

contacting: Stephanie Rogers, Agency for Persons with Disabilities, 4030 Esplanade Way, Ste. 380, Tallahassee, Florida 32399, Phone: (850)414-6558. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marc Ito, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Ste. 380, Tallahassee, Florida 32399, Email: marc_ito@apd.state.fl.us, Phone: (850)922-2030

THE FULL TEXT OF THE PROPOSED RULE IS:

65G-4.0026 Tier Waivers.

(1) through (4) No change.

(5) Upon a client's request submitted by the waiver support coordinator, 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.

NAME OF PERSON ORIGINATING PROPOSED RULE: Marc Ito, Senior Attorney, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, Email: marc_ito@apd.state.fl.us, Phone: (850)922-2030

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Bryan Vaughan

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 24, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.041
RULE TITLE: FVRS Address and Eligibility
Records Maintenance

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 44, November 6, 2009 and Notice of change published Vol. 37, No. 22, June 3, 2011 issue of the Florida Administrative Weekly.

The effective date of the rule is changed to August 1, 2011.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.0902	Requirements for Identification, Eligibility Programmatic and Annual Assessments of English Language Learners
6A-6.09021	Annual English Language Proficiency Assessment for English Language Learners
6A-6.09022	Extension of Services in English for Speakers of Other Languages Program
6A-6.0903	Requirement for Classification, Reclassification, and Post Reclassification of English Language Learners
6A-6.09031	Post Reclassification of English Language Learners

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 20, May 20, 2011 issue of the Florida Administrative Weekly. The State Board of

Education meeting scheduled for June 21, 2011 will be conducted at the Tampa Airport Marriott in the Hillsborough Grand Ballroom and not in Orlando as previously advertised.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-10.045 Tuition and Fees Exemptions for
 Florida National Guard

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 21, May 27, 2011 issue of the Florida Administrative Weekly. The State Board of Education meeting scheduled for June 21, 2011 will be conducted at the Tampa Airport Marriott in the Hillsborough Grand Ballroom and not in Orlando as previously advertised.

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-401.401 Use of Tobacco Products

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 16, April 22, 2011 issue of the Florida Administrative Weekly.

33-401.401 Use of Tobacco Products.

(1) through (6) No change.

(7) Inmates on death row shall be limited to purchase of 2 packages of smokeless tobacco products per week; and shall not exceed the possession limit of 2 packages. ~~Inmates on death row shall not be allowed to possess lighters; lighting devices are available on the recreation yards. Inmates on death row at Union Correctional Institution shall be allowed to purchase cigarettes or smokeless tobacco. Inmates on death row at Florida State Prison and Lowell shall be allowed to purchase and possess smokeless tobacco products only.~~

(8) through (9) No change.

(10) This rule shall take effect October 1, 2011.

Rulemaking Specific Authority 944.09, 944.115 FS. Law Implemented 386.201, 386.202, 386.203, 386.204, 386.205, 386.206, 944.09, 944.115 FS. History— New 12-31-80, Formerly 33-20.01, Amended 3-12-86, 2-24-92, 1-4-94, Formerly 33-20.001, Amended 2-3-00, 10-1-03, 6-18-08, 10-1-11.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.700	Low-Performing Provider; Voluntary Prekindergarten Improvement Plan and Implementation
60BB-8.701	Low-Performing Provider; Voluntary Prekindergarten Education Program First Year Probation
60BB-8.702	Low-Performing Provider; Voluntary Prekindergarten Education Program Second Year Probation
60BB-8.703	Low-Performing Provider; Removal From Voluntary Prekindergarten Education Program Eligibility

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 12, March 26, 2010 and Notice of change published Vol. 36, No. 42, October 22, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-12.005 Limited Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 40, October 8, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

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

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 52, December 30, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12DER11-3	Denials and Late Filed Applications for Transfer of Assessment Limitation Differential (Portability)
12DER11-4	Tax Collector Non-Ad Valorem Assessment Roll Reports