

~~years means years in which a VPK provider receives kindergarten readiness rates for the same program type (school year or summer). Kindergarten readiness rates which fall below the minimum readiness rate adopted by the State Board of Education under Rule 6A-1.099821, F.A.C., are consecutive if the provider does not receive an intervening kindergarten readiness rate which meets or exceeds the minimum readiness rate.~~

(2) ~~The Agency for Workforce Innovation shall notify the early learning coalition, in writing, to or school district, as applicable, shall remove a private prekindergarten VPK provider from future eligibility to offer new VPK classes of the program type by issuing a Letter of Removal to the provider. The Letter of Removal shall be provided in writing, which may include electronic mail, within 30 days of the adoption of the minimum kindergarten readiness rate by the State Board of Education, with a copy to the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, Suite 100, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128. A Letter of Removal shall contain the following provisions:~~

- (a) Notice of the program type (school-year or summer) for which the provider is ineligible;
- (b) The date upon which the provider was deemed ineligible to offer the program type in the future; and
- (c) Notice of termination of provider agreements, if applicable, under which the provider would begin a new VPK class for the VPK program type for which the provider has been deemed ineligible.

~~(3) The Department of Education shall notify the school district, in writing, to remove a public school VPK provider from future eligibility to offer new VPK classes of the program type and shall provide a copy of such notification to the early learning coalition.~~

Rulemaking Authority 1002.79(2) FS. Law Implemented 1002.67(3)(c)4., 1002.75(3)(c) FS. History--New\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Dentistry**

RULE NO.: 64B5-4.002  
 RULE TITLE: Advertising and Soliciting by Dentists

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 52, December 31, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency**

RULE NO.: 65A-1.205  
 RULE TITLE: Eligibility Determination Process

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 37, September 17, 2010 issue of the Florida Administrative Weekly.

**PURPOSE AND EFFECT:** The proposed rule amendment amends the ACCESS Florida Web Application, CF-ES 2353, and incorporates it by reference. The amended web application allows an individual to file a web application by providing only their name, address and electronic signature and contains enhanced encouraging language to complete the web application the same day it is started and to the consequences of an unfinished and un-submitted web application.

Notice of Change/Withdrawal

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-137.001  
 RULE TITLE: Annual and Quarterly Reporting Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 26, July 2, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-138.001  
 RULE TITLE: NAIC Financial Condition Examiners Handbook Adopted

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 26, July 2, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV  
 Emergency Rules**

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

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

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER10-54  
 RULE TITLE: LUCKY LINES™

SUMMARY: This emergency rule sets forth the provisions for the conduct of LUCKY LINES™.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-54 LUCKY LINES™.

(1) How to Play LUCKY LINES™.

(a) LUCKY LINES is an instant-win, on-line lottery game in which players select seven (7) numbers from a field of one (1) to forty-nine (49).

(b) Players may make their LUCKY LINES ticket selections by marking a play slip or by telling the retailer their desired selections. There are five (5) panels on a play slip. Players can choose to play LUCKY LINES for \$1, \$2, \$3 or \$5 per panel. Players may mark their desired numbers on the play slip by selecting seven (7) numbers on each panel played, or may mark the “Quick Pick” box located at the bottom of each panel for the terminal to randomly select the seven (7) numbers in each panel played. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error has been made in his or her selections in a panel. Players must use only blue or black ink or pencil for making selections. If play slips are used, they must be processed by a retailer in order to obtain a ticket. Retailers are authorized to manually enter numbers selected by a player. LUCKY LINES tickets cannot be cancelled.

(c) The player will receive a ticket printed with the player’s number selections in the YOUR NUMBERS section and a GAME BOARD of forty-nine (49) numbers for each panel played. If the player selects his or her own numbers, the YOUR NUMBERS will be displayed in ascending numerical order and the game board will display the forty-nine (49) numbers in random numerical order. If the player uses quick pick to select his or her numbers, the YOUR NUMBERS will be displayed in random numerical order and the game board will display the forty-nine (49) numbers in ascending numerical order.

(d) In the GAME BOARD section of the ticket, in order to determine whether he or she has won a prize, a player marks the seven (7) numbers that match the seven numbers in the YOUR NUMBERS section.

(2) How to Win.

(a) A ticket is a winning ticket if the player’s seven (7) numbers marked on the GAME BOARD form one of the following patterns:

1. Three (3) to seven (7) numbers together in a horizontal, vertical or diagonal line;

2. Three (3) numbers together and three (3) or four (4) different numbers together in a horizontal, vertical or diagonal line; or

3. None of the numbers touching.

(b) A number may be used only one time in a winning line per ticket. If a number is part of two winning lines, the pattern that offers the higher prize will be the winning pattern.

(c) A player may win only one (1) prize per ticket, e.g., if a player has five (5) numbers together, the player will not also win the four (4) and three (3) numbers together prizes.

(d) Prizes vary depending on the amount played. The prizes and estimated odds of winning are as follows:

<u>Numbers Together horizontal, vertical or diagonal line</u>	<u>Ticket Cost</u>				
	<u>\$1</u>	<u>\$2</u>	<u>\$3</u>	<u>\$5</u>	<u>Odds</u>
<u>7</u>	<u>\$400,000</u>	<u>\$1,000,000</u>	<u>\$1,600,000</u>	<u>\$3,000,000</u>	<u>1:5,368,787</u>
<u>6</u>	<u>\$1,000</u>	<u>\$2,500</u>	<u>\$4,000</u>	<u>\$7,500</u>	<u>1:56,663</u>
<u>4 &amp; 3</u>	<u>\$200</u>	<u>\$500</u>	<u>\$800</u>	<u>\$1,500</u>	<u>1:11,098</u>
<u>5</u>	<u>\$40</u>	<u>\$100</u>	<u>\$160</u>	<u>\$300</u>	<u>1:1,618</u>
<u>3 &amp; 3</u>	<u>\$8</u>	<u>\$20</u>	<u>\$32</u>	<u>\$60</u>	<u>1:366</u>
<u>4</u>	<u>\$4</u>	<u>\$10</u>	<u>\$16</u>	<u>\$30</u>	<u>1:78.89</u>
<u>3</u>	<u>\$1</u>	<u>\$3</u>	<u>\$5</u>	<u>\$9</u>	<u>1:5.438</u>
<u>None</u>	<u>\$2</u>	<u>\$4</u>	<u>\$6</u>	<u>\$10</u>	<u>1:34.58</u>
<u>Overall</u>					<u>1:4.37</u>

(3) LUCKY LINES Rules and Prohibitions.

(a) By purchasing a LUCKY LINES ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) All LUCKY LINES prizes must be claimed within 180 days from the date the ticket is sold.

(c) All prizes shall be paid in a single, lump-sum payment, less applicable withholding taxes. LUCKY LINES prize payments shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(d) Tickets shall not be purchased by or sold to persons under the age of eighteen (18).

Proposed Effective Date is October 11, 2010.

Rulemaking Authority 24.105(9)(a), (b), (c), (d), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented 24.105 (9)(a), (b), (c), (d), (e), (f), (h), 24.115(1), 24.116(1), 24.124(1) FS. History–New 10-11-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: October 11, 2010

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER10-55  
RULE TITLE: LUCKY LINES™ Retailer Bonus Sales Commission

SUMMARY: The Florida Lottery will pay double the sales commissions to retailers that sell LUCKY LINES™ tickets.  
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-55 LUCKY LINES™ Retailer Bonus Sales Commission.

(1) Beginning October 11, 2010 through October 31, 2010, the Florida Lottery will conduct, as a retailer sales incentive, a LUCKY LINES™ Retailer Bonus Sales Commission program in which the Florida Lottery will double the sales commissions to retailers.

(2) The Florida Lottery will pay retailers a 5% bonus sales commission on each LUCKY LINES sale in addition to the regular commission set forth in Rule 53ER05-14, F.A.C., for a total of \$.10 for each \$1.00 LUCKY LINES sale, \$.20 for each \$2.00 LUCKY LINES sale, \$.30 for each \$3.00 LUCKY LINES sale, and \$.50 for each \$5.00 LUCKY LINES sale.

(3) The bonus commission will be reflected on the retailer’s weekly Settlement Report.

(4) Retailers whose Florida Lottery contracts are terminated or inactivated prior to payment of the bonus commissions shall be paid the commissions earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(5) Bonus commissions will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer’s outstanding debt to the Florida Lottery, and to award the remaining balance of the commission(s), if any.

Proposed Effective Date is October 11, 2010.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History–New 10-11-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: October 11, 2010

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER10-56  
RULE TITLE: LUCKY LINES™ Retailer Top Prize Bonus Commission Program

SUMMARY: The Florida Lottery will award bonus commissions to retailers that sell winning top prize LUCKY LINES tickets.  
THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Louisa H. Warren, Senior Attorney, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER10-56 LUCKY LINES™ Retailer Top Prize Bonus Commission Program.

(1) The Florida Lottery will conduct, as a retailer sales incentive, a LUCKY LINES™ Retailer Top Prize Bonus Commission Program in which the Florida Lottery will award bonus commissions to retailers that sell winning top prize LUCKY LINES tickets.

(2) The bonus commission amounts are as follows:

(a) For selling a \$1.00 winning ticket of a \$400,000 top prize, a bonus commission of \$1,000;

(b) For selling a \$2.00 winning ticket of a \$1,000,000 top prize, a bonus commission of \$3,000;

(c) For selling a \$3.00 winning ticket of a \$1,600,000 top prize, a bonus commission of \$6,000; and

(d) For selling a \$5.00 winning ticket of a \$3,000,000 top prize, a bonus commission of \$10,000.

(3) Award of a top prize LUCKY LINES bonus commission is not dependent upon the winning top prize ticket being claimed by the winner.

(4) Retailers whose Florida Lottery contracts are terminated or inactivated prior to payment of the bonus commissions shall be paid the commissions earned provided said termination or inactivation was not due to noncompliance with Chapter 24, F.S., Chapter 53, F.A.C., or contract terms.

(5) Bonus commissions will be considered compensation to the retailer for Internal Revenue Service purposes. The Florida Lottery reserves the right to apply a bonus commission earned against a retailer’s outstanding debt to the Florida Lottery, and to award the remaining balance of the commission(s), if any.

(6) LUCKY LINES bonus commissions are subject to availability of funds appropriated for retailer incentives. This Program is subject to cancellation by future emergency rule if retailer incentive funding is not appropriated or if the Florida Lottery determines that it is no longer in the state's best interest to use such funds for this purpose.

Proposed Effective Date is October 11, 2010.

Rulemaking Authority 24.105(9)(i), 24.109(1) FS. Law Implemented 24.105(9)(i), 24.112(1) FS. History--New 10-11-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 11, 2010

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

##### Family Safety and Preservation Program

RULE NO.: 65CER10-5  
 RULE TITLE: General Sanitation and Safety  
 SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Chapter 2010-161, Laws of Florida, signed into law by the Governor on June 1 and effective July 1, 2010, eliminated the Department of Health's regulatory authority over food hygiene and sanitation in licensed child caring agencies otherwise regulated by the Department of Children and Families under Section 409.175, Florida Statutes, and Chapter 65C-14, Florida Administrative Code. The effect of Chapter 2010-161, Laws of Florida, is that there are currently no administrative rules providing minimum standards for certain food storage, preparation, and service and other sanitation activities in licensed child caring agencies. This has created an immediate serious threat to the health and safety of children served in these facilities. This situation makes it necessary for the Department of Children and Families (DCF) to add language to Chapter 65C-14, Florida Administrative Code, to provide standards to be used by the Department of Health (DOH) when inspecting child-caring agencies on behalf of the Department pursuant to Section 409.175(6)(e), Florida Statutes. This emergency rule will provide the regulatory basis for continued inspections of food hygiene and sanitation to ensure client safety in licensed child caring agencies pending the Department's adoption of permanent rules.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Florida Administrative Code 65C-14 is the most efficient means of

providing guidance to protect the health, safety, and welfare of children found to be dependent as defined by Chapter 39, F.S., and who have been placed in licensed out-of-home care.

SUMMARY: The new rule provides standards for the measurement of safety and sanitation issues in child-caring agencies.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Stacey Cleveland, Statewide Licensing Specialist, 1317 Winewood Boulevard, Tallahassee, Florida 32399, Phone: (850)921-8833, Email: Stacey\_Cleveland@dcf.state.fl.us

THE FULL TEXT OF THE EMERGENCY RULE IS:

65CER10-5 (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, wholesome, 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 foods 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. The contents shall be indentified.

(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.

(k) Effective measures shall be utilized to minimize the presence of rodents, flies, cockroaches and other vectors and vermin on the premises. The primary means of pest control shall be the use of pest control agents in compliance with Section 482.132, F.S.

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

(m)(2) 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.

(3) Swimming pools shall meet the requirements of Chapter 514, F.S.

(n)(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.

(o)(5) 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/](http://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.

(p)(6) 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.

(2) Pursuant to Section 409.175 F.S., the following measures shall be used to inspect the health and sanitation standards in a 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 received or used in a residential child caring agency shall be from sources approved or considered satisfactory 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 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 (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. Remaining un-sliced portions of roast beef and corned beef that are cooked as specified in subparagraph 8. shall be reheated for hot holding using the requirements of subparagraph 8. Ready-to-eat food taken from a commercially processed, hermetically sealed container, 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 from an approved source and shall be handled, transported and stored in a sanitary manner.

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.

c. 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.

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.

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

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 10-11-10.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: October 11, 2010

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

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

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

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on October 6, 2010, the South Florida Water Management District (District), received a petition for Variance (Application 101006-15) from the City of Port St. Lucie Public Works Department for irrigation of all city roadways located in St. Lucie County. The petition seeks relief from provisions in Chapter 40E-24, F.A.C., pertaining to mandatory year-round landscape irrigation conversation measures, pursuant to Section 120.542, Florida Statutes.

A copy of the Petition for Variance or Waiver may be obtained by contacting: the Water Resource Regulation Department, during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911; by e-mail: [permits@sfwmd.gov](mailto:permits@sfwmd.gov) or by accessing the District’s website: [www.sfwmd.gov](http://www.sfwmd.gov) using the Application/Permit Search on the ePermitting page. To be considered, comments must be received by the end of business on the 14th day at the: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn.: District Clerk.

For additional information, contact: Jesus Rodriguez at (561)682-6060 or email: [jerodrig@sfwmd.gov](mailto:jerodrig@sfwmd.gov).

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the South Florida Water Management District (District) has issued an order.

The South Florida Water Management District (District) issued an Order Granting Temporary Variance under Section 120.542, Florida Statutes (Order No.: 2010-149-DAO WU), dated August 11, 2010, to Walt Disney Parks and Resorts U.S., Inc., located in Orange and Osceola Counties. The Petition for Variance (Application No.: 100428-8) was received by the District on April 28, 2010. Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 36, No. 25, June 25, 2010. This Order provides a temporary variance for Walt Disney Parks and Resorts U.S., Inc. Specifically, the Order grants a temporary variance from subsection 40E-24.201(6), Florida Administrative Code, which states that irrigation of existing landscaping shall be conducted on specific days. Generally, the Order sets forth the basis of the Executive Director’s decision to grant the temporary variance as follows: 1) the Petitioner has demonstrated that the use of the ET-based irrigation control system is likely to achieve the purpose of the statutes underlying subsection 40E-24.201(6), Florida Administrative Code; 2) the Petitioner has demonstrated that it will experience substantial economic and technological hardship if it is required to comply; 3) the District has reasonable assurance that the granting of this temporary variance will be consistent with statutory requirements; and 4) the granting of this temporary variance will not prevent the Petitioner from meeting all permit conditions necessary to assure compliance with all of the District rules assuring protection of the water resources.

A copy of the Order can be obtained by contacting: The Water Resource Regulation Department, during the normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-6911, by email: [permits@sfwmd.gov](mailto:permits@sfwmd.gov) or by accessing the District’s website: [www.sfwmd.gov](http://www.sfwmd.gov) using the Application/Permit Search on the ePermitting page.

NOTICE IS HEREBY GIVEN THAT on August 11, 2010, the South Florida Water Management District (District) has issued an order.

The South Florida Water Management District (District) issued an Order Granting Temporary Variance under Section 120.542, Florida Statutes (Order No.: 2010-150-DAO WU) to Reedy Creek Improvement District, located in Orange and Osceola Counties. The Petition for Variance (Application No.: 100428-9) was received by the District on April 28, 2010. Notice of receipt of the petition was published in the Florida Administrative Weekly, Vol. 36, No. 25, on June 25, 2010. This Order provides a temporary variance for Reedy Creek Improvement District. Specifically, the Order grants a temporary variance from subsection 40E-24.201(6), Florida Administrative Code, which states that irrigation of existing