

proposed rule’s potential impact and determined that it did not exceed any of the criteria set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 17.29, 17.325(5) FS.

LAW IMPLEMENTED: 17.001, 17.30, 17.325 FS.

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

DATE AND TIME: May 9, 2012, 10:00 a.m.

PLACE: Room 142, Larson Building, 200 E. Gaines Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tasha Carter at (850)413-5800 or Tasha.Carter@MyFloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tasha Carter, Director, Division of Consumer Services, 200 E. Gaines Street, Tallahassee, FL 32399, (850)413-5800 or Tasha.Carter@MyFloridaCFO.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-10.001 Governmental Efficiency Program.

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

(d) “Get Lean Florida Website” means the Chief Financial Officer’s secured website to provide residents ~~citizens~~ with information about the Get Lean hotline and to provide an alternative contact method for initiating a Get Lean hotline suggestion.

(e) through (g) No change.

(2) through (3) No change.

(4) The Get Lean hotline number shall be 1(800)Get-Lean (1(800)438-5326). The phone line shall operate during the regular business hours of 8:00 a.m. to 5:00 p.m. on Monday through Friday. After hours, residents ~~citizens~~ may leave a message on the Get Lean hotline confidential call recording system or be directed to the Get Lean Florida website at www.GetLeanFlorida.com. Pursuant to Section 17.325(3), F.S., a caller on the Get Lean hotline may remain anonymous, and if the caller provides his or her name, the name shall be confidential. If a state employee voluntarily discloses his or her name on the Get Lean hotline for referral to a state award program, the name of the state employee shall not be

considered confidential. Suggestions submitted on the Get Lean Florida website can be anonymous and are subject to the public records law pursuant to Chapter 119, F.S.

(5) through (8) No change.

~~(9) Each month, the Chief Financial Officer shall submit a written report to the appropriations committee of the Senate and the House of Representatives that contains:~~

~~(a) The information or suggestions received through the Get Lean hotline and website; and~~

~~(b) The evaluations and determinations provided to the Chief Financial Officer by the affected agency with respect to such information or suggestions.~~

Rulemaking Authority 17.29, 17.325(5) FS. Law Implemented 17.001, 17.30, 17.325 FS. History—New 11-9-09, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Tasha Carter, Director, Division of Consumer Services

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

RULE TITLE:

6A-6.0781

Procedures for Appealing a District School Board Decision Denying Application for Charter School or High-Performing Charter School

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 7, February 17, 2012 issue of the Florida Administrative Weekly.

6A-6.0781 Procedures for Appealing a District School Board Decision Denying Application for Charter School or High-Performing Charter School.

The procedures for filing and reviewing all appeals to the State Board of Education under provisions of Section 1002.33(6), Florida Statutes, shall be as follows:

(1) Appealing a Charter School Application Denial. The district school board letter of denial required by Section 1002.33(6)(b)3.a., Florida Statutes, shall be provided to the

~~charter~~ applicant by the district school board via certified mail unless the applicant agrees in writing to accept receipt by hand delivery, regular mail, facsimile or electronic mail. Receipt of delivery shall be documented and filed with the Agency Clerk for the Department of Education. Within thirty (30) days after receipt by certified mail or other verified mode of transmittal as provided by the parties' agreement, the decision of a district school board denying an application for a Charter School, the charter applicant may appeal the decision by submitting ten (10) hard copies of the appeal to the Agency Clerk for the Department of Education, 325 West Gaines Street, Room 1520, Tallahassee, Florida 32399-0400.

(a) A copy of the appeal shall be sent by the applicant via regular mail or hand delivery, or by other mode of transmittal as provided by the parties' agreement, to the district school board, via the Superintendent or a designee of the Superintendent as specified within the letter of denial on or before by the appealing party by the date of filing with the Agency Clerk. The applicant shall certify that it has provided the district school board a copy of the appeal as provided herein by filing a certificate of service with the Agency Clerk stating the person and address to which the copy was provided and the date of mailing or other transmittal. ~~The appealing party shall certify that it has provided the district school board a copy of the appeal as provided herein.~~ The State Board of Education does not have jurisdiction to hear late-filed appeals.

(~~a~~) The appeal must include: name and address of applicant ~~appealing party~~; name and address of the district school board; date of the district school board decision; name and address of applicant's appealing party's attorney or representative of record, if any; and written argument limited to due process and the reasons for denial identified in the district school board's notice of denial.

(b) The Charter School application, Form IEPC-M2 Florida Charter School Application Evaluation Instrument as incorporated by reference in Rule 6A-6.0786, F.A.C., available transcripts of all meetings before the district school board in which the decision was considered, and all documents considered by the district school board in making its decision shall constitute the record on appeal and shall be filed as exhibits to the appeal each party's written argument notice of.

(c) Within thirty (30) days after receipt of the appeal the district school board shall file ten (10) twelve (12) hard copies of its written arguments with the Agency Clerk for the Department of Education and certify that it has provided a copy to the charter school applicant or representative identified in the applicant's appeal by U.S. Mail, hand delivery, or other agreed upon mode of transmittal. The district school board shall file with its written arguments all documents considered by the district school board in making its decision that were not filed as exhibits to the applicant's appeal. The written

arguments are limited to the reasons for denial identified in the district school board's notice of denial and any issues raised by the applicant in its appeal.

(d) Such written arguments required from both parties shall not exceed twenty (20) pages exclusive of any exhibit. The Chair of the Charter School Appeal Commission may grant leave to exceed the page limit only when necessary for both parties to address an extraordinarily large or complex set of issues on appeal. Information provided beyond the twenty (20) page maximum will not be discussed nor considered by the Charter School Appeal Commission. Written arguments may be produced by any duplicating or copying process which produces a clear black image on white paper. All written arguments shall be on 8 1/2 x 11 inch paper, double spaced, except quoted material and footnotes. Typewritten text, including footnotes must be no smaller than ten (10) pitch spacing, and there must be no more than twenty-six (26) lines of text per paper. Margins shall be no less than one inch at the top, bottom, left and right. All written arguments and exhibits must be bound with tabs for each exhibit with a table of contents detailing each section.

(e) Failure to meet the requirements herein specified may cause rejection of the submission by the Chair of the Charter School Appeal Commission where the failure could result in prejudice to the opposing party. The rejection shall describe the submission errors and the filing party shall have fifteen (15) days to resubmit an appeal that meets the requirements herein.

(2) Procedures for Charter School Appeals. Upon receipt of a timely filed appeal by a Charter School applicant, the Commissioner of Education or designee, shall convene a meeting of the Charter School Appeal Commission to consider the appeal, with at least seven (7) days notice to the applicant appealing party and the district school board of that hearing date.

(a) At the hearing before the Charter School Appeal Commission, each party will be given a maximum of ten (10) minutes to allow representative(s) to summarize the written arguments previously submitted. Each party will also be given additional time, as determined by the Chair of the Charter School Appeal Commission, to individually address each of the reasons for denial. No evidence will be received or testimony presented, only oral argument, will be heard by the Charter School Appeal Commission at this time.

(b) The Charter School Appeal Commission may question the parties. During these questions, the Charter School Appeal Commission may, in its discretion, request information to clarify the documentation presented to it by the charter school applicant and the district school board, as set forth in the appeal and exhibits thereto. Ex parte communications with either party or communication among commission members regarding the appeal is prohibited gather other applicable information regarding the appeal and request information to clarify the documentation presented it.

(c) Upon reviewing the record on appeal and hearing oral summaries of written arguments, if presented, and consideration of the answers to questions, if asked, the Charter School Appeal Commission shall then proceed by majority vote to either accept or reject the decision of the district school board.

(d) The Charter School Appeal Commission's recommendation, record on appeal, written arguments of the parties, and a copy of the Charter School Appeal Commission transcripts will be forwarded to the State Board of Education.

(e) The State Board of Education shall consider the appeal and the Charter School Appeal Commission's recommendation at the next scheduled State Board of Education meeting and no later than ninety (90) calendar days after an appeal is filed. Each party shall have five (5) minutes to summarize their arguments. Additionally, the State Board of Education may, in its discretion, ask questions to clarify the issues on appeal. Ex parte communications with either party to communication among board members regarding the appeal is prohibited. The State Board of Education shall approve or deny the appeal.

(3) Appealing a High-Performing Charter School Application Denial.

(a) The district school board letter of denial required by Section 1002.33(6)(b)3.a., Florida Statutes, shall be provided to the ~~charter~~ applicant by the district school board via certified mail unless the applicant agrees in writing to accept receipt by hand delivery, regular mail, facsimile or electronic mail. Receipt of delivery shall be documented and filed with the Agency Clerk. Within thirty (30) days after receipt by certified mail, or other verified mode of transmittal as provided by the parties' agreement, the date of a decision of a district school board denying an application for a replication of a High-Performing Charter School pursuant to Section 1002.331, Florida Statutes, the charter applicant may file a written appeal by submitting ten (10) hard copies of the appeal to the Agency Clerk in the same manner and format described in paragraphs (1)(a)-(d) of this rule. A copy of the appeal shall be sent via regular mail or hand delivery to the district school board, via the Superintendent, or a designee of the Superintendent as specified within the letter of denial, by the applicant on or before by the appealing party by the date of filing with the Agency Clerk. The applicant shall certify that it has provided the district school board a copy of the appeal as provided herein by filing a certificate of service with the Agency Clerk stating the person and address to which the copy was provided and the date of mailing or other transmittal. High-performing charter school appeal submissions shall be considered directly by the State Board of Education pursuant to Section 1002.33(6)(c)3.b., Florida Statutes. ~~The appealing party shall certify that it has provided the district school board a copy of the appeal as provided herein.~~ The State Board of Education does not have jurisdiction to hear late-filed appeals.

(b) Within thirty (30) days after receipt of the appeal, the district school board shall file ten (10) hard copies of its written arguments to the Agency Clerk for the Department of Education in the same manner and format described in paragraphs (1)(a)-(d) of this rule. The written arguments are limited to the reasons for denial identified in the district school board's notice of denial.

(c) Failure to meet the requirements herein specified may cause rejection of the submission by the Commissioner Agency Clerk for the Department of Education, where failure could result in prejudice to the opposing party. The rejection shall describe the submission errors and the party shall have fifteen (15) days to resubmit an appeal that meets the requirements herein.

(d) The State Board of Education shall consider the high-performing charter school appeal at a State Board of Education meeting no later than ninety (90) calendar days after an appeal is filed. Each party shall have fifteen (15) minutes to summarize their arguments. Additionally, the State Board of Education may, in its discretion, ask questions to clarify the issues on appeal. Ex parte communications with either party or communication among board members regarding the appeal is prohibited. The State Board of Education shall approve or deny the appeal.

(4) Motions.

(a) Motions before the Charter School Appeal Commission or State Board of Education shall be filed with the Agency Clerk in the same format as required in paragraph (1)(d) of this rule, except that they are limited to three (3) pages. Motions shall include a statement that the movant has conferred with the other party, shall state whether such party has any objection to the motion, and shall certify that the other party has been served with a copy of the motion. If there is an objection, the other party may file a response, subject to the same filing requirements as the motion, within five (5) three (3) business days of receipt of the motion, or the day before the hearing, whichever occurs first. A request for extension of the deadline or leave to exceed the maximum page limit must be requested prior to the date the motion or response is due and may be granted only where the opposing party will not be prejudiced. Oral arguments shall not be requested, but may be scheduled at the discretion of the ruling entity.

(b) The Chair of the Charter School Appeal Commission shall rule upon evidentiary, procedural and non-jurisdictional motions submitted prior to the commission hearing ~~for a continuance of the hearing, motions to relinquish jurisdiction on the grounds of an untimely filed appeal by the appealing party or on the grounds of settlement/voluntary dismissal of the appeal filed prior to the hearing date.~~

(c) The Commissioner of Education shall rule upon evidentiary, procedural, and non-jurisdictional motions submitted ~~for a continuance of the appeal before the State Board of Education and motions to relinquish jurisdiction on~~

~~the grounds of an untimely filed appeal by the appealing party or on the grounds of settlement/voluntary dismissal of the appeal. All other motions be ruled upon by the State Board of Education.~~

Rulemaking Authority 1002.33(27) FS. Law Implemented 1002.33(6) FS. History—New 2-2-97, Amended _____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-10.0319 Developmental Education
 Competencies

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly.

6A-10.0319 Developmental Education Competencies.

~~Pursuant to Section 1008.30(3), F.S., the State Board of Education must identify the Florida Developmental Education Competencies that will serve as the basis for developmental education curriculum provided in Florida College System institutions.~~ A student who does not meet the standard scores on an approved assessment in accordance with the provisions of Rule 6A-10.0315, F.A.C., must demonstrate successful mastery of the required developmental education competencies listed below before the student is considered to have met basic computation and communication skills requirements.

~~(1) Students who place into the highest level of developmental education in the Florida College System must demonstrate the following competencies before the student is considered to have met basic computation and communication skills requirements:~~

- ~~(1)(a) Reading.~~
- ~~(a)1. Evaluate the author’s use of facts and opinions.~~
- ~~(b)2. Analyze the author’s primary purpose.~~
- ~~(c)3. Identify the topic and stated/implied main idea in a multi-paragraph selection in print and online.~~
- ~~(d)4. Use contextual clues and structural analysis to clarify meanings and broaden academic vocabulary.~~
- ~~(e)5. Identify and use contextual clues to determine the meaning of words in multiple sentences.~~
- ~~(f)6. Identify specific information in a multi-paragraph selection.~~
- ~~(g)7. Distinguish between major and minor details in a multi-paragraph selection.~~
- ~~(h)8. Identify relationships between and/or within sentences.~~
- ~~(i)9. Determine the primary and secondary patterns of organization for a paragraph and multi-paragraph selection.~~

- ~~(j)10. Identify the transition words that are associated with each pattern.~~
- ~~(k)11. Analyze the author’s tone and support with examples, including denotative, connotative meaning, and figurative language.~~
- ~~(l)12. Detect bias.~~
- ~~(m)13. Synthesize the information in a text in order to make inferences and draw logical conclusions.~~
- ~~(n)14. Analyze the details to infer what the author is implying and draw logical conclusions in a paragraph and multi-paragraph selection.~~
- ~~(o)15. Determine whether an argument is logical, relevant, and adequate based on the evidence provided in a passage.~~
- ~~(2)(a) Writing.~~
- ~~(a) Use prewriting, drafting, revision, and editing techniques.~~
- ~~(b) Use syntax appropriate to standard written English.~~
- ~~(c) When writing, use complete sentences.~~
- ~~(d)1. Sustain focus on a specific topic or argument.~~
- ~~(e)2. Demonstrate command of the conventions of standard written English, including grammar, usage, and mechanics.~~
- ~~(f)3. Support and illustrate arguments and explanations with relevant details, and examples.~~
- ~~(g)4. Create a logical progression of ideas or events, and convey the relationships among them.~~
- ~~(h)5. Establish a thesis that addresses the specific task and audience.~~
- ~~(i)6. Develop and maintain a style and tone appropriate to the task, purpose, and audience.~~
- ~~(j)7. Choose words and phrases to express ideas precisely and concisely.~~
- ~~(k)8. Assess the quality of one’s own writing, and, when necessary, strengthen it through revision.~~
- ~~(l)9. Use varied sentence structures to achieve cohesion between sentences.~~
- ~~(m)10. When writing to inform or explain, students must convey information clearly and coherently.~~
- ~~(n)11. When writing to inform or explain, students must demonstrate understanding of content by reporting facts accurately.~~
- ~~(o)12. Accurately incorporate source material into one’s own work while avoiding plagiarism.~~
- ~~(p)13. When writing arguments, students must establish a substantive claim.~~
- ~~(q)14. When writing arguments, students must link claims and evidence with clear reasons, and ensure that the evidence is relevant and sufficient to support the claims.~~
- ~~(r)15. When writing arguments, students must acknowledge competing arguments or information, defending or qualifying the initial claim as appropriate.~~

(s)16. Gather the information needed to build an argument, provide an explanation, or address a research question.

(t)17. Recognize effective transitional devices within the context of a passage.

(u)18. Recognize commonly confused or misused words or phrases.

(v)19. Place modifiers correctly.

(w)20. Use coordination and subordination effectively.

(x)21. Recognize parallel structure.

(y)22. Avoid inappropriate shifts in verb tense.

(z)23. Maintain agreement between pronoun and antecedent.

(aa)24. Avoid inappropriate pronoun shifts.

(bb)25. Maintain clear pronoun references.

(cc)26. Use proper case forms.

(dd)27. Use adjectives and adverbs correctly.

(ee)28. Use appropriate degree forms.

(ff)29. Avoid fragments, comma splices, and fused sentences.

(gg)30. Use standard verb forms.

(hh)31. Maintain agreement between subject and verb.

(ii)32. Use standard spelling.

(jj)33. Use standard punctuation.

(kk)34. Use standard capitalization.

(ll)35. Use technology as a tool to produce, edit, and distribute writing.

(3)(e) Mathematics

(a) Classify sets of numbers.

(b) Identify and apply the properties of real numbers.

(c) Write the prime factorization of a number.

(d) Perform operations with integers (with applications).

(e) Perform operations with fractions (with applications).

(f) Perform operations with decimals (with applications).

(g) Convert among percents, fractions, and decimals.

(h) Solve percent equations with applications.

(i) Evaluate absolute value expressions.

(j) Identify place value and round decimals.

(k) Identify place value and round whole numbers.

(l) Simplify fractions.

(m) Perform operations on whole numbers (with applications, including area and perimeter).

(n) Solve formulas with given values.

(o) Set up and solve ratios and proportions with simple algebraic expressions.

(p) Define variables and write an expression to represent a quantity in a problem.

(q) Evaluate algebraic expressions (e.g., find value of $3x$ when $x=2$).

(r) Simplify algebraic expressions involving one variable ($2x + 5x$).

(s) Perform order of operations including absolute values.

(t) Graph an inequality on a number line.

(u) Evaluate exponents with integers.

(v) Evaluate exponents with whole numbers.

(w) Compare magnitude of real numbers.

(x)1. Solve multi-step problems involving fractions and percentages (include situations such as simple interest, tax, markups/markdowns, gratuities and commissions, fees, percent increase or decrease, percent error, expressing rent as a percentage of take-home pay).

(y)2. Recognize proportional relationships and solve problems involving rates and ratios.

Apply the order of operations to evaluate algebraic expressions, including those with parentheses and exponents.

(z)3. Solve application problems involving geometry (Pythagorean Theorem).

(aa)4. Solve application problems involving geometry (perimeter and area with algebraic expressions).

(bb)5. Convert units of measurement within the same and across measurement systems.

(cc)6. Identify the slope of a line (from slope formula, graph, and equation).

(dd)7. Solve literal equations for a given variable with applications (geometry, motion [$d=rt$], simple interest [$i=prt$]).

(ee)8. Solve linear inequalities in one variable and graph the solution set on a number line.

(ff)9. Graph linear equations using table of values, intercepts, slope intercept form.

(gg)10. Solve linear equations in one variable using manipulations guided by the rules of arithmetic and the properties of equality.

(hh)11. Simplify an expression with integer exponents.

(ii)12. Convert between scientific notation and standard notation.

(jj)13. Identify the intercepts of a linear equation.

(kk)14. Add, subtract, multiply, and divide polynomials. Division by monomials only (Does not include division by binomials).

(ll)15. Simplify radical expressions – square roots only.

(mm)16. Add, subtract and multiply square roots of monomials.

(nn)17. Factor polynomial expressions (GCF, grouping, trinomials, difference of squares).

(oo)18. Solve quadratic equations in one variable by factoring.

(pp)19. Rationalize the denominator (monomials only).

(qq)20. Simplify, multiply, and divide rational expressions.

(rr)21. Add and subtract rational expressions with monomial denominators.

(2) Students who place into the lower level of Developmental Education in the Florida College System must demonstrate the following competencies before the student is considered to have met basic computation and communication skills requirements:

(a) Reading:

1. Distinguish between facts and opinions.
2. Identify the author's primary purpose as persuade, inform, or entertain.
3. Identify specific information in a paragraph.
4. Distinguish between major and minor details in a paragraph.
5. Identify the topic and stated/implied main idea in a paragraph in print and online.
6. Identify and use context clues to determine the meaning of words in simple sentences.
7. Identify logical inferences and conclusions based on the evidence provided in a paragraph.
8. Identify the following primary patterns of organization in a paragraph such as time order, simple listing, and generalization/definition and example.
9. Identify the transition words that are associated with each pattern.
10. Recognize the point and support of an argument.
11. Recognize relationships within/between sentences.
12. Recognize the author's tone.

(b) Writing:

1. Use prewriting, drafting, revision, and editing techniques.
2. Sustain focus on a specific main idea for a single paragraph.
3. Use syntax appropriate to standard written English.
4. Demonstrate a basic command of the conventions of standard written English, including grammar, usage, and mechanics.
5. Provide supporting details for main idea with relevant explanations and examples, in a single paragraph.
6. Create a logical progression of ideas or events.
7. Select and narrow a topic that addresses the specific task.
8. Demonstrate a basic awareness of purpose and audience.
9. Choose appropriate words and phrases.
10. Express ideas effectively.
11. Use varied sentence structures.
12. Recognize commonly confused words.
13. Use coordination effectively.
14. Use subordination effectively.
15. When writing, use complete sentences.
16. Recognize fragments.
17. Recognize comma splices.

18. Recognize fused sentences.
19. Use correct pronouns.
20. Use adjectives and adverbs correctly.
21. Use appropriate degree forms.
22. Use standard verb forms.
23. Maintain agreement between subjects and verbs.
24. Use standard spelling.
25. Use end punctuation correctly.
26. Use standard capitalization.

(c) Mathematics:

1. Classify sets of numbers.
2. Identify and apply the properties of real numbers.
3. Write the prime factorization of a number.
4. Perform operations with integers (with applications).
5. Perform operations with fractions (with applications).
6. Perform operations with decimals (with applications).
7. Convert among percents, fractions, and decimals.
8. Solve percent equations with applications.
9. Evaluate absolute value expressions.
10. Identify place value and round decimals.
11. Identify place value and round whole numbers.
12. Simplify fractions.
13. Perform operations on whole numbers (with applications, including area and perimeter).
14. Solve application problems involving geometry (circumference of circle, perimeter of polygons, area of triangle, parallelograms, circle).
15. Solve formulas with given values.
16. Set up and solve ratios and proportions with simple algebraic expressions.
17. Convert units of measurement within same measurement system.
18. Define variables and write an expression to represent a quantity in a problem.
19. Evaluate algebraic expressions (e.g., find value of $3x$ when $x=2$).
20. Simplify algebraic expressions involving one variable ($2x + 5x$).
21. Perform order of operations including absolute values.
22. Solve linear equations involving the addition and multiplication property of equalities.
23. Graph an inequality on a number line.
24. Evaluate exponents with integers.
25. Evaluate exponents with whole numbers.
26. Compare magnitude of real numbers.

Rulemaking Authority 1008.30(4)(a) FS. Law Implemented 1008.30(4)(a) FS. History—New_____.

DEPARTMENT OF CITRUS

RULE NO.: RULE TITLE:
20-60.001 Registration Required

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.

The SUMMARY OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION section of this rule notice should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This rule is strictly housekeeping in nature; therefore it will not have an adverse impact or impose a regulatory cost.

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-64.001	Grades Established
20-64.002	Canned Orange Juice
20-64.003	Grapefruit Juice – Canned and Chilled
20-64.004	Canned Blend of Orange and Grapefruit Juice
20-64.005	Other Mixtures of Orange and Grapefruit Juice
20-64.007	Frozen Concentrated Orange Juice
20-64.008	Concentrated Orange Juice for Manufacturing
20-64.009	Frozen Concentrated Grapefruit Juice
20-64.010	Frozen Concentrated Grapefruit Juice for Manufacturing
20-64.011	Frozen Concentrated Blended Grapefruit Juice and Orange Juice
20-64.012	Other Concentrated Citrus Fruit Juices
20-64.013	Canned Grapefruit Sections
20-64.014	Canned Grapefruit and Orange for Salad
20-64.015	Chilled Orange Juice
20-64.016	Concentrate for Soft Serve Orange Juice
20-64.017	Gelled Sunshine Citrus Salad
20-64.018	Other Chilled Processed Citrus Products
20-64.019	Products Having No Established State or USDA Grade Standards
20-64.023	Concentrate for Orange Beverage Base
20-64.024	Grapefruit Juice for Beverage Base Product; Grapefruit Beverage Base for Export Only

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. 46, November 18, 2011 issue of the Florida Administrative Weekly.

The SUMMARY OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION section of this rule notice should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department’s review under Executive Order 11-01 repealing these unnecessary and federally superseded rules will not have an adverse impact or impose a regulatory cost.

These corrections are in response to comments received from the Joint Administrative Procedures Committee:

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, if any as herein provided. 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 CITRUS

RULE NO.:	RULE TITLE:
20-65.002	Equipment

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.

The SUMMARY OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION section of this rule notice should have included the following language:

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

herein: As this rule amendment allows the industry a more varied equipment list to choose from it will not have an adverse impact or impose a regulatory cost.

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-66.002	Products for Export
20-66.003	Misbranding Imported Product
20-66.004	Florida Identification
20-66.005	Proof of Geographic Origin

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.

The SUMMARY OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION section of this rule notice should have included the following language:

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department’s review under Executive Order 11-01 repealing this unnecessary rule which has been preempted by federal rules will not have an adverse impact or impose a regulatory cost.

DEPARTMENT OF CITRUS

RULE NOS.:	RULE TITLES:
20-70.001	Registration of Labels
20-70.002	Use of Labels to Represent Grade
20-70.003	Processor to Maintain File of Labels Used
20-70.004	Designation of Grade on Container
20-70.005	Coding Containers
20-70.006	Notice Required

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.

The SUMMARY OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION section of this rule notice should have included the following language: The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Pursuant to the Department’s review under Executive Order 11-01 repealing this unnecessary and federally superseded rule will not have an adverse impact or impose a regulatory cost.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-103.007	Appeals and Direct Grievances to the Office of the Secretary
33-103.014	Reasons for Return of Grievance or Appeal Without Processing
33-103.016	Follow Through on Approved Grievances

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 7, February 17, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-302.110	Written Monthly Reports

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-4.166	Nursing Home Consumer Satisfaction Survey

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly.

The Agency for Health Care has determined that the repeal of Rule 59A-4.166, Nursing Home Consumer Satisfaction Survey, 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. The Agency has determined that the proposed rule is not expected to require legislative ratification. Agency review of the impact of this rule repeal determined no SERC is required or necessary. This determination was based on the fact that statutory authority does not exist for this rule. A SERC has not been prepared by the Agency. The Agency proposes to repeal the rule based upon no statutory mandate for its purpose.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-7.003	Medicaid Third Party Liability Responsibility and Notices

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-5.001
 RULE TITLE: Application Procedure; Application Form; Fees; Confidential Information; Denial of Application; Request for Hearing

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. 50, December 16, 2011 issue of the Florida Administrative Weekly.

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

1. In subsection (1), (a) and (b) will be removed. Subsection (1) shall now read as follows:

(1) Applicants for licensure as an employee leasing company shall file a completed application on a form prescribed by the Department. Applicants shall cure all deficiencies in their application noted by the board within 90 days from the date of the letter notifying the applicant or the application will be denied as an incomplete application. For purposes of this rule, an application is complete when all items on the application form have been fully answered, the applicant has paid the application fee specified in subsection (2), and has submitted all attendant documentation, certifications, electronic fingerprints through the Department’s vendor, explanations of answers, and other items specified in the form and its attached instructions. An application for licensure as an employee leasing company or group will not be deemed complete until both the controlling person(s) and employee leasing company parts are complete.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-10.002
 RULE TITLE: Reporting of Change of Status Required; Effect on Licensees; Change of Licensee Name

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 17, April 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: 64B-3.005
 RULE TITLE: Counterfeit-resistant Prescription Blanks for Controlled Substance Prescribing

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 3, January 20, 2012 issue of the Florida Administrative Weekly.

(1) No change.

~~(2)(4)~~ Any person or entity desiring to produce counterfeit-proof prescription pads or blanks for use by prescribing practitioners shall apply to the department for approval. The application shall be made on incorporated by reference form DH-MQA 1250 (03/12), Application for Counterfeit-Proof Prescription Pad Vendor, which can be obtained at _____ or from the department at Department of Health, 4052 Bald Cypress Way, Bin BCO-01, Tallahassee, Florida 32399-3260, or online at <http://www.doh.state.fl.us/mqa/counterfeit-proof.html>. To obtain approval, the counterfeit-proof prescription pad or blank must contain the following security features:

(a) The background color must be blue or green and resist reproduction;

(b) The pad or blank must be printed on artificial watermarked paper;

(c) The pad or blank must resist erasures and alterations and;

(d) The word “void” or “illegal” must appear on any photocopy or other reproduction of the pad or blank. This language shall not obstruct or render illegible any portion of the drug name, quantity or directions for use.

(3) The counterfeit-proof prescription pad or blank must contain the following information:

(a) through (b) No change.

~~(5)(c) Print~~ A unique tracking identification number for each order on the front of the counterfeit-proof prescription pad or blank. The number must consist of three subsets: (1) a unique alphabetic prefix that readily identifies the vendor, (2) the date of printing, and (3) a batch number. The alpha prefix used to identify the vendor will be assigned by the department and must appear in upper case. The date of printing must immediately follow the vendors’s unique alpha identifier and must be presented in six character numerical field using the format YRMODY. The batch number assigned by the vendor must immediately follow the print date and consist of numerical characters and must not contain spaces or special characters (e.g., dashes, periods, commas, slashes, alpha characters). From left to right, the tracking identification number must appear as alpha prefix, print date, and then batch number, with no blank spaces between subsets.

~~(4)(5)~~ Vendors approved to produce counterfeit-proof prescription pads or blanks are responsible for the secure production and distribution of the counterfeit-proof prescription pads or blanks to prescribing practitioners. Approved vendors must:

~~(a)(b)~~ Receive orders in writing signed by an authorized prescribing practitioner or healthcare facility;

~~(b)(e)~~ Maintain records and information about the production and distribution of counterfeit-proof prescription pads or blanks. A unique tracking identification number and the name of the authorized prescriber or healthcare facility that purchased the prescription pad or blank must be maintained and made available to the department upon request. The department may request random inspections of the counterfeit-proof prescription pads or blanks produced by the vendor;

~~(c)(f)~~ Destroy counterfeit-proof prescription pads or blanks unused by the prescriber or healthcare facility for which they were produced and returned to the vendor; and

~~(d)(g)~~ Submit a monthly report to the department documenting the name of the prescribing practitioner or healthcare facility who purchased counterfeit-proof prescription pads or blanks, the batch number assigned to the counterfeit-proof prescription pad or blank order, and the number of pads or blanks sold. This report must be submitted to the department within 15 business days after the end of the reporting month.

~~(5)(6)~~ No change.

With regard to the form incorporated by reference in the rule, clerical errors were corrected, the rule text was inserted in lieu of certain statements, and changes were made to reflect that certain information is optional and not used to determine whether the application is approved.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.001
 RULE TITLE: Examination Requirements
 NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 9, March 2, 2012 issue of the Florida Administrative Weekly.

The Rule Development publication date listed in the Notice should be corrected to reflect the publication dates of January 13, 2012 and January 27, 2012.

The above change does not substantively affect the rule.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NOS.: 64J-3.001
 RULE TITLES: Certification of 911 Emergency Dispatchers

64J-3.002 Public Safety Telecommunication Course Equivalency
 64J-3.003 Renewal of 911 Emergency Dispatchers Certification
 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. 39, October 1, 2010 issue of the Florida Administrative Weekly.

Form DH 5067 has been changed to reflect the correct framework as written by the Department of Education. Forms DH 5066 and DH 5067 have been changed to give the applicant the opportunity to either sign a written declaration or have the form notarized. All forms reflect a new effective date.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.713
 RULE TITLE: SSI-Related Medicaid Income Eligibility Criteria
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 5, February 3, 2012 issue of the Florida Administrative Weekly.

~~(4) The VA Veterans Administration provides an allowance for unreimbursed medical expenses incurred by the veteran that exceeds five percent of an individual's annual income. Unreimbursed medical expenses is excluded income. The Department can use form CF-ES 2262, Request for Veteran's Information, 11/2011 (incorporated by reference) to verify through the Department of Veterans Affairs the type and amount of VA payments.~~

~~(5) The VA provides additional compensation when the individual needs routine aid and attendance by another. This compensation may be paid to disabled veterans and to spouses, widows, widowers, and parents of veterans. Aid and attendance payments provided to an eligible individual and paid by the individual to his ineligible spouse, parent, or child living in the same household in return for taking care of him are excluded from income for deeming purposes. Aid and attendance payments made directly to the ineligible spouse, parent or child on behalf of the eligible individual are also excluded as income for deeming purposes. If an ineligible spouse or parent receives payments for services provided to anyone other than his eligible spouse or child, the payments are included as earned income subject to deeming to the eligible individual.~~

~~(6) The VA provides dependent allowances to veterans claiming to support one or more dependents. The allowances included in the VA check designated for a dependent are only counted as income to the dependent.~~

(7) The Department can use form CF-ES 2262, Request for Veteran’s Information, 03/2012, incorporated by reference, to verify through the Department of Veterans Affairs the type and amount of VA payments.

(5) through (7) renumbered (8) through (10) No change.

IF REQUESTED WITHIN 7 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: April 20, 2012, 1:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, Economic Self-Sufficiency Program, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us, (850)717-4113

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO: 65C-14.010
 RULE TITLE: General Sanitation and Safety
 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. 45, November 12, 2010 issue of the Florida Administrative Weekly.

65C-14.010 General Sanitation and Safety.

(1) Prior to the issuance of a license or to relicensing, the facility shall be inspected by a representative of the department, the county health unit, and the local fire department, or persons trained by the office of the State Fire Marshall in fire prevention and safety in accordance with state or local ordinances and codes. Written approval of health and sanitary conditions and fire prevention and protection measures must be on file. The following measures shall be used to inspect the health and sanitation standards in residential child caring agencies with a capacity of up to 12 clients;

(a) Food shall be clean- ~~and~~ wholesome. Wholesome foods are those that are in sound condition and do not contain any substance or chemical that may render it harmful to health, clean and free from, Clean food is ~~and~~ free from spoilage and safe for human consumption.

(b) Home canned food shall not be used.

(c) Food shall be protected from dust, flies, rodents, and other vermin, unclean equipment and utensils, unnecessary handling, cough/sneezes, flooding by sewage, overhead leakage and all other sources of contamination at all times during storage, food preparation, transportation both on and off premises, and service. The kitchen shall be kept clean and in good repair, this includes the equipment and utensils.

(d) Potentially hazardous food is any perishable food which consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. Potentially hazardous food must be kept at safe temperatures, 41 degrees Fahrenheit or below or 140 degrees Fahrenheit or above, except during necessary period of preparation and service. Potentially hazardous food shall not have been out of temperature for more than 4 cumulative hours during the course of thawing, preparation, service and cooling.

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

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

(g) Food containers shall be labeled with their contents and dated. Prior to the food being placed into the freezer, the container must be clearly marked to indicate the date of freezing; and the container must be clearly marked to indicate that the food shall be consumed within 24 hours of thawing. When the food is removed from the freezer, the container must be clearly marked to indicate the date of thawing. The contents shall be identified.

(h) Water temperature shall not exceed 120 degrees Fahrenheit to avoid scalding. Adequate hot water shall be provided at a minimum of 100 degrees Fahrenheit.

(i) Agencies not served by a municipal water supply shall test the water before licensure and then annually. The test results must be submitted to the local county health department in writing by the testing laboratory. Testing can be obtained through the local county health department or a certified independent laboratory. Test results must be negative for bacteriological contamination as determined by the local county health department. Positive test results require the facility to use potable water from a source approved by law for the purpose of drinking, cooking, and oral contact, until test results are negative.

~~(j) A facility not on a municipal sewage system and having an on-site treatment and disposal system or septic tank, shall meet standards in Chapter 64E 6, F.A.C., and Section 381.0065, F.S.~~

~~(j)(4)~~ Effective measures shall be utilized to minimize the presence of rodents, flies, cockroaches and other vectors and vermin on the premises. Effective measures shall include any method or device or the application of any substance to prevent, destroy, repel mitigate, curb, control any pest in, on or under the structure or lawn. The primary means of pest control shall be the use of pest control agents in compliance with Section 482.132, F.S.

~~(k)(4)~~ There shall be at least one functioning toilet, washbasin, and tub or shower for every six children.

~~(l)(4)~~ Laundry facilities shall be located in an area separate from areas occupied by children. If children are allowed to participate in the laundering of their personal items, space for sorting, drying, and ironing shall be made available. If children are using the laundry facilities they shall be supervised by a staff member.

~~(m)(4)~~ The facility shall have telephones, centrally located and readily available for staff use in each living unit of the facility. Emergency numbers such as the fire department, police, hospital, physician, poison control center, and ambulance shall be posted by each telephone. In lieu of this requirement wilderness camps and short-term wilderness programs shall have a system in place that provides for an immediate response in case of an emergency. The system must include the ability to immediately notify appropriate agency staff, police, fire department, physician, poison control center, ambulance or other emergency services that may be needed.

~~(n)(4)~~ If firearms are present in the facility, the program director shall be required to sign the Acknowledgement of Firearms Safety Requirements form, CF-FSP 5343, March 2010, which is ~~hereby~~ incorporated by reference and available online at www.dcf.state.fl.us/publications/. A copy of the form is also available upon request by contacting the Office of Family Safety at 1317 Winewood Boulevard, Tallahassee, Florida 32399 at www.dcf.state.fl.us/publications.

~~(o)(4)~~ Poisons and toxic substances shall be prominently and distinctly marked, labeled as to contents, kept stored under lock and key, and used in a manner as not to contaminate food or constitute a hazard to children.

1. No poisonous or toxic materials shall be present in residential child caring agencies except those used for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.

2. Sanitizers, detergents, or other cleaning compounds shall be stored separately from insecticides, rodenticides and other poisonous or toxic materials using methods such as different storage cabinets or separate areas of a room.

(2) Pursuant to Section 409.175, F.S., the following measures shall be used to inspect the health and sanitation standards in residential child caring agency with a capacity more than 12 clients;

(a) Kitchen.

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

2. The walls and shelving of all food preparation areas, food storage areas and utensil washing areas shall have smooth, easily cleanable surfaces. Walls shall be washable up to the highest level reached by splash or spray.

3. Hot and cold running water under pressure shall be easily accessible where food is prepared and where utensils are washed.

4. A residential use dishwasher shall be provided for ware washing.

~~(b) Food Supplies. Food is any raw, cooked or processed edible substance, ice, beverage or ingredient used or intended for use in whole, or in part, for human consumption. Food received or used in a residential child caring agency shall be from sources approved or considered satisfactory by the Department in accordance with Rule 64E-11.003, F.A.C. It shall be prepared, processed, handled, packaged, transported and stored in a sanitary manner so as to be protected from contamination and spoilage.~~

(c) Food Protection.

1. Food, while being transported, stored or prepared at a residential child caring agency, shall be protected from dust, flies, rodents or other vermin, toxic materials, unclean equipment and utensils, unnecessary handling, coughs and sneezes, flooding by sewage, overhead leakage and all other sources of contamination.

2. Different types of raw animal products such as beef, fish, lamb, pork or poultry shall be separated during storage and processing by use of different containers, partitions, shelves, or by cleaning and sanitizing the equipment between product use.

3. Raw food products shall be physically separated from ready-to-eat food products during display or storage by storing the raw products below ready-to-eat food products or using other approved methods.

4. Perishable food is any food of such type or in such condition as may spoil. Perishable food shall be stored at such temperatures as will protect against spoilage. All potentially hazardous food shall be kept at safe temperatures, 41 degrees Fahrenheit or below and 140 degrees Fahrenheit or above, except during necessary periods of preparation and service.

5. Potentially hazardous foods which are to be served without further cooking, such as ham salad, chicken salad, egg salad, shrimp salad, lobster salad, tuna salad, potato salad and other mixed foods containing potentially hazardous ingredients or dressings shall be prepared from chilled products with a minimum of manual contact. The surfaces of containers and the utensils used for preparation and subsequent storage shall have been effectively cleaned and sanitized immediately prior

to use. Potentially hazardous food requiring refrigeration after preparation shall be rapidly cooled to an internal temperature of 41 degrees Fahrenheit or below. The cooling period shall not exceed four hours. Potentially hazardous foods of large volume or prepared in large quantities shall be rapidly cooled, utilizing one or more of the following methods based on the type of food being cooled:

- a. Placing the food in shallow pans;
- b. Separating the food into smaller or thinner portions;
- c. Using rapid cooling equipment;
- d. Stirring the food in a container placed in an ice water bath;
- e. Using containers that facilitate heat transfer;
- f. Adding ice as an ingredient; ~~or~~
- g. Other effective methods approved by the department.

6. Frozen potentially hazardous food shall be thawed:

- a. In refrigerated units at a temperature not to exceed 41 degrees Fahrenheit; or
- b. Under cold potable running water with sufficient water velocity to agitate and float off loosened food particles into the overflow and:

(I) For a period of time that does not allow thawed portions of ready-to-eat food to rise above 41°F; or

(II) For a period of time that does not allow thawed portions of a raw animal food requiring cooking to be above 41°F for more than 4 hours including the time the food is exposed to the running water and the time needed for preparation for cooking; or

- c. In a microwave oven; or
- d. As part of the conventional cooking process.

7. Raw, unprocessed fruits and vegetables shall be thoroughly washed in potable water to remove any existing contaminants before being cut, combined with other ingredients, cooked, or served.

8. ~~Comminuted meat is fish or meat products that are reduced in size and restructured or reformulated such as gyros, ground beef, and sausage; Comminuted meat (such as hamburger)~~ products shall be thoroughly cooked to heat all parts of the meat to a minimum temperature of 155 degrees Fahrenheit for at least 15 seconds.

9. Stuffings, poultry, stuffed meats and stuffed poultry shall be heated throughout to a minimum temperature of 165 degrees Fahrenheit for at least 15 seconds.

10. Raw animal products such as eggs, fish, lamb, pork or beef, except roast beef, and foods containing these raw ingredients, shall be cooked to an internal temperature of 145 degrees Fahrenheit or above for at least 15 seconds. Fresh, frozen, or canned fruits and vegetables that are cooked for hot holding shall be cooked to a minimum temperature of 140 degrees Fahrenheit.

11. Microwave Cooking. Raw animal food cooked in a microwave oven shall be:

- a. Rotated or stirred throughout or midway during cooking to compensate for uneven distribution of heat;
- b. Covered to retain surface moisture;
- c. Heated to a temperature of at least 165°F throughout all parts of the food; and
- d. Allowed to stand covered for 2 minutes after cooking to obtain temperature equilibrium.

12. Food shall be prepared with the least possible manual contact, with suitable utensils, and on surfaces that prior to use have been cleaned, rinsed and sanitized to prevent cross contamination. Potentially hazardous foods that have been cooked and then refrigerated shall be reheated rapidly to a minimum of 165 degrees Fahrenheit for 15 seconds throughout all parts of the food before being served or before being placed in a hot food storage equipment. Ready-to-eat food taken from a commercially processed, hermetically sealed container (a container designed and intended to be secure against the entry of microorganisms to maintain the commercial sterility of its contents after processing) or from an intact package from a food processing plant, shall be heated to a temperature of a least 140 degrees Fahrenheit. Precooked, pre-packaged food from approved sources shall be exempt from this rapid reheating requirement when the food is initially removed from the original package, prepared for service, and not cooked for hot holding. Steam tables, bainmaries, warmers and similar hot food holding equipment are prohibited for the rapid reheating of potentially hazardous foods.

13. Food, whether raw or prepared, if removed from the container or package in which it was obtained, shall be stored in a clean covered container except during necessary periods of preparation or service. Container covers shall be ~~impervious~~ and nonabsorbent, except that linens or napkins may be used for lining or covering bread or roll serving containers. Solid cuts of meat shall be protected by being covered in storage. Food and containers of food shall not be stored under exposed or unprotected sewer lines or water lines, except for automatic fire protection sprinkler heads that may be required by fire safety rules. The storage of food in toilet rooms, locker rooms, dressing rooms, garbage rooms, or vestibules is prohibited. Unless its identity is unmistakable, bulk food such as cooking oil, syrup, salt, sugar or flour not stored in the product container or package in which it was obtained, shall be stored in a container identifying the food by common name. Food not subject to further washing or cooking before serving shall be stored in a way that protects it against cross contamination from food requiring washing or cooking. Packaged food shall not be stored in contact with water or undrained ice. Food shall be stored a minimum of 6 inches above the floor, on clean shelves, racks, dollies or other clean surfaces in such a manner as to be protected from splash and other contamination provided that:

a. Metal pressurized beverage containers and cased food packaged in cans, glass or other waterproof containers need not be elevated when the food container is not exposed to floor moisture; or

b. Racks and dollies used for food storage are easily movable.

14. Potentially hazardous food, date marking requirements.

a. Refrigerated, ready-to-eat, potentially hazardous food prepared and held for more than 24 hours in a facility shall be clearly marked with the date of preparation.

b. When ready to eat, potentially hazardous food is to be subsequently frozen, in addition to the date of preparation, the food shall comply with the following:

(I) Prior to the food being placed into the freezer, the container must be clearly marked to indicate the date of freezing; and

(II) The container must be clearly marked to indicate that the food shall be consumed within 24 hours of thawing.

(III) When the food is removed from the freezer, the container must be clearly marked to indicate the date of thawing.

15. Ready-to-eat, potentially hazardous food, disposition. Refrigerated, ready-to-eat, potentially hazardous food, shall be discarded if not served within 7 calendar days from the date of preparation, excluding the time that the product is frozen;

16. All food shall be served in such a manner as to minimize contamination as follows:

a. To avoid unnecessary manual contact with food, suitable dispensing utensils shall be used by staff or provided to residents who serve themselves.

b. Food within containers such as bins of sugar or flour, with the dispensing utensil handle extended out of the food, must be clean and dry.

17. Ice obtained from outside the residential child caring agency shall be handled and transported and stored in a sanitary manner shall be from an approved source and

18. Food while being transported between residential child caring agencies or while being transported from a residential child caring agency to another location shall be in covered containers or otherwise wrapped or packaged to ensure protection from contamination. Potentially hazardous foods shall be kept at safe temperatures during all periods of transportation and delivery. Food utensils shall be completely wrapped or packaged to protect them from contamination.

~~19. No poisonous or toxic materials shall be present in residential child caring agencies except those used for maintaining the establishment, cleaning and sanitizing equipment and utensils, and controlling insects and rodents.~~

~~a. Containers of poisonous or toxic materials shall be prominently and distinctly labeled for easy identification of contents.~~

~~b. Poisonous or toxic materials shall be stored separate from food, food equipment, utensils, or single-service articles.~~

a.e. The use of sanitizers, cleaning compounds or other compounds intended for use on food-contact surfaces shall not leave a toxic residue on such surfaces or constitute a hazard to employees or consumers. Sanitize means the effective treatment of clean surfaces of equipment and utensils by an approved process which provides enough accumulative heat or concentration of chemicals for enough time that when evaluated for effectiveness a reduction in disease microorganisms is evident.

~~b.d. Poisonous or toxic materials shall not be used in a way that contaminates food, equipment, or utensils, nor in any way that constitutes a hazard to staff or other persons, nor in a way other than in full compliance with the manufacturer's labeling.~~

~~c.e. First-aid supplies and personal medications shall be stored in a way which prevents their contaminating food or food-contact surfaces.~~

d. Poisonous or toxic materials shall be stored separate from food, food equipment, utensils, or single-service articles.

~~f. Sanitizers, detergents, or other cleaning compounds shall be stored separately from insecticides, rodenticides and other poisonous or toxic materials using methods such as different storage cabinets or separate areas of a room;~~

(3) The following measures shall be used to inspect recreational areas in all residential child caring agencies.

(a) The recreational area shall be safe and free from hazardous conditions. Recreational equipment shall have no jagged or sharp projections or other hazardous construction, and shall be maintained in a structurally sound condition.

(b) Outdoor recreational areas shall be well drained and kept free of litter and trash.

(c) If swimming pools, spas, hot tubs or open water hazards are located on the property of a community based residential facility, the facility shall provide direct supervision by an adult employee when in use or when the area is occupied by minors and other residents that cannot swim. The individual responsible for supervision during water activities or near water hazards must have successfully completed the community water safety course specified in paragraph (b) below.

1. A wading or kiddie pool is not allowed.

2. All community based residential facilities with swimming pools, spas, or open water hazards must have a person on staff who has completed a community water safety course administered by the American Red Cross or the YMCA.

3. A community based residential facility with a pool or spa has a barrier on all sides at least four feet high. All access through the barrier shall have one of the following safety features: alarm, key lock, self-locking doors, bolt lock or other

lock that is not accessible to children. Hot tubs and spas shall be required to have a safety cover that is locked when not in use.

4. Water safety devices shall be provided for residential pools. A shepherd's hook shall be provided securely attached to a one piece pole not less than 16 feet in length, and at least one 18 inch diameter lifesaving ring with sufficient rope attached to reach all parts of the pool from the pool deck. Safety equipment shall be mounted in a conspicuous place and be readily available for use.

Rulemaking Specific Authority 409.175 FS. Law Implemented 409.175 FS. History--New 7-1-87, Formerly 10M-9.019, Amended _____.

Section IV Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER12-29
 RULE TITLE: Instant Game Number 1143, MONOPOLY™

SUMMARY: This emergency rule describes Instant Game Number 1143, "MONOPOLY™," 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 Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER12-29 Instant Game Number 1143, MONOPOLY™.

(1) Name of Game. Instant Game Number 1143, "MONOPOLY™."

(2) Price. MONOPOLY™ lottery tickets sell for \$1.00 per ticket.

(3) MONOPOLY™ lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning MONOPOLY™ lottery ticket, the ticket must meet the applicable requirements of Rule 53ER12-17, F.A.C.

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



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



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



(7) The legends are as follows:

WINNING SYMBOL YOUR SYMBOLS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR SYMBOLS" play area that matches the play symbol and corresponding play symbol caption in the "WINNING SYMBOL" play area shall entitle the claimant to the corresponding prize shown for that symbol.



A ticket having a "DOUBLE" symbol and corresponding caption in the "YOUR SYMBOLS" play area shall entitle the claimant to double the prize shown for that symbol.

(b) The prizes are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$200, and \$5,000.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 1143 are as follows:

GAME PLAY	WIN	ESTIMATED ODDS OF 1 IN	NUMBER OF WINNERS IN 105 POOLS OF 240,000 TICKETS PER POOL
\$1	\$1	11.11	2,268,000
\$1 (TRAIN)	\$2	33.33	756,000
\$1 x 2	\$2	50.00	504,000
\$2	\$2	50.00	504,000
\$1 x 4	\$4	150.00	168,000
\$1 (TRAIN) + \$2	\$4	300.00	84,000
\$2 x 2	\$4	150.00	168,000
\$4	\$4	150.00	168,000
\$1 x 5	\$5	750.00	33,600
\$1 + \$2 (TRAIN)	\$5	750.00	33,600
(\$2 x 2) + \$1	\$5	750.00	33,600
\$4 + \$1	\$5	750.00	33,600