

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NO.:	RULE TITLE:
1B-30.002	Style and Form for Filing Rules; Certification Accompanying Materials

PURPOSE AND EFFECT: The purpose of the revision is to clarify that no rule should be filed for adoption unless requirements of Chapter 120, Florida Statutes, and other applicable provisions have been certified as satisfied including legislative ratification if required by law. This revision is to conform to provisions in existing law that require certain agencies who propose new rules or revise existing rules that have an economic impact on small businesses to seek legislative ratification by the Florida Legislature prior to the new rule or revisions becoming effective. The Florida Legislature intended during its November 2010 special session to override the veto of SB 1565 (2010). This bill amends Chapter 120, Florida Statutes, to impose and expand the requirement for legislative ratification to any proposed new rule or revision with economic impact on small businesses as may be proposed by any agency.

SUBJECT AREA TO BE ADDRESSED: Clarification of certification form regarding legislative ratification of agency rules.

RULEMAKING AUTHORITY: 20.10(3), 120.54(1)(i)6., 120.54(1)(j), 120.55(1)(d) FS.

LAW IMPLEMENTED: 120.54(1)-(4), (6), 120.55, 403.8055 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: December 13, 2010, 10:00 a.m.

PLACE: Florida Heritage Hall, Department of State, R.A. Gray Building, 500 S. Bronough St., Tallahassee, 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: Eddie Phillips, Department of State, Office of General Counsel, (850)245-6536, email: elphillips@dos.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Liz

Cloud, Program Administrator, Administrative Code and Weekly Section, (850)245-6271; lcloud@dos.state.fl.us, or Maria Matthews, Assistant General Counsel, Office of General Counsel (850)245-6536; mimatthews@dos.state.fl.us, Florida Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing (Formerly 1C)

RULE NO.:	RULE TITLE:
5N-1.130	Firearms

PURPOSE AND EFFECT: Describe the parameters for carrying firearms for class "G" licensees.

SUBJECT AREA TO BE ADDRESSED: Firearms.

RULEMAKING AUTHORITY: 493.6103 FS.

LAW IMPLEMENTED: 493.6115 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: Constance M. Crawford, Division Director, Division of Licensing, Department of Agriculture and Consumer Services, P. O. Box 3168, Tallahassee, Florida 32315-3168

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-2.0040	Sanitation Standards in K-12 Private Schools

PURPOSE AND EFFECT: The purpose and effect of this rule development is to adopt sanitation standards for K-12 private schools pursuant to Section 381.006(16), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Sanitation Standards in K-12 Private Schools.

RULEMAKING AUTHORITY: 381.006(16) FS.

LAW IMPLEMENTED: 381.006(6), (16) FS.

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

DATE AND TIME: December 13, 2010, 10:00 a.m. – 12:00 Noon

PLACE: Florida Department of Education, Turlington Building, 325 West Gaines Street, Room 503, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Kooi, Executive Director, Office of Independent Education and Parental Choice, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399; (850)245-0502. To comment on this rule development go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT: <https://app1.fldoe.org/rules/default.aspx>

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.:	RULE TITLE:
6D-6.003	Use of School Facilities and Equipment

PURPOSE AND EFFECT: The purpose of this rule is to establish criteria for the use of school facilities.

SUBJECT AREA TO BE ADDRESSED: Updating policies and procedures.

RULEMAKING AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) 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: Friday, December 10, 2010, 9:00 a.m.

PLACE: Florida School for the Deaf and the Blind, Center for Leadership Development, Moore Hall, 207 North San Marco Avenue, St. Augustine, FL 32084

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Cindy Day, (904)827-2221

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

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.:	RULE TITLE:
6D-8.004	Food Service Policies

PURPOSE AND EFFECT: The purpose of this rule is to establish written policies and procedures for the Food Service program.

SUBJECT AREA TO BE ADDRESSED: Revisions to the Food Services Department Operations Manual.

RULEMAKING AUTHORITY: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) 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: Friday, December 10, 2010, 9:00 a.m.

PLACE: Florida School for the Deaf and the Blind, Center for Leadership Development, Moore Hall, 207 North San Marco Avenue, St. Augustine, FL 32084

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: Cindy Day, (904)827-2221. 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: Cindy Day, (904)827-2221

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."

STATE BOARD OF ADMINISTRATION

RULE NO.:	RULE TITLE:
19-7.002	Investment Policy Statements

PURPOSE AND EFFECT: To adopt the revised Investment Policy Statements approved by the Trustees effective July 1, 2010 for the Local Government Surplus Funds Trust Fund (Non-Qualified) and the Fund B Surplus Funds Trust Fund (Non-Qualified).

SUBJECT AREA TO BE ADDRESSED: Investment Policy Statements for the Local Government Surplus Funds Trust Fund and the Fund B Surplus Funds Trust Fund (Non-Qualified).

RULEMAKING AUTHORITY: 218.412, 218.421(1) FS.

LAW IMPLEMENTED: 218.405(1), (2), (3), (4), 218.409(2), (9), 218.415(17), 218.418, 218.421(2) 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, December 13, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

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: Tina Joanos, Agency Clerk, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1197; tina.joanos@sbafla.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1182; ruth.smith@sbafla.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19-7.002 Investment Policy ~~Statements Guidelines~~.

The Local Government ~~Surplus Funds Trust Fund Investment Pool~~ (Non-Qualified) Investment Policy ~~Statement Guidelines~~, as approved by the Trustees of the State Board of Administration and made effective July 1, ~~2010~~ 2008, is hereby adopted and incorporated by reference. ~~The Fund B Surplus Funds Trust Fund (Non-Qualified) Investment Policy Statement as approved by the Trustees of the State Board of Administration and made effective July 1, 2010, is hereby adopted and incorporated by reference.~~ The Investment Policy ~~Statements Guidelines~~ may be obtained by contacting: State Board of Administration, 1801 Hermitage Blvd., Suite 100, Tallahassee, Florida 32308; Attn.: Local Government Investment Pool Program, or by accessing the sbafla.com website, and clicking on ~~Florida PRIME Local Government Investment Pool under the Related Websites section and then clicking on Investment Policy Guidelines under the Documents section.~~ The Investment Policy Statement for the Local Government Surplus Funds Trust Fund (Non-Qualified) can be obtained under the Risk Management and Oversight section. The Investment Policy Statement for the Fund B Surplus Funds Trust Fund (Non-Qualified) can be obtained under the Fund B section.

Rulemaking Authority 218.412, ~~218.421(1)~~ FS. Law Implemented 218.405(1), (2), (3), (4), 218.409(2), (9), ~~218.415(17), 218.418, 218.421(2)~~ FS. History—New 12-13-09, ~~Amended~~.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-503.001
RULE TITLE: Chaplaincy Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the definition of religious publications and to generally amend for grammatical accuracy.
SUBJECT AREA TO BE ADDRESSED: Chaplaincy Services.

RULEMAKING AUTHORITY: 944.09, 944.11 FS.

LAW IMPLEMENTED: 90.505, 944.09, 944.11, 944.803 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: Kendra Lee Jowers, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-503.001 Chaplaincy Services.

(1) Organization and Functions.

(a) The Chaplaincy Services Section of the Office of ~~Education and Initiatives Classification and Programs~~ is responsible for:

1. Developing and evaluating religious programs throughout the Department,
2. Coordinating all religious activities within the Department,
3. Providing general assistance and guidance to chaplains, and
4. Representing the Department, with the approval of the Secretary, on all religious matters.

(b) The ~~chaplaincy services administrator~~ ~~Chaplaincy Services Administrator~~ is the chief administrative officer of the Chaplaincy Services ~~Section~~ ~~section~~ and directs and coordinates all activities of the section.

(c) The ~~chaplain~~ ~~Chaplain~~ of each institution is directly responsible to the area ~~chaplaincy services~~ ~~Chaplaincy Services~~ specialist and coordinates activities with the institution's security staff. ~~The chaplain~~ ~~He~~ plans, coordinates, and supervises all religious activities and services at the institution and ~~He~~ is responsible for the moral and spiritual well-being of all inmates, including the non-religious.

(2) Policy.

(a) It is the policy of the Department to extend to all inmates the greatest amount of freedom and opportunity for pursuing individual religious beliefs and practices consistent with the security and good order of the institution.

(b) Programs of the Department and activities of the ~~chaplains~~ ~~Chaplains~~ shall be designed to assist inmates in the expansion of their knowledge and understanding of and commitment to the beliefs and principles of their respective religions.

(c) There shall be no discrimination for or against an inmate based on his religious beliefs or practices, but:

1. An inmate's religious practices may be relevant to an assessment of his adjustment and progress toward rehabilitation; and

2. Religious beliefs do not justify violation of Department or institutional rules and regulations.

(3) Religious Services and Rituals.

(a) All religious services, rituals, or activities at the institution shall be conducted or supervised by the ~~chaplain~~ ~~Chaplain~~ or other employee or regular service volunteer.

(b) Participation in or attendance at any religious program, service, or activity is voluntary.

(c) In the interest of security, order, or effective management of the institution, the warden may limit the number of religious services or activities inmates may attend per week. When it is considered necessary for security or good order of the institution, the warden may limit attendance at or discontinue completely a religious service or activity. The warden may not restrict or allow the religious group itself to restrict attendance at or participation in a religious service or activity on the basis of race, color, or nationality. Inmates are allowed to visit religious services other than their own so long as the services are not scheduled by call-out, the inmate visits the religious service during his own free time, and the inmate does not provoke disruption of the service. The volunteer clergy or religious leader is authorized to limit participation in specific sacraments to members of the faith according to the faith tradition. Inmates attending a religious service or activity may be required to sign an attendance record.

(d) Appropriate liturgical apparel, such as skull caps, head shields, and prayer shawls, may be worn during a religious activity.

(e) Rituals of specific faiths or denominations may be conducted when appropriate facilities are available. If no institutional facilities are available, the warden may authorize ritual services outside the institution when security procedures permit.

(f) The warden, ~~Officer in Charge~~, or his designee may authorize the introduction into the institution of altar or sacramental wine to be used in a sectarian or interfaith service when the use of such wine is deemed essential to the observance of the service. Only the quantity needed for a specific service may be brought into the institution. Storage of wine for use in future services shall not be permitted. In every instance, the control of such elements shall be the responsibility of the institution ~~chaplain~~ ~~Chaplain~~.

(g) Inmates in the general population may transport the following items for individual worship, as defined in Rule 33-602.201, F.A.C., from their assigned cells or individual sleeping areas to the institutional chapel or other designated program area for the purpose of participating in a scheduled religious program, service, or activity for which the item is necessary or appropriate, as determined by the ~~chaplain~~ ~~Chaplain~~:

1. Jewish – prayer shawl;
2. Muslim – prayer rug;
3. Asatru or Odinism – runes and accompanying cloth bag;
4. Greek Orthodox – prayer rope;
5. Buddhist – black or brown Rakusu.

(4) The ~~chaplain~~ ~~Chaplain~~ shall develop and conduct a program of religious education at the institution.

(5) The ~~chaplain~~ ~~Chaplain~~ shall be available to counsel all inmates, regardless of their classification or status, ~~and~~. ~~He~~ shall have access to all areas of the institution.

(6) The ~~chaplain~~ ~~Chaplain~~ shall be authorized to maintain written communication with inmates where the inmate and the ~~chaplain~~ ~~Chaplain~~ have been at the same institution, at the same time, and either the inmate or the ~~chaplain~~ ~~Chaplain~~ has transferred to another Florida Department of Corrections institution under the following conditions:

(a) The written communication must fall within the scope of clergy professional standards (i.e., provides spiritual direction, advice, counsel, or encouragement).

(b) Consistent with the effective management and order of the institution, the ~~chaplain~~ ~~Chaplain~~ maintaining written communication with an inmate at another Florida Department of Corrections institution must inform the ~~chaplain~~ ~~Chaplain~~ at the inmate's current institutional location.

(7) A communication to a ~~chaplain~~ ~~Chaplain~~ from an inmate, if made privately for the purpose of seeking moral or spiritual counsel and advice from the ~~chaplain~~ ~~Chaplain~~ in his capacity as ~~chaplain~~ ~~Chaplain~~, is privileged. The ~~chaplain~~ ~~Chaplain~~ shall not disclose any part of such communication without the inmate's consent except when necessary to prevent a crime or to protect the life or safety of any person or the security of the institution.

(8) The ~~chaplain~~ ~~Chaplain~~ shall not attempt to influence an inmate to change his religious preference or faith.

(9) The ~~chaplain~~ ~~Chaplain~~ shall be available to provide moral and spiritual counseling to employees.

(10) An effort shall be made, consistent with the security, order, and effective management of the institution, to arrange work assignments and schedules to accommodate the beliefs and practices of inmates whose religion requires them to abstain from work on religious holy days.

(11) Activities should be scheduled to allow each inmate an opportunity to participate in religious programs and activities of his choice consistent with the security, order, and effective management of the institution.

(12) Inmates who wish to observe religious dietary laws shall be provided a diet sufficient to sustain them in good health without violating those dietary laws. Exceptions may be made only in unusual cases where providing a special diet would:

- (a) Require exceeding budgetary allowances,
- (b) Create a threat to the security, order, or effective management of the institution, or
- (c) Amount to unjustified special treatment of inmates receiving the special diet.
- (d) The institution shall prepare and identify food so that those inmates who wish to abstain from eating pork or pork products may do so.

(e) The ~~chaplain~~ Chaplain shall advise the institutional officials in charge of ~~food services~~ Food Services on all matters relating to the implementation of this subsection.

(13) Religious Publications.

(a) Inmates shall have access to religious publications through the chapel or institutional library or as provided through the ~~chaplain~~ Chaplain.

(b) The ~~chaplain~~ Chaplain shall assist inmates in obtaining personal copies of religious books and periodicals, subject to rules of the Department of Corrections and the local institution.

(c) Religious publications shall include the following:

- 1. Sacred texts – ~~defined as~~ the primary religious documents from which the standards of the faith are derived.
- 2. Prayer books – ~~defined as~~ the instructional material, prayers and liturgies for the observation of holy rituals, services and personal devotion;
- 3. Devotional literature – ~~defined as~~ religious commentary, religious calendars, personal instruction in the faith, and sermon type material.

Rulemaking Authority 944.09, 944.11 FS. Law Implemented 90.505, 944.09, 944.11, 944.803 FS. History—New 1-6-82, Formerly 33-3.14, 33-3.014, Amended 10-18-01, 1-9-03, 2-25-08, 9-22-08, 1-25-10, _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-5.014	License Application, Change of Ownership, and Provisional Licenses
58A-5.015	License Renewal and Conditional Licenses
58A-5.019	Staffing Standards
58A-5.024	Records
58A-5.033	Administrative Enforcement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to delete specific language regarding licensure and background screening requirements. These specific requirements are included under the Agency for Health Care Administration’s (AHCA) core licensure and background screening statutes and rules, which are referenced in these rule amendments.

SUBJECT AREA TO BE ADDRESSED: These rule amendments delete specific language regarding licensure and background screening requirements, which are included under AHCA’s core licensure and background screening statutes and rules.

RULEMAKING AUTHORITY: 429.07, 429.275, 429.41, 429.42, 429.52 FS.

LAW IMPLEMENTED: 429.02, 429.04, 429.07, 429.075, 429.08, 429.11, 429.12, 429.14, 429.17, 429.174, 429.19, 429.24, 429.256, 429.26, 429.27, 429.275, 429.28, 429.34, 429.35, 429.41, 429.44, 429.445, 429.47, 429.52 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: December 14, 2010, 9:30 a.m. – 10:30 a.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, FL 32399-7000

IF NOT REQUESTED IN WRITING BY DECEMBER 8, 2010, A RULE DEVELOPMENT WORKSHOP WILL NOT BE CONDUCTED.

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000; Telephone number: (850)414-2113; Email address: crocethj@elderaffairs.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000; Telephone number: (850)414-2113; Email address: crocethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-5.014 License Application, Change of Ownership, and Provisional Licenses.

(1) LICENSE APPLICATION. An applicant for a standard assisted living facility (ALF) license, or a limited mental health (LMH), extended congregate care (ECC), or limited nursing services (LNS) license should be aware that he or she may obtain a license application package from the Agency Central Office, pursuant to Rule 59A-35.060, F.A.C.

(a) The completed application shall be signed, under oath, by an owner (or corporate officer if the owner is a corporation), the administrator, or an individual designated in writing by an owner or corporate officer, who is at least 18 years old. The applicant must be aware that a complete application package consists of shall include the following:

1. Application forms pursuant to Rule 59A-35.060, F.A.C. The Assisted Living Facilities (ALF) License Application, AHCA Form 3110-1008, January 2006, and the Assisted Living Facility Licensure Application Addendum, AHCA Form 3110-1016, January 2006, which are incorporated by reference and can be obtained from the Agency Central Office, with all requested information provided as specified in Section 429.11(3), F.S.

2. Proof of financial ability to operate pursuant to Rule 59A-35.062, F.A.C. An assets and liabilities statement, or AHCA Form 3180-1003, January 1998, which is incorporated by reference. The assets and liabilities statement shall include information about the assets available to cover claims against the owner and administrator and to demonstrate that the applicant has the financial ability to operate.

3. No change.

4. If the proposed facility will be part of a continuing care retirement community, a copy of the Certificate of Authority to offer continuing care agreements issued pursuant to Chapter 651, F.S. The certificate may be used in lieu of fiscal documentation specified in subparagraphs 2. and 3. of this subsection.

5. No change.

6. For applicants anticipating a licensed capacity of 14 or fewer residents and located in an area zoned single-family or multi-family, documentation of compliance with the community residential home requirements specified in Chapter 419, F.S., obtained from the Department of Children and Families Family Services' district community residential home coordinator. If not located in an area zoned single-family or multi-family, Local Zoning Form, AHCA Form 3180-1021, Local Zoning Form, September 1996, which is incorporated by reference, or a letter signed by from the local zoning authority; signed by the county zoning official, which states that the applicant is in compliance with local zoning ordinances, must be submitted.

~~7. Proof of legal right to occupy the property which may include copies of recorded deeds, or copies of lease or rental agreements, contracts for deeds, quitclaim deeds, or other such documentation.~~

~~7.8. Documentation of a satisfactory fire safety inspection conducted by the local authority having jurisdiction over fire safety or by the State Fire Marshal.~~

~~8.9. Documentation of a satisfactory sanitation inspection by the county health department.~~

~~9.10. Documentation of background screening pursuant to Section 429.174, F.S., and Rule 59A-35.090, F.A.C. For each person specified in Section 429.174(1), F.S.:~~

~~a. A set of fingerprints obtained from the nearest available local law enforcement agency on the fingerprint card provided by the Agency; and~~

~~b. A check or money order to cover the cost of screening.~~

~~11. In lieu of the requirements of subparagraph 10., the following may be substituted: proof of compliance with the Level 2 background screening requirements of Section 435.04, F.S., conducted within the last five (5) years pursuant to a facility or professional license requirement of the Agency or the Department of Health, a copy of the professional or facility license, and an affidavit of current compliance with Level 2 background screening standards. For owners, administrators, and financial officers of continuing care retirement communities, proof of compliance with the background screening requirements of Rule 69O-193.060, F.A.C., conducted within the last five (5) years, may be substituted.~~

~~10.12. A copy of any surety bond required pursuant to Rule 58A-5.021, F.A.C.~~

~~11.13. A copy of the proposed facility's floor plan indicating those areas to be licensed as an assisted living facility and, if applicable, the distinct part to be licensed as an extended congregate care facility if the entire assisted living facility is not to be so licensed.~~

~~12.14. Certificates of Occupancy shall be required from authorities charged with seeing that new buildings or renovations to existing buildings comply with state and local building codes. This must be provided at the time of the agency survey.~~

~~(b) If the Agency Central Office delivers a letter notifying the applicant of apparent errors or omissions in the application, then the applicant must respond with the required information no later than twenty one (21) days from the date of the Agency's one omission letter. If the required information is not received by the Agency within the twenty one (21) day timeframe, the Agency shall deem the application incomplete and shall issue a notice of intent to deny the application.~~

~~(b)(e) An applicant for a limited mental health, extended congregate care, or limited nursing services license must concurrently apply for, or hold, a standard license and in addition, must comply; in addition, with the applicable~~

requirements of Rules 58A-5.029, 58A-5.030, and 58A-5.031, F.A.C., respectively. These specialty licenses shall only be issued to a facility holding a standard license.

~~(c)(4)~~ Pursuant to Chapter 408, Part II, F.S., and Rule 58A-35.060, F.A.C., ~~t~~the applicant should be aware that the application package must shall be submitted to the Agency Central Office and be accompanied by a license fee ~~in the form of a check or money order payable to the State of Florida.~~ The license fee shall be in accordance with Section 429.07, F.S. With respect to the fee per bed required for a standard license, the number of OSS recipients claimed shall be the average number per month residing in the facility during the previous license period. An additional per bed charge shall be added to the bed fee for facilities whose average number of OSS residents per month was less than the number of beds designated for OSS recipients during the previous license period.

~~1. The fee for any special license shall be in addition to the standard license fee required by statute. When a special license is requested during a facility's standard license period, the fee will be prorated so that the special license will expire at the same time as the facility's standard license.~~

~~2. One check or money order can be submitted to cover all license fees and background screening costs.~~

~~3. For checks returned from the applicant's bank for whatever reason, the agency shall add to the amount due a service fee of \$20 or 5 percent of the face amount of the check, whichever is greater, up to a maximum charge of \$200.~~

~~(e) Upon submission of all documentation required under this subsection and fees, and notification to the Agency Field Office that the applicant is ready for survey, the Field Office shall conduct a survey of the facility in accordance with Section 429.28(3), F.S.~~

(2) CHANGE OF OWNERSHIP (CHOW).

~~(a) ALF providers should be aware that a change of ownership must comply with Chapter 408, Part II, F.S. and Rule 59A-35.070, F.A.C. Pursuant to Section 429.12, F.S., the transferor shall notify the agency in writing, at least 60 days prior to the date of transfer of ownership.~~

~~(b) Completed applications shall be filed with the Agency by the transferee at least 60 days before the date of transfer of ownership as required by Section 429.12, F.S., and must include the information and fees required under subsection (1) of this rule. An application package for a change of ownership of a currently licensed facility is available from the Agency Central Office.~~

~~(b)(e) At the time of transfer of ownership, all resident funds on deposit, advance payments of resident rents, resident security deposits and resident trust funds held by the current licensee shall be transferred to the applicant. Proof of such transfer shall be provided to the agency at the time of the agency survey and prior to the issuance of a standard license.~~

This provision does not apply to entrance fees paid to a continuing care facility subject to the acquisition provisions in Section 651.024, F.S.

1. through 2. No change.

~~(c)(4)~~ The current resident contract on file with the facility shall be considered valid until such time as the transferee is licensed and negotiates a new contract with the resident.

~~(d)(e)~~ Failure to apply for a change of ownership of a licensed facility as required by Section 429.12, F.S., shall result in a fine levied by the Agency pursuant to Section 429.19, F.S.

~~(f) During a change of ownership, the owner of record is responsible for ensuring that the needs of all residents are met at all times in accordance with Part III of Chapter 400, F.S., and this rule chapter.~~

~~(g) If applicable, the transferor shall comply with Section 408.831(2), F.S., prior to Agency approval of the change of ownership application.~~

(3) PROVISIONAL LICENSE.

ALF providers should be aware that a provisional license may be issued pursuant to Section 408.808(2), F.S., and Rule 59A-35.080, F.A.C.

~~(a) The agency shall issue a provisional license to an applicant making an initial application for a standard license or who has filed a completed application for a change of ownership, if the applicant has met all other licensing requirements and is:~~

~~1. Waiting for the receipt of Federal Bureau of Investigation background screening results; or~~

~~2. Waiting for a response to a request for an exemption from the background screening standards listed in Section 435.03 or 435.05, F.S., as applicable, provided that the exemption from disqualification request is for: felonies committed more than 10 years ago; misdemeanors, including offenses that were felonies when committed but are now misdemeanors; findings of delinquency; and acts of domestic violence committed more than 5 years ago.~~

~~(b) A provisional license issued pursuant to an initial application for license shall not be considered equivalent to a standard license for the purposes of issuing a limited mental health, extended congregate care, or limited nursing services license.~~

~~(c) A provisional license issued pursuant to a change of ownership application shall be considered equivalent to a standard license for the purpose of issuing a limited mental health, extended congregate care, or limited nursing services license.~~

~~(d) A provisional license shall be issued for a specific period of time as determined by the agency provided such time is not less than 1 month nor for more than 6 months.~~

~~(4) LICENSE DENIAL. Owners denied a license shall be notified by the agency of their right to appeal the denial, the remedies available, and the time limit for requesting such remedies as provided under Part II of Rule Chapter 59-1, F.A.C. and Chapter 120, F.S.~~

~~Rulemaking Specific Authority 429.07, 429.41 FS. Law Implemented 429.02, 429.04, 429.07, 429.08, 429.11, 429.12, 429.174, 429.27, 429.275, 429.41, 429.44, 429.445, 429.47 FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.14, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.014, Amended 10-30-95, 4-20-98, 10-17-99, 7-30-06,_____.~~

58A-5.015 License Renewal and Conditional Licenses.

~~(1) LICENSE RENEWAL. ALF providers should be aware that a license renewal must be in accordance with Chapters 408, Part II, and 429, Part I, F.S., this rule and Rule Chapter 59A-35, F.A.C. Every two years, the Agency Central Office shall provide applications for license renewal, either electronically or my mail, to licensees no less than 120 days prior to the expiration of the current license. Applications shall be postmarked or hand delivered to the Agency a minimum of 90 days prior to the expiration date appearing on the currently held license. Failure to file a timely application shall result in a late fee charged to the facility as described in Section 429.17, F.S.~~

~~(a) In addition to the requirements in Chapter 408, Part II, F.S. and Rule Chapter 59A-35, F.A.C., aAll applicants for renewal of a license must shall submit the following:~~

~~1. An Assisted Living Facilities (ALF) License Application AHCA Form 3110 1008, January 2006 and the Assisted Living Facility Licensure Application Addendum, AHCA Form 3110 1016, January 2006, completed as required under Rule 58A 5.014, F.A.C.~~

~~2. Proof of liability insurance as required by Rule 58A 5.021, F.A.C.~~

~~1.3. A copy of the annual fire safety inspection conducted by the local authority having jurisdiction over fire safety or the State Fire Marshal. Documentation of a satisfactory fire safety inspection shall be provided at the time of the agency's biennial survey.~~

~~2.4. A copy of the annual sanitation inspection by the county health department. Documentation of a satisfactory sanitation inspection shall be provided at the time of the agency's biennial survey.~~

~~5. An affidavit of current compliance with level 1 and 2 background screening conducted pursuant to Section 429.174, F.S.~~

~~3.6. A copy of any surety bond or continuation bond required by Rule 58A-5.021, F.A.C.~~

~~4.7. A copy of the facility's floor plan if different from the previous application.~~

~~(b) If the Agency Central Office delivers a letter notifying the applicant of apparent errors or omissions in the application, then the applicant must respond with the required information~~

~~no later than twenty-one (21) days from the date of the Agency's one omission letter. If the required information is not received by the Agency within the twenty-one (21) day time frame, the Agency shall deem the application incomplete and shall issue a notice of intent to deny the application.~~

~~(e) Applicants for renewal of a license shall not be required to provide proof of financial ability to operate unless the facility or any other facility owned or operated in whole or part by the same owner or business entity has demonstrated financial instability as described in Rule 58A 5.021, F.A.C.~~

~~(b)(d) Applicants for renewal of licenses shall remit license fees as required by Section 429.07, F.S., and Rule 58A-5.014, F.A.C. With respect to the fee per bed required for a standard license, the number of OSS recipients claimed shall be the average number per month residing in the facility during the previous license period. An additional per bed charge shall be added to the bed fee for facilities whose average number of OSS residents per month was less than the number of beds designated for OSS recipients during the previous license period.~~

~~(2) CONDITIONAL LICENSE. Except as provided under Section 429.14, F.S., the agency shall issue a conditional license to a facility if, at the time of license renewal the facility is found to have uncorrected violations which the facility has had an opportunity to correct.~~

~~(a) The issuance of a conditional license shall be contingent upon agency approval of a written plan of correction which includes corrective steps that will be taken to eliminate the deficiencies and a timetable for correction of the deficiencies by the expiration date of the conditional license.~~

~~(a)(b) A conditional license shall be issued by the agency only for that time period necessary to comply with applicable licensing standards and complete license renewal procedures, but not to exceed 6 months.~~

~~(b)(e) A conditional license shall be revoked if subsequent follow-up surveys by the agency indicate that necessary progress has not been made toward compliance with applicable licensing standards.~~

~~(c)(d) The issuance of a conditional license does not change the biennial license expiration date.~~

~~(3) LICENSE DENIAL. Pursuant to Section 429.14, F.S., agency notice of license denial following a renewal application shall be posted and visible to the public at the facility.~~

~~(a) Applicants denied a license shall be notified by the agency of their right to appeal the denial, the remedies available, and the time limit for requesting such remedies as provided under Part II of Rule Chapter 59-1, F.A.C. and Chapter 120, F.S.~~

~~(b) Pursuant to Section 429.14, F.S., agency notice of license denial following a renewal application shall be posted and visible to the public at the facility.~~

~~Rulemaking Specific Authority 429.41 FS. Law Implemented 429.02, 429.04, 429.07, 429.11, 429.14, 429.17, 429.174, 429.27, 429.275, 429.41, 429.47 FS. History–New 10-17-99, Amended 7-30-06,_____.~~

58A-5.019 Staffing Standards.

(1) ADMINISTRATORS. Every facility shall be under the supervision of an administrator who is responsible for the operation and maintenance of the facility including the management of all staff and the provision of adequate care to all residents as required by Part I of Chapter 429, F.S., and this rule chapter.

(a) The administrators shall:

1. through 2. No change.

3. Be in compliance with Level 2 background screening standards pursuant to Section 429.174, F.S., and be aware of the requirements of Rule 59A-35.090, F.A.C.; and

4. No change.

(b) Administrators may supervise a maximum of either three assisted living facilities or a combination of housing and health care facilities or agencies on a single campus. However, administrators, who supervise more than one facility, shall appoint in writing a separate “manager” for each facility who must:

1. through 2. No change.

(c) Pursuant to Section 429.176, F.S., facility owners shall notify both the Agency Field Office and Agency Central Office prior to within ten (10) days of a change in a facility administrator on the Notification of Change of Administrator, AHCA Form 3180-1006, January 2006, which is incorporated by reference and may be obtained from the Agency Central Office. ~~The Agency Central Office shall conduct a background screening on the new administrator in accordance with Section 429.174, F.S., and Rule 58A-5.014, F.A.C.~~

(2) No change.

(3) BACKGROUND SCREENING.

ALF providers must comply with Section 429.174, F.S., and be aware of the requirements of Rule 59A-35.090, F.A.C., both pertaining to background screening requirements.

~~(a) All staff who are hired on or after October 1, 1998, to provide personal services to residents, must be screened in accordance with Section 429.174, F.S., and meet the screening standards of Section 435.03, F.S. A packet containing background screening forms and instructions may be obtained from the Agency Background Screening Unit, 2727 Mahan Drive, Tallahassee, FL 32308; telephone (850)410-3400. Within ten (10) days of an individual’s employment, the facility shall submit the following to the Agency Background Screening Unit:~~

~~1. A completed Level 1 Criminal History Request, AHCA Form 3110-0002, July 2005, which is incorporated by reference and may be obtained in the screening packet referenced in paragraph (3)(a) of this rule; and~~

~~2. A check to cover the cost of screening.~~

~~(b) The results of employee screening conducted by the agency shall be maintained in the employee’s personnel file.~~

~~(c) Staff with the following documentation in their personnel records shall be considered to have met the required screening requirement:~~

~~1. A copy of their current professional license, proof that a criminal history screening has been conducted, and an affidavit of current compliance with Section 435.03, F.S.;~~

~~2. Proof of continuous employment in an occupation which requires Level 1 screening without a break in employment that exceeds 180 days, and proof that a criminal history screening has been conducted within the previous two (2) years; or~~

~~3. Proof of employment with a corporation or business entity or related entity that owns, operates, or manages more than one facility or agency licensed under Chapter 400, F.S., that conducted Level 1 screening as a condition of initial or continued employment.~~

(4) No change.

Rulemaking Authority 429.41, 429.52, 429.275 FS. Law Implemented 429.02, 429.174, 429.24, 429.275, 429.41, 429.52 FS. History–New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.19, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.019, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 4-15-10,_____.

58A-5.024 Records.

The facility shall maintain the following written records in a form, place and system ordinarily employed in good business practice and accessible to Department of Elder Affairs and Agency staff.

(1) No change.

(2) STAFF RECORDS.

(a) Personnel records for each staff member shall contain, at a minimum, a copy of the original employment application with references furnished and verification of freedom from communicable disease including tuberculosis. In addition, records shall contain the following, as applicable:

1. through 2. No change.

3. Documentation of compliance with level 2 + background screening for all staff subject to screening requirements as required under Section 429.174, F.S. and Rule 58A-5.019, F.A.C.

4. through 5. No change.

(b) through (c) No change.

(3) through (4) No change.

Rulemaking Specific Authority 429.41, 429.275 FS. Law Implemented 429.07, 429.075, 429.24, 429.27, 429.275, 429.28, 429.35, 429.41 FS. History–New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.24, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.024, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 10-9-06,_____.

58A-5.033 Administrative Enforcement.

Facility staff shall cooperate with Agency personnel during surveys, complaint investigations, monitoring visits, implementation of correction plans, license application and renewal procedures and other activities necessary to ensure compliance with Part I of Chapter 429, F.S., and this rule chapter.

(1) through (2) No change.

(3) SURVEY DEFICIENCY.

(a) Prior to or in conjunction with a notice of violation issued pursuant to Section 429.19 and Chapter 120, F.S., the agency shall issue a statement of deficiency for Class I, II, III, and IV violations which are observed by Agency personnel during any inspection of the facility. The deficiency statement shall be issued within ten (10) working days of the Agency’s inspection and shall include:

1. No change.

2. A citation to the statute or rule violated; and

3. No change.

~~4. A request for a plan of correction which shall include time frame for correction of the deficiency; and~~

~~5. A description of the administrative sanction that may be imposed if the facility fails to correct the deficiency within the established time frame.~~

(b) No change.

~~(c) The facility’s plan of correction must be received by the agency within 10 working days of receipt of the deficiency statement and is subject to approval by the agency.~~

(4) through (5) No change.

Rulemaking Authority 429.41, 429.42 FS. Law Implemented 429.07, 429.08, 429.11, 429.12, 429.14, 429.17, 429.19, 429.256, 429.26, 429.27, 429.28, 429.34, 429.41, 429.42 FS. History–New 9-30-92, Formerly 10A-5.033, Amended 10-30-95, 10-17-99, 1-9-02, 7-30-06, 4-15-10,_____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.:

RULE TITLE:

58A-6.003

Licensure Application Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to delete specific language regarding licensure and background screening requirements. These specific requirements are included under the Agency for Health Care Administration’s (AHCA) core licensure and background screening statutes and rules, which are referenced in these rule amendments.

SUBJECT AREA TO BE ADDRESSED: These rule amendments delete specific language regarding licensure and background screening requirements, which are included under AHCA’s core licensure and background screening statutes and rules.

RULEMAKING AUTHORITY: 429.929 FS.

LAW IMPLEMENTED: 429.909, 429.913(1)(b), 429.919, 429.929 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: December 14, 2010, 12:30 p.m. – 1:00 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, FL 32399-7000

IF NOT REQUESTED IN WRITING BY DECEMBER 8, 2010, A RULE DEVELOPMENT WORKSHOP WILL NOT BE CONDUCTED.

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000; Telephone number: (850)414-2113; Email address: crochethj@elderaffairs.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000; Telephone number: (850)414-2113; Email address: crochethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-6.003 Licensure Application Procedures.

(1) All adult day care centers, as defined in Section 429.901, F.S., shall be licensed by the Agency for Health Care Administration (AHCA), unless otherwise exempt as provided in Sections 429.905 and 429.907(4), F.S., as listed below:

~~(a) Any facility, institution, or other place that is operated by the federal government or any agency thereof.~~

~~(b) A licensed assisted living facility, licensed hospital, or licensed nursing home facility which does not hold itself out to the public as an adult day care center.~~

~~(2) In accordance with Section 429.907(4), F.S., county operated or municipally operated centers applying for licensure under this part shall be exempt from the payment of license fees.~~

~~(2)(3)~~ An applicant for an adult day care center license should be aware that (The Agency shall only grant a biennial license to the an applicant center if it is in compliance with the minimum standards set forth in Chapters 408, Part II and 429, Part III, F.S., this rule, and Rule 59A-35.060, F.A.C.

~~(4) A license issued for the operation of a center, unless sooner suspended or revoked, shall expire two years from the date of issuance.~~

~~(3)(5) Owners or operators of adult day care centers subject to licensure should be aware that they should shall submit a completed application package for a license pursuant to Rule 59A-35.060, F.A.C. through the Agency for Health Care Administration, 2727 Mahan Dr., Tallahassee, FL 32308. The Licensure Application for Adult Day Care Center, ADCC Form 1, dated December 2003, which is incorporated by reference, may be obtained from the Agency for Health Care Administration, Adult Day Care Program, 2727 Mahan Drive, Tallahassee, Florida 32308. The application package may be also obtained from the AHCA Website at: http://ahca.myflorida.com/MCHQ/Long_Term_Care/Assisted_living/adcc.shtml. In addition to the documents required pursuant to Rule 59A-35.060, F.A.C., the applicant should be aware that a complete application package must include the following Attached to the application shall be:~~

~~(a) A check or money order made payable to the AHCA for Prepayment of the licensure fee to the Agency for Health Care Administration in the amount of. The biennial licensure fee shall be \$150 per center. Each separate premise shall be licensed as a separate facility, requiring an additional license fee.~~

~~(b) No change.~~

~~(c) Proof of compliance with background screening requirements pursuant to Sections 408.809 and 429.919, F.S., and Rule 59A-35.090, F.A.C.~~

~~(4)(6) The agency shall notify a licensee electronically or by mail delivery at least 120 days before the expiration date of the center's license. Applications for relicensure must be submitted to the agency at least 90 days before the expiration date of the existing license. Failure to file a timely renewal application will result in a fine of \$75.00 pursuant to Section 429.913(1)(b), F.S., being assessed against the center.~~

~~(7) The AHCA shall schedule and conduct an assessment and evaluation survey of the applicant center, in accordance with this rule chapter.~~

Rulemaking Specific Authority 429.929 FS. Law Implemented 408.809, 429.909, 429.913(1)(b), 429.919, 429.929, 435.04(5) FS. History--New 7-8-81, Amended 2-27-84, Formerly 10A-6.03, 10A-6.003, 59A-16.003, Amended 11-9-95, 3-29-98, 10-23-01, 2-19-04, 6-16-08,_____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-14.003	License Application, Renewal and Conditional Licenses
58A-14.008	Staff Qualifications, Responsibilities and Training

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments are to delete specific language regarding licensure and background screening requirements. These specific requirements are included under the Agency for Health Care Administration's (AHCA) core licensure and background screening statutes and rules, which are referenced in these rule amendments.

SUBJECT AREA TO BE ADDRESSED: These rule amendments delete specific language regarding licensure and background screening requirements, which are included under AHCA's core licensure and background screening statutes and rules.

RULEMAKING AUTHORITY: 429.67, 429.69, 429.71, 429.73, 429.75 FS.

LAW IMPLEMENTED: 429.67, 429.69, 429.71, 429.73, 429.75 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: December 14, 2010, 11:00 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, FL 32399-7000

IF NOT REQUESTED IN WRITING BY DECEMBER 8, 2010, A RULE DEVELOPMENT WORKSHOP WILL NOT BE CONDUCTED.

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000; Telephone number: (850)414-2113; Email address: crochetj@elderaffairs.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Suite 315, Tallahassee, FL 32399-7000; Telephone number: (850)414-2113; Email address: crochetj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-14.003 License Application, Renewal and Conditional Licenses.

(1) LICENSE APPLICATION.

(a) Any individual desiring to obtain an initial license to operate an adult family-care home should be aware that he or she may obtain a license application package from the Agency Central Office, pursuant to Rule 59A-35.060, F.A.C. shall file an Adult Family Care Home License application, AHCA Form 3180-1022, January 2006, which is incorporated by reference and may be obtained from the Assisted Living Unit, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 30, Tallahassee, Florida 32308-5402, Phone (850)487-2515. The completed application must be signed by the applicant, notarized, and submitted to the Assisted Living Unit at the address cited above. The applicant must be aware that in addition to the requirements included in Chapter 408, Part II, F.S., and Rule 59A-35.060, F.A.C., the complete application package must include shall be accompanied by the following:

1. A completed Level 1 Criminal History Request, AHCA Form 3110-0002, July 2005 for the applicant, each relief person, all adult household members, and all staff. The form is incorporated by reference and available from the Background Screening Unit, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5402, Phone (850)410-3400. A check or money order must be submitted to cover the cost of each criminal history request. The completed form and screening fee will not be required for persons who comply with the requirements pursuant to Section 429.67(4)(a), (b), F.S.

2. A description and explanation of any exclusions, permanent suspensions, or involuntary terminations of the applicant from the Medicaid or Medicare programs or any other governmental health care or health insurance program.

1.3. If located in an area zoned single-family or multi-family, Aa community residential home certification form signed by the Department of Children and Families Family Services' district community residential home coordinator, if the home is located in an area zoned single-family. If not located in an area zoned single-family or multi-family, Local Zoning Form, AHCA Form 3180-1021, Local Zoning Form, September 1996, which is incorporated by reference, or a letter signed by from the local zoning authority, signed by the county zoning official, which states that the applicant is in compliance with local zoning ordinances, must be submitted.

2.4. Documentation of a satisfactory sanitation inspection as required under Rule 58A-14.009, F.A.C.

3.5. Documentation of a satisfactory fire safety inspection as required under Rule 58A-14.0091, F.A.C.

~~6. Income and Expense Statement, AHCA Form 3180-1017, September 1996, which is incorporated by reference.~~

~~4.7. Written assurance affirming that the applicant is aware of and will complete the training requirements as described in Rule 58A-14.008, F.A.C.~~

~~5.8. A licensing fee of \$100.~~

~~6.9. Documentation that the provider resides in the adult family-care home pursuant to Section 429.67(2), F.S., and subsection 58A-14.002(17), F.A.C.~~

(b) During the licensing process, the agency shall conduct an on-site survey of the prospective AFCH to:

1. Conduct Level 1 background screening on the applicant, all adult household members, each relief person, and all staff pursuant to Chapter 435, F.S.

2. Conduct an on-site survey of the prospective AFCH. During the survey the agency shall:

1.a. Visually inspect all rooms and outside grounds of the home and determine that the home meets the minimum physical site requirements of Rule 58A-14.009, F.A.C., prior to resident occupancy; and

2.b. Determine the capacity of the home.

(c) No change.

(d) If, at the time of applying for an initial license, an applicant is already providing room, board, and one or more personal services to persons who will be considered residents, the provider should be aware that he or she must be in compliance with all admission and care standards applicable to residents under Chapters 408, Part II and 429, Part II, F.S., this rule chapter, and Rule Chapter 59A-35, F.A.C., in order to be licensed upon licensing.

(2) LICENSE RENEWAL.

(a) The agency shall annually provide an application form for license renewal, AHCA Form 3180-1022, January 2006, either electronically or by mail delivery, to AFCH providers at least 120 days prior to the expiration of the current license. The provider shall mail or hand-deliver the license renewal application to the agency at the address cited in paragraph (1)(a) of this rule a minimum of 90 days prior to the expiration date appearing on the current license.

(a)(b) In addition to the application forms referenced in Rule 59A-35.060, F.A.C. AHCA Form 3180-1022, all applicants for license renewal shall provide the following:

1. Documentation of a satisfactory sanitation inspection as required under Rule 58A-14.009, F.A.C. Documentation of a satisfactory sanitation inspection shall be provided at the time of the agency's annual survey. In addition, a copy of the annual sanitation inspection report shall be submitted no later than 30 calendar days after the date of the inspection to The Agency for Health Care Administration, Assisted Living Unit, 2727 Mahan Drive, Mailstop 30, Tallahassee, Florida 32308-5402 the Assisted Living Unit at the address cited in paragraph

~~(1)(a) of this rule.~~ Failure to comply with this requirement shall result in administrative enforcement pursuant to Sections 429.69 and 429.71, F.S., and Rule 58A-14.010, F.A.C.

2. Documentation of a satisfactory fire safety inspection as required under Rule 58A-14.0091, F.A.C. Documentation of a satisfactory fire safety inspection shall be provided at the time of the agency's ~~annual~~ survey. In addition, a copy of the annual fire safety inspection report shall be submitted no later than 30 calendar days after the date of the inspection to The Agency for Health Care Administration, Assisted Living Unit, 2727 Mahan Drive, Mailstop 30, Tallahassee, Florida 32308-5402 ~~the Assisted Living Unit at the address cited in paragraph (1)(a) of this rule.~~ Failure to comply with this requirement shall result in administrative enforcement pursuant to Sections 429.69 and 429.71, F.S., and Rule 58A-14.010, F.A.C.

3. No change.

4. Documentation pursuant to subparagraph (1)(a)~~6-9~~ of this rule.

~~(b)(e)~~ During the license renewal process the agency shall:

1. Conduct an on-site survey of the AFCH. During the survey the agency shall:

a. Visually inspect all rooms and the outside grounds of the home and determine that the home meets the minimum physical site requirements of Rule 58A-14.009, F.A.C. The agency shall refer all safety and sanitation concerns to the county health department, and all fire safety concerns to the local authority with jurisdiction over fire safety.

b. Verify that residents meet the criteria for continued residency in an AFCH as provided in Rule 58A-14.0061, F.A.C., and that resident services are being provided in accordance with the standards established in Rule 58A-14.007, F.A.C.

c. Verify that the AFCH provider is complying with all facility, staff, and resident records requirements as provided in Rule 58A-14.0085, F.A.C.

2. through 3. No change.

(3) **CONDITIONAL LICENSE.** The agency may issue a conditional license to an AFCH if, at the time of license renewal, the facility is found to have uncorrected violations.

(a) through (c) No change.

(d) The issuance of a conditional license does not change the ~~annual~~ license expiration date.

~~(4) **LICENSE DENIAL.** Applicants and providers denied a license shall be notified by the agency of their right to appeal the denial of the license, the remedies available, and the time limit for requesting such remedies as provided under Rule 59-1.024, F.A.C. and Chapter 120, F.S.~~

Rulemaking Authority 429.67, 429.69, 429.71, 429.73 FS. Law Implemented 429.67, 429.69, 429.71, 429.73 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.003, Amended 9-19-96, 3-25-98, 6-6-99, 1-1-04, 7-30-06, 4-15-10, _____.

58A-14.008 Staff Qualifications, Responsibilities and Training.

(1) **MINIMUM STAFF REQUIREMENTS.**

(a) The provider, all staff, each relief person, and all adult household members must submit a statement from a licensed health care provider that he or she is free from apparent signs and symptoms of communicable diseases, including tuberculosis. The statement must be based on an examination conducted within the six months prior to employment. Annually thereafter, the individual must submit documentation from a licensed health care provider that he or she is free from communicable diseases, including tuberculosis. An exception is that an individual with a positive tuberculosis test must submit a statement from a licensed health care provider that he or she does not constitute a risk of communicating tuberculosis.

~~(b) All required individuals must undergo a background screening pursuant to Section 429.67, F.S., and must be aware of the requirements of Rule 59A-35.090, F.A.C. The provider, all staff, each relief person, and all adult household members must meet Level 1 background screening requirements established in Section 435.03, F.S., or have been exempted from disqualification as provided in Section 435.07, F.S. The provider must submit a completed AHCA Forms 3110-0002, or other evidence of compliance as provided in Section 429.67, F.S., and Rule 58A-14.003, F.A.C., for any staff, relief persons, or adult household members not screened at the time of initial license application pursuant to the screening schedule provided in Section 435.05, F.S.~~

(c) The provider, each relief person, and all staff must comply with the training requirements provided in subsection (4) of this rule.

(2) **PROVIDER.**

(a) No change.

(b) An adult family-care home provider should be aware that he or she is responsible for:

1. The operation and maintenance of the AFCH in accordance with ~~Part VII of Chapters 408, Part II and 429, Part II 400, F.S., and this rule chapter, and Rule Chapter 59A-35, F.A.C.~~

2. No change.

(c) In the event of severe illness, incapacity, or death of the provider, the relief person or staff in charge shall notify each resident's representative or case manager, and the AHCA Field Area Office within 24 hours.

(3) **RELIEF PERSONS.**

(a) The adult family care home provider must designate one or more relief persons to assume responsibility for the care of residents if the provider is not available to perform that duty.

(b) The relief person must be:

1. No change.

2. Knowledgeable ~~of about~~ and able to provide for all care needs of the residents.

(c) The provider must notify the agency in writing within 30 calendar days of a change in relief persons and ensure that the relief person has been is appropriately background screened in accordance with the requirements in Section 429.67, F.S., and Rule 59A-35.090, F.A.C., and has been trained as described in this rule.

(4) TRAINING.

(a) All AFCH providers must attend a 12-hour basic adult family-care home training program, which covers the minimum requirements of Section 429.75, F.S., prior to accepting any residents; or for providers who already have persons residing in the home that will be considered residents, prior to licensing.

(b) No change.

(c) The AFCH provider, each relief person, and any person left in sole charge of residents, which may include staff, household members or volunteers, must hold a currently valid card documenting completion of courses in First Aid and CPR. A registered nurse shall be considered as having met the training requirement for First Aid.

(d) through (e) No change.

Rulemaking Authority 429.67, 429.73, 429.75 FS. Law Implemented 429.67, 429.73, 429.75 FS. History--New 2-2-95, Formerly 10A-14.008, Amended 9-19-96, 6-6-99, 1-1-04, 7-30-06, 4-15-10,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.071

RULE TITLE:
Durable Medical Equipment and
Medical Supply Services Provider
Fee Schedules

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.071, F.A.C., is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supply Services Provider Fee Schedules, November 2010. The amendment updates Durable Medical Equipment (DME) and medical suppliers who provide services to Medicaid recipients. SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

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, December 13, 2010, 2:00 p.m. – 3:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. 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: Dan Gabric, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.071 Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

Medicaid durable medical equipment and medical supply providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, November 2010 ~~July 2007~~, and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Recipients Under Age 21, November 2010 ~~July 2007~~, which are incorporated by reference. The fee schedules are available from the Medicaid fiscal agent's Web ~~web~~ site at mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308 <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Rulemaking ~~Specific~~ Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.908, 409.912, 409.913 FS. History--New 5-7-07, Amended 5-8-08,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:
60BB-11.001
60BB-11.002
60BB-11.003
60BB-11.004
60BB-11.005
60BB-11.006

RULE TITLES:
Authority
Public Inspection and Copying
Listing of Final Orders
Numbering of Final Orders
Electronic Database of Orders
Maintenance of Final Orders

PURPOSE AND EFFECT: The rule set forth in this Notice of Proposed Rule Development establishes the Agency for Workforce Innovation’s procedures for numbering, listing, managing and preserving its final orders. The Agency’s website will provide free and timely access to the Agency’s orders.

SUBJECT AREA TO BE ADDRESSED: The indexing, management, and availability of the Agency’s final orders.

RULEMAKING AUTHORITY: 120.533 FS.

LAW IMPLEMENTED: 119.021(3), 120.53(1), 120.53(2), 120.53(3) 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: December 10, 2010, 9:00 a.m.

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Tallahassee, Florida 32399-4128; Conference Room 114, Additionally, the following teleconference number is available: Dial-in-Number: (888)808-6959; Conference Code: 2457151#

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Karen Bishop, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150, karen.bishop@flaawi.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-11.0011 **RULE TITLE:** Application for Licensure

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to set forth procedures for application for licensure.

SUBJECT AREA TO BE ADDRESSED: Application for Licensure.

RULEMAKING AUTHORITY: 455.217(2), 481.306 FS.

LAW IMPLEMENTED: 455.217(2), 455.213, 481.307, 481.309(1)(a), 481.311 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-11.0012 **RULE TITLE:** Licensure by Endorsement

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to set forth procedures for licensure by endorsement.

SUBJECT AREA TO BE ADDRESSED: Licensure by endorsement.

RULEMAKING AUTHORITY: 455.217(2), 481.306 FS.

LAW IMPLEMENTED: 455.217(2), 455.213, 481.307, 481.311(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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-11.0013 **RULE TITLE:** Licensure of a Business Entity; Certificate of Authorization

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to set forth procedures for licensure of an entity.

SUBJECT AREA TO BE ADDRESSED: Licensure of a business entity.

RULEMAKING AUTHORITY: 455.217(2), 481.306 FS.

LAW IMPLEMENTED: 455.217(2), 455.213, 481.307, 481.311, 481.319 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-11.0014 RULE TITLE: Temporary Certificates

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to set forth procedures to apply for temporary certificates.

SUBJECT AREA TO BE ADDRESSED: Temporary certificates.

RULEMAKING AUTHORITY: 455.217(2), 481.306 FS.

LAW IMPLEMENTED: 455.217(2), 455.213, 481.307, 481.317 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-13.009 RULE TITLE: Reinstatement of Null and Void License

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to set forth procedures for the reinstatement of null and void license.

SUBJECT AREA TO BE ADDRESSED: Reinstatement of null and void license.

RULEMAKING AUTHORITY: 455.217(2), 481.306 FS.

LAW IMPLEMENTED: 455.273(2), 455.213, 481.307, 481.311(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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-18.002 RULE TITLE: Board Approval of Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the Provider Approval Application form.

SUBJECT AREA TO BE ADDRESSED: Approval of continuing education provider form.

RULEMAKING AUTHORITY: 455.2124, 455.2179, 481.306, 481.313 FS.

LAW IMPLEMENTED: 455.2179, 481.313, 553.841 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: 61G10-18.006
 RULE TITLE: Approval of Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify the application for continuing education course approval form.

SUBJECT AREA TO BE ADDRESSED: Approval of continuing education courses.

RULEMAKING AUTHORITY: 455.2179, 481.306, 481.325(2) FS.

LAW IMPLEMENTED: 455.2179 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-7.001
 RULE TITLE: Display and Disclosure of Registration, License or Certification Designation

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify what designations or abbreviations denoting licensure may be used on appraisal reports.

SUBJECT AREA TO BE ADDRESSED: Display and Disclosure of Registration, License or Certification Designation.

RULEMAKING AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.622 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: Thomas

O'Bryant, Jr., Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, 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 Chiropractic

RULE NO.: 64B2-13.004
 RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the requirements for continuing education for chiropractors certified in acupuncture.

SUBJECT AREA TO BE ADDRESSED: Continuing Education.

RULEMAKING AUTHORITY: 456.025(7), 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.025(7), 456.036(10), 460.408 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: Bruce Deterding, Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.005
 RULE TITLE: Standards for the Use of Controlled Substances for Treatment of Pain

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the appropriate standards for the use of controlled substances for the treatment of pain.

SUBJECT AREA TO BE ADDRESSED: Appropriate standards for the use of controlled substances for the treatment of pain.

RULEMAKING AUTHORITY: 459.005(1) FS.

LAW IMPLEMENTED: 459.003(3), 459.015(1)(g), (x) 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: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-30.001
RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes the rule amendment to add penalties for new violations created by SB 1986.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

RULEMAKING AUTHORITY: 456.072, 456.079, 465.005 FS.

LAW IMPLEMENTED: 456.072, 456.079 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: Kelli Ferrell, RPh., Acting Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NO.: 65G-4.0026
RULE TITLE: Tier Waivers

PURPOSE AND EFFECT: To set a 45-day time limit for the Agency to review tier eligibility when a client requests additional services on the basis of a significant change in

circumstances or on the basis that the change is necessary to avoid institutionalization and the requested services cause the clients cost plan to be over the current tier expenditure cap.

SUBJECT AREA TO BE ADDRESSED: Client requests for additional waiver services that cause the clients cost plan to be over the tier expenditure cap.

RULEMAKING AUTHORITY: 393.0661(3) FS.

LAW IMPLEMENTED: 393.0661(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.

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: Marc Ito, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-4556, marc_ito@apd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marc Ito, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-4556, marc_ito@apd.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 65G-4.0026 Tier Waivers. (1) through (4) No change.

(5) Upon a client's request submitted by the waiver support coordinator, ~~t~~The Agency will review a client's tier eligibility when a client has a significant change in circumstance or condition that impacts on the client's health, safety, or welfare or when a change in the client's plan of care is required to avoid institutionalization. The information identifying and documenting a significant change in circumstance or condition that necessitates additional or different services must be submitted by the client's Waiver Support Coordinator to the appropriate Agency Area office for determination. The agency shall determine whether the client is eligible for a different tier ~~revision of the tier assignment is necessary~~ when the additional service has been determined medically necessary ~~approved~~ through the prior service authorization process.

(a) If a client has submitted a request pursuant to this subsection, the agency shall determine whether the client is eligible for a different tier within forty-five days of the agency's receiving notice of either of the following events,

1. An additional service is determined medically necessary through the prior service authorization process and such additional service causes the client’s cost plan to be over the client’s current tier cap; or

2. An additional service is determined medically necessary through the prior service authorization process and such additional service is not available under the client’s current tier.

(b) The 45-day time limit in paragraph (a) shall not apply when unusual circumstances make it difficult or impossible for the agency to comply with the 45-day time limit. “Unusual circumstances” means an administrative or other emergency beyond the agency’s control, but does not mean any delay caused by the agency’s administrative procedures.

(6) through (7) No change.

Rulemaking Authority 393.0661(3) FS. Law Implemented 393.0661(3) FS. History—New 3-7-10, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

<p>RULE NOS.:</p> <p>69A-43.003</p> <p>69A-43.015</p> <p>69A-43.018</p> <p>69A-43.019</p>	<p>RULE TITLES:</p> <p>Scope</p> <p>Historic Hotel Structures</p> <p>One and Two Family Dwellings, Recreational Vehicles and Mobile Homes Licensed as Public Lodging Establishments</p> <p>Standards of the National Fire Protection Association Adopted</p>
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PURPOSE AND EFFECT: The purpose of the rule is to comport with statutory changes enacted in the 2010 legislative session. The effect is to exempt licensed one and two family dwellings from the fire sprinkler protection required of NFPA 101- 24.3.5.1.

SUBJECT AREA TO BE ADDRESSED: Fire sprinkler protection

RULEMAKING AUTHORITY: 509.215(5) 509.215(7), 633.01(1), 633.022(1)(b), 721.24(5) FS.

LAW IMPLEMENTED: 509.215, 633.01(1), 633.022(1)(b), 633.025(9),(10),(11), 721.24 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, December 15, 2010, 10:00 a.m.

PLACE: Meeting Room, Jimmy B. Keel Regional Library, 2902 West Bearss Avenue, Tampa, Florida 33618-1828

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: Jim Goodloe, Chief, Bureau of Fire Prevention, (850)413-3620; Jim.Goodloe@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jim Goodloe, Chief, Bureau of Fire Prevention, (850)413-3620; Jim.Goodloe@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

<p>RULE NO.:</p> <p>69B-221.051</p>	<p>RULE TITLE:</p> <p>Actively Engaged in Business; Place Suitably Designated; Accessible to Public</p>
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PURPOSE AND EFFECT: The proposed rule amendment revises the rule to advise Bail Bond agents and other interested persons that the rule’s referenced forms may be obtained by visiting the Department’s website. The effect of the proposed amendment is to provide a more efficient and expedient option for obtaining required forms; minor ministerial changes have also been made to the proposed rule.

SUBJECT AREA TO BE ADDRESSED: Obtaining required forms through the Department’s website.

RULEMAKING AUTHORITY: 648.26(1)(a), 648.355(1)(e) FS.

LAW IMPLEMENTED: 648.25, 648.34, 648.355, 648.387, 648.44(6) 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, December 15, 2010, 2:30 p.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, 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: Richard Brinkley, (850)413-5654 or Richard.Brinkley@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Richard Brinkley, Government Analyst II, Bureau of Investigation, Division of Insurance Agent & Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0319; (850)413-5654

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NOS.:	RULE TITLES:
69I-20.0012	Calculation of the Section 717.1381, F.S., 45-day Period
69I-20.00211	Mandatory Database Information Fields for Claims Filed in Accordance With Rule 69I-20.0021, F.A.C.
69I-20.00212	The Identification of Additional Unclaimed Property Accounts That are Not Identified on the Limited Power of Attorney or the Purchase Agreement
69I-20.00261	Claims Processing
69I-20.00291	Copy of a Valid Driver’s License or Other Government Issued Photographic Identification
69I-20.00295	Claim Documents and Evidence

PURPOSE AND EFFECT: Section 717.1381, F.S., states that any oral or written agreement or power of attorney which was made on or before 45 days after the holder or examination report was processed and added to the unclaimed property database is void. Accordingly, Proposed Rule 69I-20.0012, F.A.C., states that the day after the date the unclaimed property report was added to the unclaimed property database shall be the first day counted in order to determine when the Section 717.1381, F.S., 45-day period expires.

The first step in the creation of a claim for unclaimed property is to enter information into information fields in the Unclaimed Property Management Information System (“UPMIS”). This information is captured into UPMIS and forms a basis for printing an unclaimed property claim form. Proposed Rule 69I-20.00211, F.A.C., establishes mandatory database information fields in order to generate claim forms for the filing of unclaimed property claims.

Section 717.135(4)(e), Florida Statutes, states in part, “All unclaimed property accounts claimed must be identified on the power of attorney by account number.” See also Fla. Stat. Section 717.1351(5). Therefore, proposed Rule 69I-20.00212, F.A.C., provides that, if a claimant’s representative is aware of additional accounts that the claimant or seller may be entitled to, the claimant’s representative may not identify the additional account numbers on the claim form that are not also identified on the power of attorney or purchase agreement. However, the claimant’s representative may alert the Department to the additional accounts by identifying the accounts on a separate writing that is filed with the claim.

Proposed Rule 69I-20.00261, F.A.C., codifies procedures in rule form for the payment of unclaimed property claims for unclaimed property accounts where entitlement has been established in cases where the entire unclaimed property claim may not be approvable.

Proposed Rule 69I-20.00291, F.A.C., provides that the copy of the driver’s license or other government issued photographic identification that is filed with the Department must be legible. In addition, the proposed rule requires that the photographic identification must have an expiration date that is subsequent to the date that the identification is filed with the Department.

Proposed Rule 69I-20.00295, F.A.C., provides that claims for unclaimed property must include all of the documents needed to establish entitlement to the unclaimed property being claimed. Providing all of the documents needed to establish entitlement with the claim form will help facilitate a speedier claims determination process. However, a limited exception is being made in instances where a claimant’s representative or claimant has filed the original death certificate with another claim.

SUBJECT AREA TO BE ADDRESSED: Access to the unclaimed property database provided to claimant’s representatives, how to determine when the Section 717.1381, F.S., 45-day period expires, generation of unclaimed property claim forms, additional accounts that the claimant or seller may be entitled to that were not also identified on the power of attorney or purchase agreement, the payment of unclaimed property claims, driver’s licenses and other government issued photographic identifications that are filed with the Department, and unclaimed property claims.

RULEMAKING AUTHORITY: 717.138 FS.

LAW IMPLEMENTED: 17.124, 717.12404, 717.1241, 717.126, 717.1261, 717.1262, 717.135, 717.1351, 717.1381, 717.139, 717.1400 FS.

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

DATE AND TIME: Wednesday, December 15, 2010, 9:30 a.m.

PLACE: Suite B 103, The Fletcher Building, 101 E. Gaines St., Tallahassee, 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: Paul Stadler, (850)413-3010 or Paul.Stadler@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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

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

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Animal Industry

RULE NO.: RULE TITLE:
5C-13.004 Schedule of Fees

PURPOSE AND EFFECT: The purpose of this rule is to add new diagnostic tests that have been developed and are now the standard testing protocol for animal disease diagnostics, delete obsolete tests and update charges for existing tests.

SUMMARY: This rule proposed to delete obsolete tests, add new diagnostic tests and revise some current test charges.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have no impact on small business as no entity is required to utilize the state diagnostic laboratories. A SERC has not been prepared by the agency.

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: 570.07(23), 585.002(4) FS.

LAW IMPLEMENTED: 585.61(3) 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 RULE IS: Leigh A. Humphreys, Assistant Director, 407 S. Calhoun Street, Tallahassee, FL 32399-0800 (850)410-0900, Fax: 410-0957

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 5C-13.004 follows. See Florida Administrative Code for present text.)

5C-13.004 Schedule of Fees.

(1) Necropsy Fees. Necropsy fees include gross necropsy, histopathological, and basic parasitological examinations. Poultry necropsy also includes virology testing. Necropsy fee includes disposal. Food animals include cattle, swine, goats, sheep, poultry and non-ornamental fish.

(a) Mammals, fetus and placenta, ratites, companion birds, wild birds, and reptiles:

<u>Over 500 pounds – All Animals</u>	<u>\$ 300.00/animal</u>
<u>Over 250-500 pounds – Food Animal</u>	<u>\$ 250.00/animal</u>
<u>Over 250-500 pounds – Non-Food Animal</u>	<u>\$ 300.00/animal</u>

<u>Over 100-250 pounds – Food Animal</u>	<u>\$ 225.00/animal</u>
<u>Over 100-250 pounds – Non-Food Animal</u>	<u>\$300.00/animal</u>
<u>Over 50-100 pounds – Food Animal</u>	<u>\$ 200.00/animal</u>
<u>Over 50-100 pounds – Non-Food Animal</u>	<u>\$ 300.00/animal</u>
<u>Over 25-50 pounds – Food Animal</u>	<u>\$ 175.00/animal</u>
<u>Over 25-50 pounds – Non-Food Animal</u>	<u>\$ 300.00/animal</u>
<u>Over 10-25 pounds – Food Animal</u>	<u>\$ 150.00/animal</u>
<u>Over 10-25 pounds – Non-Food Animal</u>	<u>\$ 250.00/animal</u>
<u>Over 5-10 pounds – Food Animal</u>	<u>\$ 125.00/animal</u>
<u>Over 5-10 pounds – Non-Food Animal</u>	<u>\$ 200.00/animal</u>
<u>Over 1-5 pounds – Food Animal</u>	<u>\$ 100.00/animal</u>
<u>Over 1-5 pounds – Non-Food Animal</u>	<u>\$ 150.00/animal</u>
<u>Less than 1 pound – Food Animal</u>	<u>\$ 75.00/animal</u>
<u>Less than 1 pound – Non-Food Animal</u>	<u>\$ 100.00/animal</u>

(b) Poultry (chickens, turkeys, guineas, ducks, geese, quail, or other upland game birds):

Poultry may have up to 8 animals for each accession. \$40.00/1-8 birds

(c) Miscellaneous necropsy services:

<u>Head/Brain Removal (> 150 pounds)</u>	<u>\$ 40.00</u>
<u>Head/Brain Removal (150 pounds or less)</u>	<u>\$ 20.00</u>
<u>Cord Removal (> 150 pounds)</u>	<u>\$ 200.00</u>
<u>Cord Removal (150 pounds or less)</u>	<u>\$ 100.00</u>
<u>Tissue Collection in lieu of necropsy</u>	<u>\$ 30.00/up to 5 tissues</u>
<u>Euthanasia over 1000 lbs.</u>	<u>\$ 100.00</u>
<u>Euthanasia over 500-1000 lbs.</u>	<u>\$ 75.00</u>
<u>Euthanasia over 100-500 lbs.</u>	<u>\$ 50.00</u>
<u>Euthanasia over 25-100 lbs.</u>	<u>\$ 30.00</u>
<u>Euthanasia 25 lbs. or less</u>	<u>\$ 10.00</u>

(d) Incineration Only:

<u>Over 1000 lbs.</u>	<u>\$ 300.00/animal</u>
<u>Over 500-1000 lbs.</u>	<u>\$ 250.00/animal</u>
<u>Over 250-500 lbs.</u>	<u>\$ 200.00/animal</u>
<u>Over 100-250 lbs.</u>	<u>\$ 175.00/animal</u>
<u>Over 50-100 lbs.</u>	<u>\$ 150.00/animal</u>
<u>Over 25-50 lbs.</u>	<u>\$ 125.00/animal</u>
<u>Over 10-25 lbs.</u>	<u>\$ 100.00/animal</u>
<u>Over 5-10 lbs.</u>	<u>\$ 75.00/animal</u>
<u>Over 1-5 lbs.</u>	<u>\$ 50.00/animal</u>
<u>Less than 1 lb.</u>	<u>\$ 25.00/animal</u>

(2) Bacteriology/Mycology.

(a) Cultures – Food Animals:

<u>Aerobic culture</u>	<u>\$ 8.00</u>
<u>Anaerobic culture</u>	<u>\$ 10.00</u>
<u>Campylobacter jejuni culture</u>	<u>\$ 12.00</u>
<u>Campylobacter venerealis culture</u>	<u>\$ 12.00</u>
<u>Colony count</u>	<u>\$ 1.00/plate</u>
<u>Fungal culture</u>	<u>\$ 8.00</u>
<u>Microaerophilic culture</u>	<u>\$ 8.00</u>