

honored at the annual fallen firefighter memorial service at the State Fire College in Ocala. Flag display is governed by Section 256.05, F.S.

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

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

RULEMAKING AUTHORITY: 256.15(3) FS.

LAW IMPLEMENTED: 256.15 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 (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATES AND TIME: Tuesday, June 29, 2010, 1:00 p.m.

PLACE: Auditorium, Florida State Fire College, 11655 N.W. Gainesville Rd, Ocala, FL 34482

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: Charles Brush, Health and Safety Program Manager, (352)369-2836; Charlie.Brush@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charles Brush, Health and Safety Program Manager, (352)369-2836; Charlie.Brush@myfloridacfo.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-62.050 Official State Firefighter Memorial Flag.

(1) Scope. This rule sets forth the conditions of design, production, distribution, and display of the official state Firefighter Memorial Flag to honor firefighters who have died in the line of duty.

(2) Purpose. To preserve the reverence and dignity associated with the flag, and those whose sacrifice the flag honors.

(3) Design. In addition to the design specifications set forth in statute, the official flag shall be produced in size 5' x 8', and be printed on 200 Denier Solarmax nylon fabric or a fabric of equivalent weather resistance and durability. The flag shall be finished with a canvas heading and two brass grommets, with two rows of lock-stitching on the top and bottom edges, and four rows of stitching on the fly end. The flag shall carry the words "Official State of Florida Firefighter Memorial Flag."

(4) Production. The Department shall utilize a competitive process to choose a vendor to produce the flag. The Department will enter into an Agreement with the Vendor awarded the contract which will include the price at which the flag will be offered to the public as well as to the Department, the number of days to deliver any flag ordered and the cost for shipping. The contract will include a provision requiring the vendor to provide a copy of this rule, with every flag purchased. The contact information for the winning vendor shall be posted on the State Fire Marshal's website.

(5) Distribution. The State Fire Marshal honors Florida Firefighters who have died in the line of duty at a Firefighter Memorial Service conducted every year in the month of October at the State Fire College in Ocala, Florida. The official state Firefighter Memorial Flag will be formally presented at this service to the next of kin of every Florida firefighter honored at the ceremony, at no charge to the recipient. Each flag so presented shall carry a note indicating the following: "This flag is being presented to you by courtesy of the people of Florida" and no other name.

(6) Display. The flag may be displayed at memorial or funeral services of firefighters who have died in the line of duty, at firefighter memorials, at fire stations, at the Fallen Firefighter Memorial located at the Florida State Fire College in Ocala, by the families of fallen firefighters, and any occasion which honors the fire service in a reverent and honorable manner which does not violate Section 256.05, F.S.

Rulemaking Authority 256.15(3) FS. Law Implemented 256.15 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barry Baker

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 24, 2009

**Section III
Notices of Changes, Corrections and
Withdrawals**

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."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.

RULE TITLE:

59G-13.083

Developmental Disabilities Waiver 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. 36, No. 9, March 5, 2010 issue of the Florida Administrative Weekly.

The purpose of the amendment to Rule 59G-13.083, F.A.C., is to incorporate by reference the revised Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, May 2010. The following revisions have been made to the handbook.

Page 1-17: Adult Dental Services Provider Requirements, Provider Qualifications. Second paragraph has been changed to read:

Unlicensed dental interns and dental students of university based dental programs may provide services under the general supervision of a licensed dentist but cannot act as a treating provider or bill Medicaid for covered services. The licensed supervising dentist of the facility acts as the treating provider of a covered service. A dentist who has a teaching permit issued by the Florida Board of Dentistry as outlined in Section 466.002, F.S., may also act as the treating provider of a covered service. The facility may bill Medicaid for covered services.

Page 1-18: Behavior Analysis Provider Requirements, Provider Qualifications. Level 3 has been changed to read:

Board or Florida Certified Assistant Behavior Analyst or a Florida Certified Behavior Analyst with bachelors or high school diploma, regardless of experience.

Page 1-20: Companion Provider Requirements, Provider Qualifications. First paragraph has been changed to read:

Providers of companion services may be home health or hospice agencies licensed in accordance with Chapter 400, Parts III and IV, F.S. If providing this service as an agency or group provider, using more than one employee to provide companion services and billing for their services, the provider must be registered as a sitter or

companion provider in accordance with Section 400.509, F.S. if not licensed as a home health agency or a hospice.

Page 1-22: Durable Medical Equipment Provider Requirements, Provider Qualifications. Second paragraph has been changed to read:

In accordance with 42 C.F.R. 440.70, part providers must be in compliance with all applicable laws relating to qualifications or licensure.

Page 1-22: Durable Medical Equipment Provider Requirements, Provider Qualifications, fifth paragraph has been changed to read:

Pharmacies shall hold a permit to operate issued in accordance with Chapter 465, F.S. Medical supply companies and durable medical equipment suppliers shall hold local occupational licenses or permits, in accordance with Chapter 400, Part VII, F.S.

Page 1-22: Durable Medical Equipment Provider Requirements, Provider Qualifications, sixth paragraph has been deleted.

Page 1-31: Respite Care Services Provider Requirements, Provider Qualifications. Third paragraph has been changed to read:

Independent vendors, who are not nurses, are not required to be licensed, certified, or registered if they bill for and are reimbursed only for services personally rendered.

Page 2-11: Definitions, Implementation Plan. Second paragraph has been changed to read:

The implementation plan will be developed, at a minimum, within 30 days of the initiation of the new service, or within 30 calendar days of the support plan effective date for continuation of services and annually thereafter. A copy of the implementation plan, approved by the recipient, shall be furnished to the recipient, guardian and to the waiver support coordinator at the end of this 30-day period. The progress toward achieving the goal(s) identified on the implementation plan shall be documented in daily progress notes or quarterly summaries, as specified in each service description. Data supporting the recipient's progress or lack thereof, summarized in the quarterly summary shall be available for review.

Page 2-12: Definitions, Monthly Summary. Deleted

Page 2-13: Definitions, Quarterly Summary, The following has been added to the text to read:
 A written summary of the quarter’s activities indicating the recipient’s progress toward achieving support plan goals for the services billed in that quarter.
 For residential nursing services, the quarterly summary must include details such as health risk indicators, information about medication, treatments, doctor’s appointments and anything else of significance regarding the recipient’s health.

Page 2-13: Definitions, Service Log. The text has been changed to read:
 A form used to document service delivery. The service log shall include the recipient’s name and Medicaid ID number. The log shall include the date, time, duration of the service, and summary of services provided.

Page 2-13: Definitions, Supported Living Log, has been changed to read:
 Written documentation of the dates, times and summary of the supports provided during contact with the recipient, as described in Rule 65G-5.012, F.A.C.

Page 2-24: Behavior Analysis Services, Description. A third paragraph has been added to read:
 Delivery of behavioral services is a complex process that includes provision of services directly to the recipient, at times, or others supporting the recipient in his or her presence, as well as services required to assess, plan and train others without the recipient present. Examples of services provided to the recipient to caregivers, staff or other providers while the recipient is present include: analog functional analysis, observation of the recipient for descriptive functional assessment, observations of and feedback regarding interactions of caregivers, staff or other providers with the recipient, modeling procedures with the recipient for caregivers, staff, or other providers, probing new procedures with the recipient, and direct training to the recipient (typically with caregivers, staff, or other providers present). In addition, services required to support behavior analysis services, may include: behavior plan development, graphing and analysis of

data, behavior plan revision, training staff, caregivers or other providers (recipient not present), consultation to other professionals, Local Review Committee presentation, and treatment team meeting (with or without recipient present). The latter support services may not be reimbursed in excess of 25 percent of the total units for the cost plan year.

Page 2-26: Behavior Analysis Services, Documentation Requirements. The last item has been changed to read:
 *Dated evidence of LRC reviews and recommendations specific to target behaviors and the behavior plan, when the procedures and behaviors meet criteria for review and approval in accordance with Rule 65G-4.010, F.A.C.

Page 2-47: Durable Medical Equipment and Supplies, Special Considerations. The last paragraph has been changed to read:
 In accordance with Section 393.13, F.S., totally enclosed cribs and barred enclosures are considered restraints and are not covered under the waiver. Strollers and wheelchairs, when used for restraint as defined in Rule 65G-8.001, F.A.C., are also not covered.

Page 2-70: Residential Habilitation Services, Documentation Requirements, reimbursement and monitoring documentation. Item number five has been changed to read:
 LRC review and approval dates and recommendations made specific to the plan and review schedules for the plan as indicated in Rules 65G-4.009 and 65G-4.010, F.A.C. for individuals residing in licensed behavior focus or intensive behavior homes; and

Page 2-70: Residential Habilitation Services, Documentation Requirements. Documentation to be sent to the waiver support coordinator, item number four has been changed to read:
 LRC review dates and recommendations made specific to the plan and review schedules for the plan as indicated in Rules 65G-4.009 and 65G-4.010, F.A.C., for individuals residing in licensed behavior focus and intensive behavior homes; and

Page 2-76: Residential Habilitation Services, Residential Habilitation with a Behavioral Focus. First paragraph has been changed to read:

In order for the provider to receive a residential habilitation with a behavioral focus rate for a recipient based on the Provider Rate Table, the provider must meet the specified staff qualifications for the service, and the recipient must exhibit the characteristics listed below. This rate level shall be approved only when it has been determined through use of the APD-approved assessment by a certified behavior analyst and the support planning process that a recipient requires residential habilitation services with a behavioral focus. The need for residential habilitation with a behavioral focus and the rate for the service shall be identified on the recipient's support and cost plan and on the authorization for service submitted to the provider by the recipient's support coordinator. Service authorization shall be based on established need and re-evaluated at least annually while the recipient is receiving the services. The provider must document evidence of continued need as well as evidence that the services are assisting the service provider in meeting the needs of the recipient so that transition to less restrictive services may be possible.

Page 2-77: Residential Habilitation Services, Intensive Behavioral Residential Habilitation. First paragraph has been changed to read:

Intensive behavioral residential habilitation rates for a recipient must be approved and authorized through the prior service authorization process performed by the APD or an agent of the APD. Authorization shall require review by at least one board certified behavior analyst or a Florida certified behavior analyst with expanded privileges who holds a master's degree with a primary emphasis in applied behavior analysis. The review process shall include evaluation of the proposed rates for the service being sought. Authorized rates for this service may vary across providers and recipients based on the specific service needs of the recipient. Service authorization shall occur prior to service delivery, for new services, within 30-days

of the adoption of this rule for existing services and at least annually while the recipient is receiving the service. The provider must meet provider qualifications for this level of service. Further, the following recipient characteristics and service characteristics must be met in order to receive an intense behavioral residential habilitation rate. Service authorization shall be based on established need and re-evaluated at least annually while the recipient is receiving the services. The provider must document evidence of continued need as well as evidence that the service is assisting in meeting the needs so that transition to less restrictive services may be possible.

Page 2-102: Support Coordination, Support and Service Planning Requirements. First paragraph has been changed to read:

A copy of support plan information, pertinent to the provider, and an approved service authorization will also be provided to other providers of services to authorize and initiate service delivery by the effective date of the approved support and cost plans. Through conversations with the recipient, those who know the recipient well, and through review of the service vendor's documentation, the waiver support coordinator monitors the recipient's involvement in purchased services to determine if the activities meet the recipient's expectations. The waiver support coordinator will determine that these services are age and culturally appropriate; address the need for which they are intended; and provide appropriate challenges, motivation and experiences to meet the recipient's identified goals.

Page 2-122: Transportation, Description. Fifth paragraph has been changed to read:

Fifteen passenger vehicles that are not lift-equipped shall not carry more than ten passengers at any given time and shall reference the National Highway Transportation Safety Board guidelines for loading such vehicles.

Page 3-4: Reimbursement Information, Limitations, first paragraph has been changed to read:

Providers may not bill for service when a recipient is not in attendance, except as noted in the description section of that service.

APPENDIX A

Page A-8: 2.0 Program Requirements, paragraph E. has been amended to read:

The provider agrees, within the mission and scope of the service(s) offered, to assist people in their achievement of personal goals, choice, social inclusion, relationships, rights, dignity and respect, health, environment, security and satisfaction.

Page A-8: 2.0 Program Requirements, Paragraph F. has been changed to read:

The provider agrees to participate in and support the individually determined outcome process for each recipient. The provider will also use the recommendations from the person-centered review process to: (1) implement person-centered supports and services; (2) enhance service delivery in a manner that supports the achievement of individually determined outcomes; and (3) make improvements in the provider’s service delivery system.

Page A-9: 2.1 Required Training. Paragraph E. has been changed to read:

The Medicaid Waiver Services Agreement and its Attachments. The Developmental Disabilities Waiver Services Coverage and Limitations Handbook and its appendices, and the use of personal goals to establish a person-centered approach to service delivery;

Page A-10: 3.0 Administrative Policies, Procedures, and Practices. Section B, first paragraph was deleted, paragraphs 2.-8. renumbered 1.-7. and item six was changed to read:

The provider’s grievance procedures, as outlined in section 3.9 of this document;

Page A-11: 3.1 Self-Assessment. Paragraph is changed to read:

Each agency or group provider, or solo or individual provider furnishing specific services referenced in 3.0 above shall perform an annual self-assessment to determine the effectiveness of services being offered and the provider’s compliance with requirements identified in this agreement and the Developmental Disabilities Waiver Services Coverage and

Limitations Handbook. This annual assessment will assist the provider to determine, within the realm and scope of the service(s) that is provided, the extent to which the provider is developing and maintaining person-centered processes that will assist recipients in the achievement of personal goals, choice, social inclusion, relationships, rights, dignity and respect, health, environment, security and satisfaction. At a minimum, the provider’s self-assessment survey will include a combination of: a) records review; b) interviews to determine the extent to which provider actions support the achievement of personal goals identified by recipients receiving services; and c) annual recipient satisfaction surveys. The provider, as part of the self-assessment process, develops a Quality Improvement Plan addressing the areas in

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Pilotage Rate Review Board

RULE NO.: 61E13-2.007
 RULE TITLE: Processing of Application
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 7, of the February 19, 2010, issue of the Florida Administrative Weekly. The change is due to concerns by the Joint Administrative Procedure Committee in their letter dated March 30, 2010. The rule shall now read as follows:

The original notice amended subsection (4) to require the notice to be submitted 14 days prior to the hearing. The proposed change from 45 days to 14 days shall be deleted and the required notice shall remain at 45 days.

NAME OF PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Pilotage Rate Review Board, Department of Business and Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, FL 32399-0750.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE NOS.:	RULE TITLES:
63G-1.011	Definitions
63G-1.017	Monthly/Annual Reconciliation and Dispute Resolution

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 15, April 16, 2010 issue of the Florida Administrative Weekly.

63G-1.011 Definitions.

(1) through (3) No change.

(4) "Fiscally constrained county" means a county ~~within a rural area of critical economic concern as designated by the Governor pursuant to Section 288.0656, F.S., or each county for which the value of a mil will raise no more than \$5 million in revenue, based on the school taxable value certified pursuant to Section 1011.62(4)(a)1.a., from the previous July,~~ which is not required to pay the full costs of its resident juveniles' detention services.

(5) through (6) No change.

(7) "County of Residence" means the county where, at the time of referral, a child resides, as determined by a department intake officer pursuant to Rule ~~63G-1.012~~ ~~63G-1.003~~, F.A.C., and entered in the Juvenile Justice Information System, except for those youth described in Section ~~1.012(2)~~ ~~1.003(2)~~ below.

(8) through (12) No change.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686 FS. History--New _____.

63G-1.017 Monthly/Annual Reconciliation and Dispute Resolution.

(1) through (2) No change.

(3) The department will make every effort to review all disputes for the previous month between the fifteenth and twenty-fourth day of each month for the reconciliation period. The department's response, provided on-line, constitutes notice of final action. All pending disputes will be resolved by the department no later than 60 days after the end of the reconciliation period. ~~Any pending disputes not resolved by the department within 60 days after the end of the monthly reconciliation period will be considered the responsibility of the state and not the county.~~

(4) through (6) No change.

Rulemaking Authority 985.64, 985.686(10) FS. Law Implemented 985.686(5)-(7) FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-9.0131	Standards of Practice for Physicians Practicing in Pain Management Clinics

64B8-9.0132	Requirement for Pain Management Clinic Registration; Inspection or Accreditation
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NOTICE OF PUBLIC HEARING

The Board of Medicine hereby gives notice of a public hearing on Rules 64B8-9.0131 and 9.0132, F.A.C., to be held on Friday, June 4, 2010, at 8:00 a.m., at the Embassy Suites Hotel, 1100 S. W. 17th Street, Fort Lauderdale, Florida 33316. The rule was originally published in Vol. 36, No. 16, of the April 23, 2010, issue of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-3.001	Licensure as a Physical Therapist by Examination

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

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

The introductory section of (3)(b) shall now read as follows:

(b) Has received a diploma from a program in physical therapy in a foreign country and:

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-26.005
 RULE TITLE: Sanitary System, Facilities and Fixtures

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 3, January 22, 2010 issue of the Florida Administrative Weekly.

The changes are made in response to comments received from the Joint Administrative Procedures Committee and comments received during the time period allowed for submission of materials.

Paragraph 64E-26.005(1)(a), F.A.C., has been changed so that when adopted it will read: "Inmates in areas where no drinking fountains are available shall be provided with single service cups which shall be stored and dispensed in a manner to prevent contamination, or reusable cups that can be and are cleaned and sanitized in accordance with Rule 64E-11.006, F.A.C. Common drinking cups are prohibited."

Paragraph 64E-26.005(4)(b), F.A.C., has been changed so that when adopted it will read:

"If public or contract garbage collection service is available, the detention facility shall subscribe to these services unless the volume makes onsite management feasible. If garbage and trash are managed on premises, the activity shall comply with Chapters 62-701 and 62-709, F.A.C., as appropriate."

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NOS.: 65A-1.205
 RULE TITLES: Eligibility Determination Process

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 13, April 2, 2010 issue of the Florida Administrative Weekly.

(1) The individual completes a Department application for assistance to the best of the individual's ability using either the ACCESS Florida Application, CF-ES 2337, 05/2010 ~~03/2010~~, incorporated by reference, or an ACCESS Florida Web Application (only accepted electronically), CF-ES 2353, 03/2008, incorporated by reference in Rule 65A-1.400, F.A.C., and submits it. An application must include at least the individual's name, address and signature to initiate the application process. An eligibility specialist determines the eligibility of each household member for public assistance. An applicant can withdraw the application at any time without affecting their right to reapply at any time.

(c) If the eligibility specialist determines during the interview or at any time during the application process that the applicant must provide additional information or verification, or that a member of the assistance group must comply with Child Support Enforcement or register for employment services, the eligibility specialist must give the applicant written notice to provide the requested information or to comply, allowing ten calendar days from request or the interview, ~~whichever is later to furnish the requested information or to comply~~. For all programs, verifications are due ten calendar days from the date of written request or the interview, or 30 days from the date of application, whichever is later. In cases where the applicant must provide medical information, the return due date is 30 calendar days following the written request or the interview, or 30 days from the date of application, whichever is later. If the due date falls on a holiday or weekend, the deadline is the next working day. If the applicant does not provide required verifications or information by the deadline date the application will be denied, unless the applicant requests an extension or there are extenuating circumstances justifying an additional extension. The eligibility specialist makes the decision of whether to grant the request for extension. When the applicant provides all required information or verification, the eligibility specialist determines eligibility for the public assistance programs. If the eligibility criteria are met, benefits are authorized.

(3) The Department conducts phone or face-to-face interviews with applicants/recipients or their authorized/designated representatives when required for the application or complete eligibility review process. The Department conducts face-to-face interviews upon request in the ACCESS Florida office, the applicant's/recipient's home, or other agreed upon location. The applicant/recipient or their authorized/designated representative must keep the interview appointment or reschedule the missed appointment. The Department mails a notice of missed interview to food stamp households who miss an interview.

(8) The following forms, incorporated by reference, can be used in the eligibility determination process: Verification of Employment/Loss of Income, CF-ES 2620, 05/2010 ~~03/2009~~; Verification of Dependent Care Expenses, CF-ES 2621, 03/2010; Verification of Shelter Expenses, CF-ES 2622, 03/2010; School Verification, CF-ES 2623, 10/2005; and Work Calendar, CF-ES 3007, 10/2005. Copies of materials incorporated by reference are available from the ACCESS Florida Headquarters Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700 or on the Department's web site: at <http://www.dcf.state.fl.us/dcf/forms/Search/DCFFormSearch.aspx>. The CF-ES 2353 is available on the Department's web site at <http://www.myflorida.com/accessflorida/>.

Rulemaking Authority 409.919, 414.095, 414.45 FS. Law Implemented 409.903, 409.904, 409.919, ~~410.033~~, 414.045, 414.095, 414.31, 414.41 FS. History—New 4-9-92, Amended 11-22-93, 8-3-94, Formerly 10C-1.205, Amended 11-30-98, 9-27-00, 7-29-01, 9-12-04, 9-11-08, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NO.: RULE TITLE:
65C-13.030 Standards for Licensed Out-of-Home Caregivers
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 9, March 5, 2010, first notice of change published in Vol. 36, No. 16, April 23, 2010 issue of the Florida Administrative Weekly.

65C-13.030(1) through 65C-13.030(5)(h)5., F.A.C. – No change.

65C-13.030(5)(h)6., F.A.C. is changed to read:

6. Storage of guns shall comply with the requirements in Section 790.174, F.S., and all agencies shall, as a part of the home study process, require applicants to sign CF-FSP 5343, Acknowledgement of Firearms Safety Requirements, effective March 2010, which is hereby incorporated by reference and available online at www.dcf.state.fl.us/publications/; If an agency receives a public records request after the promulgation of this rule; identifying information such as; caliber of guns owned, number of guns owned or place of storage of guns, must be redacted. A copy of the form is also available upon request by contacting the Office of Family Safety, at 1317 Winewood Boulevard, Tallahassee, Florida 32399.

65C-13.030(5)(h)7. through 65C-13.030(5)(k)2., F.A.C. – No change.

History Notes: The words following the history notes published in the printed version of the Florida Administrative Weekly are unnecessary and deleted as follows:

~~DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 5, 2010~~

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:
69B-215.080 Immigration Bonds
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

A general lines ~~(2-20)~~ agent license is required in order to transact surety bond business, including immigration bonds, in the State of Florida. A general lines agent license does not

qualify the licensee to transact bail bond business. The general lines agent licensee must also be properly appointed by the surety as required by Sections 626.112 and 626.331, F.S. the Florida Insurance Code.

Rulemaking Authority 624.308(1), 648.26(1) FS. Law Implemented 626.015(5), 626.112, 626.307, 626.331, 626.611(13), 626.621(2), 626.7315(7), 648.24, 648.30 FS. History—New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.: RULE TITLE:
69B-221.006 Immigration Bonds Exclusion
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

The term “limited surety agent” does not include an individual authorized to transact immigration bond business. A limited surety (bail bond) ~~(2-34)~~ agent license is required to transact bail bond business in the State of Florida, but it does not qualify the licensee to transact business involving other types of surety bonds, including immigration bonds.

Rulemaking Authority 624.308(1), 648.26(1) FS. Law Implemented 624.307, 626.7315(7), 648.24, 648.25(5), 648.27, 648.279, 648.30, 648.45(2)(j), (3)(c) FS. History—New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker’s Compensation

RULE NO.: RULE TITLE:
69L-6.012 Notice of Election to be Exempt
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. 35, No. 37, September 18, 2009 issue of the Florida Administrative Weekly.

69L-6.012 Notice of Election to be Exempt.

(1) through (14) No change.

(15)(a) If a corporation that is engaged in the non-construction industry and named on a Certificate of Election to be Exempt becomes dissolved or inactive, the Certificate(s) of Election to be Exempt shall be revoked, as provided in Section 440.05, F.S. In addition, if at any time the person named on a Certificate of Election to be Exempt for a corporation engaged in the non-construction industry no longer meets the requirements for issuance of the certificate, such Certificate of Election to be Exempt shall be revoked, as provided in Section 440.05, F.S. If a Certificate of Election to be Exempt is revoked pursuant to Section 440.05, F.S., the revocation date is the date that the corporation becomes dissolved or inactive or the date the Department determines the person named on the Certificate of Election to be Exempt no longer meets the requirements for issuance of the certificate.

~~Dissolution of the corporation or limited liability company named on the Certificate of Election to be Exempt (DWC 252) or the person named on the Certificate of Election to be Exempt no longer being a corporate officer or member of the corporation or limited liability company listed on the Certificate of Election to be Exempt will result in initiation of proceedings by the Department to revoke the Certificate of Election to be Exempt.~~

(b) A corporation that is named on any Certificate of Election to be Exempt that is revoked pursuant to Section 440.05, F.S., shall have 30 days from the date of the revocation within which to petition the Department to review the revocation or in the alternative, file a notice of appeal pursuant to Section 120.68, F.S. and Rule 9.110, Florida Rules of Appellate Procedure.

The remainder of the rule reads as previously published.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19ER10-1	Reimbursement Contract
19ER10-2	Procedures to Determine Ineligibility for Participation in the Florida Hurricane Catastrophe Fund and to Determine Exemption from Participation in the Florida Hurricane Catastrophe Fund due to Limited Exposure
19ER10-3	Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.
19ER10-4	Insurer Reporting Requirements
19ER10-5	Insurer Responsibilities

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The 2010 Legislature has passed CS/SB 1460, effective April 15, 2010, which changes the contract year for the Florida Hurricane Catastrophe Fund ("Fund"), makes changes to the Fund's capacity and Insurers' retentions as well as providing additional Fund reporting requirements. This legislation impacts all of the rules listed above and also impacts some of the forms incorporated into these rules. The 2010 hurricane season begins on June 1, 2010; therefore, time is of the essence in getting the rules and incorporated forms

amended and in effect as soon as possible. Emergency Rules are the only way to implement the legislative changes in time for the 2010 hurricane season.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Hurricane Season begins on June 1st and using the Emergency Rule process is the only way to implement the new legislation by June 1st. The emergency rule was authorized at a published meeting open to the public and is posted to the State Board of Administration's web site.

SUMMARY: During the 2009 Legislative session the Fund's Contract Year was changed as follows: The 2010 Contract Year would begin on June 1 and end on December 31st and all years thereafter would begin on January 1 and end on December 31. CS/SB 1460, passed by the 2010 Legislature, changes the Contract Year back to June 1 through May 31st but also adds a new requirement that the annual Reimbursement Contract be adopted each year by February 1st and be executed by the Insurers by March 1st. In addition, CS/SB 1460 freezes the Fund's capacity and the retention and requires the Fund to publish the Fund's maximum statutory adjusted capacity for the mandatory coverage for each contract year, the maximum statutory coverage for any optional coverage and the aggregate retention used to calculate an individual insurer's retention multiples by January 1st of the immediately preceding contract year.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jack E. Nicholson, Chief Operating Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

THE FULL TEXT OF THE EMERGENCY RULE IS:

19ER10-1 (19-8.010) Reimbursement Contract.

(1) through (15) No change.

(16) The reimbursement contract for the 2010-2011 contract year, including all Addenda, required by Section 215.555(4), F.S., which is called Form FHCF-2010K-"Reimbursement Contract" or "Contract" between (name of insurer) (the "Company")/NAIC #() and The State Board of Administration of the State of Florida ("SBA") which administers the Florida Hurricane Catastrophe Fund ("FHCF"), rev. 05/10, as amended, is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2010 through May 31, 2011 ~~December 31, 2010~~.

Rulemaking Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, 5-8-07, 8-13-07, 6-8-08, 9-2-08, 3-30-09, 8-23-09, 3-30-10, 5-11-10.