

(e) The Board shall review the application, written statements, and attachments, and other pertinent materials. The application for license shall be denied unless there is clear and convincing evidence that the applicant received an education complying with the applicable requirements of Sections 497.373, 497.374, F.S.

Rulemaking Authority 497.103(5), 497.141(2) FS. Law Implemented 497.368(1)(d), (e), 497.369(1)(b)2., (c), 497.370(2), 497.373(1)(d), (e), 497.374(1)(b)2., (c), 497.375(1)(b), 497.602(3)(b), (c), 497.141 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Douglas Shropshire, Director, Division of Funeral, Cemetery, and Consumer Services, on behalf of the Board of Funeral, Cemetery, and Consumer Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Funeral, Cemetery, and Consumer Services, under Chapter 497, F.S.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 2, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2011

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-5.056                      RULE TITLE: Criteria for Suspension and Dismissal

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 15, April 13, 2012 issue of the Florida Administrative Weekly.

The opening paragraph and subsection (7) of Rule 6A-5.056 were changed as shown:

6A-5.056 Criteria for Suspension and Dismissal.

“Just cause” means cause that is legally sufficient. Each of the  
~~The bases for~~ charges upon which just cause for dismissal action against specified school personnel may be pursued are set forth in Sections 1012.33 and 1012.335, Florida Statutes. In fulfillment of these laws, the ~~The~~ basis for each such charges is hereby defined:

(7) Multiple annual performance ratings of  
~~Unsatisfactory or needs improvement ineffective performance evaluation ratings as specified defined~~ in Section 1012.33(1)(a)., Florida Statutes.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.0786                      RULE TITLE: Model Forms for Charter School Applicants and Sponsors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 15, April 13, 2012 issue of the Florida Administrative Weekly.

In addition to technical changes to Florida Statute citations, Forms IEPC-HP1, IPEC-M1, and IEPC-V1 as incorporated by reference, have been changed to delete the inclusion of an authorized representative of an applicant group to certify under the penalty of perjury to the accuracy of the charter application.

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NOS.: 12D-7.0055                      RULE TITLES: Exemption for Deployed Servicemembers.  
12D-7.019                              Tangible Personal Property Exemption

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly.

The Department has made changes to these proposed rules based on comments received from the Joint Administrative Procedures Committee of the Florida Legislature.

A revised version of these proposed rules will be available at: <http://dor.myflorida.com/dor/property/legislation/rules/10ruledrafts.html>. These revised versions include the proposed changes discussed below to the original text that was published in the Notice of Proposed Rule on April 6, 2012.

Paragraph (c) of subsection (2) of proposed new Rule 12D-7.0055, F.A.C., is amended, so that, when adopted, the paragraph will read as follows:

(c) In addition to the application, the servicemember must submit to the property appraiser deployment orders or other proof of the qualifying deployment which includes the dates of that deployment and other information necessary to verify eligibility for this exemption. If the servicemember fails to include this documentation with the application, the property appraiser has the authority to request the needed documentation from the servicemember before denying the exemption.

Paragraph (b) of subsection (4) of proposed new Rule 12D-7.019, F.A.C., is amended, so that, when adopted, the paragraph will read as follows:

(b) Example: A business owns copying machines or other freestanding equipment for lease. The location where the copying machines are leased or where the freestanding equipment of the owner is placed does not constitute a site where the owner of the equipment transacts business. If it is not a site where one or more of the activities stated in paragraph (a) occur, for purposes of the tangible personal property exemption, it is not considered a site where the owner transacts business.

**DEPARTMENT OF REVENUE**

**Property Tax Oversight Program**

RULE NO.: 12D-17.004  
 RULE TITLE: Taxing Authority's Certification of Compliance; Notification by Department

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly.

The Department has made changes to the proposed rule based on comments received from the Joint Administrative Procedures Committee of the Florida Legislature. A revised version of these proposed rules will be available at: <http://dor.myflorida.com/dor/property/legislation/rules/10ruledrafts.html>. These revised versions include the proposed changes discussed below to the original text that was published in the Notice of Proposed Rule on April 6, 2012.

Paragraph (a) of subsection (2) of proposed amended Rule 12D-17.004, F.A.C., is amended, so that, when adopted, the subparagraphs will read as follows:

(2)(a) For taxing authorities other than school districts, the such certification of compliance shall be made by filing the following items with the Department ~~the following items~~:

Subparagraphs 1 through 13 – No change.

14. Form DR-422DEBT, Certification of Final Voted Debt Millage, if used.

~~15.40.~~ Certification of Compliance, Form DR-487.

The forms listed above are incorporated by reference in Rule 12D-16.002, F.A.C.

Paragraph (b) of subsection (2) of proposed amended Rule 12D-17.004, F.A.C., is amended, so that, when adopted, the paragraph will read as follows:

(b) For school districts, the such certification of compliance shall be made by filing the following items with the Department ~~the following items~~:

Subparagraphs 1 through 14 – No change.

15. Copy of the Certification of Final Voted Debt Millage, Form DR-422DEBT, if used.

~~16.41.~~ Certification of Compliance, Form DR-487.

The forms listed above are incorporated by reference in Rule 12D-16.002, F.A.C.

**PUBLIC SERVICE COMMISSION**

RULE NOS.: 25-4.020  
 RULE TITLES: Location and Preservation of Records  
 25-4.0201 Audit Access to Records

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 17, April 27, 2012 issue of the Florida Administrative Weekly.

The agency has determined that the proposed rules are not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Based upon the information contained in the SERC.

Docket No. 120050-TP.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: 59A-1.004  
 RULE TITLE: Certification Procedure

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 21, May 28, 2010 issue of the Florida Administrative Weekly has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.045  
 RULE TITLE: Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities)

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 3, January 20, 2012 issue of the Florida Administrative Weekly.

Based upon comments received at the public hearing held on February 14, 2012, the Title XIX Reimbursement Plan for Facilities Not Publically Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities) will be amended as follows:

Section V.B.7

Effective July 1, 2011, pursuant to Section 409.908(23)(a), F.S., the agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs. subsequent to all rate reductions, if the rate setting unit cost is equal to or less than the April 2011 unit cost, no

additional reduction in rates is necessary. Subsequent to all rate reductions, if the rate setting unit cost is greater than the April 2011 unit cost, then rates shall be reduced by an amount until the rate setting unit cost is equal to the April 2011 unit cost, but shall not be reduced below the April 2011 unit cost. The methodology is designed to reduce individual Medicaid Intermediate Care Facility rates proportionally until the required reduction is achieved. ~~The unit cost comparison ensures no increase in statewide expenditures as mandated by 409.908(23)(a), F.S., as the April 2011 unit cost and the rate setting unit cost are derived from statewide expenditures divided by total Medicaid Days.~~

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.:                    RULE TITLE:  
60BB-3.029                  Public Use Forms

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 16, April 20, 2012 Florida Administrative Weekly has been continued from May 25, 2012 to June 22, 2012.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.:                    RULE TITLE:  
65A-1.712                    SSI-Related Medicaid Resource Eligibility Criteria

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 8, February 24, 2012 issue of the Florida Administrative Weekly.

(2) Exclusions. The Department follows SSI policy prescribed in 20 C.F.R. § 416.1210 and 20 C.F.R. § 416.1218 ~~(2011)~~ in determining resource exclusions, with the exceptions in paragraphs (a) through ~~(g)(f)~~ below, in accordance with as adopted by the Department under 42 U.S.C. § 1396a(r)(2) ~~(2010)~~.

- (e) One automobile is excluded, regardless of value.
- (e) through (f) relettered (f) through (g) No change.

(3)(a) The Department follows the policy for transfer of resources in accordance with mandated by 42 U.S.C. §§ 1396p ~~(2010)~~ and 1396r-5 ~~(2010)~~. Transfer policies apply to the transfer of income and resources.

(b)2.a. ~~Certain~~ Transactions, such as additions of principal to an existing annuity or electing to annuitize an existing annuity that occurs on or after November 1, 2007 make an annuity (including an annuity purchased before November 1, 2007) subject to the transfer of resources provisions unless the criteria of 2.(a) through 2.(d) above are met.

(d)4. A life estate interest purchased in another individual's home on or after November 1, 2007 (and within the look back period) is considered a transfer of resources for less than fair market value. If the individual has not lived in the home for at least one year after the date of the purchase, the full amount of the purchase price paid for the life estate will be considered an uncompensated transfer without considering the value of the life estate. If the individual who purchased the life estate has resided in the home for at least one continuous year after the date of the purchase, the value of the life estate will be considered compensation and will be calculated by multiplying the current market value of the property at the time of the purchase by the life estate factor that corresponds to the individual's age at the time of the purchase. The life estate tables can be found on ~~from~~ the Social Security Administration's website at <https://secure.ssa.gov/apps10/poms.nsf/lnx/0501140120> ~~online Program Operations Manual System (SI 01140.120) (04/99), can be found in Appendix A-17 of the Department's online manual located at <http://www.def.state.fl.us/programs/access/esspolicymanual.shtml>.~~ Brief absences from the life estate property such as stays in a rehabilitation facility or vacations may not disrupt the client's residency in the home. The facts of each absence will be evaluated to determine if the home continued to be the individual's principal place of residence such as whether the person's mail was delivered and received there or whether they paid the property taxes.

(g) For transfers prior to November 1, 2007 (and within the look back period), periods of ineligibility are calculated beginning with the month in which the transfer occurred and shall be equal to the actual computed period of ineligibility, rounded down to the nearest whole number. For transfers made on or after November 1, 2007 (and within the look back period), periods of ineligibility begin with the later of the following dates: (1) the day the individual is eligible (pursuant to Rules 65A-1.711 through 65A-1.713, F.A.C.) for Medicaid and would be receiving institutional level care services in a nursing home facility, an institution with a level of care equivalent to that of a nursing facility, or home or community based services furnished under a waiver based on an approved application for such care but for the application of the penalty period; or (2) the first day of the month in which the individual transfers the asset; or (3) the first day following the end of an existing penalty period. The Department shall not round down, or otherwise disregard, any fractional period of ineligibility of the penalty period but will calculate the period down to the day. There is no limit on the period of ineligibility. Once the penalty period is imposed, it will continue although the individual may no longer meet all factors of eligibility and may no longer qualify for Medicaid long-term care benefits, unless all assets or income are returned to the individual or fair market value compensation is paid for the transferred assets or income. If all transferred assets or income are returned to the individual, the penalty period is eliminated. Eligibility must be

evaluated with returned assets included as though the individual had never transferred the assets or income. Returned assets or income must be counted as available when determining eligibility for retroactive months. Penalty periods will not be shortened when only a partial return is made.

(4) Spousal Impoverishment. The Department follows policy in accordance with 42 U.S.C. § 1396r-5 (2010) for resource allocation and income attribution and protection when an institutionalized individual, including a hospice recipient residing in a nursing facility, has a community spouse. Spousal impoverishment policies are not applied to individuals applying for, or receiving services under, HCBS Waiver Programs, except for individuals in the Long-Term Care Community Diversion Program, the Assisted Living Facility Waiver or the Cystic Fibrosis Waiver.

(5)(a) The Department follows the policy for home equity interest in accordance with 42 U.S.C. § 1396p.(f). Individuals shall not be eligible for ICP, Institutional Hospice or HCBS Waiver Programs on or after November 1, 2007, if the equity interest in the home exceeds the home equity limit \$525,000.

2. Unless evidence to the contrary is on file or is received, accept the individual or designated representative's statement for the as-to equity value of a home that is more than \$25,000 below the home equity limit less than \$500,000. For equity values within \$25,000 of the home equity limit value of \$500,000 or more, the individual or designated representative must provide verification of current market value and indebtedness. Verification of the current market value must be obtained from a knowledgeable source commonly involved in the housing industry in the geographic locale, such as a real estate broker, mortgage broker, property appraiser, or builder. The verification must include the current market value, the name of the person providing the estimate, and the contact information of the business or agency for whom the person providing the estimate works.

3. Paragraph (5)(a) above does not apply if the individual's spouse, individual's child under age 21 or the individual's blind or disabled child (in accordance with based on the federal definitions of "blindness" in 20 C.F.R. §§ 416.981-416.986 (2011), and "disability" in 20 C.F.R. §§ 416.905-416.906) (2011), of any age is residing in the institutionalized individual's home.

5. The Department will mail a Notice of Excess Home Equity Interest, CF-ES 2354, 05/2012, incorporated by reference, to individuals whose home equity interest exceeds the home equity limit \$525,000 (Form CF-ES 2354, 02/2007, Notice of Excess Home Equity Interest, incorporated herein by reference), advising of the opportunity to have the home equity interest policy waived.

(c) The Department follows SSI policy prescribed in 20 C.F.R. § 416.1208 in determining SSA's Program Operations Manual System, SI 01120.010 and SI 01140.215 with regard to block accounts as countable resources. SSI policy requires

resources in a blocked account to be countable resources. This applies regardless of whether the individual or their representative is required to petition the court to withdraw funds for the individual's care. A blocked account is one in which state law protects an individual's funds by specifically requiring that the funds be made available for the care and maintenance of the individual.

IF REQUESTED WITHIN 7 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 6, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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 Keil. 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: Cindy Keil, Economic Self-Sufficiency Program, (850)717-4113, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, cindy\_keil@dcf.state.fl.us

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Mental Health Program**

RULE NO.:  
65E-12.110

RULE TITLE:  
Integrated Children's Crisis  
Stabilization Unit and Addictions  
Receiving Facility Demonstration  
Models

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 19, May 11, 2012 issue of the Florida Administrative Weekly.

The notice of proposed rule did not state what information was relied upon in determining that the proposed rule is not expected to require legislative ratification. The information expressly relied upon is: the nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.