections are as follows:

The PURPOSE AND EFFECT shall read as:

The Board proposes the rule repeal because the rule is a substantial re-statement of statute and it is duplicative of rule.

The STATEMENT OF ESTIMATED REGULATORY COSTS shall read as: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Cost (SERC) was not necessary and that these rule amendments will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time. The Board has determined that this will not have an adverse impact on small business, or likely increase regulatory costs in excess of \$200,000 in the aggregate within 1 year after implementation of the rule.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32399-5267

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NOS.: RULE TITLES:
61G19-6.004 Abandonment of Applications
61G19-6.007 Standard Certificates; In General
61G19-6.011 Limited Certificates

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The correction is response to the comments made in the Joint Administrative Procedures Committee letter dated December 16, 2011. The corrections are as follows:

The PURPOSE AND EFFECT should read: After a comprehensive review of existing rules the Board has determined the following: Rule 61G19-6.004, F.A.C., is being

repealed as it essentially restates the provisions of Section 455.203(5), Florida Statutes, which sets forth the criteria for closure and termination of deficient applications. Rule 61G19-6.007, F.A.C., is being repealed as it essentially restates the language of the law implemented. Rule 61G19-6.011, F.A.C., was originally implemented to effectuate a savings clause in the original practice act; the language is now obsolete and is being repealed.

The SUMMARY should read: The rules having been deemed either redundant of current statutory provisions or obsolete are being repealed.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: RULE TITLE:
61G19-12.001 Delinquent Status

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 47, November 23, 2011 issue of the Florida Administrative Weekly.

The correction is response to the comments made in the Joint Administrative Procedures Committee letter dated December 16, 2011. The corrections are as follows:

The PURPOSE AND EFFECT should read: After a comprehensive review of existing rules the Board has determined that the in question is repetitive of the law implemented and is therefore unnecessary and should be stricken from the Code.

The SUMMARY should read: The rule, having been deemed redundant of current statutory provisions is being repealed.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.: RULE TITLES:
61K1-1.003 Licenses, Permits; Requirement,
 Procedure and Period, Fee
61K1-1.004 Weight Classes; Weigh-In;
 Pre-Match Physical of Participant
 and Referee

61K1-1.005 Promoter and Matchmaker;
Licensing and Bond; Duties and
Conduct
61K1-1.0055 Concessionaire; License; Bond
61K1-1.011 Manager; License; Contract Between
Manager and Participant

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 30, July 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.: RULE TITLES:
63E-7.002 Definitions
63E-7.006 Quality of Life and Youth Grievance
Process

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. 37, No. 42, October 21, 2011 issue of the Florida Administrative Weekly.

63E-7.002 Definitions.

For the purpose of this rule chapter, the following words shall have the meanings indicated.

(1) through (4) No change.

(5) Attorney of Record – A licensed attorney who represents the youth on a previous or pending case, or an attorney who has written authorization from the youth or the youth’s parent or legal guardian to provide legal consultation or representation for the youth.

(5) through (89) renumbered (6) through (90) No change.

Rulemaking Authority 20.316, 985.64, 985.601(3)(a) FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New 9-30-07, Amended 8-25-08, 7-8-09, 12-21-09, 5-4-10, 7-20-10, 12-20-10,_____.

63E-7.006 Quality of Life and Youth Grievance Process.

(1) A residential commitment program shall establish the expectation that staff will treat youth with dignity and respect, and the program shall provide a positive quality of life for its youth by providing, at a minimum, the following:

- (a) Shelter;
- (b) Safety and security;
- (c) Clothing;
- (d) Food;

(e) Access to the Department of Children and Families’ central abuse hotline addressed in Chapter 39, F.S., or if the youth is 18 years or older, the department’s Central Communications Center that serves as the department’s incident reporting hotline;

(f) Healthcare;

- (g) Mental health and substance abuse services;
 - (h) Educational and prevocational or vocational services;
 - (i) Opportunities for recreation and large muscle exercise;
 - (j) Opportunities for expression of religious beliefs;
 - (k) Visitation;
 - (l) Access to incoming mail and opportunities to send outgoing mail; ~~and~~
 - (m) Telephone access; ~~and-~~
 - (n) Opportunity to access the courts.
- (2) through (5) No change.

(6) If a youth requests to contact an attorney of his or her choice, the facility must accommodate that request. This supervised process may be done via telephone or the internet. Communication between the youth and the contacted attorney shall be confidential, but visually supervised. Once the youth identifies an attorney willing to represent the youth, that attorney is to be given attorney of record status. The facility is not required to provide an attorney for the youth.

~~(7)(6)~~ A residential commitment program shall establish written procedures specifying the process for youth to grieve actions of program staff and conditions or circumstances in the program related to the violation or denial of basic rights. These procedures shall establish each youth’s right to grieve and ensure that all youth are treated fairly, respectfully, without discrimination, and that their rights are protected.

(a) The procedures shall address each of the following phases of the youth grievance process, specifying timeframes that promote timely feedback to youth and rectification of situations or conditions when grievances are determined to be valid or justified.

1. Informal phase wherein the youth attempts to resolve the complaint or condition with staff on duty at the time of the grieved situation;

2. Formal phase wherein the youth submits a written grievance that requires a written response from a supervisory staff person; and

3. Appeal phase wherein the youth may appeal the outcome of the formal phase to the program director or designee.

(b) Program staff shall be trained on the program’s youth grievance process and procedures.

(c) Program staff shall explain the grievance process to youth during their program orientation and shall post the written procedures throughout the facility for easy access by youth.

(d) The program shall provide grievance forms and accompanying instructions at locations throughout the facility so they are readily accessible to youth. When a youth requests assistance in filing a grievance, program staff shall assist the youth as needed.

(e) The program shall maintain documentation on each youth grievance and its outcome for at least one year.

Rulemaking Authority 985.64, 985.601(3)(a), 20.316 FS. Law Implemented 985.601(3)(a), 985.03(44), 985.441(1)(b) FS. History—New 12-24-07, Amended 7-20-10,_____.

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.001
 RULE TITLE: Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 51, December 22, 2011 issue of the Florida Administrative Weekly.

The Purpose and Effect and Summary shall read as:

PURPOSE AND EFFECT: The Board proposes this rule amendment to modify the rule so courses that are eligible for distance learning do not require the physical presence of the instructor.

SUMMARY: This rule is being amended to modify the rule so courses that are eligible for distance learning do not require the physical presence of the instructor.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-51.001
 RULE TITLE: Manner of Application

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. 37, No. 49, December 9, 2011 issue of the Florida Administrative Weekly.

The change is as follows:

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THIS CHANGE IS: Allen Hall, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.006
 RULE TITLE: Security and Monitoring Procedures for Licensure Examination

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

The correction is as follows:

Summary shall read as: The Board proposes the rule amendment to establish security and monitoring procedures for licensure exam.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-4.221
 RULE TITLE: Drug Testing for Temporary Cash Assistance Applicants

NOTICE OF PUBLIC HEARING

The Department of Children and Family Services announces a hearing regarding the above rule, as noticed in Vol. 38, No. 1, January 6, 2012, Florida Administrative Weekly.

DATE AND TIME: January 31, 2012, 10:30 a.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed new Rule 65A-4.221, F.A.C.

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

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.: 66B-1.004, 66B-1.005, 66B-1.008
 RULE TITLES: Policy, Funds Allocation, Project Eligibility

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

1) No requirement for a SERC was triggered under Section 120.541(1), F.S. and 2) based upon the nature of the rule, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S. It is anticipated that the proposed rule will not have any negative economic impact.

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-2.004	Policy
66B-2.005	Funds Allocation
66B-2.008	Project Eligibility

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

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

1) No requirement for a SERC was triggered under Section 120.541(1), F.S. and 2) based upon the nature of the rule, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), F.S. It is anticipated that the proposed rule will not have any negative economic impact.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.:	RULE TITLE:
69I-40.040	Contracts and Grants

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly.

The Notice of Proposed Rule, as advertised on October 28, 2011, did not fully address information that should have been included under the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification.

The following language is inserted under the Summary of Statement of Estimated Regulatory Costs and Legislative Ratification: The Department has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Department has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: The rule adopts a process for payment processing which has not been used for eight years. The process now used is embodied in CFO memo 2 (2010-2011). Under Section 120.52(16)(c)2., F.S. memoranda or instructions to state agencies issued by the CFO relating to claims for payments submitted by state agencies fall outside the definition of “rule” and are therefore exempt from the requirements of Section 120.54, F.S. The rule to be repealed is unused and unnecessary. Given that the rule is not in use, its repeal will have no effect, economic or otherwise. The repeal therefore will not have an adverse impact on small business or likely increase directly or indirectly the regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. Hence the requirement for Legislative ratification has not been triggered.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
69O-162.203	Adoption of 2001 Commissioners Standard Ordinary (CSO) Preferred Mortality Tables for Determining Reserve Liabilities for Ordinary Life Insurance.

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 26, July 1, 2011 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER12-1	Instant Game Number 1131, THE LUCKY SPOT

SUMMARY: This emergency rule describes Instant Game Number 1131 “THE LUCKY SPOT,” 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: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS: