

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-3.002 **RULE TITLE:** Application and Payment Procedures
PURPOSE AND EFFECT: To clarify procedures and documentation for payment of forensic sexual assault examinations.
SUBJECT AREA TO BE ADDRESSED: Payment of forensic sexual assault examinations.
RULEMAKING AUTHORITY: 960.045(1)(b) FS.
LAW IMPLEMENTED: 960.28 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Gwen Roache
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE NO.: 5L-1.003 **RULE TITLE:** Shellfish Harvesting Area Standards
PURPOSE AND EFFECT: These amendments propose to reclassify the Apalachicola Bay System shellfish harvesting area. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the Apalachicola Bay System shellfish harvesting area. This amendment further proposes to simplify the nomenclature of shellfish harvesting areas, update scientific names and rename a harvest area as a memorial to a deceased aquaculturist.
SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the Apalachicola Bay System shellfish harvesting area for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C., to protect the health of shellfish consumers and to provide access to renewable shellfish resources. Likewise, the simplification of area nomenclature and updating of scientific names is also in accordance with Rule 5L-1.003, F.A.C. The goal of the Division of Aquaculture is to maximize the amount of shellfish

harvesting waters available and to maximize the times those waters will be in the open status while continuing to protect the public health.

RULEMAKING AUTHORITY: 597.020 FS.
LAW IMPLEMENTED: 597.020 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: June 1, 2010, 4:00 p.m.
PLACE: Franklin County Courthouse Annex, Commission Meeting Room, 34 Forbes St., Apalachicola, FL 32320
 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033. 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: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, phone: (850)488-4033
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-9.042 **RULE TITLE:** Inholding and Addition Property
PURPOSE AND EFFECT: Proposed changes will repeal an existing rule concerning acquisition of inholding and addition property. Acquisition of these properties will be conducted in the same manner as other real property acquisitions.
SUBJECT AREA TO BE ADDRESSED: Acquisition of inholding and addition property.
RULEMAKING AUTHORITY: 373.044, 373.083, 373.139 FS.
LAW IMPLEMENTED: 373.013, 373.089, 373.139, 373.59 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Gwen Lord, Business Resource Specialist, (386)362-1001

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40B-9.042 Inholding and Addition Property.

Rulemaking Authority 373.044, 373.083, 373.139 FS. Law Implemented 373.013, 373.089, 373.139, 373.59 FS. History—New 5-31-09, Repealed_____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: RULE TITLE:

40D-1.002 Delegation of Authority

PURPOSE AND EFFECT: To incorporate well construction permitting agreements between the Southwest Florida Water Management District and Manatee County and between the District and Sarasota County into the District’s rules by reference. The effect will be to continue delegation of the District’s authority to regulate water well construction to the Counties, pursuant to Part III of Chapter 373, F.S., for another five years.

SUBJECT AREA TO BE ADDRESSED: Water Well Regulation.

RULEMAKING AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171, 373.219, 373.309 FS.

LAW IMPLEMENTED: 253.002, 373.083, 373.103, 373.149, 373.171, 373.175, 373.219, 373.223, 373.224, 373.226, 373.246, 373.308 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dianne Lee, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, ext. 4657 (OGC#2010005)

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

INTERLOCAL AGENCIES

Lake Apopka Natural Gas District

RULE NO.: RULE TITLE:

54C-1.001 Tariff

PURPOSE AND EFFECT: The purpose is to develop amendments to existing Rule 54C-1.001, F.A.C., the tariff of Lake Apopka Natural Gas District (District), modifying the rate schedules for residential sales service, commercial sales service, interruptible sales service, and transportation service by increasing the fees and charges of the District, and updating the District’s address and contact information. All classes of customers will experience an increase in the cost of gas.

SUBJECT AREA TO BE ADDRESSED: The rate schedules for all gas sales and transportation service, and the District’s address and contact information in Rule 54C-1.001, F.A.C.

RULEMAKING AUTHORITY: Section (12), Chapter 99-454, Laws of Florida, 1999

LAW IMPLEMENTED: Chapter 99-454, Laws of Florida, 1999

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: May 21, 2010, 8:00 a.m.

PLACE: The office of Lake Apopka Natural Gas District, 1320 Winter Garden-Vineland Road (CR 535), Winter Garden, Florida 34787

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mr. Samuel Davis, Jr., General Manager, Lake Apopka Natural Gas District, 1320 Winter Garden-Vineland Road (CR 535), Winter Garden, Florida 34787; telephone (407)656-2734, Facsimile, (407)656-9371

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

54C-1.001 Tariff.

The full text of the ~~tariff proposed rule~~ is set forth in Resolution number 201002 ~~0606~~ adopted by the Board of Commissioners of Lake Apopka Natural Gas District on April 26, 2010, ~~June 26, 2006~~, which is hereby incorporated herein in its entirety by reference.

Rulemaking Specific Authority Section (12), Chapter 99-454, Laws of Florida, 1999. Law Implemented Chapter 99-454, Laws of Florida, 1999. History—New 8-11-99, Amended 5-13-01, 2-11-04, 10-2-06,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE NO.: 59G-13.050
 RULE TITLE: Assisted Living for the Elderly Services

PURPOSE AND EFFECT: The purpose of Rule 59G-13.050, F.A.C., incorporates by reference the revised Florida Medicaid Assisted Living for the Elderly Waiver Services Coverage and Limitations Handbook, April 2010. The rule will update policies and procedures for Assisted Living for the Elderly Waiver Services. The Assisted Living for the Elderly Waiver Services Coverage and Limitations Handbook was previously incorporated by reference under Rule 59G-13.080, F.A.C., when it was combined with the Assistive Care Services Coverage and Limitations Handbook. This handbook has now been separated and the Assistive Care Services Coverage and Limitations Handbook is now incorporated by reference under Rule 59G-4.025, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Assisted Living for the Elderly Services.

RULEMAKING AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Wednesday, May 26, 2010, 11:00 a.m. – 12:00 Noon

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Carol Schultz at the Bureau of Medicaid Services, (850)412-4256. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Carol Schultz, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4256, e-mail: carol.schultz@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.050 Assisted Living for the Elderly Services.

(1) This rule applies to all Assisted Living for the Elderly Waiver Services providers enrolled in the Medicaid program.

(2) All Assisted Living for the Elderly waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Assisted Living for the Elderly Waiver Services Coverage and Limitations Handbook, April 2010, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbook may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting option 7.

(3) The following forms that are included in the Florida Medicaid Assisted Living for the Elderly Waiver Services Coverage and Limitations Handbook, April 2010, are incorporated by reference:

(a) Appendix A contains the Comprehensive Assessment Instrument, DOEA Form 701b, September 2008, eight pages, available from the Department of Elder Affairs: <http://elderaffairs.state.fl.us/index.php>. The form may also be copied from the Assisted Living for the Elderly Waiver Services Coverage and Limitations Handbook, April 2010.

(b) Appendix B contains the Medical Certification for Nursing Facility/Home and Community Based Services Form, AHVA-Med Serv Form 3008, May 2009, two pages, is available from the Department of Elder Affairs: <http://elderaffairs.state.fl.us/index.php>. The form may also be copied from the Assisted Living for the Elderly Waiver Services Coverage and Limitations Handbook, April 2010.

(c) Appendix C contains the Informed Consent Form (English and Spanish), AHCA-Med Serv Form 2040, May 2009, one page, available from the Department of Elder Affairs: <http://elderaffairs.state.fl.us/index.php>. The form may also be copied from the Assisted Living for the Elderly Waiver Services Coverage and Limitations Handbook, April 2010.

(d) Appendix D contains the Notification of Level of Care, DOEA-CARES Form 603 (Revised March 2003), one page, incorporated by reference in Rule 59G-13.030, F.A.C. The form is mailed to the provider by the Department of Elder Affairs, CARES Unit.

(e) Appendix E contains the Notice of Hospice Election Waiver, AHCA Form 5000-29, October 2003, one page, the Cooperative Agreement for a Hospice and Medicaid Waiver Enrolled Recipient, AHCA Form 5000-30, October 2003, one page, and the Attachment to Cooperative Agreement for a Hospice and Medicaid Waiver Enrolled Recipient, AHCA Form 5000-30A, October 2003. All forms are incorporated by

reference in Rule 59G-4.140, F.A.C. All forms are available by photocopying from the Assisted Living for the Elderly Waiver Services Coverage and Limitations Handbook, April 2010.

(f) Appendix F contains the Assisted Living for the Elderly Waiver Services Worksheet for Calculating Recipient's Daily Waiver Rate, AHCA-MedServ Form 016, one page. The form is available by photocopying from the Assisted Living for the Elderly Waiver Services Coverage and Limitations Handbook, April 2010.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.130
 RULE TITLE: Traumatic Brain and Spinal Cord Injury Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-13.130, F.A.C., is to incorporate by reference in rule the revised Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, July 2010. The handbook includes a revised Prioritization Screening Instrument, AHCA-Med Serv Form 042; clarifies that services cannot be reimbursed through the waiver if they are available through another funding source; updates references for the new Medicaid fiscal agent; replaces references to the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, with the Florida Medicaid Provider Reimbursement Handbook, CMS-1500; adds language describing the addition of Medicaid Waiver Specialists to the operating structure of the waiver and identifies their functions; and adds language describing Nursing Home Transition activities and the two services added to the waiver to assist individuals with transition from nursing home to community setting.

SUBJECT AREA TO BE ADDRESSED: Traumatic Brain and Spinal Cord Injury Waiver Services.

RULEMAKING AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Monday, May 24, 2010, 2:00 p.m. – 3:00 p.m.

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 48 hours before the workshop/meeting by contacting: Arlene Walker at the Bureau of Medicaid Services, (850)412-4270. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Arlene Walker, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4270, e-mail: arlene.walker@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.130 Traumatic Brain and Spinal Cord Injury Services.

(1) No change.

(2) All traumatic brain and spinal cord injury waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook, July 2010 ~~April 2006~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500 Non Institutional 081, which is incorporated by reference in Rule 59G-4.001 ~~59G-13.001~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent's Web Portal at http://mymedicaid-florida.com. Click on Public Information for Providers, then on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Contact Center at (800)289-7799 and selecting Option 7.

(3) The following forms that are included in the Florida Medicaid Traumatic Brain and Spinal Cord Injury Waiver Services Coverage and Limitations Handbook are incorporated by reference:

(a) Appendix B ~~E~~ contains the Home and Community-Based Waiver Referral Agreement, AHCA Med-Serv Form 039, April 2006, seven pages. The form is available by photocopying it from the handbook.;

(b) Appendix C ~~D~~ contains the Brain and Spinal Cord Injury Program Request for Level of Care, AHCA Med Serv Form 040, April 2006, two pages. The form is available by photocopying it from the handbook.;

(c) Appendix D ~~E~~ contains the Notification of Level of Care, DOEA-CARES Form 603 (Revised March 2003), which is incorporated by reference in Rule 59G-13.030, F.A.C. The form is mailed to the provider by the Department of Elder Affairs, CARES Unit.;

(d) Appendix E F contains the Brain and Spinal Cord Injury Program Waiting List Policy for the Traumatic Brain/Spinal Cord Injury Medicaid Waiver Program, April 2006, five pages, and the Home and Community-Based Medicaid Waiver Referral Prioritization Screening Instrument, AHCA-Med Serv Form 042, January 2009 April 2006, four pages. The form is available by photocopying it from the handbook.;

(e) Appendix F G contains the Notice of Decision, AHCA-Med Serv Form 043, April 2006, two pages. The form is mailed to the recipient by the Medicaid Waiver Specialist.;

(f) Appendix G H contains the Brain and Spinal Cord Injury Program Medicaid Home and Community-Based Waiver Service Plan, AHCA-Med Serv Form 044, April 2006, one page. The form is available by photocopying it from the handbook.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History--New 5-31-06, Amended _____.

DEPARTMENT OF MANAGEMENT SERVICES

Technology Program

RULE NO.: RULE TITLE:
60FF-5.002 Rural County Grants
PURPOSE AND EFFECT: The Board proposes the rule amendment to update the rule language and the application form.
SUBJECT AREA TO BE ADDRESSED: Rural County Grants.
RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.
LAW IMPLEMENTED: 365.173(2)(g), 365.172(9)(a), (b), (c) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John C. Ford, Chair, E911 Board, 4030 Esplanade Way, Ste. 160Q, Tallahassee, Florida 32399-0950
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
61G4-16.005 Duration of Validity
PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Duration of validity.
RULEMAKING AUTHORITY: 455.217(2) FS.
LAW IMPLEMENTED: 455.217(2), 489.113(1) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: G. W. Harrell, Executive Director, Construction Industry Licensing Board, P.O. Box 5257, Tallahassee, Florida 32314-5257
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NOS.: RULE TITLES:
61J2-24.004 Mediation
61J2-24.006 Probation
PURPOSE AND EFFECT: To clarify and update language in the rule.
SUBJECT AREA TO BE ADDRESSED: Clarifying and updating language.
RULEMAKING AUTHORITY: 455.2235, 475.05 FS.
LAW IMPLEMENTED: 455.2235, 455.227, 475.25 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N802, Orlando, Florida 32801
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-28.010
 RULE TITLE: Requirements for Board Approval of Continuing Education Programs

PURPOSE AND EFFECT: The purpose of this proposed rule development is to reduce the fee charged for applications for continuing education provider approval and renewal and to update the application process.

SUBJECT AREA TO BE ADDRESSED: Requirements for Board Approval of Continuing Education Programs.

RULEMAKING AUTHORITY: 456.013(8), (9), 456.025(7), 456.036, 480.035(7), 480.0415 FS.

LAW IMPLEMENTED: 456.013(8), (9), 456.025(7), 456.036, 480.0415, 480.044(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kaye Howerton, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**Section II
 Proposed Rules**

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NOS.: 2A-2.002, 2A-2.013, 2A-2.014
 RULE TITLES: Victim Compensation Claims, Property Claims, Domestic Violence Relocation Assistance

PURPOSE AND EFFECT: To clarify definitions, documentation, benefits, and procedures for claims filed pursuant to the Crimes Compensation Act.

SUMMARY: This rule provides the definitions, documentation requirements, benefits and procedures for claims for victim compensation, property loss, domestic violence relocation assistance, and mental health treatment for victims of child pornography, minor victims who are witnesses to specific crimes, and victims of forcible felony offenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The proposed rules are necessary to maintain the financial solvency and integrity of the Crimes Compensation Trust Fund. Instead of merely changing the

forms which contain benefit amounts, actual rules have been written. Presently, benefits are being paid at a rate the trust fund cannot continue to support. The agency concludes this rulemaking procedure will prevent a budget shortfall and provide reassurance that crime victims in the State of Florida will be able to continue to obtain funds for crime related injuries if they are determined to be eligible, albeit at reduced rates. The agency is repealing all existing rules and writing new rules that clarify procedures and reduce the benefits and the timeframes for which those benefits are payable as authorized in Section 960.13(9)(b), 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: 960.045(1)(b), 960.13(9)(a), FS.

LAW IMPLEMENTED: 960.02, 960.03, 960.045(1)(b), 960.05, 960.065, 960.07, 960.09, 960.13, 960.14, 960.15, 960.16, 960.17, 960.18, 960.195, 960.197, 960.198 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gwen Roache, Chief of Victim Compensation, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050; Gwen Roache, Chief of Victim Compensation, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULES IS:

(Substantial rewording of Rule 2A-2.002 follows. See Florida Administrative Code for present text.)

2A-2.002 Victim Compensation Claims.

(1) Definitions.

(a) “Actual loss” means the total amount of treatment bills, medical/dental support services, lost wages, disability, funeral expenses, loss of support, and other related out-of-pocket losses, which are compensable by the Crimes Compensation Trust Fund.

(b) “Bureau” means the Bureau of Victim Compensation (BVC) within the Division of Victim Services and Criminal Justice Programs of the Office of the Attorney General.

(c) “Compensable crime” is an offense as defined in Section 960.03(3), F.S., which results in physical, psychological, or psychiatric injury or death for which an eligible claimant seeks benefits for economic loss, medical/dental/mental health treatment, funeral or burial costs, or disability benefits that are not payable by another source.