

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NO.: IT-1.001
 RULE TITLE: Division of Cultural Affairs

PURPOSE AND EFFECT: The purpose of this rule amendment is to establish in rule the most recent guidelines and grant report form for the General Program Support Program and the Specific Cultural Project Program. The guidelines for both programs clarify eligibility criteria, match requirements, application submission criteria, panel review and evaluation criteria, amend materials incorporated by reference, and update the application form.

SUBJECT AREA TO BE ADDRESSED: Guidelines and application forms for the General Program Support Program and the Specific Cultural Project Program. Specific areas include: eligibility criteria, match, application procedures, panel review and evaluation criteria, and updated application and grant report forms.

RULEMAKING AUTHORITY: 265.286(1), (11) FS.

LAW IMPLEMENTED: 265.286, 286.011, 286.012 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, January 10, 2011, 9:30 a.m.

PLACE: Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399-0250

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Donald R. Blancett, Division of Cultural Affairs, R. A. Gray Building, 3rd Floor, 500 South Bronough Street, Tallahassee, Florida 32399-0250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NOS.:	RULE TITLES:
5L-1.002	Definitions
5L-1.007	Container Identification, Terminal Sale Date; Prohibitions
5L-1.008	Shellfish Handling

PURPOSE AND EFFECT: Workshops are scheduled to discuss the requirements of the National Shellfish Sanitation Program (NSSP) as it relates to *Vibrio vulnificus*. Requirements of the NSSP will be directly shared with affected industry members, statewide. Input received from harvesters, processors and interested persons in regards to the NSSP requirements will be used to shape the potential rule amendments which are likely to impact commercial harvesting and processing of oysters.

SUBJECT AREA TO BE ADDRESSED: Any proposed amendments will apply to commercial oyster harvesting and processing in Florida in order to protect the health of oyster consumers and to provide continued limited access to oyster resources during warmer months.

RULEMAKING AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Multiple workshops to be held. See full list below.

DATE AND TIME: February 1, 2011, 5:00 p.m. EST

PLACE: Wakulla County Extension Office, 84 Cedar Ave, Crawfordville, FL 32327

DATE AND TIME: February 1, 2011, 5:00 p.m. EST

PLACE: Senator George G. Kirkpatrick Marine Lab, 11350 S.W. 153rd Court, Cedar Key, FL 32625

DATE AND TIME: February 2, 2011, 3:00 p.m. EST

PLACE: City Hall, Oak Hill, 234 South US 1, Oak Hill, FL 32759

DATE AND TIME: February 2, 2011, 6:30 p.m. EST

PLACE: South Ponte Vedra Civic Association, 2724 South Ponte Vedra Blvd., Ponte Vedra Beach, FL 32082

DATE AND TIME: February 4, 2011, 3:00 p.m. CST

PLACE: Florida Dept. of Agriculture & Consumer Services, Division of Aquaculture, 4408 Delwood Lane, Panama City, FL 32408

DATE AND TIME: February 4, 2011, 6:30 p.m. CST

PLACE: Pensacola Junior College Milton Campus, Building 4900, Room 4902, 5988 Highway 90, Milton, FL 32570

DATE AND TIME: February 7, 2011, 4:00 p.m. EST

PLACE: Franklin County Courthouse, Commission Meeting Room, 33 Market St., Apalachicola, FL 32320

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Brooks at (850)410-0858

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NO.: 5M-5.002 RULE TITLE: Approved Citrus BMPs

PURPOSE AND EFFECT: The purpose of this rulemaking is to revise the rule to allow flatwoods citrus producers outside of this area the opportunity to enroll in approved citrus best management practices.

SUBJECT AREA TO BE ADDRESSED: The proposed rule revision will address the development of practices that protect water resources, and allow flatwoods citrus producers to enroll voluntarily in the adopted Best Management Practices for Citrus Groves in the Peace River and Manasota Basins (October 2004) manual.

RULEMAKING AUTHORITY: 403.067(7)(c)2., 570.07(10), (23) FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

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

Southwest Florida Water Management District

RULE NO.: 40D-8.041 RULE TITLE: Minimum Flows

PURPOSE AND EFFECT: To amend Rule 40D-8.041, F.A.C., pursuant to Section 373.042, Florida Statutes, to establish Minimum Flows for the Homosassa River System and associated springs, including springs that discharge to the Homosassa River, the Southeast Fork of the Homosassa River, Halls River, and Hidden River.

SUBJECT AREA TO BE ADDRESSED: Establishment of a minimum flow for the Homosassa River System. Members of the District's Governing Board and Basin Board may attend the scheduled Rule Development Workshop.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 6, 2011, 6:00 p.m.

PLACE: Lecanto Government Building – Room 280, 3600 West Sovereign Path, Lecanto, FL 34461

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: The Southwest Florida Water Management District Human Resources Director, 2379 Broad Street, Brooksville, Florida 34604-6899; telephone (352)796-7211, ext. 4702 or 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.050 RULE TITLE: Community Behavioral Health Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.050, F.A.C., is to incorporate by reference the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook, October 2010. The handbook was revised to remove the enrollment requirement for Medicaid behavioral health providers to have an active contract with the Substance Abuse and Mental Health (SAMH) circuit or regional office for the location in which the agency will provide services. This Handbook adds descriptions and

policy for the Medicaid behavioral health managed care plans. In addition, this Handbook modifies and clarifies various staff qualifications and policy for community behavioral health services.

SUBJECT AREA TO BE ADDRESSED: Community Behavioral Health Services.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.9081, 409.912, 409.913 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, January 5, 2011, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308-5407

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 48 hours before the workshop/meeting by contacting: Bill Hardin at the Bureau of Medicaid Services, (850)412-4242. 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Bill Hardin, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4242, e-mail: william.hardin@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.050 Community Behavioral Health Services.

(1) This rule applies to all community ~~behavioral mental~~ health services providers enrolled in the Medicaid program.

(2) All community behavioral health services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Community Behavioral Health Coverage and Limitations Handbook, October ~~2010~~ 2004, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. The handbooks are available on the Medicaid fiscal agent's Web site at mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7. Next, click on Provider Support, and then click on Handbooks.

(3) The following forms that are included in the Florida Medicaid Community Behavioral Health Coverage and Limitations Handbook are incorporated by reference: ~~Temporary Limited Service Authorization, October 2010~~ 2004; Authorization for Comprehensive Behavioral Health Assessment, October ~~2010~~ 2004; Comprehensive Behavioral Health Assessment ~~Agency and Practitioner Provider Certification, October 2010~~ 2004; Specialized Therapeutic Foster Care Provider Agency Certification, October ~~2010~~ 2004; Authorization for Specialized Therapeutic Foster Care, October ~~2010~~ 2004; Authorization for Crisis Intervention, October ~~2010~~ 2004; Provider Agency Self Certification for ~~Form Behavioral Health Overlay Services in Juvenile Justice settings – Department of Juvenile Justice, October 2010~~ 2004; Provider Agency Certification for ~~Form Behavioral Health Overlay Services in Juvenile Justice Settings – Department of Juvenile Justice, October 2010~~ 2004; Certification of Eligibility for Behavioral Health Overlay Services ~~in Juvenile Justice settings – Department of Juvenile Justice, October 2010~~ 2004; Provider Agency ~~Acknowledgement Self-Certification Form Therapeutic Group Home Services, October 2010~~ 2004; Therapeutic Group Care Services Provider Agency Certification, October ~~2010~~ 2004; Authorization for Therapeutic Group Care Services, October ~~2010~~ 2004; Certification of Eligibility for Behavioral Health Overlay Services ~~in Child Welfare settings – Child Welfare, October 2010~~ 2004; Provider Agency Self-Certification for ~~Form Behavioral Health Overlay Services in Child Welfare settings – Child Welfare, October 2010~~ 2004; Provider Agency Certification for ~~Form Behavioral Health Overlay Services in Child Welfare settings – Child Welfare, October 2010~~ 2004; and Procedure Codes and Fee Schedule, October 2010. These forms are available by photocopying them from the Florida Medicaid Community Behavioral Health Services Coverage and Limitations Handbook. The handbook is available from the Medicaid fiscal agent.

Rulemaking Specific Authority 409.919 FS. Law Implemented ~~409.902, 409.906, 409.908, 409.9081, 409.912, 409.913 FS. History– New 1-27-82, Amended 10-25-84, Formerly 10C-7.525, Amended 1-19-94, Formerly 10C-7.0525, Amended 9-21-98, 11-14-00, 1-19-05,_____.~~

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 JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-7.002	Definitions
63E-7.003	Youth Admission

63E-7.006 Quality of Life and Youth Grievance Process
 63E-7.009 Behavior Management
 63E-7.010 Residential Case Management Services
 63E-7.011 Delinquency Intervention and Treatment Services
 63E-7.016 Program Administration

PURPOSE AND EFFECT: The rule amendments update and clarify conditions of confinement and treatment for delinquent youth in residential commitment programs.

SUBJECT AREA TO BE ADDRESSED: The rule amendments eliminate the use of behavior management units, clarify provisions for accessing legal services, and specify required delinquency intervention services in residential programming.

RULEMAKING AUTHORITY: 985.64 FS.

LAW IMPLEMENTED: 985.601(3) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, January 3, 2011, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Drive, General Counsel's Conference Room 3223, Tallahassee, Florida. For information about participation by telephone, contact John Milla at (850)921-4129

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Milla, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.011
 RULE TITLE: In-Service Training Requirements for Certified Nursing Assistants

PURPOSE AND EFFECT: The Board proposes this amendment to add an additional area of in-service training.

SUBJECT AREA TO BE ADDRESSED: In-Service Training Requirements for Certified Nursing Assistants.

RULEMAKING AUTHORITY: 464.006, 464.202, 464.032 FS.

LAW IMPLEMENTED: 456.024, 464.032, 464.2085 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.:	RULE TITLES:
65E-10.013	Applicability
65E-10.014	Definitions
65E-10.016	Licensing Requirements
65E-10.018	Client Eligibility for Placement in Residential Treatment Programs
65E-10.019	Cost Sharing
65E-10.021	Standards for Residential Treatment Programs Serving Emotionally Disturbed Children and Adolescents

PURPOSE AND EFFECT: The purpose of the proposed amendments is to remove language made obsolete by the promulgation of Chapter 65E-9, F.A.C., Licensure of Residential Treatment Centers and to update guidelines for residential placement of uninsured children and youth by the Department of Children and Families with general revenue funds.

SUBJECT AREA TO BE ADDRESSED: Rules 65E-10.013 Applicability; 65E-10.014 Definitions; 65E-10.016 Licensing Requirements; 65E-10.018 Client Eligibility for Placement in Residential Treatment Programs; 65E-10.019 Cost Sharing; and 65E-10.021 Standards for Residential Treatment Programs Serving Emotionally Disturbed Children and Adolescents.

RULEMAKING AUTHORITY: 394.4781(3) FS.

LAW IMPLEMENTED: 394.4781(3), (4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. Jane Streit, Department of Children and Families, Mental Health Program, 1317 Winewood Blvd., Building 6, Room 292, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-10.013 Applicability.

(1) These rules shall apply to all residential programs that are solely funded by the Department of Children and Families receive state children's mental health funds to provide treatment services to children who have an emotional disturbance.

(2) No change.

Rulemaking Specific Authority 394.4781(3) FS. Law Implemented 394.4781(3), (4) FS. History—New 3-1-84, Formerly 10E-10.13, Amended 4-8-96, 8-12-96, Formerly 10E-10.013, Amended _____.

65E-10.014 Definitions.

When used in Rules 65E-10.013 through 65E-10.018, F.A.C., 65E-10.021, F.A.C., unless otherwise clearly written in the text:

(1) “Child and family specific team” means a defined group of people that includes, at a minimum, the child and his/her family, a behavioral health representative from the Department of Children and Families or their designee, and any individuals important in the child’s life who are identified and invited to participate by the child and family. This may include, for example, teachers, extended family members, friends, family support partners, healthcare providers, coaches, community resource providers, representatives from churches, synagogues or mosques, or agents from other service systems such as the Agency for Persons with Disability, the Department of Juvenile Justice, or the Agency for Healthcare Administration. “Clinical director” means a person with a master’s degree and two years of “specialty” experience in a clinical capacity with severely emotionally disturbed children.

(2) “Continuum of care” means alcohol, drug abuse and mental health services ranging from the least restrictive prevention services to the most restrictive residential programs. The continuum is prevention oriented in that it promotes early problem identification and intervention to reduce the need for more restrictive, intrusive, longer term treatment programs. The following services comprise the continuum of care.

- (a) Prevention services;
- (b) Diagnostic and evaluation services;
- (c) Outpatient services;
- (d) Day treatment services;
- (e) Crisis counseling services;
- (f) Residential programs; and,
- (g) Treatment or receiving facilities.

(3) “Hazardous procedure” means aversive conditioning, any activity that places the client at physical risk or pain, or any experimental treatment methodology.

(2)(4) “Child” means any person under the age of 18.

(3)(8) Psychiatrist” means a medical practitioner licensed under Chapter 458, F.S. as defined in Section 394.455(2)(b), F.S. This person shall have experience in treating emotionally disturbed children and adolescents.

(4) “Psychologist” means a mental health service provider as defined in Section 490.003(7), F.S., licensed to practice in Florida with experience in working with children and adolescents.

(5) “Nurse” means a person licensed as a registered nurse or practical nurse and two years’ experience, of which one must be general nursing experience and the other in a specialty area working with children and adolescents.

(6) “Nursing assessment” means a general assessment conducted by a registered nurse in accordance with provisions of Section 464.003(3)(a)1. of the Nurse Practice Act. It does not serve as the physical examination required by Section 394.459(2)(e), F.S.

(5)(9) “Residential treatment program” means programs providing 24 hour live-in care and therapeutic services and includes the following:

(a) “Wilderness therapeutic service” means programs that use wilderness environments to provide therapeutic treatment experiences for emotionally disturbed youths.

(a)(b) “Therapeutic foster home” means a residential program in a community-based setting where one or two minors live in a licensed foster home with adults who receive specialized mental health training and support. Such support is also provided to natural parents and others as determined in the treatment plan.

(b)(e) “Therapeutic group home” means a 24 hour residential program licensed under Chapter 65E-9, F.A.C., providing community-based mental health services in a home-like group setting for up to twelve children who meet the criteria in Section 394.492(5) or (6), F.S. eight emotionally disturbed minors with extensive mental health support services and training provided to the group home parents or staff and the natural parents.

(c)(d) “Residential treatment center for children and adolescents” means a 24 hour residential program as defined in Section 394.67(21), F.S. providing mental health services to emotionally disturbed or psychotic minors. These, typically privately operated, programs offer a variety of treatment modalities in a more restrictive setting.

(6) “System of Care” means a spectrum of effective, community-based services and supports for children and youth with or at risk for mental health or other challenges and their families, that is organized into a coordinated network, builds meaningful partnerships with families and youth, and addresses their cultural and linguistic needs, in order to help them to function better at home, in school, in the community, and throughout life.

The following services comprise the system of care.

- (a) Prevention services;
- (b) Diagnostic and evaluation services;
- (c) Outpatient services;
- (d) Day treatment services;
- (e) Crisis counseling services;

- (f) Residential programs; and
- (g) Treatment or receiving facilities
- (h) Other services and supports designed to build resilience and support recovery.

(7) “Physician” means a medical practitioner as licensed pursuant to Chapter 458 or 459, F.S.

(8) “Psychiatrist” means a medical practitioner as defined in Section 394.455(2)(b), F.S. This person shall have experience in treating emotionally disturbed children and adolescents.

(9) “Residential program” means programs providing 24 hour live-in care and therapeutic services and includes the following:

(a) “Wilderness therapeutic service” means programs that use wilderness environments to provide therapeutic treatment experiences for emotionally disturbed youths.

(b) “Therapeutic foster home” means a residential program in a community based setting where one or two minors live in a licensed foster home with adults who receive specialized mental health training and support. Such support is also provided to legal parents and others as determined in the treatment plan.

(c) “Therapeutic group home” means a 24 hour residential program providing community-based mental health services in a group setting for up to eight emotionally disturbed minors with extensive mental health support services and training provided to the group home parents or staff and the natural parents.

(d) “Residential treatment center” means a 24 hour residential program providing mental health services to emotionally disturbed or psychotic minors. These, typically privately operated, programs offer a variety of treatment modalities in a more restrictive setting.

(10) “Restraint” means restraining the child’s limbs, head or body by the use of mechanical or physical devices; for example, straps, cuffs, harnesses, mittens, camisoles, for the purpose of preventing a person from inflicting injury upon themselves or others.

(11) “Seclusion” means to isolate and contain in a room those children who pose an imminent threat of physical harm to themselves or others. The room shall incorporate features which substantially reduce the possibility of children doing harm to themselves or leaving the room without authorization.

Rulemaking Specific Authority 394.4781(3), (4) FS. Law Implemented 394.4781(3) FS. History–New 3-1-84, Formerly 10E-10.14, Amended 4-8-96, Formerly 10E-10.014, Amended 9-14-98, Amended _____.

65E-10.016 Licensing Requirements.

(1) Children shall not be placed in residential placements which do not meet the applicable licensing standards of Chapters 65E-9 and 65C-14, F.A.C., or Chapter 395, F.S., and in the case of foster homes, are not certified as therapeutic

foster homes. All participating residential treatment programs homes must meet the applicable licensing requirements as indicated in Chapters 65C-13, 65C-14, 65C-15, F.A.C.

(2) It shall be the responsibility of the provider to secure the required licensure or certification and to make verification of such licensure or certification available to the Department upon request.

Rulemaking Specific Authority 409.165(1), 409.175(1), (2) FS. Law Implemented 394.4781(4), 409.145, 409.165, 409.175 FS. History–New 3-1-84, Formerly 10E-10.16, Amended 4-8-96, Formerly 10E-10.016, Amended _____.

65E-10.018 Client Eligibility for Placement in Residential Treatment Programs.

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

(b) Be currently assessed as emotionally disturbed by a clinical psychologist or by a psychiatrist licensed to practice in the State of Florida, with experience or training in children’s disorders; who states that: be impaired to the extent that residential services are required; and

1. The child has an emotional disturbance as defined in Section 394.492(5), F.S., or a serious emotional disturbance as defined in Section 394.492(6), F.A.C.;

2. The emotional disturbance or serious emotional disturbance requires treatment in a residential treatment setting;

3. All available treatment that is less restrictive than residential treatment has been considered or is unavailable;

4. The treatment provided in the residential treatment setting is reasonably likely to resolve the child’s presenting problems as identified by the psychiatrist or psychologist;

5. The nature, purpose, and expected length of treatment have been explained to the child and the child’s parent or guardian.

(c) Have been staffed at a assessed by minimum by the circuit child and family appropriate district multidisciplinary team and been presented with all available options for treatment determined eligible for service.

(2) General revenue funds State Children’s Mental Health funding, purchase of services, shall not be used to maintain children over the age of 18 in programs encompassed by these rules or to place a child for whom no appropriate services are available in Florida in an out of state residential treatment program which is not an approved Medicaid provider in the state where the child is being placed.

(3) Placement of children and youth in therapeutic out of home settings with general revenue funds is dependent on the availability of funds.

Rulemaking Specific Authority 394.4781(3) FS. Law Implemented 394.4781(3), (4) FS. History–New 3-1-84, Formerly 10E-10.18, Amended 4-8-96, Formerly 10E-10.018, Amended _____.

65E-10.019 Cost Sharing.

Rulemaking Specific Authority 394.4781(3)(c) FS. Law Implemented 394.4781(3)(c), (4), 409.2561 FS. History—New 3-1-84, Formerly 10E-10.19, 10E-10.019, Repealed.

65E-10.021 Standards for Residential Treatment Programs Serving Emotionally Disturbed Children and Adolescents.

Rulemaking Specific Authority 394.4781(3), (4) FS. Law Implemented 394.4781(3) FS. History—New 3-1-84, Formerly 10E-10.21, Amended 4-8-96, Formerly 10E-10.021, Amended 9-14-98, Repealed.

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Consumer Services

RULE NOS.:	RULE TITLES:
5J-6.003	Definitions
5J-6.005	Licensing Requirement, Commercial Telephone Seller, Salesperson
5J-6.013	Exemption

PURPOSE AND EFFECT: The purpose and effect of the amendments to Rule 5J-6.003, F.A.C., is to clarify the term, “driver’s license number”, in order to effectively implement Section 501.605, F.S. and Section 501.607, F.S. The purpose and effect of the amendments to Rule 5J-6.005, F.A.C., is to implement Sections 501.605 and 501.607, F.S., requiring registration through the use of DACS Form 10001, Commercial Telephone Seller Business License Application Packet, Rev. 8-01-10, or DACS Form 10005, Commercial Telephone Salesperson Individual License Application Packet, Rev. 8-01-10. Amendments to Rule 5J-6.005, F.A.C., will also implement Section 501.609, F.S., requiring written notice to the Department using DACS Form 10006, Florida Telemarketing Act Material Change Form, Rev. 8-01-10, of any material changes in information previously submitted for purposes of licensure. The purpose and effect of Rule 5J-6.013, F.A.C., is to implement Section 501.608(1)(b), F.S., through the use of the Commercial Telephone Seller Affidavit of Exemption included in DACS Form-10001, Commercial Telephone Seller Business License Application Packet, Rev. 8-01-10, for those businesses claiming an exemption from licensure with the Department.

SUMMARY: Update of the Commercial Telephone Seller Business License Application Packet, Commercial Telephone Salesperson Individual License Application Packet, Florida Telemarketing Act Material Change Form, Affidavit of Exemption, and clarification of the definition of “driver’s license”.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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: 501.626 FS.

LAW IMPLEMENTED: 501.602, 501.603, 501.604, 501.605, 501.607, 501.608, 501.609 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mazey Strauss, Division of Consumer Services, Terry L. Rhodes Building, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, phone (850)410-3848

THE FULL TEXT OF THE PROPOSED RULES IS:

5J-6.003 Definitions.

(1) For the purpose of this rule chapter, a “gift, award, or prize” does not include:

(a) ~~(1)~~ A de minimis offering of goods, such as a soft drink, a cup of coffee or tea, a snack, or a similar offering, or

(b) ~~(2)~~ Additional goods of like kind as the goods being offered for sale.

(2) As used in Section 501.605(2)(a) and Section 501.607(1)(a), F.S., if an applicant does not have a driver’s license number, applicant shall state that fact and provide a current Florida identification card number, lawfully issued by the Florida Department of Highway Safety and Motor Vehicles.

Rulemaking Specific Authority 501.626 FS. Law Implemented 501.602, 501.603, 501.605, 501.607 FS. History—New 4-12-92, Amended 5-15-95, 8-8-95, _____.

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

(1) No person may act as a commercial telephone seller or salesperson unless licensed by the Department of Agriculture and Consumer Services without first obtaining a license to conduct such activity. All applicants applications for a license shall submit to the Department form DACS Form 10001, Commercial Telephone Seller Business License Application Package, Rev. 8/10, effective 5-3-02, hereby incorporated by reference, along with and provided by the Department, verified by the applicant, and accompanied by the required non-refundable fee. Copies of this form may be obtained from the Department of Agriculture and Consumer Services, Division of Consumer Services, Attention: Telemarketing,