

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.601 **RULE TITLE:** Temporary Release of Inmates for Specific Purposes

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify that regional directors have authority to approve or disapprove the temporary transfer of custody of any inmates housed in private facilities within their region to attend a funeral or have a deathbed visit.

SUBJECT AREA TO BE ADDRESSED: Temporary Release of Inmates for Specific Purposes.

RULEMAKING AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 944.09 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.601 Temporary Release of Inmates for Specific Purposes.

(1) The regional directors are the Secretary’s designees for the purpose of approving or disapproving the temporary transfer of custody of any inmate housed within their respective regions, including those housed in private facilities, to attend a funeral or have a deathbed visit.

(2) through (14) No change.

Rulemaking Authority 20.315, 944.09 FS. Law Implemented 944.09 FS. History—New 10-8-76, Formerly 33-7.03, Amended 4-25-86, 2-12-97, 11-16-97, Formerly 33-7.003, Amended 5-26-05, 2-20-13,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-26.001	Purpose and Intent
59A-26.002	Definitions
59A-26.003	License Required
59A-26.004	Classification of Deficiencies
59A-26.005	Licensure Procedure, Fees and Exemptions
59A-26.006	Responsibilities for Operation
59A-26.007	Fiscal Standards
59A-26.008	Admission Policies and Requirements
59A-26.009	Personnel Standards
59A-26.010	Training, Habilitation, Active Treatment Professional, and Special Programs and Services
59A-26.011	Dietary Services
59A-26.012	Dental Services
59A-26.013	Psychological Services
59A-26.014	Drugs and Pharmaceutical Services
59A-26.015	Administration of Medications to ICF/DD Residents by Unlicensed Medication Assistants
59A-26.017	Training and Validation Required for Unlicensed Medication Assistants
59A-26.018	Plant Maintenance and Housekeeping
59A-26.019	Fire Protection, Life Safety, Systems Failure and External Emergency Communication Plans Submission and Fees Required
59A-26.020	Physical Plant Codes and Standards for ICF/DD
59A-26.021	Construction and Physical Environment Standards
59A-26.022	Disaster Preparedness
59A-26.023	Disaster Preparedness

PURPOSE AND EFFECT: The Agency proposes to establish a rule consistent with provisions of Section 400.967(2), Florida Statutes, which became effective May 7, 1999. The legislation provides for the development of rules regarding specific criteria including minimum standards of program development and quality of care of Intermediate Care Facilities for the Developmentally Disabled.

SUBJECT AREA TO BE ADDRESSED: Specific criteria pertaining to licensure requirements including procedures for licensing, fees and exemptions, classification of deficiencies, responsibility of operation, fiscal standards, fiscal prohibitions, kickbacks and referrals, admission policies, personnel standards, training, habilitation, active treatment

professional and specific program services, dietary, dental and psychological standards, drugs and pharmaceutical services, administration of medications by unlicensed direct care service staff, including training and validation of the unlicensed medication assistants, plant maintenance and housekeeping, fire protection, life safety, systems failure, and external communications, plans submission and fee requirements, physical environment standards and disaster preparedness for Intermediate Care Facilities for the Developmentally Disabled.

RULEMAKING AUTHORITY: 400.967(2) FS.

LAW IMPLEMENTED: 400.967 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: July 10, 2013, 2:00 p.m. – 3:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jacquie Williams, Agency for Health Care, Administration, 2727 Mahan Drive, Mail Stop #33, Tallahassee, Florida 32308, jacqueline.williams@ahca.myflorida.com

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.020
 RULE TITLE: Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-6.020, F.A.C., is to incorporate by reference the Title XIX Inpatient Hospital Reimbursement Plan (the Plan), Version XL, effective July 1, 2013. The rule will update the Plan to reflect changes authorized in Senate Bill 1500, 2013-14 General Appropriations Act, Specific Appropriation 208, and Senate Bill 1502, Section 6, 2013-14 Implementing Bill. The changes include the criteria for certain hospitals to adjust their prior Medicaid inpatient trend adjustment, adjustments for inpatient reimbursement limitations, the methodology for a Diagnosis Related Group (DRG) based reimbursement system, the elimination of the methodology for cost based hospital reimbursement, special Medicaid payments to Winter Haven Hospital, and a reconciliation of transitional DRG payments. Finally, the implementation of the Statewide Medicaid Residency Program as established in Senate Bill 1520, which creates Secyion 409.909, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Adjustments for prior Medicaid inpatient trend adjustments and inpatient

reimbursement limitations, the implementation of an inpatient hospital DRG reimbursement methodology, special Medicaid payments, a reconciliation of transitional DRG payments, and the implementations of a Statewide Medicaid Residency Program.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.909, 409.911, 409.9113, 409.9115, 409.9116, 409.911, 409.9118, 409.9119 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.030
 RULE TITLE: Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-6.030 is to incorporate by reference the Title XIX Outpatient Hospital Reimbursement Plan (the Plan), effective July 1, 2013. The rule will update the Plan to reflect changes authorized in Senate Bill 1500, 2013-14 General Appropriations Act, Specific Appropriation 213, which provides for a reimbursement rate buy back, reimbursement rate reduction restoration, exemptions from ceilings, and a special Medicaid payment to Winter Haven Hospital.

SUBJECT AREA TO BE ADDRESSED: 2013-14 outpatient hospital reimbursement rates including reimbursement rate buy backs, reimbursement rate reduction restoration, exemptions from ceilings, and a special Medicaid payment to Winter Haven Hospital.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 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: August 27, 2013, 10:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, 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 7 days before the workshop/meeting by contacting: 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: Edwin Stephens, Medicaid Program Finance, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
61C-5.002 Safety Inspections

PURPOSE AND EFFECT: To prescribe responsibilities, minimum requirements, and forms for various elevator inspections and accident reports.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses owner, inspector, and division responsibilities for elevator safety inspections and adopts related forms.

RULEMAKING AUTHORITY: 399.01, 399.02, 399.10, 399.125 FS.

LAW IMPLEMENTED: 399.001, 399.01, 399.02, 399.03, 399.061, 399.07, 399.125, 399.13 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 N. Monroe St., Tallahassee, FL 32399, DHR.Rules@myfloridalicense.com, (850)488-1133

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

**Section II
Proposed Rules**

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NOS.: RULE TITLES:
19B-4.001 Application
19B-4.002 Contract Prices
19B-4.005 Maximum Account Balance Limit

PURPOSE AND EFFECT: The purpose and effect of this rule development is to update rules to reflect modifications to the Florida Prepaid College Program.

SUMMARY: The proposed rules amend the Master Covenant to increase consistency between the Florida Prepaid College Program and the Florida College Savings Program; to add beneficiaries as survivors; to allow the Florida Prepaid College Board to reduce or eliminate application fees; to allow the use of dormitory plans during summer terms; to allow for prepaid college plans to be downgraded instead of terminated, when possible; and to allow plans to be restored to the original Plan within six months of a Plan downgrade. The proposed rules additionally update references; include information that may be solicited from applicants to allow for an on-line application process, versus use of a printed form; amend actuarial assumptions for the Prepaid College Program; and provide flexibility in timing for review of plan pricing.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency 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: During a discussion of the economic impact of these rules at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a SERC was not necessary and that the rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98, 1009.98(2), 1009.981 FS.

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

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: Michael Frick, (850)488-8514, michael.frick@myfloridaprepaid.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: Michael Frick, (850)488-8514, michael.frick@myfloridaprepaid.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1)(a) Rule Chapters 19B-4 through 19B-13 and 19B-15, F.A.C., apply to advance payment contracts for the prepayment of postsecondary registration, local fees, tuition differential fees and/or dormitory residency fees under the Stanley G. Tate Florida Prepaid College Program, the "Program." "Purchaser" means "Account Owner" and "Co-Purchaser" means "Survivor." See the Master Contract for defined terms.

(b) The application period shall commence and terminate on dates set annually by the Board and published in the Florida Administrative Register Weekly. Applications for advance payment contracts purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order will be accepted by the Board at any time. Other applications for advance payment contracts submitted to the Board outside the annual application period will be processed for data collection and administrative purposes, but will not be accepted by the Board until the beginning of the next succeeding annual application period.

(c) The contract prices associated with applications submitted to the Board during the annual application period shall be the contract prices applicable to advance payment contracts for the annual application period. The contract prices associated with applications submitted to the Board outside the annual application period, except for those purchased through the Board's direct support organization, The Florida Prepaid College Foundation, Inc., for purchasers participating in employer participation programs or by purchasers pursuant to a court order, shall be the contract prices applicable to advance payment contracts for the next succeeding annual

application period. After acceptance by the Board of the purchaser's application, a participation and payment schedule shall be mailed to the purchaser.

(d) The advance payment contract shall be comprised of the application, ~~Master Contract~~ covenant, and participation and payment schedule.

~~(2) The Florida Prepaid College Plan and Florida 529 Savings Plan New Account Application, Form No. FPCB 2013-01, is <http://www.flrules.org/Gateway/reference.asp?No=Ref 01857> is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Master Contract Covenant, Form No. FPCB 2014-02, <http://myfloridaprepaid.com/about-florida-prepaid-college-plans/rulemaking-information.aspx>, <http://www.flrules.org/Gateway/reference.asp?No=Ref 01859> is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Add a Plan Application, Form No. FPCB 2013-03, <http://www.flrules.org/Gateway/reference.asp?No=Ref 01860>, <http://www.flrules.org/Gateway/reference.asp?No=Ref 00769>, <http://www.flrules.org/Gateway/reference.asp?No=Ref 00770>, are hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).~~

(3) Applicants may be required to provide the following information to enroll in the Program:

(a) For the Account Owner, Survivor, Parent and Beneficiary:

1. Full legal name and salutation;
2. Social Security Number;
3. Date of birth;
4. Full mailing address;
5. Two telephone numbers;
6. Two e-mail addresses.

(b) Age, grade, and projected enrollment year of the Beneficiary

(c) The plan type and payment option of Florida Prepaid College Plan(s) selected for enrollment.

(d) Proof of, or information used to verify proof of the Parent's or Beneficiary's Florida residency as defined in Rule 19B-7.002, F.A.C.

(e) Marketing information:

1. How did you hear about the Program?
2. Annual Family Income;
3. Purchaser's relationship to the Beneficiary;
4. Beneficiary gender;
5. Beneficiary race.

(f) A Florida 529 Savings Plan Account Number for the same Beneficiary to apply a discount on the Application Fee, if offered and applicable.

(g) Information required for the processing of a one-time and recurring automatic withdrawal authorization.

(4) The available method or methods for submitting an Application will be published on the Board's website (www.MyFloridaPrepaid.com).

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 12-17-07, 11-18-08, 1-28-09, 4-5-09, 10-26-09, 10-18-10, 12-5-11, 11-5-12,_____.

19B-4.002 Contract Prices.

(1) The Board will evaluate Plan the advance payment contract prices for revision periodically annually. The value of the projected fees included within the Florida College System or the State University System will be based primarily on empirical data for national and Florida postsecondary tuition, required fees, and housing costs. All Plan advance payment contract prices will be published periodically on annually in the Board's website (www.MyFloridaPrepaid.com) Florida Administrative Weekly.

(2) The advance payment contract prices for:

(a) The 4 Year Florida University Plan are based on the actuarial assumptions that Registration Fees at State Universities will rise at an average of 6.5 percent per annum, Local Fees at State Universities will rise at an average of 6.5 percent per annum, and the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S.

(b) The 2 + 2 Florida Plan are based on the actuarial assumptions that Registration Fees at State Universities will rise at an average of 6.5 percent per annum, Local Fees at State Universities will rise at an average of 6.5 percent per annum, the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S., the Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(c) The 4 Year Florida College Plan are based on the actuarial assumptions that the Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(d) The 2 Year Florida College Plan are based on the actuarial assumptions that Registration Fees at Florida Colleges will rise at an average of 6 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.

(e) The Dormitory Plan are based on the actuarial assumption that dormitory fees at State Universities will rise at an average of 6 percent per annum.

~~(f) Local Fee Plans are based on the actuarial assumptions that the Local Fees at State Universities will rise at an average of 6.5 percent per annum and Local Fees at Florida Colleges will rise at an average of 6 percent per annum.~~

~~(g) Tuition Differential Fee Plans are based on the actuarial assumption that the Tuition Differential Fee will rise annually at the maximum increase permitted pursuant to Section 1009.24(16), F.S.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.002, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04, 12-20-05, 12-17-07, 11-30-09, 10-18-10,_____.

19B-4.005 Maximum Account Balance Limit.

~~(1) The maximum account balance limit shall be determined annually by the Board. The Mmaximum Aaccount Bbalance limit shall be calculated by multiplying the Qqualified Hhigher Eeducation Eexpenses, including tuition fees, room and board, and supplies, at the most expensive Eeligible Eeducational iinstitution, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. In determining the Qqualified Hhigher Eeducation Eexpenses at the most expensive Eeligible Eeducational Institution, the Board will consult the figures compiled by the College Board and published in the annual College Handbook which is found at the College Board's website (www.CollegeBoard.com) at http://store.collegeboard.com. The Mmaximum Aaccount Bbalance limit shall not exceed the amount permitted pursuant to Section s.529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Register. The redemption value of an advance payment contract plus the account balance of an account in the Florida 529 Savings Plan, for the same beneficiary shall not exceed the maximum account balance limit.~~

~~(2) For purposes of the maximum account balance limit, the redemption value of an advance payment contract for:~~

~~(a) The 4 Year Florida University Plan shall be the most expensive lump sum contract price for the 4 Year Florida University Plan, as determined annually by the Board's actuary.~~

~~(b) A 2 + 2 Florida Plan shall be the most expensive lump sum contract price for the 2 + 2 Florida Plan, as determined annually by the Board's actuary.~~

~~(c) A 4 Year Florida College Plan shall be the most expensive lum sum contract price for the 4 Year Florida College Plan, as determined annually by the Board's actuary.~~

~~(d) A 2 Year Florida College Plan shall be the most expensive lump sum contract price for the 2 Year Florida College Plan, as determined annually by the Board's actuary.~~

~~(e) A Tuition Plan shall be the most expensive lump sum price for a 4 Year University Tuition Plan, as determined by the Board's actuary in the actuarial report prepared by the Board's actuary dated August 19, 2009.~~

~~(f) A Local Fee Plan shall be the most expensive lump sum contract price for a 4 Year University Local Fee Plan, as determined annually by the Board's actuary.~~

~~(g) A Tuition Differential Fee Plan shall be the most expensive lump sum contract price for a 4 Year University TDF Plan, as determined annually by the Board's actuary.~~

~~(h) A Dormitory Plan shall be the most expensive lump sum four (4) year dormitory contract price (8 semesters) as determined annually by the Board's actuary.~~

~~(3) If the Board receives an application for an advance payment contract or an additional plan as an addendum to an advance payment contract for a beneficiary and the sum of the redemption value of that application's benefit(s), the redemption value of any existing advance payment contract for that beneficiary and the account balance of a Florida 529 Savings Plan account for that beneficiary exceeds the maximum account balance limit, the Board will notify the purchaser that the Board cannot accept the application.~~

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History—New 11-27-02, Amended 12-28-03, 7-13-06, 12-17-07, 7-9-08, 10-18-10, 11-5-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:

Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD:

June 20, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:

June 4, 2013

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NOS.: **RULE TITLES:**

19B-5.002 Contract Benefits

19B-5.003 Contract Requirements

19B-5.004 Contract Purchasers

PURPOSE AND EFFECT: The purpose and effect of this rule development is to update rules to reflect modifications to the Florida Prepaid College Program.

SUMMARY: The purpose and effect of this rule development is to amend when a Dormitory Plan may be used to permit usage during the summer term; to allow for submission of a request to extend plan benefits and provide the factors the Board considers when a request to extend plan benefits is received; and to limit prospective purchaser and co-purchaser to natural persons.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency 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: During a discussion of the economic impact of these rules at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a SERC was not necessary and that the rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98, 1009.98(4) FS.

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

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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL, (850)488-8514, michael.frick@myfloridaprepaid.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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL, (850)488-8514, michael.frick@myfloridaprepaid.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-5.002 Contract Benefits.

(1) A qualified beneficiary may begin to receive benefits during the Summer Semester of the scheduled matriculation year. The benefits of the purchaser's advance payment contract shall be paid at the time a qualified beneficiary enrolls in a state postsecondary institution except in the event of legislative action pursuant to Section 1009.98(5), F.S. The

credit hours purchased may be used during any semester of postsecondary enrollment. To receive benefits under this program, a qualified beneficiary whose advance payment contract is in good standing will be issued an identification card prior to each postsecondary Fall enrollment period. No identification card will be issued to a beneficiary unless the beneficiary submits a social security number. Benefits under each advance payment contract are available for use by the specified beneficiary for one (1) matriculation each semester, however, a beneficiary may matriculate more than once a semester if required by law or policy of the postsecondary institution.

(2) To be eligible to receive Dormitory Plan benefits, qualified beneficiaries must file a complete and timely residence application with the applicable postsecondary institution. Beneficiaries must comply with all housing authority rules and regulations. The housing prepayment fee will be waived for the first housing application. Subsequent applications to alternate housing authorities will require payment by the purchaser of the appropriate prepayment fee. ~~The Dormitory Plan is not available for use during the summer term.~~

(3) Local Fee Plans and Tuition Differential Fee Plans are tied to the corresponding type of Tuition Plan purchased for the qualified beneficiary for matriculation purposes. Payment for the Local Fees and the Tuition Differential Fee will be remitted with the payment for Registration Fees, upon the receipt of an invoice for a qualified beneficiary whose advance payment contract includes those plans.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.002, Amended 5-31-95, 6-20-96, 2-18-99, 1-1-07, 12-17-07, 11-30-09, 10-18-10, _____.

19B-5.003 Contract Requirements.

(1) Each application submitted to the Board must specify the qualified beneficiary, provided however, that the board's direct support organization and organizations operating scholarship programs pursuant to Rule 19B-5.007, F.A.C., shall be permitted to leave the qualified beneficiary's name blank until April 1 of the anticipated enrollment year.

(2) Only one (1) qualified beneficiary is allowed per advanced payment contract, and a specific beneficiary can be named in only one (1) advance payment contract, provided however, a second advance payment contract may be purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C. If a second advance payment contract is purchased for a beneficiary by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the purchaser of the original prepaid contract may receive a refund pursuant to

paragraph 19B-11.001(2)(a), F.A.C. In the event duplicate advance payment contracts for the same beneficiary are processed and the second advance payment contract was not purchased by the direct support organization or an organization operating a scholarship program pursuant to Rule 19B-5.007, F.A.C., the advance payment contract processed first shall be deemed valid and the remaining advance payment contract shall be deemed terminated.

(3) The purchaser does not have to designate the postsecondary institution that the beneficiary will attend.

(4) The benefits of an advance payment contract may be used within three (3) years in advance of the selected matriculation date indicated in the application with no penalty or additional cost. However, to utilize the benefits prior to the selected matriculation date, the purchaser must pay the advance payment contract in full before changing such matriculation date.

(5)(a) The benefits of an advance payment contract may be received for up to a ten (10) year period after the matriculation date. The Account Owner or Beneficiary may submit a written request for an extension to the Board within one year of the benefit period expiring; however the Board does not guarantee approval of an extension request. Factors the Board considers for granting an extension of benefits for up to two years are time spent by the Beneficiary as an active duty member of the U.S. Armed Services, prior extensions, prior Beneficiary changes, recent plan usage, available alternatives, and financial and medical hardships. This ten (10) year limitation will be extended upon application to the Board. Any time spent by the qualified beneficiary in the military service tolls the time for receiving contract benefits under all plans. The matriculation date is the projected college enrollment year of the qualified beneficiary, based on the information about the qualified beneficiary's age or grade contained in the purchaser's application, or similar information received subsequently by the Board from the purchaser. The right to use the benefits of an advance payment contract shall expire on December 31, ten (10) years after the matriculation date, or any extension thereof.

(b) When the benefits of an advance payment contract have not been used on December 31, nine (9) years after the matriculation date or one (1) year prior to the expiration of any extension of the expiration date for the use of the advance payment contract benefits, the Board shall mail a written notice to the purchaser which indicates:

1. The procedure to extend the time period for the use of advance payment contract benefits or to obtain a refund for the contract;

2. That the right to use the advance payment contract benefits will expire on December 31, ten (10) years after the matriculation date or any extension thereof; and

3. That such benefits and refund will escheat to the Florida Prepaid College Trust Fund on that date.

Such notice shall be mailed not later than 180 days prior to the expiration of the advance payment contract benefits. An alphabetical list of the names of purchasers of such advance payment contracts shall be posted on the Board's website on the Internet.

(c) The benefits from and any refund associated with an advance payment contract for which the benefits have not been used by December 31, ten (10) years after the matriculation date, or any extension thereof, shall escheat to the Florida Prepaid College Trust Fund.

(6) Contract benefits associated with advance payment contracts that are composed of a Tuition Plan, a Local Fee Plan and a Tuition Differential Fee Plan will only be paid if the Tuition Plan, Local Fee Plan and Tuition Differential Fee Plan are in good standing. Payments for the contract benefits associated with Local Fee Plans and Tuition Differential Fee Plan shall not be remitted to pay the Registration Fees for any beneficiary attending a State University or Florida College. Payments for the contract benefits associated with Local Fee Plans and Tuition Differential Fee Plans may be remitted to pay tuition at private and out-of-state colleges for any qualified beneficiary.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(4) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-5.003, Amended 5-31-95, 6-20-96, 2-18-99, 6-6-99, 11-6-01, 8-27-02, 12-17-07, 1-28-09, 10-18-10, _____.

19B-5.004 Contract Purchasers.

(1) ~~Any person, corporation, or organization may purchase an advance payment contract for a qualified beneficiary.~~ Any natural person named as the purchaser or the co-purchaser must be 18 years of age or older and each must be either a United States citizen or a resident alien.

(2) For advance payment contracts that include a 4-Year Florida University Plan, 2 + 2 Florida Plan, 4-Year Florida College Plan or 2-Year Florida College Plan:

(a) Co-purchasers are permitted, but are not required. When a co-purchaser is designated on an advance payment contract, the purchaser and co-purchaser each will enjoy a right of survivorship.

(b) Changes to the purchaser, co-purchaser or beneficiary designated on the advance payment contract, requests for voluntary termination of the advance payment contract, and refund requests associated with the termination of an advance payment contract must be in writing and contain the notarized signature of the purchaser and co-purchaser. All other changes to the advance payment contract must be in writing and approved by the purchaser.

(3) For advance payment contracts that include a Tuition Plan purchased prior to February 1, 2009:

(a) Co-purchasers are permitted, and will enjoy only a right of survivorship. However, the purchaser may, without the consent or authorization of the co-purchaser, execute all contract changes, conversions, transfers, cancellations, and refund requests.

(b) Any requests to change the purchaser designated on the advance payment contract must be signed by the purchaser and notarized by a notary. Refunds shall be made payable to the purchaser only.

(c) If a purchaser terminates a contract pursuant to Rule 19B-10.002, F.A.C., the co-purchaser must be notified in writing.

(d) Purchasers may elect to change the rights of a co-purchaser to be the same as those for advance payment contracts purchased on or after February 1, 2009, by submitting a written request to the Board. The request must be signed by the purchaser and the co-purchaser and both signatures must be notarized by a notary. If a purchaser changes the rights enjoyed by the co-purchaser to those for advance payment contracts purchased on or after February 1, 2009, the change in the co-purchaser's rights is irrevocable, the provisions of paragraphs 19B-5.004(3)(a), (b) and (c), F.A.C., shall not apply to the advance payment contract and the provisions of subsection 19B-5.004(4), F.A.C., shall apply to the advance payment contract.

(4) For advance payment contracts that include a Tuition Plan purchased on or after February 1, 2009:

(a) Co-purchasers are permitted, but are not required. When a co-purchaser is designated on an advance payment contract, the purchaser and co-purchaser each will enjoy a right of survivorship.

(b) Changes to the purchaser, co-purchaser or beneficiary designated on the advance payment contract, requests for voluntary termination of the advance payment contract, and refund requests associated with the termination of an advance payment contract must be in writing and contain the notarized signature of the purchaser and co-purchaser. All other changes to the advance payment contract must be in writing and approved by the purchaser.

(5) The provisions of subsection 19B-5.004(3), F.A.C., also apply to advance payment contracts for Dormitory Plan, Local Fee Plans and Tuition Differential Fee Plans, regardless of the date of their purchase, that are associated with Tuition Plans that were purchased prior to February 1, 2009. The provisions of subsection 19B-5.004(4), F.A.C., apply to advance payment contracts for Dormitory Plans, Local Fee Plans and Tuition Differential Fee Plans associated with Tuition Plans that were purchased on or after February 1, 2009.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 3-19-92, Formerly 4G-5.004, Amended 12-5-93, 6-20-96, 7-28-98, 11-27-02, 1-28-09, 10-18-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 4, 2013

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
 19B-6.001 Fee Schedule

PURPOSE AND EFFECT: The purpose and effect will be to eliminate redundancy in listing the of fees.

SUMMARY: The agency proposes to repeal this rule to eliminate redundancy in the listing of fees.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency 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: During a discussion of the economic impact of these rules at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a SERC was not necessary and that the rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 100.971(4), 1009.98 FS.

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

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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL, (850)488-8514, michael.frick@myfloridaprepaid.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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL, (850)488-8514, michael.frick@myfloridaprepaid.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-6.001 Fee Schedule.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971(4), 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, 8-23-92, Formerly 4G-6.001, Amended 12-5-93, 6-20-96, 12-16-97, 2-18-99, 2-8-00, 11-6-01, 11-27-02, 12-17-07, 10-18-10, 11-5-12, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2013

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
 19B-8.002 Age Limitations

PURPOSE AND EFFECT: The purpose and effect is to eliminate redundancy with the participation agreement.

SUMMARY: Repeal of this rule will eliminate a redundant listing of age limitations, which is also set forth in the participation agreement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency 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: During a discussion of the economic impact of these rules at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a SERC was not necessary and that the rules will not require ratification by

the Legislature. No person or interested party submitted additional information regarding the economic impact.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.98 FS.

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

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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL, (850)488-8514, michael.frick@myfloridaprepaid.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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL, (850)488-8514, michael.frick@myfloridaprepaid.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-8.002 Age Limitations.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.98 FS. History--New 3-29-89, Formerly 4G-8.002, Amended 6-20-96, 3-18-12, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2013

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-9.004
RULE TITLE: Dormitory Transfer to Florida Colleges and State University-Held Residences Other than Dormitories

PURPOSE AND EFFECT: This rulemaking will allow for expanded use of Dormitory Plans under the Florida Prepaid College Program.

SUMMARY: This rule is amended to enhance a Beneficiary's ability to utilize a Dormitory Plan at a State University-Held Residence that may not currently be designated by the State University for inclusion in the Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency 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: During a discussion of the economic impact of these rules at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a SERC was not necessary and that the rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 (3), (10) FS.

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

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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL, (850)488-8514, michael.frick@myfloridaprepaid.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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL, (850)488-8514, michael.frick@myfloridaprepaid.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-9.004 Dormitory Transfer to Florida Colleges and State University-Held Residences Other than Dormitories.

(1) A Dormitory Plan may be transferred to a Florida College or Florida College direct-support organization that operates a residence facility for students attending the Florida College. Funds transferred to the Florida College or Florida College direct-support organization shall not exceed the lesser of the actual fees charged by the Florida College or the Florida College direct-support organization for dormitories or residency opportunities or the average dormitory fees payable under the beneficiary's Dormitory Plan for State University dormitories designated for inclusion in the Program.

(2) A Dormitory Plan may be transferred to other State University held residences designated by a State University for inclusion in the Program. Funds transferred to other State University held residences shall not exceed the amount otherwise average of fees payable under the beneficiary's Dormitory Plan for dormitories at the State University that are designated for inclusion in the Program. The terms of the State University contract shall take precedence over the terms of the advance payment contract for the purpose of transferring Dormitory Plans.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98(3), (10) FS. History--New 10-20-96, Amended 1-28-09, 11-30-09, 10-18-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 4, 2013

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NOS.: **RULE TITLES:**

19B-16.002 Application for Participation in the Program

19B-16.003 Participation Agreement

PURPOSE AND EFFECT: The purpose and effect is to eliminate the current application form in favor of an electronic application and to update portions of the Participation Agreement.

SUMMARY: This rulemaking amends the information that may be collected during the enrollment process and eliminates reference to a paper Application in favor of on-line enrollment. Additionally, the Participation Agreement's Terms and Conditions are updated to redefine terms, update references and citations, restrict Account Owners to natural persons, and permit the Board to adjust fees and penalties.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency 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: During a discussion of the economic impact of these rules at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a SERC was not necessary and that the rules will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact.

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: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.971, 1009.981 FS.

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

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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL, (850)488-8514, michael.frick@myfloridaprepaid.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: Michael Frick, Director of Operations, 1801 Hermitage Blvd., Suite 210, Tallahassee, FL, (850)488-8514, michael.frick@myfloridaprepaid.com

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program. Applicants for an Account in the Florida 529 Savings Plan may be required to provide the following information: New Account Application, Form No. FPCB 2014 03, <http://www.flrules.org/Gateway/reference.asp?No=Ref 02639>, is hereby incorporated by reference.

(1) For the Account Owner, Survivor, Parent and Beneficiary:

- (a) Full legal name and salutation
- (b) Social Security Number
- (c) Date of birth
- (d) Full mailing address
- (e) Two telephone numbers
- (f) Two e-mail addresses

(2) Age, grade, and projected enrollment year of the Beneficiary

(3) An allocation of available Investment Options for initial and future contributions

(4) The source and amount of the initial contribution and any Rollover Contribution.

(5) Marketing Information:

- (a) How did you hear about the Program?
- (b) Annual Family Income
- (c) Purchaser's relationship to the Beneficiary
- (d) Beneficiary gender
- (e) Beneficiary race

(6) A Florida Prepaid College Plan Number for the same Beneficiary to apply a discount on the Application Fee, if offered and applicable

(7) Information required for the processing of a one-time and recurring automatic contribution authorization

(8) The available method or methods for submitting an Application will be published on the Board's website (www.MyFloridaPrepaid.com).

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History—New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, 11-27-07, 11-18-08, 1-28-09, 4-5-09, 10-26-09, 10-18-10, 12-5-11, 11-5-12, 5-8-13,_____.

19B-16.003 Participation Agreement.

The Participation Agreement, Form No. FPCB 2014-05, <http://www.flrules.org/Gateway/reference.asp?No=Ref-02640>, is hereby incorporated by reference. The Terms and Conditions, applicable to the Participation Agreement, Form No. FPCB 2014a-06, <http://www.myfloridaprepaid.com/about-florida-prepaid-college-plans/rulemaking-information.aspx> <http://www.flrules.org/Gateway/reference.asp?No=Ref-02641>, is hereby incorporated by reference.

Rulemaking Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.971, 1009.981 FS. History—New 11-27-02, Amended 12-28-04, 6-2-05, 7-13-06, 12-4-07, 5-29-08, 6-3-09, 6-22-10, 10-24-12, 5-8-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Prepaid College Board

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 20, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 4, 2013

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.727 RULE TITLE: Visitor Conduct

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to explain under what circumstances a visitor to one of the Department's correctional institutions may breastfeed their baby.

SUMMARY: The rule amendment allows nursing mothers to nurse their baby in the visitor park under certain conditions or allows the nursing mother to nurse outside the institution and reenter the institution subject to a search of her person and belongings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency 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: Upon review of the proposed changes to these, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as 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: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.47, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: LaDawna Fleckenstein, 501 South Calhoun Street, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.727 Visitor Conduct.

(1) Visitors must conduct themselves in accordance with the following requirements while on department property.

(a) through (k) No change.

(l) Visitors who are nursing may breastfeed their babies during their visit. In the interests of safety and security, nursing mothers must cover their breasts with a non-quilted baby blanket while nursing. At no time shall the nipple of the mother's breast be uncovered and exposed in the visiting park. A mother may choose to leave the visiting park to breastfeed her baby and she shall be permitted to reenter the visiting park subject to a search of her person and belongings. Nursing mothers shall not be directed to the institution's restroom to breastfeed.

(2) through (3) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 3-29-07, 2-21-13,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

James Upchurch, Assistant Secretary of Institutions

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michael D. Crews, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 18, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 7, 2013

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: RULE TITLE:

61G5-30.004 Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language to clarify and to bring into current usage provisions of the rule relating to citations.

SUMMARY: The rule amendment will modify language to clarify and to bring into current usage provisions of the rule relating to citations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the

aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency 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:

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: 455.224, 477.016 FS.

LAW IMPLEMENTED: 455.224, 477.016 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-30.004 Citations.

(1) through (6) No change.

(7) The Board hereby designates the following as citation violations, which shall result in a penalty of two hundred dollars (\$200.00):

(a) through (c) No change.

~~(d) Five or more violations of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002, F.A.C.~~

(8) The Board hereby designates the following as citation violations, which shall result in a penalty of two hundred and fifty dollars (\$250.00):

(a) Operating a salon without a wet sanitizer as required by paragraph 61G5-20.002(3)(2)(d)1, F.A.C.;

(b) Three ~~or more~~ violations of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002, F.A.C.;

(c) through (e) No change.

(9) The Board hereby designates the following as citation violations, which shall result in a penalty of three hundred dollars (\$300.00):

(a) through (c) No change.

(d) ~~Four~~ Five or more violations of the safety, sanitary, or other salon requirements specified in Rule 61G5-20.002, F.A.C.

(10) through (12) No change.

~~Rulemaking Specific~~ Authority 455.224, 477.016 FS. Law Implemented 455.224, 477.016 FS. History—New 11-17-91, Amended 4-15-93, Formerly 21F-30.004, Amended 8-8-95, 2-28-96, 10-1-97, 5-10-01, 3-29-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Cosmetology
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Board of Cosmetology
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: April 8, 2013
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: June 5, 2013

DEPARTMENT OF HEALTH**Board of Nursing**

RULE NO.: 64B9-15.012
RULE TITLE: Standards for In-Service Training for
Certified Nursing Assistants

PURPOSE AND EFFECT: The board proposes the rule promulgation to create a new rule to incorporate the requirement of Standards for In-Service Training for Certified Nursing Assistants in Florida.

SUMMARY: The proposed new rule is necessary to set-forth the requirements of Standards for In-Service Training for Certified Nursing Assistants.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 464.202, 464.203(7) FS.

LAW IMPLEMENTED: 464.203(7), 464.0285 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.012 Standards for In-Service Training for Certified Nursing Assistants.

(1) Provider Qualifications. In-Service Training Providers shall:

(a) Be one of the following:

1. A facility licensed by the Agency for Healthcare Administration;

2. An approved provider; or

3. A Certified Nurse Assistant association, as recognized by the Board.

(b) Present evidence, satisfactory to the Board, if requested, that all offerings meet the Standards for In-Service Training as set forth in these rules.

(c) Notify the Board of change of contact person and any significant alterations or changes which may affect the maintenance of standards within 30 days.

(d) Determine whether or not partial credit is appropriate for participants failing to complete the total number of hours for which a specific offering is planned and approved. Determine criteria for "successful completion" of course and make this information available to participants prior to offering.

(2) Learner Objectives. Objectives shall describe expected learner outcomes in behavioral terms, can be evaluated, are attainable, and are relevant to current nursing practice. Objectives shall determine the content, teaching methodology and plan for evaluation.

(3) Subject Matter. The Content shall be specifically designed to meet the objectives and the stated level and learning needs of the participants. The content shall be planned in logical order and reflect input from experts in the subject matter. Appropriate subject matter for In-Service training offering shall reflect the professional educational needs for the learner in order to meet the health care needs of the consumer and consist of content from one or more of the following:

(a) Bloodborne Pathogens, Infection Control;

(b) Domestic Violence;

(c) Medical Record Documentation and Legal Aspects Appropriate to Nursing Assistants;

(d) Resident Rights;

(e) Communication with Cognitively Impaired Clients;

(f) CPR Skills; and

(g) Medical Error Prevention and Safety.

(4) Faculty Qualifications. The faculty shall provide evidence of academic preparation and/or experience in the subject matter. Evidence concerning faculty qualifications shall be presented to the Board upon request.

(5) Materials and Methods. Evidence satisfactory to the Board shall be presented that:

(a) Learning experiences and teaching methods are appropriate to achieve the objectives.

(b) Time allotted for each activity shall be sufficient for the learner to meet the objectives.

(c) Principles of adult education are utilized in determining teaching strategies and learning activities.

(6) Evaluation. Evidence satisfactory to the Board shall be presented that participants are given an opportunity to evaluate learning experiences, instructional methods, facilities and resources used for the offering. The evaluation must include a minimum of 10 questions. The learner must achieve a minimum score of 70% on the evaluation to receive the contact hours. The evaluation must be graded by the provider.

(7) Contact Hour Criteria.

(a) All offerings shall be at least 60 minutes in length or one (1) contact hour.

(b) Increments of 30 minutes will be accepted when the offering extends beyond the one (1) contact hour.

(c) Contact hours shall be awarded for clinical as well as classroom education.

(8) Standards for In-Service training Providers. Providers seeking Board approval shall meet each of the Standards outlined herein:

(a) All educational offerings conducted by the provider shall meet the Standards for In-Service training offerings as outlined in these rules.

(b) Providers shall adhere to guidelines as established by the Board.

(c) There shall be a designated person assuming responsibility for In-Service training offerings for certified nursing assistants. If the contact person is not a nurse, provision should be made for insuring nursing input in overall program planning and evaluation.

(d) Target audience will be identified for each offering.

(e) Currency and accuracy of subject matter will be documented by references/bibliography.

(f) Program shall have stated, long term, coordinated plan for providing In-Service training offerings based on data related to specific characteristics of its learner population including learner needs and methods of assessing these needs.

There shall be a tangible plan for ongoing evaluation of the program content, faculty, learning process and evaluation tools. Evaluation data will be analyzed and the conclusions utilized in program planning, design, and continuity.

(g) Providers shall establish written policies and procedures for implementation of the In-Service training program.

(h) Providers shall maintain a system of record-keeping which provides for storage of individual offering information.

(i) Records of individual offerings shall be maintained for four years for inspection by the Board.

(j) Providers shall furnish each participant with an authenticated individual Certificate of Attendance.

(k) Providers shall maintain security of attendance records and certificates.

(9) Provider approval shall be subject to periodic review and may be withdrawn if the Board determines that adherence to the Standards outlined herein is not maintained, or if information submitted to the Board by the provider is found to be a material misrepresentation of fact.

(10) The Board may utilize a representative, expert groups, or individuals as appropriate in implementing these rules.

Rulemaking Authority 464.202, 464.203(7), 464.0285 FS. Law Implemented 464.203(7), 464.0285 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE

PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY

HEAD: April 4, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT

PUBLISHED IN FAR: May 17, 2013

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE NO.:

RULE TITLE:

68-1.009

Delegations of Authority to the Executive

Director

PURPOSE AND EFFECT: The purpose this rule revision is to amend language changing the date that the delegation of authority was adopted by the Commission. The effect is to have the rule reference the correct version of the delegation of authority.

SUMMARY: The Commission modified its delegation of authority to the Executive Director to authorize him to dis-establish areas no longer needed and to re-establish areas with minor modifications to boundaries, dates, and other technical aspects of the areas. This rule references the delegation of authority and needs to refer to the most recent version as adopted by the Commission.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Thomas Eason, Director, Division of Habitat and Species Conservation, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68-1.009 Delegations of Authority to the Executive Director.

The Delegation of Authority adopted by the Fish and Wildlife Conservation Commission (FWC) on February 14, 2013 found online at: <http://www.flrules.org> ~~September 17, 2008~~ is incorporated herein by reference. The incorporation of this delegation into rule does not preclude or prohibit the Commission from granting additional delegations of authority to its Executive Director from time-to-time as may be necessary to assure orderly administration of the agency. Any actions to be taken, or decisions to be made, by the Commission pursuant to any rule of the agency may be

exercised by the Executive Director or his or her designee unless such actions or decisions are expressly reserved by the Commission in the rule or are specifically required by law to be made by the Commission in an area not involving the Commission's constitutional authority.

Rulemaking Specific Authority Article IV, Sec. 9, Fla. Const. Law Implemented Art IV, Sec. 9, Fla. Const. History–New 1-8-08, Amended 10-23-08,_____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dr. Thomas Eason

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 11, 2013

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-9.004 **RULE TITLE:** Permits for Hunting or Other Recreational Use on Wildlife Management Areas

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to accommodate the requests of the private landowners of Relay Wildlife Management Area (WMA) and the private landowner holding recreational and timber rights on Twelve Mile Swamp WMA to remove these properties from the WMA system. The effect would be to remove reference in this rule to recreational user permits for Relay and Twelve Mile Swamp WMAs.

SUMMARY: The proposed rule amendment would delete all rules for Relay Wildlife Management Area and Twelve Mile Swamp Wildlife Management Area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required

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: Article IV, Section 9, Florida Constitution; 379.354 FS.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.1025, 379.2223, 375.313, 375.591 FS.

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

DATES AND TIME: During the Commission’s regular meeting, September 4, 5 and 6, 2013, 8:30 a.m. each day

PLACE: Crowne Plaza Pensacola Grand Hotel, 200 East Gregory Street, Pensacola, Florida

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 ADA Coordinator, at (850)488-6411. 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-9.004 Permits for Hunting or Other Recreational Use on Wildlife Management Areas.

(1) In addition to other licenses, permits and stamps required by law, stamp requirements for hunting, camping, fishing, or other recreational uses on lands owned, leased or managed by the Commission or the State of Florida for the use and benefit of the Commission shall be as provided by Sections 379.354(8)(g) and (h), F.S.

(a) No change.

(b) The cost of recreational user permits as required for hunting on the following privately owned wildlife management areas as provided by Section 379.354(8)(h)1., F.S., shall be:

1. through 2. No change.

~~3. Twelve Mile Swamp \$625~~

~~4. Relay \$425~~

5. through 6. renumbered 3. through 4. No change.

(c) The total number of permits available for each of the following privately owned wildlife management areas established pursuant to Section 379.354(8)(h)1., F.S., shall be:

1. through 2. No change.

~~3. Twelve Mile Swamp 125~~

~~4. Relay 300~~

5. through 6. renumbered 3. through 4. No change.

(2) through (3) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const., 379.354 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.1025, 379.2223, 375.313, 375.591 FS. History—New 8-1-79, Amended 6-4-81, 6-21-82, Formerly 39-9.04, Amended 6-2-86, 11-1-89, 7-16-98, 5-13-99, Formerly 39-9.004, Amended 7-1-00, 5-29-01, 7-22-01, 6-2-02, 7-28-02, 5-1-03, 7-7-03, 10-12-03, 5-12-04, 7-15-04, 6-1-05, 4-3-08, 4-1-09, 7-20-09, 7-1-10, 5-5-11, 8-11-11, 5-2-12, 7-1-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2013

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: RULE TITLE:

68A-15.065 Specific Regulations for Wildlife Management Areas - Northeast Region

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to accommodate the requests of the private landowners for Relay Wildlife Management Area (WMA) and the private holder of recreational and timber rights for Twelve Mile Swamp WMA to remove these areas from the WMA system. The effect would be removal of all references to Relay and Twelve Mile Swamp WMAs and allow them to be disestablished. In addition, the proposed rule amendment would revise specific area regulations on Herky Huffman / Bull Creek WMA to allow the take of bobcat and otter. The effect of the proposed rule amendment will be to enable the agency to better manage fish and wildlife resources and public use on Herky Huffman / Bull Creek WMA.

SUMMARY: The proposed rule amendment would remove references to Relay WMA and Twelve Mile Swamp WMA, allowing for their disestablishment. In addition, proposed rule amendment would revise specific area regulations to allow the take of bobcat and otter on Herky Huffman / Bull Creek WMA.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution; 379.2223, 375.313 FS.

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

DATES AND TIME: During the Commission’s regular meeting, September 4, 5 and 6, 2013, 8:30 a.m. each day

PLACE: Crowne Plaza Pensacola Grand Hotel, 200 East Gregory Street, Pensacola, Florida

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 ADA Coordinator, at (850)488-6411. 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: Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.065 Specific Regulations for Wildlife Management Areas – Northeast Region.

(1) Herky Huffman/Bull Creek Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, fish, frogs and furbearers (~~except bobcat and otter~~). Taking of antlered deer not having at least one antler with three or more points, one inch or more in length, is prohibited. Taking wild hog is prohibited during small game season.

(c) through (d) No change.

(2) through (8) No change.

~~(9) Relay Wildlife Management Area.~~

~~(a) Open season:~~

~~1. General gun—November 2 through December 29.~~

~~2. Archery—September 14 through October 13.~~

~~3. Muzzleloading gun—October 19-27.~~

~~4. Small game—December 30 through March 2.~~

~~5. Youth turkey hunt—March 8-9.~~

~~6. Spring turkey—March 15 through April 20.~~

~~7. Fishing and frogging—Allowed during periods open to hunting.~~

~~(b) Legal to take: All legal game, fish, frogs and furbearers.~~

~~(c) Camping:~~

~~1. Camping is allowed only during periods when hunting is allowed and only at the designated campsite.~~

~~2. Camping equipment may be taken on the area the weekend prior to the opening of the archery season and during periods open to hunting. Camping equipment must be removed by the Saturday following the last day of the spring turkey season.~~

~~(d) General regulations:~~

~~1. Vehicles or horses may be used only on named or numbered roads.~~

~~2. Access to the area is allowed only from the Saturday two weeks prior to the archery season through the Saturday following the last day of the spring turkey season.~~

~~3. Taking wildlife with centerfire rifles or pistols is prohibited.~~

~~4. Access is allowed only by individuals possessing a valid recreational user permit, except as provided by Section 379.354, F.S.~~

~~5. Taking wild hog with the use of dogs is prohibited during the small game season.~~

~~6. Persons shall enter and exit at a designated entrance.~~

(10) through (28) renumbered (9) through (27) No change.

~~(29) Twelve Mile Swamp Wildlife Management Area.~~

~~(a) Open season:~~

~~1. Archery—September 14 through October 13.~~

- ~~2. Muzzleloading gun—October 19-27.~~
 - ~~3. General gun—November 2 through the first Sunday in January.~~
 - ~~4. Small game—The day following the close of general gun season through March 2.~~
 - ~~5. Youth turkey hunt—March 8-9.~~
 - ~~6. Spring turkey—March 15 through April 20.~~
 - ~~7. Fishing and frogging—During periods open for hunting or scouting.~~
 - ~~8. Trapping—The day following the close of general gun season through March 1.~~
 - ~~(b) Legal to take: All legal game, fish, frogs and furbearers. Taking antlered deer not having at least one antler with three or more points one inch or more in length is prohibited.~~
 - ~~(c) Camping: Prohibited.~~
 - ~~(d) General regulations:~~
 - ~~1. The possession or use of dogs other than bird dogs and waterfowl retrievers is prohibited.~~
 - ~~2. Vehicles may be operated only on named and numbered roads.~~
 - ~~3. Fires are prohibited.~~
 - ~~4. Vehicles are prohibited on the area from 1.5 hours after sunset to 1.5 hours before sunrise. Persons may only enter and exit the area at designated entrances.~~
 - ~~5. Access to the area is allowed only by individuals possessing a valid recreational use permit and only from the Saturday two weeks prior to the archery season through the last day of the spring turkey season.~~
 - ~~6. Horses are prohibited.~~
 - ~~7. The use of tracked vehicles, airboats, all terrain vehicles and unlicensed and unregistered motorcycles is prohibited.~~
- (30) through (36) renumbered (28) through (34) No change.

Rulemaking Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.2223, 375.313 FS. History—New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, 12-26-00, 7-1-01, 6-2-02, 7-28-02, 5-1-03, 7-1-03, 10-12-03, 7-1-04, 7-1-05, 1-4-06, 7-1-06, 8-22-06, 7-1-07, 7-1-08, 7-1-09, 7-1-10, 7-1-11, 8-11-11, 7-1-12, 7-26-12, 7-1-13, _____.

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE F.A.R.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Diane R. Eggeman, Director, Division of Hunting and Game Management, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 11, 2013
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 8, 2013

Section III
Notice of Changes, Corrections and Withdrawals

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid
 RULE NO.: 59G-4.320 RULE TITLE: Therapy Services
 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. 54, October 19, 2012 issue of the Florida Administrative Register.

The following changes have been made to the Florida Medicaid Therapy Services Coverage and Limitations Handbook, _____ 2013.

- Page 1-2 Adaptive Behavior
The section is deleted.
- Page 1-2 Physical Therapy Assistant
The section is deleted.
- Page 1-3 On-Site Supervision
The label is changed to Supervision.
- Page 2-4 Requesting Prior Authorization
The 10th bullet now reads:
 - A copy of the documentation demonstrating the recipient has been examined or received medical consultation by the ordering or attending physician before initiating services and every 180 days thereafter.
- Page 2-7 Submission of a Claim for Payment
The section is deleted.
- Page 2-10 Description
The second paragraph now reads:
 Evaluation results should be used to develop baseline data to identify the need for early intervention for therapeutic services and to address the recipient’s functional abilities, capabilities, and activity level deficits and limitations.
- Page 2-19 Service Requirements

Two additional paragraphs are added at the end of the section: To be reimbursed by Medicaid, respiratory therapy services provided in a PPEC center must be:

- Authorized via a written prescription from the primary care provider, ARNP or PA designee, or a designated physician specialist in accordance with the Florida Statutes and licensing requirements;
- Authorized in the recipient’s valid and approved plan of care; and
- Submitted for medical review by the Medicaid contracted Quality Improvement Organization.
- For respiratory therapy services provided in a PPEC center, authorization will be valid for up to six months and the medical review authorization must be maintained in the recipient’s case files.

The following additional changes have been made to the Notice of Change, published in the Vol. 39, No. 11, January 16, 2013, issue of the Florida Administrative Register: Page 2-20 Place of Service

The section now reads:

Physical, occupational, and respiratory therapy and speech language pathology treatment services can be provided in the recipient’s place of residence or other community setting, such as schools, Prescribed Pediatric Extended Care (PPEC) centers, or day care centers. Reimbursement for services provided in the recipient’s place of residence or community setting is paid directly to the provider on a fee-for-service basis in accordance with the Therapy Services Procedure Codes and Maximum Fee Schedule in Appendix A.

Respiratory therapy services provided in a PPEC center is limited to children who have a complex respiratory diagnosis or condition, requiring extensive airway management, for example, ventilator support, while attending a PPEC center. Respiratory therapy services will be reviewed by the Medicaid contracted Quality Improvement Organization based on the medical needs of the child.

Place of residence is the location in which a recipient resides for an extended or a permanent period of time and is considered the recipient’s home. Place of residence may include:

- Recipient’s private home;
- Assisted Living Facility (ALF);
- Developmental disabilities group home;
- Foster or medical foster care home; or
- Any home where unrelated individuals reside together in a group.

Services can also be provided in an inpatient and outpatient hospital. Payment for these services is included in the facility’s per diem. The therapist cannot be reimbursed directly by fee-for-service for services provided in these locations. Evaluations provided by hospitals are not counted against the recipient’s evaluation reimbursement limitations. Inpatient and outpatient hospital therapy services are reimbursed according to the Florida Medicaid Hospital Services Coverage and Limitations Handbook.

Providers cannot bill the same procedure provided in the school setting and community setting in the same day.

Note: See the Florida Medicaid Home Health Services Coverage and Limitations Handbook for information specific to home health agencies. See the Florida Medicaid Hospital Services Coverage and Limitations Handbook for information about hospital services. All Medicaid handbooks are available on the Medicaid fiscal agent’s Web Site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.:	RULE TITLES:
61-30.101	Definitions
61-30.103	Examination
61-30.503	Course Approval, Prelicensure and Continuing Education
61-30.602	Disciplinary Guidelines
61-30.807	Standards of Practice, Interior Components
61-30.810	Standards of Practice, Exterior Components

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with Section 120.54(3)(d)a., F.S., published in Vol. 39, No. 6, January 9, 2013, issue of the Florida Administrative Register.

61-30.101 Definitions.

(1) through (13) No change.

(14) Household Appliances: Ranges, cook-tops, built-in dishwashers, food waste disposers, garage door openers, built-in ovens, built-in microwave ovens, refrigerators, freezers, clothes washers, clothes dryers, built-in trash compactors, ceiling fans or whole-house fans, if present and if the appliances are part of the intended real estate transaction.

(15) Inspect: To examine readily accessible systems and components of a home in accordance with the Standards of Practice adopted by the Department in Rules 61-30.801 through 61-30.811 ~~61-30.812~~, F.A.C., using normal operating controls and opening readily openable access panels
 (16) through (36) No change.

61-30.103 Examination.

(1) Any person desiring initial licensure by examination as a home inspector must pass one of the written examinations approved by the department which may be found at http://interredesignalpha/dbpr/pro/homein/approved_exams.html.
 (2) through (4) No change.

61-30.503 Course Approval, Prelicensure and Continuing Education

(1) No change.
 (2)(a) Application for prelicensure or continuing education courses must be submitted using the Home Inspector Course Application, form number DBPR HI 0404, "Education Course Application", effective ~~April~~ March 2013, adopted and incorporated herein by reference. The form may be obtained by contacting the department at the following address: Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at _____.
 (b) through (c) No change.
 (3) through (9) No change.

Form DBPR HI 0404 is amended in the following way:

Page one:

The checklist language is amended to read "List the instructors for each course and license number of each home inspector instructor."

1.c.iv. is amended to remove language referring to instructors being approved by the department.

Page two:

2.d. is added to read "Please indicate if the course is a Pre-Licensure Education course, or a Continuing Education Course." 2.d. and 2.e. have been renumbered accordingly.

Page four:

Section IV is amended to read as follows:

COMPONENT INFORMATION	
<p><input type="checkbox"/> Pre-Licensure Education</p> <p><input type="checkbox"/> Must address home inspection services or the components of a home, including the limited visual examination of the readily accessible installed systems and components of a home for the purposes of providing a written report of the condition of the home, for a total of 120 hours.</p>	<p><input type="checkbox"/> Continuing Education</p> <p>Must address one or more of the following eight topics: the structure, electrical system, HVAC system, roof covering, plumbing system, interior components, exterior components and/or site conditions that affect the structure.</p>

Section V – Approval by other Boards, has been added to the form requesting information regarding any previous board approval of the course. Throughout the application, reference to "20 hours of field based practical coursework" has been removed.

61-30.602 Disciplinary Guidelines.

(1) Whenever the department finds a licensee in violation of a provision of Chapter 455 or 468, Part XV, F.S., the following Disciplinary Guidelines shall be followed. The verbal identification of offenses are descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included:

Statutory Violation	Description of Violation	Penalty Range for First Violation.	Penalty Range for Subsequent Violation.
(a) through (g) No change			
(h) 468.832 (1)(h)	Failing to perform any statutory or legal obligation placed upon a licensed home inspector; violating any provision of Chapter 468, Part XV, this chapter, a rule of the department, or a lawful order of the department previously entered in a disciplinary hearing; or failing to comply with a lawfully issued subpoena of the department.	Fine up to \$1000, plus reprimand, probation, or suspension.	Fine up to \$5000, plus probation, suspension, or revocation.
(i) through (n) No change			
(o) 455.227(1)(j)	<u>Aiding, assisting, procuring, employing or advising</u> an unlicensed person or entity to practice profession contrary to Chapter 468, Part XV, or 455, or rules of the department.	Fine up to \$1000, plus reprimand, probation, suspension, or revocation.	Fine up to \$5000, plus suspension, or revocation.
(p) through (w) No change.			

(2) through (3) No change.

61-30.807 Standards of Practice, Interior Components.

(1) No change.

(2) The inspector shall inspect all of the visible and readily accessible interior components. When inspecting doors and windows, the inspector may inspect a representative

number of doors and windows. The inspector shall inspect household appliances for normal operation – using normal operating controls to activate a primary function. Inspectors will not operate systems or appliances with owners’ belongings, or if there is a risk to the property being inspected. Inspectors will first review the system to be operated and use professional judgment as to whether it is safe to operate using normal operating controls and report accordingly.

(3) through (4) No change.

61-30.810 Standards of Practice, Exterior Components.

(1) through (2) No change.

(3) The inspector is not required to inspect:

(a) through (c) No change.

(d) Outbuildings, with the exception of garages and carports;

(e) No change.

(4) No change.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.: RULE TITLES:

61-30.102 License Requirements

61-30.403 Discretionary Hardship Reinstatement of Void Licenses

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with Section 120.54(3)(d)a., F.S., published in Vol. 39, No. 6, January 9, 2013, issue of the Florida Administrative Register.

61-30.102 License Requirements.

(1)(a) No change.

(b) Submits a completed Form DBPR HI 0401, “Application for Licensure” effective April ~~March~~ 2013, adopted and incorporated herein by reference, which may be obtained by contacting the Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at _____.

(c) No change.

(2) through (4) No change.

Form DBPR HI 0401, effective March 2013, was amended in the following way:

Page one:

The checklist language is amended to read “Complete set of electronic fingerprints, background check.”

The checklist examination is amended to read “Submit proof of passing a department approved examination for home inspection license.”

A section for Reinstatement of Null and Void Licenses has been added, with corresponding requirements listed.

Page two:

1.a.iii. is amended to read “Licensure by Examination: This box should be checked when the applicant has completed a department approved 120 hour pre-licensure training course and passed a department approved examination for home inspection licensure.”

1.a.v. has been added to the form to read: “Reinstatement of a Void License: This box should be checked only by an applicant who has previously held a Home Inspectors license and their license is expired.

1.c. has been amended to clearly set forth the steps required to complete this section.

Page 3:

d.iii. is amended to remove language referencing the National Home Inspector Examination (NHIE).

g. i. and ii. Have been added to explain how to fill out new Section VII regarding Explanation of Illness or Economic Hardship that Prevented Renewal to obtain information regarding the reinstatement of a void license

Page four: Reinstatement of a Void License has been added to Section I as an option to select.

Page eight: Section IV has been amended to require submission proof of passing a departmental approved examination.

Page nine: Section VII has been added to permit an Explanation of Illness or Economic Hardship that Prevented Renewal of License for individuals applying to reinstate a void license.

61-30.403 Discretionary Hardship Reinstatement of Void Licenses.

(1) No change.

(2) Complete the form DBPR HI 0401, “Application for Licensure”, effective April 2013 ~~July 2013~~, adopted and incorporated herein. The form may be obtained by contacting the department at the following address: Home Inspection Licensing Program, 1940 N. Monroe Street, Tallahassee, Florida 32399-0783 or at _____ . The

application shall include a letter requesting reinstatement under this rule and documentation to establish illness or economic hardship including the nature and duration.

(3) No change.

**Section IV
Emergency Rules**

NONE

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-22.201: Year-Round Water Conservation Measures

NOTICE IS HEREBY GIVEN that on June 20, 2013, the Southwest Florida Water Management District, received a petition for a variance or waiver.

Petitioner’s Name: Jean Oliphant

Rule No.: 40D-22.201

Nature of the rule for which variance or waiver is sought: lawn and landscape irrigation.

The Petition has been assigned tracking No. 13-4170.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lois Sorensen, 7601 US Highway 301, Tampa, Florida 33637, (813)985-7481, ext. 2298, water.variances@watermatters.org.

Any interested person or other agency may submit written comments within 14 days after the publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:

62-602.300: Qualifications for Operator Licensure

NOTICE IS HEREBY GIVEN that on June 5, 2013, the Department of Environmental Protection received a petition for waiver from the requirements to receive a Domestic Wastewater Treatment Plant Operator and Distribution System Operator Class C license from Weston Silvera Campbell. The petition requested a waiver from paragraph 62-602.300(2)(d), F.A.C., which requires that an applicant apply for a license within four years of receiving a passing grade on the Operator Certification Exam. The petition has been assigned OGC File No. 13-1050.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Department of Environmental Protection, Certification and Restoration Program, Mail Station 3506, 2600 Blairstone Road, Tallahassee, Florida 32399, Attn: Ronald McCulley, telephone (850)245-8384, Ronald.mcculley@dep.state.fl.us, during normal business hours, 8:00 a.m. – 5:00 p.m., Monday through Friday, except legal holidays. Written comments must be received by the Department of Environmental Protection no later than 14 days from the date of publication of this notice.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Gulf Coast State College District Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: July 25, 2013, 10:00 a.m.

PLACE: William C. Cramer Jr. Seminar Room, (Room 306), SUW, Gulf Coast State College

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting and Election of Board Officers.

A copy of the agenda may be obtained by contacting: Dr. Jim Kerley, President, Gulf Coast State College.

EXECUTIVE OFFICE OF THE GOVERNOR

The Governor's Commission on Community Service (Volunteer Florida) announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 8, 2013, 9:00 a.m. until all business is complete

PLACE: 1(888)670-3525, Passcode 3822432866#

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Commission business.

A copy of the agenda may be obtained by contacting: Nicole Elliott at (850)414-0092 or nicole@volunteerflorida.org.

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: Nicole Elliott at (850)414-0092 or nicole@volunteerflorida.org. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Nicole Elliott at (850)414-0092 or nicole@volunteerflorida.org.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CANCELLATION – The Florida Communities Trust Governing Board announces a public meeting to which all persons are invited.

DATE AND TIME: Notice of Meeting Cancellation for June 26, 2013, 9:00 a.m.

PLACE: Notice of Meeting Cancellation for State of Florida Department of Environmental Protection, 3900 Commonwealth Boulevard, Douglas Building, Conference Room A, Tallahassee, Florida 32399 or toll free conference call by dialing 1(888)670-3525 and entering passcode 7020742991#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice of Meeting Cancellation. This meeting, which was noticed in the Florida Administrative Register, Volume 39, Number 116, June 14, 2013, has been cancelled. The rescheduled meeting will be announced at a later time. When rescheduled, the Florida Communities Trust Governing Board will consider issues relating to approval of the March 14, 2013, minutes and any other business deemed necessary.

A copy of the agenda may be obtained by contacting: A. Diane Langston, Office of Operations, Land and Recreation Grants Programs at 3800 Commonwealth Boulevard, Mail Station 103, Tallahassee, Florida 32399, (850)245-2702, Diane.Langston@dep.state.fl.us.

DEPARTMENT OF HEALTH

Board of Nursing

The Florida Board of Nursing North Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: July 8, 2013, 10:30 a.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)670-3525, Code 6126445695

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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: the Board at (850)245-4125. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FLORIDA HOUSING FINANCE CORPORATION

The Florida Housing Finance Corporation announces public meetings to which all persons are invited.

DATES AND TIMES: Monday, July 8, 2013, 1:00 p.m.; Monday, July 15, 2013, 10:00 a.m.

PLACE: Rick Seltzer Conference Room, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida, 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: The first Review Committee meeting will be to discuss the proposals and answer any questions the Review Committee may have on the proposals submitted in response to Florida Housing Finance Corporation's Request for Proposal 2013-09, from qualified Offerors for Compliance Administration for Single Family Homebuyer Program. The second Review Committee meeting will be to give the scores and to submit a recommendation to Florida Housing's Board of Directors.

A copy of the agenda may be obtained by contacting: Della Harrell, (850)488-4197 or della.harrell@floridahousing.org.

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: Della Harrell at Florida Housing Finance Corporation, (850)488-4197. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

NORTHWOOD SHARED RESOURCE CENTER

The Northwood Shared Resource Center (NSRC) Operational Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 11, 2013, 1:30 p.m. – 3:30 p.m.

PLACE: Northwood Shared Resource Center, 1940 N. Monroe Street, CR 2020, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of Minutes, Standard Operating Procedures (SOP)ADM-12 Employee Training and Development. Discussions - Solar Winds Timeline Update, NSRC Linux Study, NSRC Server Naming Standards, Production Systems Issues/Updates.

A copy of the agenda may be obtained by contacting: Kellie Allen at (850)921-9964 or by email: kellie.allen@nsrc.myflorida.com.

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: Kellie Allen at (850)921-9964. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kellie Allen at (850)921-9964 or by email: kellie.allen@nsrc.myflorida.com.

FLORIDA SPORTS FOUNDATION

The Florida Sports Foundation Grant Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, July 24, 2013, 9:00 a.m.

PLACE: Conference Call Number: 1(888)670-3523; access code: 656-578-0871, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and recommend funding for grant applications received by the July 10, 2013 deadline.

A copy of the agenda may be obtained by contacting: John F. Webb at (850)488-8347. For more information, you may contact: John F. Webb.

Section VI
Notice of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from inmate William Browning, DC#J36868. The petition seeks the agency's opinion as to the applicability of Chapter 33-602, Florida Administrative Code, as it applies to the petitioner.

The petition seeks to resolve controversy or answer questions or doubts regarding Chapter 33-602, F.A.C., as it pertains to what types of folders are permitted under the rules.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Janet Holmes, 501 S. Calhoun Street, Tallahassee, Florida 32399.

Please refer all comments to: LaDawna Fleckenstein, 501 S. Calhoun Street, Tallahassee, Florida 32399.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from inmate William Browning, DC#J36868. The petition seeks the agency's opinion as to the applicability of Rules 33-602.220, 33-602.212 and 33-602.222, F.A.C., as they apply to the petitioner.

The petition seeks to resolve controversy or answer questions or doubts regarding the purchase of toothbrushes, toothpaste, and soap for inmates in confinement and the timeframe for ordering and delivery of such items.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Janet Holmes, 501 S. Calhoun Street, Tallahassee, Florida 32399.

Please refer all comments to: LaDawna Fleckenstein, 501 S. Calhoun Street, Tallahassee, Florida 32399.

DEPARTMENT OF CORRECTIONS

NOTICE IS HEREBY GIVEN that the Florida Department of Corrections has received the petition for declaratory statement from inmate William Browning, DC#J36868. The petition seeks the agency's opinion as to the applicability of Chapter 33-601, F.A.C., as it applies to the petitioner.

The petition seeks to resolve controversy or answer questions or doubts regarding the amount of time an inmate has to appeal a finding of guilt by the disciplinary hearing team.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Janet Holmes, 501 S. Calhoun Street, Tallahassee, Florida 32399.

Please refer all comments to: LaDawna Fleckenstein, 501 S. Calhoun Street, Tallahassee, Florida 32399.

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that on June 11, 2013, the Construction Industry Licensing Board has received the petition for declaratory statement from Nilo A. Hernandez. The petition seeks the agency's opinion as to the applicability of Section 489.118, F.S., as it applies to the petitioner.

The petition seeks the Board's interpretation of Section 489.118, F.S., as to whether an unregistered roofing license can be grandfathered to a certified roofing license.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Drew Winters, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783.

DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

NOTICE IS HEREBY GIVEN that the Florida Department of Health has received the petition for declaratory statement from Onsite Vaccines, Inc., Christopher D. White, President. The petition seeks the agency's opinion as to the applicability of Section 401.272, Florida Statutes, as it applies to the petitioner.

Specifically the Petitioner seeks a declaratory statement that Section 402.272, Florida Statutes, authorizes a licensed paramedic, supervised by a medical doctor but not associated with an EMS service, to administer vaccines under authority of Section 401.272, Florida Statutes, without having an agreement in place between an EMS medical director and the applicable County Health Department within the county where the paramedic intends to administer the vaccinations.

A copy of the Petition for Declaratory Statement may be obtained by contacting: John Bixler, Director Emergency Medical Services, 4052 Bald Cypress Way, BIN A-22, Tallahassee, Florida 32399-1722, telephone: (850)245-4053.

Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

DEPARTMENT OF EDUCATION

Florida International University

ITB23-007 SOFTBALL FIELD GRANDSTAND

Invitation to Bid

Competitive Solicitation Number: ITB23-007

Title: SOFTBALL FIELD GRANDSTAND

Proposals will be received, publicly opened and read aloud on:

DATE AND TIME: July 18, 2013, 2:00 p.m., E.S.T.

PLACE: Florida International University, Modesto A. Maidique Campus, Purchasing Services, 11200 SW 8th Street, CSC 411, Miami, Florida 33199

MANDATORY PRE-BID CONFERENCE: There will be a mandatory pre-bid conference to be held at 9:00 a.m. EST on July 3, 2013 at Florida International University Softball Field, 1101 SW 115 Avenue Miami, FL 33199. The purpose of the meeting is to answer any questions that pertain to the scope of services and competitive solicitation process outlined in this Invitation to Bid document. There will also be a site visit of the actual site following the mandatory conference.

To download a copy of this Competitive Solicitation Document, Addenda or public meeting announcements, please visit the Purchasing Services website at <http://bids.fiu.edu/Lists/Currently%20Available/Public.aspx>.

Statement of Objective: This is a competitive solicitation for a new Softball Field Grandstand and optional Shade Structure,

Pressbox Air Conditioning Unit and Bench Seating Open Riser to enable the Florida International University Board of Trustees (FIU) to enter into a contract with a Vendor to demolish the existing Softball Field pressbox and construct a new grandstand. Vendor(s) shall also provide pricing and information for optional shade structure, bench seating open riser and pressbox air conditioning unit. Successful Vendor(s) performance is expected to begin upon execution of a Contract.

GRIMAIL CRAWFORD, INC.

Aviation Engineering Consultant Services

Tri-County Airport Authority

Due date: July 11, 2013, Deadline Time: 4:00 p.m. local time

The Tri-County Airport Authority is soliciting letters of interest from qualified firms for the purpose of providing Engineering Services for Tri-County Airport. These services will include, but not be limited to, airfield and airspace planning, aircraft and airport operational analysis, airport master planning, Aviation Layout Plan (ALP) development and support, Capital Improvement Program (CIP) and Joint Automated Capital Improvement Program (JACIP) development and support, general planning support to Airport Authority, individual planning project studies, project management, engineering and technical management services and other engineering services normally associated with general aviation airports.

Qualified consultants are encouraged to submit a letter of interest by 4:00 p.m. local time on July 11, 2013. Letters of Interest will be submitted as attached files to email to the Airport Authority at jaimepinto294@gmail.com and will be composed of a single file, not to exceed 1 MB in size, in PDF format (unzipped), and will not exceed two (2) single-sided pages in length. The Letter of Interest may also be submitted by regular mail or hand delivered to Jerry Cooley, Tri-County Airport Authority, 1983 Tri-County Airport Road, Bonifay, Florida 32425. The selection of the firm will be from the letters of interest. The Authority will select the firm that, in its judgment, will be in the best interest of the Tri-County Airport Authority. Jerry Cooley, Chairman.

Section XII

Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

NOTICE OF WITHDRAWAL

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need application:

County: Manatee Service District: 6/2

CON # 10190 Decision Date: 6/19/2013 Decision: W

Facility/Project: Greenbriar Rehabilitation & Nursing Center

Applicant: Greenbriar NH, LLC

Project Description: Add up to 21 community nursing home beds by delicensure of up to 21 beds from an existing facility in same subdistrict

A request for administrative hearing, if any, must be made in writing and must be actually received by the agency within 21 days of the first day of publication of this notice in the Florida Administrative Register pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
NOTICE OF INTENT TO GRANT VARIANCE

RULE NO.: RULE TITLE:

62-4.244 Mixing Zones: Surface Waters

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the Palm Beach County, File No. 0311339-002-BV, to allow a 1000-meter mixing zone for beach fill placement in conjunction with the Ocean Ridge Shore Protection Project. The nourishment site is located in Ocean Ridge, Palm Beach County, Section 27, Township 45 South, Range 43 East, Atlantic Ocean, Class III Waters. The variance is being granted because there is no practicable means known or available for the adequate control of the pollution involved. The request for a variance was received on April 17, 2012. The Department's file on this matter is available for public inspection at the Department of Environmental Protection's website: ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/palm_bch/pending/0311339_Ocean%20Ridge%20Shore%20Protection%20Project/001-JC/.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Mediation under Section 120.573 of the F.S. is not available.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the agency action or even a denial of the

application. If a sufficient petition for an administrative hearing or request for an extension of time to file a petition is timely filed, this agency action automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Accordingly, the applicant is advised not to commence construction or other activities in accordance with this variance until the deadlines noted below for filing a petition for an administrative hearing, or request for an extension of time has expired.

Under subsections 28-106.111(3) and 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)(4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first.

Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

A petition that disputes the material facts on which the Department’s action is based must contain the following information: (a) The name and address of each agency affected and each agency’s file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency’s proposed action; and (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency’s proposed action; (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency’s proposed action.

A petition that does not dispute the material facts on which the Department’s action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301. Under Sections 120.569(2)(c) and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above. Upon the timely filing of a petition this order will not be effective until further order of the Department.

This variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department.

DEPARTMENT OF FINANCIAL SERVICES
 FSC – Financial Institution Regulation
 Financial Institutions

NOTICE OF FILINGS
 Financial Services Commission
 Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Division Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Agency Clerk as follows:

By Mail or Facsimile	OR	By Hand Delivery
Agency Clerk		Agency Clerk
Office of Financial Regulation		Office of Financial Regulation
P.O. Box 8050		The Fletcher Building, Suite 118
Tallahassee, Florida 32314-8050		101 East Gaines Street
Phone (850)410-9800		Tallahassee, Florida 32399-0379
Fax: (850)410-9548		Phone: (850)410-9643

The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., July 12, 2013):

APPLICATION TO MERGE

Constituent Institutions: PriorityONE Credit Union of Florida, Sunrise, Florida and MacNeill Employees Credit Union, Sunrise, Florida
 Resulting Institution: PriorityONE Credit Union of Florida
 With Title: PriorityONE Credit Union of Florida
 Received: June 20, 2013

Section XIII
 Index to Rules Filed During Preceding
 Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.