

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.713	Inmate Visiting – Definitions
33-601.723	Visiting Check-In Procedures
33-601.726	Visitor Searches
33-601.727	Visitor Conduct
33-601.729	Denial or Termination of Visits

PURPOSE AND EFFECT: The purpose of the proposed rule is to define what constitutes a service animal, to explain the check in procedures involved with the a service animal, to explain what types of searches can be conducted on a service animal, to explain what conduct is expected of a service animal and to explain what conduct of a service animal can lead to the termination of a visit.

SUBJECT AREA TO BE ADDRESSED: Visitation.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.47, 944.8031 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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: LaDawna Fleckenstein, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.713 Inmate Visiting – Definitions.

(1) through (16) No change.

(17) “Service Animal” refers to a dog that is individually trained to do work or perform tasks for a person with disabilities. The provision of emotional support, well-being, comfort, or companionship does not constitute work or tasks for the purpose of the definition of a service animal.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 3-7-04, 12-6-04, 9-8-11, 9-24-12,_____.

33-601.723 Visiting Check-In Procedures.

(1) through (6) No change.

(7) A visitor is allowed to bring a service animal, as defined in Rule 33-601.713, F.A.C., into institutional visiting parks under the Americans with Disabilities Act (ADA). Under the ADA, a service animal must be harnessed, leashed, or tethered, unless these devices interfere with the service

animal’s work or the visitor’s disability prevents using these devices. In that case, the visitor must maintain control of the animal through voice, signal, or other effective controls.

(a) When it is not obvious what service an animal provides, only limited inquiries are allowed. Staff may ask two questions:

1. “Is the dog a service animal required because of a disability?”;and

2. “What work or task has the dog been trained to perform?”

(b) Staff cannot ask about the person’s disability, require medical documentation, require a special identification card or training documentation for the dog, or ask that the dog demonstrate its ability to perform the work or task.

(c) Allergies and fear of dogs are not valid reasons for denying access to people using service animals. When a staff member or other visitor who is allergic to dog dander and a person who uses a service animal must spend time in the visiting park, they both should be accommodated by assigning them, if possible, to different locations within the visiting park.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-17-06, 6-28-12,_____.

33-601.726 Visitor Searches.

(1) No change.

(2) Authorized visitor searches include:

(a) through (j) No change.

(k) A careful inspection of the harness, leash, or tether of a service animal, as defined in Rule 33-601.713, F.A.C., including the removal thereof for closer inspection if necessitated by institutional security concerns.

(3) through (5) No change.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.47, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 1-25-05, 1-4-12, 6-28-12,_____.

33-601.727 Visitor Conduct.

(1) through (2) No change.

(3) Those visitors with an authorized service animal, as defined in Rule 33-601.713, F.A.C., must ensure that their animal conforms with acceptable behavior. A service animal, must be harnessed, leashed, or tethered, unless these devices interfere with the service animal’s work or the visitor’s disability prevents using these devices. In that case, the visitor must maintain control of the animal through voice, signal, or other effective controls. A visitor is responsible for any and all damage caused by himself or the service animal. Department staff are not required to provide care or food for a service animal.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 3-29-07,_____.

33-601.729 Denial or Termination of Visits.

(1) A warden or duty warden shall be authorized to deny or terminate a visit for the following reasons:

(a) through (m) No change.

(n) A service animal violates visitor conduct standards in Rule 33-601.727, F.A.C. A visitor with a disability cannot be asked to remove his service animal from the premises unless:

1. The dog is out of control and the visitor does not take effective action to control it; or

2. The dog is not housebroken.

(2) No change.

(3) Before considering denial or removal of a service animal under section (1) (n) above, the warden or duty warden must offer the visitor with a disability the opportunity to continue the visit without the animal's presence.

~~(4)(3)~~ Reconsideration for Visitation. A visitor initially denied permission to visit for reasons other than for possession or attempted introduction of contraband and who corrects the problem causing the denial shall be granted visiting if not otherwise precluded by rule and if the inmate is not in the process of visiting with others.

~~(5)(4)~~ The warden or duty warden shall ensure that the inmate is notified of the denial of his or her visitor's admission and the reasons as soon as the inmate can be located. Comments regarding the incident shall be made on the AVR system.

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23, 944.47, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, 9-29-03,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-9.004
RULE TITLE: Continuing Education Requirements for Renewal for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes the rule amendment to add the requirement that one (1) of the 14 required classroom hours of continuing education shall be in the area of the laws and rules related to electrical and alarm contracting in the State of Florida.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements for Renewal for Certificateholders and Registrants.

RULEMAKING AUTHORITY: 120.52(15), 120.54(1), 455.2124, 489.507(3) FS.

LAW IMPLEMENTED: 455.2124, 489.513(3), 489.517(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 REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.0034
RULE TITLE: Itinerate/Mobile Anesthesia - General Anesthesia Permit Holders

PURPOSE AND EFFECT: The board proposes to create a new rule to address Itinerate/Mobile Anesthesia - General Anesthesia Permit Holders.

SUBJECT AREA TO BE ADDRESSED: Itinerate/Mobile Anesthesia - General Anesthesia Permit Holders.

RULEMAKING AUTHORITY: 466.004(4), 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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 days before the workshop/meeting by contacting: Susan Foster, Executive Director, Board of Dentistry/MQA. 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: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.0036
RULE TITLE: Treatment of Sedated Patients by Dentists Without an Anesthesia Permit

PURPOSE AND EFFECT: The board proposes to create a new rule to address the treatment of sedated patients by dentists without an anesthesia permit.

SUBJECT AREA TO BE ADDRESSED: Treatment of Sedated Patients by Dentists without an Anesthesia Permit.

RULEMAKING AUTHORITY: 466.004, 466.017 FS.

LAW IMPLEMENTED: 466.017 FS.

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DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-14.0038	Direct Supervision of a Qualified Anesthetist

PURPOSE AND EFFECT: The board proposes to create a new rule to address the direct supervision of a qualified anesthetist.

SUBJECT AREA TO BE ADDRESSED: Direct Supervision of a Qualified Anesthetist.

RULEMAKING AUTHORITY: 466.004(4), 466.017 FS.

LAW IMPLEMENTED: 466.002(2), 466.017 FS.

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DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-17.002	Written Dental Records; Minimum Content; Retention

PURPOSE AND EFFECT: The board proposes this rule amendment to address limited pro-bono screenings, examinations and treatments.

SUBJECT AREA TO BE ADDRESSED: Written Dental Records, Minimum Content and Retention.

RULEMAKING AUTHORITY: 466.004(4) FS.

LAW IMPLEMENTED: 456.058, 466.028(1)(m), (o) 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 REGISTER.

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**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.:	RULE TITLE:
6D-3.002	Admission and Enrollment Requirements

PURPOSE AND EFFECT: The purpose of this rule is to establish the requirements for admission and continued enrollment in the Florida School for the Deaf and the Blind.

SUMMARY: Amends the requirements for admission and continued enrollment in the Florida School for the Deaf and the Blind.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: 1002.36(4)(c) FS.

LAW IMPLEMENTED: 1002.36(4)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Day, (904)827-2221

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6D-3.002 follows. See Florida Administrative Code for present text.)

6D-3.002 Admission and Enrollment Requirements.

(1) Definitions. All references to "School" shall mean to the Florida School for the Deaf and Blind (FSDB).

(a) Admission. The registration of a student who has been determined to meet the School's eligibility criteria for enrollment as a full-time student in the educational program at the Florida School for the Deaf and Blind.

(b) Applicant. A child or adult student who seeks admission into the educational program of the School.

(c) Application. The form provided by the School to all individuals seeking admission to the School's educational program. Accurate completion of the form is mandatory and a prerequisite to the process for determining the individual's eligibility for admission.

(d) Application process. Also known as the Intake Process. The process for determining an individual's eligibility for admission to the School's educational program. The process shall start with the applicant submitting a complete and accurate application, shall include a thorough review of the applicant's records - including the results of any new evaluations obtained by School professionals - and shall conclude with the determination of the applicant's eligibility or ineligibility for admission.

(e) Assignment. The determination by the staffing committee of the educational program(s) in the School to which the student is assigned.

(f) Boarding Program determination. The boarding program provides lodging, meals, and the requisite hygiene-, social-, and health-related components necessary to provide for the students' general wellness as part of appropriate after-school care. All applicants/students who meet eligibility criteria for the School can be considered for the Boarding Program. The boarding program is not a component in the School's obligation to provide its students with a free appropriate public education; therefore, the educational program and related services provided to a student in an IEP are not similarly provided in the boarding program. The boarding staff shall apply boarding program criteria and shall make the final determination of whether the applicant/student would be successful in the boarding program. A determination by the boarding staff that the child would not be successful in the dormitory does not necessarily impact FSDB's determination of a child's eligibility for enrollment in the

educational program. If admitted to the educational program, but not admitted to the boarding program, the applicant/student shall be responsible for transportation either to the School or to one of the School's designated bus stops. Boarding service shall be at no cost to the student who establishes Florida residency, but tuition may be charged to out-of-state students at a cost established by the FSDB Board of Trustees.

(g) Deaf or Hard-of-Hearing. Applicants/students who meet the criteria for deaf or hard-of-hearing established by Florida Administrative Code Rule 6A-6.03013 shall satisfy the hearing loss requirement for eligibility to attend the Florida School for the Deaf and Blind, but must still satisfy all other requisite eligibility criteria prior to being determined eligible for full-time admission to the School.

(h) Dual-sensory impaired. Applicants/students who meet the criteria for dual-sensory impaired established by Florida Administrative Code Rule 6A-6.03022 shall satisfy the dual-sensory impairment requirement for eligibility to attend at the Florida School for the Deaf and Blind, but must still satisfy all other requisite eligibility criteria prior to being determined eligible for full-time admission to the School.

(i) Educational program. The placement, services, and individualized instruction provided to a student specifically tailored to address the student's educational strengths, weaknesses, and objectives. All references to the term "educational program" in the 6D rules of the Florida Administrative Code shall not include the boarding program, but shall comprise the day program only.

(j) Enrollment. The registration by the School of the applicant's name on the School's student roster for purposes of recording with the State the student's attendance at the School. The student may be enrolled as either a fully admitted student who meets the School's eligibility criteria, or as a student on Temporary Assignment pending an eligibility determination.

(k) File Review process. The process of conducting a comprehensive review of an application for admission to the School's educational program, as well as all accompanying records to determine whether additional records/information is necessary before the applicant can be scheduled for Intake evaluations.

(l) "Florida applicant" means an applicant whose residence is within the state of Florida.

(m) "Residence" means actual physical presence in a place as the parent or adult applicant's place of abode, with the intention to remain there permanently or for an indefinite period of time. Actual presence of the parent or adult applicant for the sole purpose of receiving free education shall not be considered residence.

(n) School. The Florida School for the Deaf and Blind.

(o) Staffing Committee. Committee of School professionals, including the Staffing Specialist, evaluators, assistant principals, and IEP Coordinators who participate in making a determination as to whether an individual meets the

School's eligibility criteria for admission to the educational program. An Eligibility Staffing Committee makes the recommendation as to whether an applicant meets the School's eligibility criteria; a Continuation Staffing Committee makes the recommendation as to whether an enrolled student continues to meet the School's admissions criteria.

(p) Staffing Specialist. School professional who facilitates an applicant's file review process, is knowledgeable about the School's enrollment criteria, and serves as the Chairperson of Eligibility and Continuation Staffing Committee meetings. The Staffing Specialist is the President's Designee and makes the final decision on the applicant's eligibility for the School.

(q) Temporary assignment. An applicant's attendance in the School for no more than 90 school days for the School staff to complete evaluations and gather additional information to make an eligibility determination. Temporary Assignment status does not guarantee admission to the educational program as a student who meets the School's eligibility criteria. If the School staff determines that a student on Temporary Assignment status is not eligible for admission to the educational program, the student shall return to the student's local educational agency. If the student pursues a due process hearing to challenge the School's ineligibility determination, the student's "stay put" placement shall not be the School, but shall be the student's local educational agency.

(r) Visually Impaired. Applicants/students who meet the criteria for visually impaired established by Florida Administrative Code Rule 6A-6.03014 shall satisfy the vision loss requirement for eligibility to attend at the Florida School for the Deaf and Blind, but must still satisfy all other requisite eligibility criteria prior to being determined eligible for full-time admission to the School.

(2) Criteria for Admission and Continued Enrollment.

(a) Florida applicants who meet the School's admission criteria are qualified for enrollment or continued enrollment without the payment of tuition. Non-Florida applicants who meet admission criteria other than residency may be enrolled on a tuition basis provided that such enrollment does not deny admission to any qualified applicant who is a resident of Florida.

(b) In addition to meeting the criteria for admission, an applicant will be classified as a "Florida student" or a "non-Florida student". A non-Florida student will be required to pay the tuition charges annually established by the Board of Trustees.

1. In determining residence, the School may consider such matters as voter registration, driver's license, automobile registration, location of bank accounts, rent receipts or any other relevant evidence that tends to show the intent to abide in a jurisdiction permanently or for an indefinite period of time as provided by the laws of the State of Florida.

2. If the applicant is a minor:

a. The applicant shall be presumed to have the same residence as the applicant's parents or as the parent who has legal custody of the applicant, in the absence of contrary evidence.

b. If the applicant's parents reside outside Florida or if the parent who has legal custody of the applicant resides outside Florida, the applicant will be presumed to be a "non-Florida student" in the absence of contrary evidence.

c. If the applicant claims entitlement to be classified as a "Florida student" due to the appointment by a court of competent jurisdiction of a guardian, or if the applicant has a legal custodian other than the applicant's parents, the burden of establishing a Florida residence is on the applicant.

3. Application for admission as a "Florida student" shall include a written statement made under oath by the applicant if 18 years of age or older, or made by the applicant's parents, guardian or legal custodian if a minor, that the applicant is entitled to classification as a Florida student under this rule.

(c) Eligible applicants may be enrolled in the School's day program upon attaining three years of age.

(d) Applicants eighteen years or older may be considered for admission through the age of twenty-one.

(e) An applicant is qualified for admission to the School's program for the deaf and hard-of-hearing if the applicant meets all of the following admissions criteria:

1. Evidence of a hearing loss as established by Florida Administrative Code Rule 6A-6.03013.

2. The applicant must possess evidence of the following minimum daily living skills:

a. Finger feeds self, chews, and swallows most foods,

b. Indicates awareness of being soiled or wet,

c. Assists in dressing self, and

d. Cooperates in bathing.

3. Evidence that the deaf or hard-of-hearing applicant does not meet the criteria for eligibility for one or more of the following programs:

a. Autism Spectrum Disorder, Rule 6A-6.03023, F.A.C.,

b. Homebound-hospitalized, Rule 6A-6.03020, F.A.C.,

c. Intellectual Disabilities, as defined in Rule 6A-6.03011, F.A.C., with the following additional requisite criteria replacing that in paragraphs 6A-6.03011(4)(a), (b): (i) that the student's measured level of intellectual functioning is more than three (3) standard deviations below the mean on an individually measured, standardized test of intellectual functioning; and (ii) that the student's level of adaptive functioning is more than three (3) standard deviations below the mean on the adaptive behavior composite or on two (2) out of three(3) domains on a standardized test of adaptive behavior.

(f) An applicant is qualified for admission to the School's program for the visually impaired if the applicant meets all of the following admissions criteria:

1. Evidence of a vision loss as established by Florida Administrative Code Rule 6A-6.03014.

2. The applicant must possess evidence of the following minimum daily living skills.

- a. Finger feeds self, chews, and swallows most foods.
- b. Indicates awareness of being soiled or wet.
- c. Assists in dressing self, and
- d. Cooperates in bathing.

3. Evidence that the visually impaired applicant does not meet the criteria for eligibility for one or more of the following programs as defined by State Board of Education rules:

- a. Autism Spectrum Disorder, Rule 6A-6.03023, F.A.C.,
- b. Homebound-hospitalized, Rule 6A-6.03020, F.A.C.,
- c. Intellectual Disabilities, as defined in Rule 6A-6.03011, F.A.C., with the following additional requisite criteria replacing that in paragraphs 6A-6.03011(4)(a), (b): (i) that the student's measured level of intellectual functioning is more than three (3) standard deviations below the mean on an individually measured, standardized test of intellectual functioning; and (ii) that the student's level of adaptive functioning is more than three (3) standard deviations below the mean on the adaptive behavior composite or on two (2) out of three (3) domains on a standardized test of adaptive behavior.

(g) An applicant is qualified for admission into the School's program for the dual-sensory impaired if the applicant meets the following admissions criteria:

1. Meets the definition of dual-sensory impaired as established by Florida Administrative Code Rule 6A-6.03022.

2. The applicant must possess evidence of the following minimum daily living skills:

- a. Finger feeds self, chews, and swallows most foods.
- b. Indicates awareness of being soiled or wet.
- c. Assists in dressing self.

3. Evidence that the dual sensory impaired applicant does not meet the criteria for eligibility for one or more of the following programs as defined by State Board of Education rules:

- a. Autism Spectrum Disorder, Rule 6A-6.03023, F.A.C.,
- b. Homebound-hospitalized, Rule 6A-6.03020, F.A.C.,
- c. Intellectual Disabilities, as defined in Rule 6A-6.03011, F.A.C., with the following additional requisite criteria replacing that in paragraphs 6A-6.03011(4)(a), (b): (i) that the student's measured level of intellectual functioning is more than five (5) standard deviations below the mean on an individually measured, standardized test of intellectual functioning; and (ii) that the student's level of adaptive functioning is more than five (5) standard deviations below the mean on the adaptive behavior composite or on two (2) out of three(3) domains on a standardized test of adaptive behavior.

(h) An applicant may not be qualified for admission or continued enrollment:

1. If the applicant or student is determined to be a danger to self or others. Such determination may be based on various factors, including evidence of the student's severe injurious, or potentially injurious, behaviors to self or others; lack of awareness or understanding of the surrounding environment; suicidal/homocidal statements, gestures, ideations; non-compliance with medical management; need for a highly structured program specifically designed for students with mental illnesses/disorders, providing necessary services including extensive counseling, as well as consultation from mental health, medical, or other healthcare professionals.

2. If the applicant or student is determined to be disruptive to other students or to the educational process of that applicant/student or of other students. Such determination may be based on various factors, including evidence of the student's threatening, aggressive, harassing behaviors towards others; level of functioning that requires continuous and excessive supervision by staff, which interferes with the ability of staff to tend to the educational/functional needs of other students; frequent, recurrent pattern of negative, defiant, disobedient, or hostile behavior toward others, including refusing to comply with rules/directives, deliberately annoying others, and blaming others for the student's own misconduct.

3. If the applicant or student is determined to have medically related health and/or safety issues that are beyond the scope of the Health Care Center, and/or the educational programs, and their resources to appropriately manage.

4. If the parent or adult student refuses to give consent for emergency medical treatment or for the development of a health care plan for students with involved medical problems.

(i) A determination that a student or applicant does not meet eligibility criteria for admission to the School's educational program shall be based upon a recommendation by the staffing committee, in consultation with professionals; the staffing committee's recommendation shall be based upon past evidence of behavior, criminal activity or the commission of a Class A violation as defined by the Code of Student Conduct, and health and safety. A final determination of admission or continued enrollment will be made by the President or designee. Impartial due process hearings may be initiated as provided by IDEA, and Rule 6A-6.03311, F.A.C., as a result of such determinations.

(j) There must be an individualized evaluation(s) by a qualified individual(s), a determination that the child is eligible to receive specially designed instruction and related services, and a proposed or current Individual Educational Plan by a school district.

(3) Procedures for Application.

(a) The School shall maintain an initial application form, the completion of which commences the application process.

(b) Applications for the admission of a student may be submitted by school personnel from the school district in which the applicant, applicant's parents, legal guardian, or other person with legal custody resides.

(c) Application for admission may be submitted directly to the School by parents, legal guardian, or the adult applicant.

(d) If the applicant has already been evaluated by the school district, pursuant to Florida Statute Section 1003.57, and Rule 6A-6.0331, F.A.C., and determined eligible for a special program for exceptional students, the applicant will be considered for admission.

(e) If the applicant has not been evaluated by the school district pursuant to Florida Statute Section 1003.57 and Rule 6A-6.0331, F.A.C., and determined eligible for a special program for exceptional students, a school district and the School may enter into an agreement for the School to evaluate the individual to determine eligibility for exceptional student education (ESE).

(f) The School shall immediately send a copy of a completed application form to the school district in which the applicant or his or her parents, guardian or person having legal custody resides and request from the school district all current evaluation data and a copy of the current or proposed Individual Educational Plan.

(4) Procedures for Determining Admissions and Assignment.

(b) The Staffing committee's determination of an applicant's eligibility for admission shall be made after all records have been obtained and reviewed, any additional requisite evaluations have been conducted, and no additional information is deemed appropriate by the Staffing committee.

(a) Upon receipt of a completed application form from a school district, parent/legal guardian, or adult student, the School shall obtain educational, medical, and other records relating to the applicant to assist the School staffing committee in its determination of the applicant's eligibility for admission to the School.

(c) An applicant may be considered for a temporary assignment for extended evaluation when a determination of the applicant's eligibility for admission cannot be established through the initial staffing process. A staffing committee may recommend that an applicant attend FSDB on a temporary assignment basis for not more than ninety school days. An Individual Educational Plan for the applicant shall be developed and implemented by the School; every applicant attending the School on a temporary assignment basis shall have an IEP for the duration of the temporary assignment.

(d) The eligibility staffing committee shall include the Staffing Specialist as the Chair of the Committee and the President's Designee, the parents/legal guardians, the applicant, professionals qualified to interpret the evaluation results, and other professionals as necessary (for example, audiologist, assistant principal, educational diagnostician,

psychologist, health care representative). In addition, a written invitation shall be extended to a representative of the applicant's local educational agency to attend and participate in the Intake. Additional personnel may be involved in the staffing meetings as requested by the parent, School, or the school district.

(e) The location of the staffing committee meeting shall be at the Florida School for the Deaf and the Blind unless another location is mutually agreed upon by the School, the school district, and the parent.

(f) In making admission and assignment decisions, the staffing committee shall:

1. Draw upon information from a variety of sources, including assessments, teacher recommendations, evidence of the applicant's physical and emotional health, factors relating to the applicant's social or cultural background, and indicators of the applicant's level of functioning, including adaptive behavior skills;

2. Ensure that information obtained from all of these sources is carefully considered by the staffing committee;

(g) If a determination is made that an applicant meets the School's eligibility criteria and is qualified for admission, the IEP Team shall convene in accordance with Florida Administrative Code Rule 6D-3.0021 and develop an IEP for the newly admitted student in accordance with Rules 6A-6.03028 and 6D-3.0021, F.A.C.

(h) The student's local educational agency has the initial responsibility of identifying and evaluating the special education needs of the student. If the student then submits application to the School for enrollment in the School's educational program, and if the student is determined to meet eligibility criteria for admission to the School's educational program, the School is responsible for the provision of a free appropriate public education. However, a subsequent determination by the School that the student no longer meets eligibility criteria immediately transfers the responsibility for the provision of a special educational program and related services back to the student's local educational agency.

(i) The President of the School or designee shall be responsible for the following:

1. Reviewing the recommendations for eligibility made by the staffing committee, and, if necessary, reviewing the data relied upon by the committee.

2. Making final decisions on eligibility.

3. Ensuring that parents have been appropriately informed of the staffing committee's recommendation and the data upon which the recommendation relies, and ensuring that parental/legal guardian consent has been obtained for the applicant to attend the School.

4. Informing the appropriate school district of the School's determination of eligibility and enrollment of each applicant.

5. Ensuring that appropriate procedures and parent notices are completed when a student is deemed no longer eligible for continued enrollment from the School.

(j) The Florida School for the Deaf and the Blind, or the parent/legal guardian/eligible student, who disagrees with the Individual Educational Plan prepared by the School, or the assignment of the applicant under the Individual Educational Plan has a right to a due process hearing as provided by Rule 6A-6.03311, F.A.C.

(5) Disenrollment/Continued Enrollment.

(a) Students who no longer meet the eligibility criteria of the School described in subsection 6D-3.002(2), F.A.C., or whose re-evaluation(s) as described in Rules 6A-6.03311 and 6D-3.0021, F.A.C., indicates that the student may no longer meet the School's eligibility criteria may be disenrolled from the School following a continuation staffing.

(b) A student shall not be allowed to remain on campus if the student is considered to be a danger to self or others.

(c) Upon review of the continuation staffing committee's recommendations, which shall be based on current evaluative data, the President or designee shall render the final decision regarding eligibility for the School.

(d) The continuation staffing committee, which shall include parents/legal guardians/adult students as participants, shall follow the staffing procedures pursuant to FSDB Rules 6D-3.002, F.A.C. The President or designee may order an additional staffing committee meeting if it is determined proper procedures were not followed.

(e) Disenrollment of a student shall not take effect until 14 calendar days after the President's, or designee's, written notification of the disenrollment to the school district and to the student's parents. The written notification of the disenrollment will be sent by registered mail, return receipt requested. The School's normal disciplinary procedures may be followed during these proceedings.

(f) If the Medical Director suspects that a student may have medically related health and/or safety issues that are beyond the scope of care of the Health Care Center, the student shall immediately be sent home, and the student's ensuing absences shall be registered as excused.

(g) A continuation staffing committee, which shall include the parents/legal guardians/adult student as participants, following the procedures pursuant to Rule 6D-3.002, F.A.C., shall meet to make a recommendation as to whether a student continues to meet FSDB's admission criteria.

(h) When a student is withdrawn by a parent, the School shall notify by mail, as soon as possible, the student's school district.

(i) The student or his or her parents or legal guardian may request a due process hearing in accordance with Rule 6A-6.03311 F.A.C., to challenge the student's disenrollment from the School under these provisions.

(6) Citations to other authority. All citations contained herein to Florida and federal authority shall incorporate subsequent amendments to the provision being cited, unless otherwise specified.

Rulemaking Specific Authority 1002.36, 1003.57, 242.331(3) FS, Law Implemented 120.53(1)(b), 229.053(2)(i), (j), 230.23(4)(m), 242.331(4) FS, History--New 12-19-74, Revised 1-29-76, Amended 1-29-80, 5-2-86, Formerly 6D-3.02, Amended 5-5-87, 4-12-90, 12-20-92, 3-29-95, 3-25-96, _____.

Cf. P. L. 94-142, 20 USC 1401(18), (19), 1412(2), (5), (6), 1413(a)(2), Federal Register, Volume 42, Number 163, Regulations 121a.2, 121a.4, 121a.503.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Cindy Day

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida School for the Deaf and Blind Board of Trustees

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 1, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 4, 2012

DEPARTMENT OF TRANSPORTATION

RULE NO.:	RULE TITLE:
14-88.003	Toll Facilities Revolving Trust Fund Application Requirements

PURPOSE AND EFFECT: The proposed rule amendment will repeal Rule 14-88.003, F.A.C.

SUMMARY: Section 338.251, F.S., which established the Toll Facilities Revolving Trust Fund and granted the Department rulemaking authority was repealed

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is 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: the rule is being repealed to reduce unnecessary regulation.

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: 338.251 FS.

LAW IMPLEMENTED: 334.30, 343.82, 348.0004, 338.251 FS.

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

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: Susan Schwartz, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, FL 32399-0458, susan.schwartz@dot.state.fl.us, (850)414-5392. 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: Susan Schwartz, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, FL 32399-0458, susan.schwartz@dot.state.fl.us, (850)414-5392

THE FULL TEXT OF THE PROPOSED RULE IS:

14-88.003 Toll Facilities Revolving Trust Fund Application Requirements.

Rulemaking Authority 338.251, FS. Law Implemented 334.30, 343.82, 348.0004, 338.251 FS. History—New 1-8-86, Amended 9-22-92, 11-19-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Amy Causseaux, Toll Finance Manager

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2012

DEPARTMENT OF TRANSPORTATION

Commercial Motor Vehicle Review Board

RULE NO.: 14A-1.004
 RULE TITLE: Meetings of the Commercial Motor Vehicle Review Board

PURPOSE AND EFFECT: The amendments to this rule are being made to clarify language and update the legal authorities cited.

SUMMARY: These amendments address the clarity and legal authority of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is 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: The clarifications will not impact regulatory costs.

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: 334.044(2) FS.

LAW IMPLEMENTED: 316.3025, 316.516, 316.545, 316.550 FS.

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

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: Susan Schwartz, Department of Transportation, 605 Suwannee Street, MS. 58, Tallahassee, FL 32399-0458, susan.schwartz@dot.state.fl.us, (850)414-5392. 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: Susan Schwartz, Department of Transportation, 605 Suwannee Street, Ms. 58, Tallahassee, FL 32399-0458, susan.schwartz@dot.state.fl.us, (850)414-5392

THE FULL TEXT OF THE PROPOSED RULE IS:

14A-1.004 Meetings of the Commercial Motor Vehicle Review Board.

(1) ~~The~~ Commercial Motor Vehicle Review Board (Review Board) meetings shall be scheduled as often as necessary, based upon a sufficient number of requests for review to justify the expense of holding a meeting, but in no case shall there be less than six meetings a year.

(a) The Review Board will ~~shall~~ consider testimony or other evidence supporting the ~~which supports~~ modification, cancellation, or revocation of penalties imposed pursuant to Section 316.516, 316.545, 316.550, or 316.3025, ~~F.S. Florida Statutes~~. Only penalties that ~~which~~ have been paid will be considered by the Review Board. ~~Provision for a Review Board hearing on~~ Penalties imposed ~~assessed~~ as a result of a compliance review may be considered by the Review Board prior to payment ~~is found in accordance with~~ Rule 15B-15.002 ~~Chapter 14-108,~~ F.A.C.

(b) The location of each meeting will ~~shall~~ be determined by the Review Board. Any person may request that the review of his or her case be held at a specific city at which the Review Board regularly meets. For his or her convenience, any person

may request to be heard at the next meeting held in the geographic area of the state in which his or her principal place of business is located. Any person may also request to be heard at the next meeting of the Review Board, regardless of geographic area. These requests must be made in writing and be received by the Review Board no less than 14 days prior to the scheduled meeting.

(c) Notwithstanding paragraph (b) above, cases involving requests for Review Board consideration of unpaid penalties ~~imposed for violations found during a compliance review~~ will be heard at the next meeting, regardless of location.

(2) Agendas. The Chair of the Review Board ~~will~~ shall be responsible for the preparation and distribution of agenda items to be considered at the meeting, ~~including~~ and the time and place of such meeting, to Review Board members at least 14 days prior to the meeting.

(a) Changes may be made to the order or content of the agenda by the Chair of the Review Board after it has been made available for distribution; for good cause and as stated in the record.

(b) Copies of the agenda may be obtained from the Review Board, upon ~~verbal or written~~ request. Requests must be received at least seven days prior to the scheduled meeting. Agendas will also be posted on the Department's website at <http://www.dot.state.fl.us>

(3) Timely Written Request for Hearing. Any person who wishes to have a penalty ~~that was imposed which was issued pursuant to Section 316.3025, 316.516, or 316.545, or 316.550, F.S. Florida Statutes~~, considered by the Review Board shall file a written request for hearing ~~before the Review Board~~. The request must be received by the Review Board no later than 60 days after the date on the Notice of Violation.

(4) Appearances. ~~Any person with~~ Persons, firms, or corporations assessed a penalty imposed for a violation violations of Section 316.3025, 316.516, or 316.545, or 316.550, F.S. Florida Statutes, that has have complied with all applicable requirements of this rule ~~may~~ shall appear in person, through an authorized representative, or through legal counsel.

(a) ~~Any person~~ Persons requesting a hearing, who will not be present or represented, shall submit evidence or arguments no less than 14 days prior to the scheduled hearing.

(b) The Review Board ~~will~~ shall sustain all penalties imposed ~~when where~~ no testimony, written evidence, other evidence, or arguments are presented ~~to by the person requesting an appearance before~~ the Review Board.

(5) Records. Meetings of the Review Board ~~will~~ shall be ~~stenographically or mechanically~~ recorded and ~~shall be~~ preserved for the period required by the Division of Library and Information Services, Department of State.

(6) Continuances. Requests for continuances ~~by any person~~ shall be in writing and must be received by the Review Board at least seven days prior to the scheduled meeting.

~~Continuances will be based upon good cause being shown. The Review Board, at its discretion shall grant continuances for good cause shown.~~

(7) Decisions. The Review Board ~~will~~ shall render its decision ~~and notify the person requesting the hearing within 30 days after the hearing and shall notify the person requesting the hearing of its decision in writing. The written notice of the Review Board's decision will be in writing and shall~~ contain a statement that the decision is final. A rehearing may be requested ~~when~~ if additional evidence ~~will be~~ is presented, pursuant to a request from the Review Board.

Rulemaking Specific Authority 334.044(2) FS. Law Implemented ~~286.011~~, 316.3025, 316.516, 316.545, 316.550 FS. History—New 4-26-89, Amended 8-5-96, 12-23-03.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Paul L. Clark, CVO Program Manager
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ananth Prasad, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 30, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: Volume 38, Number 61, October 30, 2012

WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

RULE NO.: 40D-8.624
RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: The purpose is to amend Rule 40D-8.624, F.A.C., to delete the previously adopted guidance levels, add new guidance and minimum levels for Lakes Bonable, Tiger, and Little Bonable in Marion County.

SUMMARY: Establish guidance and minimum levels for Lakes Bonable, Tiger, and Little Bonable pursuant to Section 373.042, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is 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: There are no costs to the regulated public as a result of the proposed amendments. Therefore, this rulemaking will not result in any adverse economic impacts or regulatory cost increases that require legislative ratification.

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: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.042, 373.0421, 373.086, 373.709 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sonya White, SWFWMD, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481 (4660) (OGC #2012026)

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.624 Guidance and Minimum Levels for Lakes.

(1) through (11) No change.

(12) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(8), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(13), F.A.C., below.

Table 8-2 Minimum and Guidance Levels Established During or After August 7, 2000. Levels are elevations, in feet above the National Geodetic Vertical Datum of 1929.					
Location by County and Basin	Name of Lake and Section, Township and Range Information	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) – (o) No change.					
(p) In Marion County Within the Withlacoochee River Basin RESERVED	Bonable, Lake S-31, T-15, R-18	63.6'	62.8' (CAT 3)	58.3' (CAT 3)	50.5
	Little Bonable, Lake S-30, T-15, R-18	58.6'	57.8' (CAT 3)	52.2' (CAT 3)	45.9'
	Tiger, Lake S32, T15, R18	63.6'	62.8' (CAT 3)	58.3' (CAT 3)	50.5
(q) – (cc) No change.					

(13) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Table 8-3 Guidance Water Levels adopted prior to August 7, 2000			
Location of Impoundment by County and Basin	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a)-(o) No change.			
(p) In Marion County Within the Withlacoochee River Basin			
Bonable, Lake S31, T15, R18	64.00'	61.50'	59.50'
Little Bonable, Lake S30, T15, R18	58.00'	55.50'	53.50'

Tiger, Lake S32, T15, R18 (q) – (cc) No change	64.00'	61.50'	59.50'

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.042, 373.0421, 373.086, 373.709 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-21-04 (13), 12-21-04 (13), 6-5-05, 5-2-06, 1-1-07, 2-12-07, 1-10-08, 2-18-08, 4-7-08, 5-20-08, 5-10-09, 4-13-11, 3-12-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Laura J. Donaldson
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Southwest Florida Water Management District Governing Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 30, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 26, 2012

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relation

RULE NO.: 60Y-2.005
 RULE TITLE: General Information
 PURPOSE AND EFFECT: The proposed rule amendment seeks to delete unnecessary information from rule Title 60Y and clarify other phrases within the rule because it is not necessary to name a particular person as the Clerk of the Commission. The effect will be to eliminate all personal identifications within the rules.

SUMMARY: The rule chapter language is amended to delete unnecessary information and clarify the meaning the rest of the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: 760.06(12) FS.

LAW IMPLEMENTED: 120.54, 760.06 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cheyanne Costilla, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (850)488-7082, Cheyanne.Costilla@fchr.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-2.005 General Information.

(1) through (4) No change.

(5) All complaints, petitions and appeals from Commission action may be filed electronically by facsimile or at the Commission’s website found at <http://fchr.state.fl.us>. The original physically signed document shall be sent the same day by U.S. Mail. The party who elects to file a document by electronic transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and must accept full risk that the document may not be properly filed with the Commission as a result. The filing date for an electronically transmitted document shall be the date the Commission receives the complete document. All complaints may be sent by facsimile to the ~~Manager of Customer Service~~ at (850)488-5291. All petitions and appeals from Commission action may be sent by facsimile to the ~~Clerk~~ at (850)487-4957.

(6) Requests for information or any questions are to be directed ~~The Clerk~~ to the Commission ~~at is Violet Crawford, Clerk to the Commission,~~ 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301-4857, or call phone number (850)488-7082.

~~Rulemaking Specific~~ Authority 760.06(12) FS. Law Implemented 120.54, 760.06 FS. History—New 11-2-78, Formerly 22T-6.05, 22T-6.005, Amended 12-31-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Cheyanne Costilla

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michelle Wilson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 31, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 18, 2012

DEPARTMENT OF MANAGEMENT SERVICES

Commission on Human Relations

RULE NO.: RULE TITLE:

60Y-7.001 Complaints

PURPOSE AND EFFECT: The proposed rule amendment seeks to clarify that the Florida Commission on Human Relations does not require an aggrieved person under the Florida Fair Housing Act to file a complaint. The effect will be to make it clear that the act of filing a complaint is permissive rather than mandatory.

SUMMARY: The rule chapter language is amended to clarify that the administrative remedies available under the Florida Fair Housing Act are permissive not mandatory.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: 760.31(5) FS.

LAW IMPLEMENTED: 760.34 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cheyanne Costilla, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, FL 32301, (805)488-7082, Cheyanne.Costilla@fchr.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60Y-7.001 Complaints.

(1) Who may file. An aggrieved person may, but is not required to, file a complaint with the Commission alleging a discriminatory housing practice. ~~A complaint may be filed by any person who claims to have been injured by a discriminatory housing practice or any person who believes that he will be injured by a discriminatory housing practice that is about to occur.~~

(2) Time for Filing. A complaint may, not later than one year after an alleged discriminatory housing practice has occurred or terminated, ~~be filed with the Commission, at any time within one year of the occurrence of the alleged discriminatory housing practice.~~ If the alleged discriminatory housing practice is of a continuing nature, the date of the

occurrence may be any date subsequent to the commencement of the discriminatory housing practice up to and including the date on which it shall have ceased.

~~Rulemaking Specific~~ Authority 760.31(5) FS. Law Implemented 760.34 FS. History—New 1-25-90, Amended 11-20-91, Formerly 22T-21.001, Amended 9-17-98, 12-31-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cheyanne Costilla

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Michelle Wilson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 18, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:

61A-3.0305 Pool Buying Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rules amendment is to repeal a rule that is duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The elimination of Rule 61A-3.0305, F.A.C., the substance of which was placed into Rule 61A-4.0501, Florida Administrative Code; therefore is now duplicative.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The proposed rule repeal is not expected to require legislative ratification based on the information expressly relied upon and described herein. The Division of Alcoholic Beverages and Tobacco conducted an analysis of the proposed rule potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.14(3), 561.08, 561.42 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Renita Hayes, Operations Review Specialist, Division of Alcoholic Beverages and Tobacco,

Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1011, Telephone: (850)717-1118

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-3.0305 Pool Buying Procedures.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.14(3), 561.08, 561.42 FS. History–New 1-20-97, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE: Allen Douglas, Director, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 5, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:

61A-3.035 Delinquent List

PURPOSE AND EFFECT: To amend Rule 61A-3.035, F.A.C., consolidating other rules that pertain to the delinquent list. It has been determined Rules 61A-3.033 and 61A-4.003, F.A.C. contains material that is more appropriately found in rule 61A-3.035, F.A.C. As such, the division intends to place the material in Rule 61A-3.035, F.A.C. and has repealed Rules 61A-3.033 and 61A-4.003, F.A.C.

SUMMARY: To consolidate Rules 61A-3.033 and 61A-4.003, F.A.C. into Rule 61A-3.035, F.A.C., which also pertain to the delinquent list. As such, the division intends to place the material in Rule 61A-3.035, F.A.C. and has repealed Rules 61A-3.033 and 61A-4.003, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. 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: 561.11 FS.

LAW IMPLEMENTED: 561.42(3), (4), (5) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Renita Walton-Hayes, Operations Review Specialist, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1118, Renita.Walton-Hayes@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-3.035 Delinquent List.

(1) No vendor will be placed on or removed from the delinquent list as created by Section 561.42(4), F.S., unless the appropriate forms prescribed for that purpose have been properly executed and received by the Division in the Central Office at Tallahassee ~~or has otherwise provided by the director after sufficient cause is shown.~~

(2) All distributors of alcoholic beverages shall report to the Division all vendors that have been delinquent in the payment of their accounts for the purchase of alcoholic beverages. Each delinquent vendor shall be so reported on DBPR ABT 6034, DELINQUENT ACCOUNT REPORT, effective December, 2012, and incorporated herein by reference. This form is available upon request from the Division of Alcoholic Beverages & Tobacco at 1940 N. Monroe Street, Tallahassee, Florida 32399-1021, the Division's district office serving your area of interest whose contact information is provided at <http://www.myfloridalicense.com/dbpr/abt/forms/documents/abtDistrictOfficeInformation.doc> or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html. The delinquent vendor shall be notified by the distributor at the time the report is filed with the Division. If purchases involved in the delinquency were made by a chain or pool buying group, the report shall so state and the agent for the pool buying group shall be notified in the same manner as any other vendor.

(3) Upon receipt of such reports, the Division will place the vendor on the delinquent list, in accordance with the provisions of subsection 561.42, Florida Statutes. Vendors will be placed on the delinquent list for the invoiced amount and any additional fees imposed as a result of the delinquency or in the case of chain or pool buying group for the master invoiced amount and any additional fees imposed as a result of the delinquency, on purchases of alcoholic beverages only.

(4) Pool buying groups.

(a) If an individual member of a pool buying group makes a purchase outside of a pool order and the order results in a delinquency, the Division will not place the pool buying group on the delinquency list.

(b) If a pool buying agent places a pool order and the pool order results in a delinquency, the Division will place the entire pool group and each of its members, even those that did not participate in that particular order, on the delinquency list, and

the entire pool group and each of its members will remain subject to the provisions of section 561.42, Florida Statutes, until the pool buying group is released from the delinquent list. A member may request deletion from the pool buying group while the group is on the delinquency list and the Division may approve the deletion if the member provides documentation that it was not included in the particular purchase that caused the group to be placed on the delinquency list.

(5) Upon satisfaction of each delinquency the distributor shall report the release of such vendor on DBPR ABT 6035, DELINQUENT ACCOUNT RELEASE REPORT, effective December, 2012, and incorporated herein by reference. This form is available upon request from the Division of Alcoholic Beverages & Tobacco at 1940 N. Monroe Street, Tallahassee, Florida 32399-1021, the Division's district office serving your area of interest whose contact information is provided at <http://www.myfloridalicense.com/dbpr/abt/forms/documents/abtDistrictOfficeInformation.doc> or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html. Upon notice of satisfaction of the delinquency, the Division shall remove the vendor from the delinquent list.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.42(3),(4),(5) FS. History—Formerly 12-19-74, Amended 3-1-76, Formerly 7A-3.35, 7A-3.035, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Douglas, Director, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 25, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-5.010
RULE TITLE: Completed Application

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment is to update and promulgate application forms to be submitted for new licensure, transfer of ownership of a license, change of business name or mailing address of a license and request to withdraw an application in process. The rule amendment also clarifies certain information to accompany the application form and removes language no longer valid or that exceeds statutory authority.

SUMMARY: Rule 61A-5.010, F.A.C., removes language not authorized by statute, indicates the proper form to be used and describes certain items that should accompany the application form in order to facilitate the processing of the applicant request.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The proposed rule repeal is not expected to require legislative ratification based on the information expressly relied upon and described herein. The Division of Alcoholic Beverages and Tobacco conducted an analysis of the proposed rule potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 561.11 FS.

LAW IMPLEMENTED: 561.08, 561.01(11), 561.11, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.24, 561.25, 561.32, 561.331, 561.37, 561.371, 561.42, 565.02(3)(a) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Renita Walton-Hayes, Operations Review Specialist, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)717-1118, Renita.Walton-Hayes@dbpr.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-5.010 Completed Applications; Transfer Fee.

~~The term "completed application" as used herein is defined to describe the requirements by which the division will accept any application for a temporary or permanent alcoholic beverage license. The division will only accept applications for filing which are complete. Incomplete applications delivered to the division will be returned to the applicant with a letter advising the reason the application is being returned.~~

(1) ~~An completed application for new licensure shall include the following: be filed on DBPR ABT 6001, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE AND RETAIL TOBACCO, effective December, 2012 and incorporated herein by reference. The application must be completed in accordance with the list of license requirements~~

contained in the application instructions. This form is available upon request from the Division of Alcoholic Beverages & Tobacco at 1940 N. Monroe Street, Tallahassee, Florida 32399-1021, the Division's district office serving your area of interest whose contact information is provided at <http://www.myfloridalicense.com/dbpr/abt/forms/documents/abtDistrictOfficeInformation.doc> or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html.

(a) ~~The DBR form 700L, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE, incorporated herein by reference and effective 2-16-89, must be complete and requirements furnished in accordance with the DBR form 761L, LIST OF LICENSE APPLICATION REQUIREMENTS, incorporated herein by reference and effective 2-16-89. Any agreements or financial documentation which are required as attachments as a result of the completion of Section III of the DBR form 700L, APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE must also be furnished.~~

(b) ~~A DBR form 710L, PERSONAL QUESTIONNAIRE, incorporated herein by reference and effective 2-16-89 must be completed by all applicants and persons directly connected with the business sought to be licensed.~~

(c) ~~A set of fingerprints on regular United States Department of Justice forms for each applicant and for any person or persons interested directly or indirectly with the applicant in the business for which the license is being sought.~~

(d) ~~The processing fee for each set of fingerprints submitted with the application.~~

(2) An application for transfer of ownership of an existing license shall be filed on DBPR ABT 6002, APPLICATION FOR TRANSFER OF OWNERSHIP OF AN ALCOHOLIC BEVERAGE LICENSE AND NEW TOBACCO PERMIT, effective December, 2012 and incorporated herein by reference. The application must be completed in accordance with the list of license requirements contained in the application instructions. This form is available upon request from the Division of Alcoholic Beverages & Tobacco at 1940 N. Monroe Street, Tallahassee, Florida 32399-1021, the Division's district office serving your area of interest whose contact information is provided at <http://www.myfloridalicense.com/dbpr/abt/forms/documents/abtDistrictOfficeInformation.doc> or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html. An applicant for transfer of a quota liquor license shall also provide records of gross sales of alcoholic beverages for the past 3 years, which the division will utilize to compute the applicable transfer fee. An applicant for transfer of a quota liquor license may elect to pay a \$5000 transfer fee, in lieu of providing such records. This transfer fee shall be paid in addition to any other applicable transfer fees provided by

general law and is subject to the following provisions: Applicants for the following types of licenses will be required to provide or complete the following additional documents:

(a) If the quota liquor license has been transferred by court order or certificate of title during the past 3 years, the applicant shall provide records of gross sales of alcoholic beverages from the date of such transfer. In lieu of providing these records, the applicant may elect to pay a \$5,000 transfer fee. For each month prior to the date of the court order or certificate of title, the applicant shall be entitled to claim zero gross sales of alcoholic beverages for purposes of calculating the transfer fee. If the quota liquor license has been transferred by court order or certificate of title in the past 3 years and there have been no gross sales of alcoholic beverages since the date of such transfer, there shall be no transfer fee. An applicant for a new issuance of a quota liquor license shall provide a right of occupancy to the specified location in the application. Right of occupancy includes, but is not limited to, a lease agreement, a rental contract, a sublease, a warranty deed or any documentation that in a court of law would establish an applicant's right to occupy the premise sought to be licensed.

(b) In an effort to assist applicants in establishing gross sales for the past 3 years, the Division shall attempt to obtain from the Department of Revenue records of gross sales of any prior licensee, except the immediate transferor, who held the license during the past 3 years. In the event the quota liquor license was transferred by court order or certificate of title during the past 3 years, the Division will not attempt to obtain records of gross sales prior to the date of such transfer. Notwithstanding this provision, it remains the applicant's burden to establish gross sales of alcoholic beverages for the past 3 years. In lieu of establishing such gross sales, the applicant may elect to pay \$5,000 transfer fee. An applicant for a transfer of a quota liquor license shall provide records of gross sales for the past 3 years or for the period of time current licensee has held license in order that the division may compute the transfer fee. An applicant may, in lieu of providing these records, elect to pay the applicable transfer fee as provided by general law.

(c) An applicant for a club license shall provide:

1. The club by laws;
2. The club charter; and
3. The articles of incorporation.

The applicant is not required to provide records of gross sales of alcoholic beverages for any month in which the quota liquor license was in Division-approved inactive status for the entire month, and the applicant shall be entitled to claim zero gross sales of alcoholic beverages for each such month.

(d) An applicant for a special pleasure or excursion boat license shall provide a Certificate of Documentation and a Certificate of Inspection from the Coast Guard showing the boat has a capacity for at least 125 passengers.

(c) The applicant shall be entitled to claim zero gross sales of alcoholic beverages for any month in which a prior licensee did not have an open sales tax account with the Department of Revenue for the entire month.

(e) An applicant for a new or transfer license to be issued at a location where a current license exists shall provide:

(d) If a license has been inactive for the entire past 3 years, regardless of whether the Division approved the period of inactivity, the applicant shall pay a \$5,000 transfer fee. A DBR form 708L, LICENSE CANCELLATION REQUEST, incorporated herein by reference and effective 2-16-89; or

(f) An applicant for a distributors or manufacturers license shall provide a surety bond as required by general law.

(3) A licensee may change its Business Name or Mailing Address on DBPR ABT 6009, CHANGE BUSINESS NAME/CHANGE OF MAILING ADDRESS APPLICATION, effective December, 2012 and incorporated herein by reference. The application must be completed in accordance with the list of license requirements contained in the application instructions. This form is available upon request from the Division of Alcoholic Beverages & Tobacco at 1940 N. Monroe Street, Tallahassee, Florida 32399-1021, the Division's district office serving your area of interest whose contact information is provided at <http://www.myfloridalicense.com/dbpr/abt/forms/documents/abtDistrictOfficeInformation.doc> or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html. Once an application is accepted by the division nothing herein shall be construed to prohibit the agency from requiring additional information or documentation that becomes necessary as a result of processing or investigation of the application by the division.

(4) When the applicant no longer wishes to proceed with the application process, the application must be withdrawn using DBPR ABT 6031, REQUEST FOR WITHDRAWAL OF APPLICATION, effective December, 2012 and incorporated herein by reference. The application must be completed in accordance with the list of license requirements contained in the application instructions. This form is available upon request from the Division of Alcoholic Beverages & Tobacco at 1940 N. Monroe Street, Tallahassee, Florida 32399-1021, the Division's district office serving your area of interest whose contact information is provided at <http://www.myfloridalicense.com/dbpr/abt/forms/documents/abtDistrictOfficeInformation.doc> or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html or at http://www.myfloridalicense.com/dbpr/abt/forms/index_licensing.html.

(5) An applicant for an alcoholic beverage license shall provide a right of occupancy to the specified location in the application. Right of occupancy includes, but is not limited to, a lease agreement, a rental contract, a sublease, a warranty

deed or any documentation that in a court of law would establish an applicant's right to occupy the premise sought to be licensed.

(6) Applicants for the following types of licenses will be required to provide or complete the following additional documents:

(a) An applicant for a club license shall provide the club's by-laws, the club's charter, and the club's articles of incorporation.

(b) An applicant for a special pleasure or excursion boat license shall provide a Certificate of Documentation and a Certificate of Inspection from the Coast Guard showing the boat has a capacity for at least 125 passengers.

(c) An applicant for a distributors or manufacturers license shall provide a surety bond as required by general law.

(7) Once an application is accepted by the Division, nothing herein shall be construed to prohibit the Division from requiring additional information or documentation that becomes necessary as a result of processing or investigation of the application by the Division.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.08, 561.01(11), 561.11, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.24, 561.25, 561.32, 561.331, 561.37, 561.371, 561.42, 565.02(3)(a) FS. History—New 2-16-89, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Allen Douglas, Director, Division of Alcoholic Beverage and Tobacco, Department of Business and Professional Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 4, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 21, 2011

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.0032
RULE TITLE: Use of Physician Anesthesiologist
PURPOSE AND EFFECT: The Board proposes this rule amendment to relocate the provision on dentists treating patients who have been administered anesthesia by a physician anesthesiologist in the dental outpatient facility.

SUMMARY: The proposed rule amendment is necessary to address the requirements of dentists treating patients who have been administered anesthesia by a physician anesthesiologist in dental outpatient facilities.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 466.004(4), 466.017(3) FS.

LAW IMPLEMENTED: 466.017(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64B5-14.0032 follows. See Florida Administrative Code for present text.)

64B5-14.0032 Itinerate/Mobile Anesthesia-Physician Anesthesiologist.

The provisions of this rule control the treatment of dental patients in an outpatient dental office setting where a physician anesthesiologist has performed the sedation services. This rule shall control notwithstanding any rule provision in this Chapter that prohibits such conduct. The level of sedation is not restricted to the level of the permit held by the treating dentist. The level of sedation may be any level necessary for the safe and effective treatment of the patient.

(1) General Anesthesia Permit Holders.

A dentist who holds a general anesthesia permit may treat their adult, pediatric, or special needs patients when a physician anesthesiologist performs the sedation services. The following conditions shall apply:

(a) The physician anesthesiologist performs the administration of the anesthesia and the physician anesthesiologist is responsible for the anesthesia procedure;

(b) The dental treatment takes place in the general anesthesia permit holder's board-inspected and board-registered dental office.

(2) Pediatric Conscious Sedation Permit Holders.

A pediatric dentist, as recognized by the American Dental Association, who holds a pediatric conscious sedation permit may treat their pediatric or special needs dental patients when a physician anesthesiologist performs the sedation services. The following conditions shall apply:

(a) The physician anesthesiologist performs the administration of the anesthesia, and the physician anesthesiologist is responsible for the anesthesia procedure;

(b) The treatment takes place in the permit holder's board-inspected and board-registered dental office;

(c) The dental office meets the supply, equipment, and facility requirements as mandated in Rule 64B5-14.008, F.A.C.;

(d) A board-approved inspector performs an inspection of the dental office and the inspector reports the office to be in full compliance with the minimum supply, equipment, and facility requirements.

A pediatric dentist who holds an active conscious sedation permit and not a pediatric conscious sedation permit shall meet the sedation permit requirement of this rule until the next biennial license renewal cycle that follows the effective date of this rule. At the next biennial license renewal cycle that follows the effective date of this rule, a pediatric dentist who hold a conscious sedation permit may transfer the permit to a pediatric conscious sedation permit without any additional cost besides the renewal fee.

(3) Conscious Sedation Permit Holders:

A dentist who holds a conscious sedation permit may treat their adult or adult special needs dental patients when a physician anesthesiologist performs the sedation services. The following conditions shall apply:

(a) The physician anesthesiologist performs the administration of the anesthesia, and the physician anesthesiologist is responsible for the anesthesia procedure;

(b) The treatment takes place in the permit holder's properly board-inspected and board-registered dental office;

(c) The dental office meets the supply, equipment, and facility requirements as mandated in Rule 64B5-14.008, F.A.C.;

(d) A board-approved inspector performs an inspection of the dental office and the inspector reports the office to be in full compliance with the minimum supply, equipment, and facility requirements.

(4) Non-Sedation Permit Holders:

All provisions of this Chapter relating to the administration of any type of anesthesia or sedation and treatment to sedated patients shall remain in full force and effect. Nothing in this

section supersedes, alters, or creates a variance to any prohibitions and mandates applicable to non-sedation permit holding dentists.

(5) Staff or Assistants: A dentist treating a patient pursuant to this rule must have at least three (3) properly credentialed individuals present as mandated in Rule 64B5-14.003, F.A.C. To fulfill the mandatory minimum required personnel requirements of Rule 64B5-14.003, a physician anesthesiologist assistant or a certified registered nurse anesthetist in addition to, or in lieu of a dental assistant or dental hygienist may be utilized. However, the dentist must have a dedicated member of the team to assist in the dental procedure or during dental emergencies.

(6) Equipment:

A dentist may comply with the electrocardiograph and end tidal carbon dioxide monitor equipment standards set by Rule 64B5-14.008, by utilizing mobile or non-fixed equipment if the dentist meets the following conditions:

(a) During the required board inspection, the equipment is available for inspection, and the dentist supplies an inspection of the equipment, which a licensed health care risk manager performed. A licensed health care risk manager inspection is valid for a period of twelve months; and

(b) The dentist shall make the inspected equipment available during all required inspections and the equipment must be immediately available for an adverse incident inspection.

(7) Records:

The treating dentist shall maintain a complete copy of the anesthesia records in the patient's dental chart. The dentist shall make certain that name and license numbers identify the treating dentist, the physician anesthesiologist, and all personnel utilized during the procedure.

Rulemaking Authority 466.004(4), 466.017(3) FS. Law Implemented 466.017(3) FS. History—New 8-20-12, Amended 11-19-12,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesia Committee

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Dentistry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 31, 2012

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-29.004
RULE TITLE: Records

PURPOSE AND EFFECT: The Board proposes the rule amendment pursuant to legislative changes.

SUMMARY: The Board proposes the rule amendment to update the records guidelines for animal control shelters pursuant to legislative changes in Section 828.055, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is 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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 465.005, 828.055 FS.

LAW IMPLEMENTED: 828.055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mark Whitten, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-29.004 Records.

Animal control shelter permittees shall maintain records of purchases and administration of drugs for euthanization or chemical immobilization sodium pentobarbital and sodium pentobarbital with lidocaine for a period of not less than four (4) two (2) years. Records of administration shall contain:

- (1) through (6) No change.

Rulemaking Specific Authority 465.005, 828.055 FS. Law Implemented 828.055 FS. History—New 10-17-79, Formerly 21S-14.04, Amended 4-24-88, Formerly 21S-14.004, 21S-29.004, 61F10-29.004, 59X-29.004, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Pharmacy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 11, 2012
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 15, 2012

DEPARTMENT OF ECONOMIC OPPORTUNITY

Division of Workforce Services

RULE NO.: 73B-11.013
 RULE TITLE: Filing Claims and Providing Documentation

PURPOSE AND EFFECT: The amendment set forth in this Notice of Proposed Rule will transfer the Work Registration Requirements from Rule 73B-11.013 to 73B-11.015, F.A.C.

SUMMARY: The work registration requirements being amended and transferred to Rule 73B-11.015, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is 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: This amendment transfers the work registration requirement to Rule 73B-11.015, F.A.C.

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: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.036, 443.091, 443.101, 443.1116 FS.

IF REQUESTED WITHIN 21 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: January 10, 2013, 3:00 p.m. – 4:00 p.m.
 PLACE: Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, Room 110, Tallahassee, Florida 32399-6545

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: Peter Penrod, Assistant General Counsel, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, MSC 110, Tallahassee, Florida

32399-4120, (850)245-7150. 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: Peter Penrod, Assistant General Counsel, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULE IS:

73B-11.013 Filing Claims and Providing Documentation.

(1) through (2) No change.

~~(3) Registration for Work. The filing of an unemployment compensation claim also constitutes registration for job search and reemployment assistance with the One Stop Career Center nearest the claimant's address of record.~~

~~(3)~~(4) Disclosure of Support Obligations. Each individual filing a new or additional claim for unemployment compensation must disclose at the time of filing whether he or she owes support obligations which are being enforced by the Florida Department of Revenue pursuant to 42 USC 503(e)(2)(A)(i) and 42 USC 654.

~~(4)~~(5) Effective Date of Claim. Unless otherwise provided by Section 443.036(9), F.S., the effective date of an initial, additional or reopened claim will be the Sunday immediately preceding the filing date, with the following exceptions:

(a) Change of Calendar Quarter. When an initial claim is filed during a week in which a change of calendar quarter occurs, the claimant will have the option of filing the claim effective the beginning of the new calendar quarter.

(b) Group Filing. When arrangements for group filing are made, generally due to mass separation, labor dispute or implementation of a Short Time Compensation Plan, initial and additional claims will be backdated to the Sunday immediately preceding the date on which the unemployment began, provided the claimant reports in accordance with the group filing arrangements.

(c) Sunday Filing. Claims filed on a Sunday will be effective on the date of filing.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.036, 443.091, 443.101, 443.1116 FS. History—New 8-25-92, Formerly 38B-3.013, Amended 8-14-08, 11-27-11, Formerly 60BB-3.013, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Peter Penrod, Assistant General Counsel, Department of Economic Opportunity, 107 East Madison Street, Caldwell Building, MSC 110, Tallahassee, Florida 32399-4120, (850)245-7150

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Hunting F. Deutsch

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 6, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAR: July 27, 2012

Section III Notices of Changes, Corrections and Withdrawals

**DEPARTMENT OF BUSINESS AND PROFESSIONAL
 REGULATION**

Board of Employee Leasing Companies

RULE NO.: RULE TITLE:
 61G7-10.001 Quarterly Reporting Regarding
 Working Capital Requirements

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. 70, November 13, 2012 issue of the Florida Administrative Register.

The change is in response to a vote by the Board at a meeting held on November 29, 2012. The changes are as follows:

1. In subsection (1) the last two sentences shall read as follows: All required submissions and examinations shall be made in furtherance of a licensure renewal application and shall be submitted to the department within 75 days of the end of each quarter. The department will accept a timely filed annual financial report in lieu of a quarterly report for the last quarter in an employee leasing company’s fiscal year.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

**DEPARTMENT OF CHILDREN AND FAMILY
 SERVICES**

Agency for Persons with Disabilities

RULE NOS.: RULE TITLES:
 65G-4.0210 Definitions
 65G-4.0211 General Provisions
 65G-4.0212 Transition of Individuals to iBudget
 Florida
 65G-4.022 iBudget Cost Plan Development and
 Approval
 65G-4.024 Cost Plan Changes
 65G-4.027 Cost Plan Funding and Review

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. 31, August 3, 2012 issue of the Florida Administrative Register.

THE FULL TEXT OF THE AMENDED PROPOSED
 RULES:

65G-4.0210 Definitions.

(1) ABC: The Allocation, Budgeting, and Contracts information technology system used by the agency to maintain demographic, services, budget, and other data.

(2) Allocation Algorithm: The mathematical formula based upon statistically validated relationships between client characteristics (variables) and the client’s level of need for services provided through the Waiver. To calculate the allocation algorithm for an individual

(a) The following weighted values, as applicable, shall be summed, and the resulting total then squared:

1. The base value for all individuals, 26.7080;
2. If the individual is age 21 or older, 53.1104;
3. If the individual resides in supported or independent living, 62.5319;

4. If the individual resides in an APD-licensed foster or group home, or a non-APD licensed congregate home, 92.1163;

5. If the individual resides in a Residential Habilitation Center or Comprehensive Transitional Education Program, 121.5095;

6. The sum of the scores on the individual questions in the OSI Behavioral Status Subscale (Questions 25-30), multiplied by 2.5457;

7. The sum of the scores on the individual questions in the OSI Functional Status Subscale (Questions 14 – 24), multiplied by 0.4124;

8. The individual’s score on OSI Question 18, multiplied by 7.1686;

9. The individual’s score on OSI Question 20, multiplied by 5.8770; and

10. The individual’s score on OSI Question 23, multiplied by 7.6807;

(b) The squared result of the sum of (a)1 -10, above, is the client’s Allocation Algorithm Amount, subject to the following conditions:

1. The total of all clients’ projected annual iBudgets may not exceed the Agency’s annual appropriation for Waiver services;

2. If, during the calculation of an individual’s iBudget Allocation Algorithm Amount, the sum of all waiver clients’ Allocation Algorithm Amounts exceeds the annual appropriation, the Agency shall adjust that individual client’s Allocation Algorithm Amount by the factor of the annual appropriation divided by the total of all clients’ Allocation Algorithm Amounts. For purposes of this subsection, the Agency’s “annual appropriation” means the annual amount appropriated by the Legislature for DD Waiver Services reduced by the amount reserved by the Agency pursuant to Section 393.0662(1)(b), F.S.

(3) Allocation Implementation Meeting (AIM) Work Sheet: A form used by the Agency to communicate to a client (a) their existing annualized cost plan detailing approved services, if any, (b) the proposed services based upon the target iBudget Florida allocation, and (c) the request for additional services, if any, should the individual or their legal representative feel that the health and safety needs of the individual cannot be met within the target iBudget Florida allocation. The AIM worksheet is hereby adopted and incorporated by reference in the rule, and may be found on the Agency's website at: [new address to be set-up].

~~(4)(2) Approved cost plan: The document that lists all waiver services that have been authorized by the agency for the individual, including the anticipated cost of each approved waiver service, the provider of the approved service, and information regarding the provision of the approved service. Cost Plan is defined in the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference.~~

~~(3) Budget allocation: The amount of funds that has been approved by the agency for an individual to expend for waiver services during a fiscal year.~~

~~(4) Budget allocation formula (hereby incorporated by reference as Form APD IB 1): The mathematical equation used as one element of determining an individual's budget allocation. The formula shall include the following information regarding an individual: (a) Age and living setting based on the current information in ABC for that individual as of the date of commencing calculation of the budget allocation formula. (b) The individual's Questionnaire for Situational Information (QSI) results from its most recent administration as of the date of beginning calculation of budget allocations.~~

~~(5) Existing Current annualized cost plan: The annualized total amount of funding authorized by the agency for the approved cost plan immediately prior to the new period for which a budget allocation is being developed. This amount shall exclude one-time expenses or any services which were authorized during the year and the authorization has expired. Only clients who are receiving waiver services will have an existing annualized cost plan.~~

~~(6) Extraordinary Need: An extraordinary need would place the health and safety of the client, the client's caregiver, or the public in immediate, serious jeopardy without the provision of services or supports that would relieve the immediate, serious jeopardy and the iBudget Florida allocation algorithm amount is insufficient to fund, and includes:~~

~~(a) A documented history of significant, potentially life-threatening behaviors, such as recent attempts at suicide, arson, nonconsensual sexual behavior, or self-injurious behavior requiring medical attention;~~

~~(b) A complex medical condition that requires active intervention by a licensed nurse on an ongoing basis that cannot be taught or delegated to a non-licensed person;~~

~~(c) A chronic comorbid condition. As used in this subparagraph, the term "comorbid condition" means a medical condition existing simultaneously but independently with another medical condition in a patient;~~

~~(d) A need for total physical assistance. That the individual must have assistance to complete daily activities such as eating, bathing, toileting, grooming, and personal hygiene;~~

~~(e) A need caused by characteristics intrinsic to a client's diagnosed condition, or the natural progression of their diagnosed condition.~~

~~(f) A need for additional services or supports due to unique circumstances of the caregiver, and not caused by the client's condition;~~

~~(g) A need which is caused by the client's specific age change which eliminates eligibility for services provided by State Plan Medicaid for Children (at the age of 21), the Foster Care system (at the age of 18), or the Educational System (at age 22). A temporary or episodic change in client needs (for example a change in caregiver status, or living setting) does not qualify as an extraordinary need. Temporary or one time needs are addressed by Rule 65G-4.027, F.A.C., as are changes of extended duration after the iBudget is established.~~

~~(7) Final iBudget Allocation: The amount of funds that has been approved by the agency, pursuant to the iBudget Florida Rules, for an individual to expend for waiver services during a fiscal year.~~

~~(8) iBudget Florida: The waiver service delivery system that uses individual budgets and~~

~~(6) Draft cost plan: A draft cost plan is a cost plan that is not yet approved by the agency; an approved cost plan is a cost plan that has been approved by the agency. (7) iBudget Florida: The waiver system under which the Agency for Persons with Disabilities operates the Developmental Disabilities Individual Budgeting Waiver.~~

~~(9) iBudget Florida Rules: Rules 65G-4.0210 through 4.0212, 4.022, 4.024, and 4.027, F.A.C., are the rules which implement and interpret the iBudget Florida allocation algorithm and methodology required by Section 393.0662, F.S.. References within the iBudget Florida Rules to "these rules" shall mean the iBudget Florida Rules.~~

~~(10)(8) Individual: a person with a developmental disability, as defined by Section 393.063, F.S., and as applied by Rules 65G-4.014 through 65G-4.017, F.A.C., who is enrolled in iBudget Florida. Individuals are also referred to as "clients" in this rule.~~

~~(11) Medical Necessity or Medically Necessary: A set of conditions for determining the need for and appropriateness of Medicaid-funded services for an enrolled recipient. To~~

determine if a service is a Medical Necessity or Medically Necessary, the medical or allied care, goods, or services furnished or ordered must meet the following conditions:

(a) Be necessary to protect life, to prevent significant illness or significant disability, or to alleviate severe pain;

(b) Be individualized, specific, and consistent with symptoms or confirmed diagnosis of the illness or injury under treatment, and not in excess of the patient's needs;

(c) Be consistent with generally accepted professional medical standards as defined by the Medicaid program and not be experimental or investigational;

(d) Be reflective of the level of service that can be safely furnished, for which no equally effective and more conservative or less costly treatment is available, statewide; and

(e) Be furnished in a manner not primarily intended for the convenience of the recipient, the recipient's caretaker, or the provider. Medical Necessity alone is not sufficient to authorize a service under the Waiver. Individuals must use all available services authorized under the state Medicaid plan, school-based services, private insurance and other benefits, and any other resources that may be available to them before using funds from their iBudget allocations to pay for support and services. Failure to comply with this requirement shall result in denial of the service request. The determination of medical necessity is used for all decisions made regarding services, extraordinary needs, and supplemental funding.

(12) Natural Supports : Refers to services or supports that are available from the individual's family members, neighbors, or friends and for which no payment for the service or support is provided.

(9) Initial budget allocation: The first budget allocation for an individual after his or her enrollment in iBudget Florida.

(10) iBudget Florida web system: The information technology system that specifically supports iBudget Florida and works with the ABC system to process and store information related to iBudget Florida.

(11) Proposed cost plan: The document that lists all waiver services being requested by the individual, the anticipated cost of each waiver service, the proposed provider of the service, and proposed information regarding the provision of the service.

(13)(12) Questionnaire for Situational Information (QSI): An assessment instrument used by APD to determine an individual's needs in the areas of functional, behavioral, and physical status. The QSI has been adopted by the Agency in subsection 65G-4.0026(2), F.A.C., as the current valid and reliable assessment instrument.

(14)(13) Service families: Eight categories that group services related to: Life Skills Development, Supplies and Equipment, Personal Supports, Residential Services, Support Coordination, Therapeutic Supports and Wellness,

Transportation and Dental Services. The Service families include the following services:

(a) Life Skills Development, which includes:

1. Life Skills Development Level 1 (formerly known as companion services);

2. Life Skills Development Level 2 (formerly known as supported employment); and

3. Life Skills Development Level 3 (formerly known as adult day training).

(b) Supplies and Equipment which includes:

1. Consumable Medical Supplies;

2. Durable Medical Equipment and Supplies;

3. Environmental Accessibility Adaptations; and

4. Personal Emergency Response Systems (unit and services).

(c) Personal Supports, which includes:

1. Services formerly known as in-home supports, respite, personal care and companion for individuals age 21 or older, living in their own home or family home and also for those at least 18 but under 21 living in their own home; and

2. Respite Care (for individuals under 21 living in their family home).

(d) Residential Services, which includes:

1. Standard Residential Habilitation;

2. Behavior-Focused Residential Habilitation;

3. Intensive-Behavior Residential Habilitation;

4. Live-In Residential Habilitation;

5. Specialized Medical Home Care; and

6. Supported Living Coaching.

(e) Support Coordination, which includes:

1. Limited Support Coordination;

2. Full Support Coordination; and

3. Enhanced Support Coordination.

(f) Therapeutic Supports and Wellness, which includes:

1. Private Duty Nursing;

2. Residential Nursing;

3. Skilled Nursing;

4. Dietician Services;

5. Respiratory Therapy;

6. Speech Therapy;

7. Occupational Therapy;

8. Physical Therapy;

9. Specialized Mental Health Counseling;

10. Behavior Analysis Services; and

11. Behavior Assistant Services.

(g) Transportation; and

(h) Dental Services, which consists of Adult Dental Services.

(15)(14) Significant: Applies to a significant change in circumstance or a significant need. Significant means—A change of considerable magnitude or considerable effect.

~~(16)~~(15) Supplemental funding: Funding granted after the beginning of the fiscal year or the date of the individual's final iBudget Allocation initial budget allocation. Such funding shall be for temporary or permanent changes in service needs or for one-time needs that are medically necessary.

~~(17)~~(16) Support plan: An individualized plan of supports and services designed to meet the needs of an individual enrolled in the waiver. The plan is based on the preferences, interests, talents, attributes and needs of an individual.

~~(18)~~ Target Allocation: The allocated budget amount, in dollars, based upon the allocation algorithm and any other information the Agency has regarding the client's characteristics, which is provided to the client as an initial suggested budget amount starting point. The Target Allocation is determined before extraordinary needs, if any, have been evaluated.

~~(19)~~(17) Temporary basis: A time period of less than 12 months.

~~(20)~~ Waiver: The Developmental Disabilities Individual Budgeting Medicaid Home and Community Based Services Waiver (iBudget Florida) and the Four Tier Medicaid Home and Community Based Services Waivers administered by APD.

~~(21)~~ Waiver Support Coordinator: Abbreviated as WSC, means a person who is designated by the agency to assist individuals and families in identifying their capacities, needs, and resources, as well as finding and gaining access to necessary supports and services; coordinating the delivery of supports and services; advocating on behalf of the individual and family; maintaining relevant records; and monitoring and evaluating the delivery of supports and services to determine the extent to which they meet the needs and expectations identified by the individual, family, and others who participated in the development of the support plan.

~~(18)~~ Support coordinator: This term has the same definition as the term "support coordinator" defined in Section 393.063(37), F.S.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

65G-4.0211 General Provisions.

(1) The Agency will provide clients of home and community-based waiver services for persons with developmental disabilities with an iBudget Florida allocation as required by Section 393.0662, F.S. The Agency will determine the iBudget Florida allocation consistent with the criteria and limitations contained in the following provisions: Sections 409.906(13) and 393.0662, F.S.; and Rules 59G-13.080, 59G-13.081, 59G-13.082 and 59G-13.083, F.A.C. These criteria include:

(a) The client's needs in functional, medical, and behavioral areas, as reflected in the client's assessment using the assessment instrument known as the Questionnaire for Situational Information (QSI), the client's support plan, and existing annualized cost plan.

(b) The client's existing annualized cost plan, if any, that has been developed through Agency evaluation of client characteristics, the Agency approved assessment process, support planning information, and the Agency's prior service authorization process.

(c) The client's current living setting;

(d) The availability of supports and services from other sources, including Medicaid state plan and other federal, state and local programs as well as natural and community supports;

(e) For clients with behavioral, medical and adaptive needs, the Agency may consider a client's use of less costly services for those clients who choose less costly services to address a documented need. In those instances, WSCs shall coordinate with their clients to ensure that services are selected to keep the cost plan within the client's Final iBudget Allocation while maintaining the client's health and safety; and

(f) The Agency shall ensure that the sum of all individual budgets does not exceed the Agency's annual appropriation.

(2) As part of the assessment process, the Questionnaire for Situational Information 4.0 (QSI) is hereby adopted by the Agency as a valid and reliable assessment instrument. The QSI is available at: <http://apd.myflorida.com/waiver/qsi-version-4.pdf>, or <http://apd.myflorida.com/waiver/>.

(3) The client must utilize all available State Plan Medicaid services, school-based services, private insurance, and any other resources which may be available to the client before expending funds from the client's iBudget Florida allocation for support or services. As an example, State Plan Medicaid services typically include, but are not limited to, personal care assistance, therapies, consumable medical supplies, medical services, and nursing services, that duplicate the waiver services proposed for the client. A client shall not be provided waiver services that duplicate available State Plan Medicaid Services including, but not limited to, personal care assistance, therapies, medical services, and nursing services.

(4) Within 5 working days of a client's request the WSC shall submit a request to the Agency to review a client's iBudget Florida allocation 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. At that time a new QSI assessment will be conducted, if requested. 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 WSC to the appropriate Agency Area office for determination.

~~(4) Services. The services available in iBudget Florida are described in the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference.~~

~~(5)(2) The agency will request and review documentation and information necessary to evaluate individuals' service requests. The requested documentation will vary according to the service request and may will include the following as applicable: support plans, results from the Questionnaire for Situational Information, documentation from reviews by contracted prior service authorization vendors, cost plans, expenditure history, current living situation, interviews with the individual and his or her providers and caregivers, prescriptions, data regarding the results of previous therapies and interventions, assessments, and provider documentation. required by the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference. If the agency ends action on a request due to missing documentation, the deadline for that agency action shall be extended until the documentation is received or the request is denied, whichever is later. Support coordinators shall either eite their efforts to obtain the documentation, or provide the requested documentation, within five (5) calendar days after the date of the agency request for additional documentation. The support coordinator shall respond to a request for documents within fourteen (14) calendar days. If the requested documentation is not submitted to the agency within thirty (30) calendar days the request will be denied. (3) The iBudget Florida web system screens requests for changes to the approved cost plan to ensure the requirements of these rules and the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference, are met. Plans which do not meet the requirements for approval by the web system are reviewed by the agency. Changes failing to meet requirements will be denied. Rulemaking Authority 393.501(1);~~

(6) Response to service requests: The agency will respond within thirty (30) days to all requests for services, supplemental funding, and adjustments in the individual's service array or support plan, if the request provides all necessary documentation for the review. If the request does not include all necessary documentation, the Agency shall provide the client with a written notice of what documentation is required. If additional documentation is requested, the deadline for the Agency's response shall be extended to thirty (30) days following the receipt of the requested documentation. If the requested documentation is not received by the Agency within thirty (30) days of the client's receipt of the Agency's written notice that additional documentation is required, the request will be denied.

(7) Consumer Directed Care Plus (CDC+): Clients enrolled in the CDC+ program are subject to these rules as they are transitioned onto the iBudget Florida system.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

65G-4.0212 Establishing the Final iBudget Allocation Amount Transition of Individuals to iBudget Florida.

(1) To establish the client's Allocation Algorithm Amount, following steps will be followed: An initial budget allocation for each individual transitioning to iBudget Florida is calculated using the budget allocation formula, statutory geographic differentials, current year appropriation, and

(a) For any client who has not previously had a QSI assessment, a QSI assessment must be completed prior to calculating the allocation algorithm amount under (b).

(b) An Allocation Algorithm Amount shall be calculated for the client.

(2) In order to reduce the amount of any decrease due solely to the transition to iBudget Florida, an Individual's Allocation Algorithm amount shall be adjusted, if necessary, as provided in this subsection. This subsection is only applicable to clients transitioning to iBudget Florida from an existing Waiver. If a client or their representative do not participate in the process set out in subsections (1), (2) and (3) of this rule, the Agency will complete all other steps to determine the client's final iBudget Allocation based upon the information it has available to it.

(a) If the Allocation Algorithm Amount from (1)(b) is greater than the client's existing annualized cost plan amount, the Allocation Algorithm amount will be reduced to the amount of the client's existing annualized cost plan.

(b) While all waiver services are available to clients enrolled in the iBudget Waiver, in order to reduce the amount of any decrease of funding due solely to the transition to iBudget Florida, the agency will sum the dollar amounts for only the following services which are included in the client's existing annualized cost plan: Adult Day Training, Behavior Services, Consumable Medical Supplies, Durable Medical Equipment, In-Home Supports, Nursing Services, Occupational Therapy, Personal Care Assistance, Physical Therapy, Residential Habilitation, Respiratory Therapy, Special Medical Home Care, Supported Employment, Supported Living Coaching, and Support Coordination. If this sum is greater than the result in paragraph (a), then the result in paragraph (a) will be replaced by this sum.

(c) If after the procedures in (a) and (b), the resulting amount is less than the individual's existing annualized cost plan, but is within \$1,000, the budget allocation will be adjusted to equal the existing annualized cost plan amount.

(d) After the adjustments required by (a), (b) and (c) are made, if any, the resulting amount is the Target Allocation.

(3) Extraordinary Needs Review: The Agency shall consider extraordinary needs as identified in subsection 65G-4.0210(7), F.A.C. After the computation and adjustments in this rule resulting in the Target Allocation, the Target Allocation will be provided to the client and the client's Waiver Support Coordinator. The WSC will discuss the target allocation with the client, guardian or other legal representative in order to determine if health and safety needs can be met within the target allocation. The Target Allocation amount may be adjusted according to extraordinary needs as provided in this subsection.

(a) For all individuals whose target allocation represents a potential reduction to the individual's existing annualized cost plan, the agency will conduct an individual review to provide the individual an opportunity to discuss the Target allocation through the Allocation Implementation Meeting (AIM). The AIM worksheet (form) shall be completed as follows as part of that individual review:

(b) Existing Annualized Cost Plan. This section of the AIM form is to be completed in its entirety by the WSC prior to the meeting with the client or the client's representative, if the client has an existing annualized cost plan. This section of the AIM form reflects the client's existing annualized cost plan services for the cost plan as it exists immediately prior to the iBudget implementation.

1. If the client does not have a Waiver cost plan, this section of the AIM form will not be completed.

2. When this section is to be completed, the following fields in the form shall be completed with the information indicated which has been retrieved from the ABC database:

a. SERVICE – enter the current tiered waiver name of each approved service

b. BEGIN DATE – enter the date that the service plan began.

c. END DATE – enter the end date of that service plan.

d. RATE – enter the current rate for that service

e. CURRENT UNITS - enter the number of units on the approved annualized service plan.

f. ALLOCATIONS – this will be populated from the rate and the current units.

g. ANNUALIZED UNITS – enter the total approved units for a full year.

h. ANNUALIZED ALLOCATIONS – the dollar amount sum for the Annualized Units

(c) Proposed Annualized iBudget Services (Based on Target Allocation). This section should be completed by the WSC prior to visiting the individual/legal representative to show options for arranging current services within the target allocation. The WSC may complete multiple versions to assist the individual in seeing the possibilities. The following fields in the form shall be completed:

i. SERVICE – Enter the iBudget service name. NOTE: If natural or community resources are considered in addition to iBudget waiver services, these should be included to demonstrate the total array of services.

j. BEGIN DATE – Enter the iBudget Begin Date

k. END DATE – Enter the end of the cost plan year

l. RATE – Enter the iBudget rate for the iBudget service

m. CURRENT UNITS – enter the number of units that would be possible within the iBudget target allocation for the balance of the cost plan year.

n. ANNUALIZED UNITS – For plans not beginning at the start of the cost plan year, the annualized number of units should be entered here.

o. ANNUALIZED ALLOCATIONS – the dollar amount sum for the Annualized Units. If the individual or their legal representative agrees that the service needs can be met within the target allocation, this becomes their final iBudget Florida allocation. A final proposed cost plan should be identified with a written notation by the WSC that this is the choice of the individual or their representative. The right to due process is retained even if the target allocation is accepted.

(d) Recommended Annualized iBudget Services. If the individual or their legal representative feels that the health and safety needs of the individual cannot be met within the target allocation, this section must be completed. All columns are to be completed by the WSC, with input from the individual or their representative, to show the services that are felt to be necessary to maintain the person's health and safety and to demonstrate these health and safety concerns constitute an extraordinary need that would be present absent the requested services.

q. The WSC will gather the documentation needed to demonstrate medical necessity for the Proposed Annualized iBudget and meet with APD staff to discuss why the target allocation is insufficient to meet the health and safety needs of the individual.

r. The AIM Signature Page and all versions of the cost plan demonstration pages shall be submitted to the agency with the justification documents.

(e) The AIM Signature Page. The AIM Signature Page is to be completed and reviewed with each individual or their representative. During the transition to iBudget Florida, this page is not required unless the client's final iBudget allocation is less than their existing annualized cost plan.

1. Complete the upper portion in its entirety, including the annualized iBudget target allocation, and the pro-rated target allocation, if appropriate.

2. The first two sections of the AIM Cost Plan demonstration pages should be completed prior to meeting with the individual or their representative.

3. Note the points discussed with the each individual or their representative and all options that were considered.

4. The individual or their representative is required to sign the form to document that they have met with the WSC. If the client or representative does not sign the form, the WSC shall document why no signature was recorded.

a. This is not an agreement to accept, or an acceptance or rejection of, the iBudget targeted amount. Signing the worksheet only confirms that the meeting was held and that their targeted iBudget allocation was explained, along with options for accepting the targeted amount or for requesting consideration of restoration of all or part of the approved annualized tiered waiver cost plan amount.

b. The right to a fair hearing is not affected by their signature on this form, and hearing rights and a hearing request form will be provided with the final notice of their iBudget allocation.

5. Once the AIM worksheet is complete under this subsection, it shall be filed in the client's Central Record and a copy provided to the Agency.

(f) Once the completed AIM worksheet has been reviewed, the Agency will not approve an increase to an individual's iBudget Florida allocation if the Agency determines that the individual has other resources or supports available to meet the health and safety needs of the client or the client's care giver. The Agency shall only approve an increase to an individual's iBudget Florida allocation if the client has extraordinary needs, that is the health and safety needs of the client, the client's care giver, or the public would be in immediate serious jeopardy unless the increase is approved.

(g) An extraordinary need, as defined in subsection 65G-4.0210(6), F.A.C., and applied in the iBudget Florida Rules, must be demonstrated through the AIM review process for any Final iBudget Florida Allocation to exceed the client's existing annualized cost plan amount.

(h) iBudget Florida allocations are pro-rated as appropriate based on the length of time remaining in the fiscal year at the time of transition.

(i) Once the iBudget Florida cost plan is authorized, an individual may use his or her budget for any services for which he or she meets the criteria in these rules as long as the individual's health and safety needs are met in conformance with Rule 65G-4.024, F.A.C., the Cost Plan Changes rule.

(j) The individual or their representative will be sent a notice advising them of the Agency's decision for the amount of the client's final iBudget Allocation.

(4) During an individual's transition to iBudget Florida from another Waiver, services that appear on an individual's current authorized cost plan shall be pre-approved by type and intensity to the extent of an individual's iBudget Florida allocation, budget allocation. The agency will pre-approve those service types which are comparable to those service types previously approved for the individual on the cost plan in place immediately prior to transition to iBudget Florida unless the individual's situation has changed such that he or she no

longer qualifies for the service types. The frequency, scope, or duration of such service types is ~~not subject to pre-approval but is determined by through the individual and the WSC once the final iBudget allocation has been approved, cost plan approval process.~~ Pre-approval of types and intensities of services permits an individual to choose such pre-approved services at the frequency, scope, and duration that can be accommodated within his or her budget allocation on a proposed cost plan for review by the agency. ~~Therefore, pre-approval~~ Pre-approval of a service type or intensity does not guarantee that an individual's proposed cost plan containing those services will be approved, nor does it guarantee that the frequency, scope, or duration of pre-approved services listed on the individual's proposed cost plan will be approved. The agency will build a cost plan for any individual who fails to cooperate in developing an iBudget cost plan.

(5) Transition to the iBudget from another Waiver.

(a)(3) The Agency's Individuals' initial budget allocations shall be adjusted, if necessary, as provided in this subsection.

(a) No budget allocation will exceed an individual's current annualized cost plan.

(b) In determining the amount of funding for each individual's initial budget allocation, the following will be considered: characteristics based on a needs assessment, age, living setting, availability of natural supports, availability of other state services, third party payors and family circumstances.

(c) In determining an initial amount for extraordinary needs, pursuant to the requirements of 393.0662, the agency will use the sum of the following services: Adult Day Training, Behavior Services, Consumable Medical Supplies, Durable Medical Equipment, In Home Supports, Nursing Services, Occupational Therapy, Personal Care Assistance, Physical Therapy, Residential Habilitation, Respiratory Therapy, Special Medical Home Care, Supported Employment, Supported Living Coaching, and Waiver Support Coordination.

(d) If, after adjusting for (2)(a) (c), the initial budget allocation is less than the individual's annualized cost plan, and is within \$1,000 of the current cost plan, the budget allocation will be adjusted to equal the existing cost plan amount.

(e) If an individual experiences a reduction to the individual's own current cost plan, the agency will give the individual an opportunity to discuss the initial budget allocation. Following discussions, if any, the budget allocation shall be finalized and notice of the budget allocation provided to the individual.

(f) Budget allocations are pro-rated as appropriate based on the length of time remaining in the fiscal year at the time of transition.

~~(g) Once the iBudget cost plan is authorized, an individual may use his or her budget for any services for which he or she meets the criteria in the iBudget Florida handbook and these rules as long as the individual's health and safety needs are met.~~

~~(b) For purposes of this Rule, only for individuals who had been receiving Waiver services and are transitioning to iBudget Florida, "Target iBudget Florida Allocation" means the sum of the allocation algorithm amount, in dollars, and the adjustments in subsection (2) of this rule. The transition provisions in this rule only apply to individuals who previously were receiving Waiver services administered by the Agency (for example the Tier waivers).~~

~~(c) Any increase or decrease to a client's existing annualized cost plan caused solely by the transition to an iBudget Florida allocation is limited in duration to six months from the day that the individual began receiving iBudget Florida authorized services. At the end of the six month period the client's transition to iBudget Florida is complete. At the end of the six month period, the Agency shall identify any client who has transitioned to iBudget and whose final iBudget amount will cause the client to experience an increase or a decrease of more than 50% due solely to the transition to the iBudget system, as provided in Section 393.0662(3) (b).F.S. For these individuals, a new final iBudget amount will be developed according to the remainder of these rules.~~

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

65G-4.022 The iBudget Cost Plan Development and Approval.

~~(1) Individuals' draft cost plans shall be entered in the iBudget Florida Cost Plan web system by the individual's support coordinator.~~

~~(1)(2) Each individual's initial iBudget Florida cost plan shall be reviewed and approved by the agency in conformance with. Subsequently, the iBudget Florida web system shall screen requests for changes to the approved cost plan to ensure the requirements of these rules and the Florida Medicaid Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, November 2010, available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-01050>, as adopted by in Rule 59G-13.083, which is hereby 59G-13.070, F.A.C., incorporated by reference. reference, are met. Plans which do not meet the criteria for approval by the web system shall be reviewed by the agency.~~

~~(2)(3) For an individual to begin receiving a specific waiver service, that service must have been listed in a cost plan that has been reviewed and approved by the agency, and the service authorization must have been issued to the provider.~~

~~(3)(4) Requested Proposed~~ cost plan changes must detail funding for the requested services and those essential for health and safety, through the entire fiscal year or portion of year the individual is enrolled in iBudget Florida, regardless of when the cost plan is submitted. The total amount of services requested to be authorized for the fiscal year may not exceed the individual's current budget allocation for that fiscal year.

~~(4)(5) Individuals shall use all available services authorized under the state Medicaid plan, school-based services, private insurance and other benefits, and any other resources that may be available to them before using funds from their iBudget budget allocations to pay for support and services. Failure to comply with this subsection shall result in denial of the service request.~~

~~(5)(6) Individuals must budget their funds so that their needs are met throughout the plan year. All individuals shall allocate iBudget funding each month for waiver support coordination services, which is a required service under the waiver.~~

~~(6)(7) No additional funding for an individuals' services shall be provided if the need for the additional funding is not premised upon a new need, but is created by the individual's use of previously approved funds for alternative services.~~

~~(7) At the time of the annual support plan review the agency shall conduct a medical necessity review of the iBudget allocation annual amount and the specific rather than those previously approved services that are authorized in the iBudget cost plan to ensure all services continue to meet the eligibility criteria for the service and to ensure that any one time, or temporary services are not continued if they are no longer needed. This review shall be completed within 10 business days of the receipt of the annual support plan and cost plan submitted by the Waiver Support Coordinator. The reviews shall be conducted by agency staff that have been trained in the medical necessity criteria individual's initial budget allocation.~~

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

65G-4.024 Cost Plan Changes.

Cost Plans are changed according to provisions of this rule:

~~(1) Cost Plan changes by the individual:~~

~~(1)(a) After the individual's initial cost plan is approved, he or she may change his or her approved cost plan provided that such change does not jeopardize the health and safety of the individual.~~

~~(2)(b) When changing the approved cost plan, the individual and his or her WSC support coordinator shall ensure that sufficient funding remains allocated for unpaid services that were authorized and rendered prior to the effective date of this change.~~

(3) Cost Plan Flexibility. Clients enrolled in iBudget Florida will have flexibility and choice to budget or adjust funding among many service families without requiring

additional authorizations from the agency, provided the overall client iBudget allocation is not exceeded and all health and safety needs are met. Clients may adjust funding among the following service families without prior authorization from the agency:

- (a) Life Skills Development;
- (b) Supplies and Equipment;
- (c) Personal Supports;
- (d) Transportation; and

(e) Dental. All other services families require prior approval from the agency before making a funding change, these services include Residential Services, Support Coordination, and Wellness and Therapeutic Supports.

(4) Retroactive application of changes to service authorizations is prohibited without prior approval from the agency.

(2) Cost Plan Reductions to Budget Allocations by the agency.

(a) The agency will terminate, reduce, or modify a service when the criteria for receiving the service are no longer met. The agency may review cost plans for compliance with the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference, at any time.

(b) The support coordinator shall notify the APD area office within ten (10) calendar days of becoming aware that an individual may no longer meet the criteria in the Developmental Disabilities Individual Budgeting Waiver Services Coverage and Limitations Handbook, in Rule 59G-13.070, F.A.C., incorporated by reference, for an approved service.

(5)(e) When an individual's situation changes during the fiscal year such that the budget allocation algorithm, formula would generate a lesser amount of funding (for example, if the individual moves from a licensed residential facility to a family home), the individual's budget allocation will be recalculated as provided in these rules and adjusted on a pro-rata basis to reflect his or her new situation. When an individual's situation changes during the fiscal year such that the allocation algorithm would generate a greater amount of funding, the individual may request that their budget allocation be recalculated as provided in these rules and adjusted on a pro-rata basis to reflect his or her new situation. Any request under this provision shall be made as required by Rule 65G-4.0211(4).

(6)(d) If an individual's budget allocation includes additional funding beyond what was determined by the budget allocation algorithm, formula and the agency determines that the additional funding is no longer necessary, according to these rules, this rule, the agency will adjust reduce the individual's budget allocation on a pro-rata basis to the amount actually needed to ensure health and safety.

(7) If a client no longer meets medical necessity to receive a particular service, the agency shall notify the client of the intent to reduce or remove the authorization for that service or level of service. The Agency shall also adjust the client's Final iBudget Allocation, as necessary to reflect this change.

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History--New _____.

65G-4.027 Supplemental Cost Plan Funding and Review.

(1) Supplemental funding may be of a one-time, temporary, or long-term nature. Significant changes to the need for services for a client may be a one-time or temporary need, or the need may be long term, meaning a period of 12 months or more. Significant changes may create needs for services which cannot be accommodated within the client's iBudget Florida allocation. However, the presence of a significant need for one-time or temporary, or for long-term or permanent, supports or services alone do not warrant an increase in the iBudget Florida allocation to the client.

(2)(+) AWSC shall submit any requests for supplemental funds on behalf of an individual. A support coordinator shall submit any requests for supplemental funds on behalf of an individual through the iBudget Florida web system. To receive supplemental funds, individuals shall meet criteria described below as well as the other requirements provided in these rules.

(3)(2) Supplemental funding shall only be granted requested if the following conditions of either (a) or (b) are met, and the requirements of subsection (4) are met.

(a) A significant need for one-time or temporary support or services that, if not provided, would place the health and safety of the client, the client's caregiver, or the public in serious jeopardy, unless the increase is approved. A significant need may include, but is not limited to, the provision of environmental modifications, durable medical equipment, services to address the temporary loss of support from a caregiver, or special services or treatment for a serious temporary condition when the service or treatment is expected to ameliorate the underlying condition. As used in this subparagraph, the term "temporary" means a period of fewer than 12 continuous months; or

(b) A significant increase in the need for services after the beginning of the service plan year that would place the health and safety of the client, the client's caregiver, or the public in serious jeopardy because of substantial changes in the client's circumstances, including, but not limited to, permanent or long-term loss or incapacity of a caregiver, loss of services authorized under the state Medicaid plan due to a change in age, or a significant change in medical or functional status which requires the provision of additional services on a permanent or long-term basis that cannot be accommodated within the client's current iBudget. As used in this subparagraph, the term "long-term" means a period of 12 or more continuous months.

(4) Supplemental funding shall be approved if one or more of the requirements of subsection (3) are met and the individual is in one or more of the following situations described in paragraphs (a), (b), (c), (d), (e), (f), ~~(g), (h)~~, and ~~(g)(+)~~ of this subsection; has sought other resources to meet his or her needs; has attempted to adjust his or her existing cost plan to meet his or her health and safety needs; and is seeking services essential to avoiding institutionalization; but he or she requires an increase to his or her current budget allocation to meet his or her health and safety needs. Credible evidence is required to support an individual's meeting the relevant indicators of the situation.

(a) The individual is currently homeless, which includes but is not limited to living in a homeless shelter, or living with relatives in an unsafe environment. Relevant indicators include:

1. Without immediate provision of additional waiver services, the health and safety of the individual are in serious jeopardy;

2. The individual has no shelter available and needs emergency placement by the Agency or another state agency

3. Alternative funding or other federal, state, local, community, and other resources are not available for other placement and services to the individual;

4. The individual temporarily is staying with friends or relatives but residence is not expected to last more than several weeks;

5. The individual's caregiver has no legal obligation to provide shelter to the applicant and the caregiver's commitment to shelter the applicant is low;

6. Factors affecting the individual's safety in the current setting include risk of physical abuse of the individual or risk of insufficient supervision and support;

7. The home has insufficient room to shelter the individual, or the individual must share a room in an inappropriate living arrangement, based on the ages, genders, and conditions of the persons sharing the room;

8. The individual's desire for placement creates a reasonable expectation that the individual will be cooperative with placement;

9. Violence or illegal activities within the individual's current living environment by the individual or others have required the intervention of local or state law enforcement authorities;

10. Complaints of neglect, exploitation, or abuse of the individual to Protective Services, or other adverse environmental conditions affecting the individual, have been investigated and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.; or

11. The individual requires services of greater intensity.

(b) The individual has an increase or onset of behaviors that, without provision of immediate waiver services, may create a life-threatening situation for the individual or others,

or that may result in bodily harm to the individual or others requiring emergency medical care from a physician. Relevant indicators include:

1. Without an immediate increase in waiver services, the health and safety of the individual or others in the household is in serious jeopardy;

2. The individual's injury to self or others is frequent or intense;

3. The individual or others are at risk for serious injury or permanent damage;

4. There is documentation of medical treatment for the individual's injury to self or others;

5. No other supports are available to address the individual's behaviors;

6. Other attempted behavioral assessments and interventions have proven ineffective;

7. The relative ages, sexes, and sizes of the aggressor and the subjects of aggression place the subjects of aggression at risk of injury;

8. The caregiver has insufficient ability to control the individual;

9. The ages or disabilities of the individual or caregiver exacerbate the problems;

10. Violence or illegal activity within the individual's current living environment by the individual or others has required the intervention of local or state law enforcement authorities;

11. Complaints of neglect, exploitation, or abuse of the individual, or other adverse environmental conditions affecting the individual have been investigated by Protective Services and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.; or

12. The individual requires services of greater intensity.

(c) The individual's current caregiver is in extreme duress and is no longer able to provide for the applicant's health and safety because of illness, injury, or advanced age. The individual needs immediate waiver services to remain living with the caregiver or to relocate to an alternative living arrangement. Relevant indicators include:

1. Without immediate provision of additional waiver services, the individual's health and safety are in serious jeopardy;

2. Other potential caregivers, such as another parent, stepparent, brother, sister or other relative or person, are unavailable or are unwilling or unable to provide care;

3. The caregiver's physical or mental condition prevents the provision of adequate care;

4. The caregiver is deceased, facing imminent death, or permanently disabled;

5. The caregiver's age impairs the caregiver's ability to provide sufficient care to the individual;

6. The caregiver cannot provide sufficient care because of the age or size of the individual, or the physical, functional, or behavioral demands of the individual;

7. The caregiver's economic situation is unstable and unlikely to improve as a result of the care-giving demands of the individual;

8. The caregiver's obligations to the needs of other dependents prevent the caregiver from providing the individual with adequate care, or the caregiver's obligation of care to the individual places other dependents at risk of insufficient care;

9. Violence or illegal activities within the individual's current living environment by the individual or others has required intervention by local or state law enforcement authorities;

10. Complaints of neglect, exploitation, or abuse of the individual, or other adverse environmental conditions affecting the individual have been investigated by Protective Services and confirmed pursuant to Chapter 39, Part II, or Section 415.104, F.S.; or

11. The individual requires services of greater intensity.

(d) A change in age that will result in a loss of services funded or otherwise provided from sources other than the waiver, such as the Medicaid State Plan or the school system.

(e) The individual experiences a documented significant change in medical or functional status that would necessitate increased service utilization or a need for a more costly service. Examples of such changes are:

1. A deterioration in medical condition that requires that the individual receive services at a greater intensity or in a different setting to ensure that individual's health or safety; or

2. Onset of a health, environmental, behavioral, or medical condition that requires that the individual receive services at a greater intensity or in a different setting to ensure the individual's health or safety.

(f) The individual has documented serious, acute dental needs requiring prompt attention.

(g) The durable medical equipment used by the individual has reached the end of its useful life or is damaged, or the individual's functional or physical status has changed enough to require the use of waiver-funded durable medical equipment that had not previously been used; and the individual cannot fund the entire amount of the purchase from his or her budget allocation without jeopardizing health and safety.

~~(5)(3)~~ To ensure that limited supplemental funding is targeted to those individuals most in need:

(a) Whenever an individual requests supplemental funding, a proposed cost plan shall be submitted indicating how the current budget allocation and requested supplemental funds would be used. Documentation of attempts to locate natural or community supports, third-party payers, or other sources of support to meet the individual's health and safety needs must be submitted ~~before the agency may review the request.~~

(b) The maximum amount of supplemental funds that may be granted to an individual is that amount required beyond the individual's current budget allocation to meet the individual's health and safety needs that are not able to be adequately met through other sources of support.

(c) Supplemental funds may be approved for a specific time period and for specific supports and services and, if so, may not be used outside of this time period or for another purpose without agency approval. If after 90 calendar days temporary or one-time supplemental funds have not been used and will not be needed to meet health and safety needs, the authorization for supplemental ~~unused funds expires~~ may be removed from the individual's budget allocation.

(d) The services for which the supplemental funding is being specifically requested, as well as all other waiver-paid services on the proposed cost plan, must be Medically Necessary and only be for the purpose of meeting health and safety needs.

(e) To avoid risks to health and safety while allowing budget flexibility, individuals shall not receive supplemental funding in situations when the need could be addressed by re-budgeting ~~rebudgeting~~ funds. In those instances, funds shall be re-budgeted from services that have flexibility within ~~are funded in excess of their Service Families, health and which safety needs or are not essential for health and safety, to services that would~~ meet the need for which supplemental funding is requested.

(f) Supplemental funding may not be provided for purposes including: ~~but not limited to:~~ addressing temporary loss of support from a caregiver due to reasons including but not limited to caregiver vacation, general respite needs, or accommodating caregiver work schedules; accommodating a preference for a more intense level of service when a less intense level of service will meet health and safety needs; when an individual has a single incident or a minor change in circumstance which does not jeopardize health and safety; routine dental procedures; solely for the convenience of the caregiver; or due to provider scheduling issues.

~~(4) If the individual wishes to move to a more expensive living setting and the individual does not meet the criteria for supplemental funding, the agency shall not increase the individual's budget allocation. The individual may move if he or she first demonstrates to the agency that he or she has sufficient remaining funding in his or her budget allocation to meet his or her health and safety needs based on both his or her current and foreseeable future situation in the new setting for the remainder of the current fiscal year, and that he or she could also meet his or her health and safety needs on an annualized basis thereafter based on the individual's current budget allocation.~~

Rulemaking Authority 393.501(1), 393.0662 FS. Law Implemented 393.0662 FS. History—New _____.

**Section IV
Emergency Rules**

NONE

**Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver**

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:

11B-35.001: General Training Programs; Requirements and Specifications

NOTICE IS HEREBY GIVEN that on December 10, 2012, the Criminal Justice Standards and Training Commission received a petition for a permanent waiver of subsection 11B-35.001(13), F.A.C., from Florida Public Safety Institute, on behalf of a Correctional recruit. Rule 11B-35.001(13), F.A.C., requires officers to have no more than one re-take for the examinations given at the end of Basic Recruit Training Courses. An audit of the Petitioner’s records showed that one recruit was permitted two re-takes of the end-of-course examination for corrections basic recruit training. The petition supports the requested waiver by stating that the recruit at issue was mistakenly permitted two retakes on the end-of-course examination as a result of a mistake on the part of Petitioner’s staff. An audit showed that the officer passed the second re-test of the end-of-course examination. The Petitioner states that the officer should not be penalized because he relied upon the Petitioner’s knowing the rules regarding end-of-course examinations. Petitioner states that the officer at issue will suffer a substantial hardship if his score is not recognized because he will not receive the benefit of having passed the course over a year ago.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, or by telephoning (850)410-7676.

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:

11B-35.001: General Training Programs; Requirements and Specifications

NOTICE IS HEREBY GIVEN that on December 10, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of paragraph 11B-35.001(9)(b), F.A.C., from Florida Public Safety Institute, on behalf of Delwyn Hall. paragraph 11B-35.001(9)(b), F.A.C., requires students in General Instructor Techniques course to pass with a score of 85%. An audit of the Petitioner’s records showed that one student was passed with a score of 82. The petition supports the requested waiver by stating that the student at issue was passed as a result of a mistake on the part of Petitioner’s staff. An audit showed that the student would have passed the end-of-course examination except for a change in the rule on September 28, 2009, in which the passing score was changed from 75% to 85%. The Petitioner states that the student should not be penalized because he relied upon the Petitioner’s knowing the rules regarding end-of-course examinations. Petitioner states that the student at issue will suffer a substantial hardship if his score is not recognized because he will not receive the benefit of having passed the course over a year ago.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, or by telephoning (850) 410-7676.

DEPARTMENT OF LAW ENFORCEMENT
Criminal Justice Standards and Training Commission
RULE NO.: RULE TITLE:

11B-35.001: General Training Programs; Requirements and Specifications

NOTICE IS HEREBY GIVEN that on December 10, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of subsection 11B-35.001(13), F.A.C., from Florida Public Safety Institute on behalf of Correctional recruit Joshua E. Bridges. Subsection 11B-35.001(13), F.A.C., requires officers to have no more than one re-take for the examinations given at the end of Basic Recruit Training Courses. An audit of the Petitioner’s records showed that one recruit was permitted two re-takes of the end-of-course examination for corrections basic recruit training in a course beginning October 4, 2010, and ending January 19, 2011. The petition supports the requested waiver by stating that the recruit at issue was mistakenly permitted two retakes on the end-of-course examination as a result of a mistake on the part of Petitioner’s staff. An audit showed that the officer passed the second re-test of the end-of-course examination. The Petitioner states that the officer should not be penalized because he relied upon the Petitioner’s knowing the rules regarding end-of-course examinations. Petitioner states that the officer at issue will suffer a substantial hardship if his score is not recognized because he will not receive the benefit of having passed the course over a year ago.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, or by telephoning (850) 410-7676.

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.: RULE TITLE:

11B-35.001: General Training Programs; Requirements and Specifications

NOTICE IS HEREBY GIVEN that on December 10, 2012, the Criminal Justice Standards and Training Commission, received a petition for a permanent waiver of Rule 11B-35.001(9)(b), F.A.C., from Southwest Florida Public Service Academy (SFPSA), on behalf of Trooper Dewayne Cooper and Deputy Angelo Vaughn, both of whom took Florida General Instructor Techniques course at the SFPSA. Rule 11B-35.001(9)(b), F.A.C., requires students in General Instructor Techniques course to pass with a score of 85%. An audit of the Petitioner’s records showed that these two students were passed with a score of 84%. The petition supports the requested waiver by stating that the students at issue were passed as a result of a mistake on the part of Petitioner’s staff. An audit showed that the students would have passed the end-of-course examinations except for a change in the rule on September 28, 2009, in which the passing score was changed from 75% to 85%. The Petitioner states that the students should not be penalized because they relied upon the Petitioner’s knowing the rules regarding end-of-course examinations. Petitioner states that the students at issue will suffer substantial hardship if their scores are not recognized because they will not receive the benefit of having passed the course.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P.O. Box 1489, Tallahassee, FL 32302, or by telephoning (850) 410-7676.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On December 17, 2012, the Department issued a Final Order that was in response to a Petition for Variance from Lorio & Associates/McClurg Bldg, filed November 19, 2012, and advertised on November 21, 2012 in Vol. 38, No.76, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance denies the Petitioner a variance from Rule 3.11.3, ASME A17.3, 1996 edition, as adopted by Chapter 30, Section

3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires upgrading the elevators for firefighters’ emergency operations because will not have corrected violation in a reasonable time and failed to meet conditions of previous variance (VW 2012-373).

A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013, (850) 488-1133.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety hereby gives notice:

On December 17, 2012 the Division issued an order. The Final Order was in response to a Petition for an emergency Variance from St. Petersburg Kennel Club-Plaza Building, filed November 28, 2012, and advertised in Vol. 38, No. 82, of the Florida Administrative Weekly. No comments were received in response to the petition. The Final Order on the Petition for Variance grants the Petitioner a variance from Rule 3.10.4(t) ASME A17.3, 1996 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by Rule 61C-5.001(1)(a) Florida Administrative Code that requires providing keyed stop switch until January 1, 2015 because the Petitioner has demonstrated that the purpose of the statute underlying the rule will be met and that Petitioner would suffer a substantial hardship if required to comply with this rule (VW 2012-385).

A copy of the Order or additional information may be obtained by contacting Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 12, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Kalmia Condominium No 5 Association, Inc. Petitioner seeks an emergency variance of the requirements of ASME A17.3, Section 3.11.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by subsection 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators with firefighters’ emergency operations which poses a significant economic/financial

hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-406).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 11, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Fair Havens Village. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2012-404).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 11, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for La Coquille Villa. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-405).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 12, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Union 700 Inc. Petitioner seeks a variance of the requirements of an unspecified Section of A17.3, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by 61C-5.001(1), Florida Administrative Code that requires upgrading the elevators operations which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-407).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 12, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Celebration Health Medical Office Building at 400 Celebration Place, Kissimmee, FL. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.20.9 and 2.24.2 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes, wedge shackles to secure the steel ropes and grooved sheaves of a minimum pitch diameter which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-408).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on December 12, 2012, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received

a petition for Dr. Phillips Center for the Performing Arts (DPAC), 445 S. Magnolia Ave., Orlando, FL. Petitioner seeks a variance of the requirements of ASME A17.1, Section 2.20.1, 2.20.9 and 2.24.2 as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), Florida Administrative Code that requires steel ropes, wedge shackles to secure the steel ropes and grooved sheaves of a minimum pitch diameter which poses a significant economic/financial hardship. Any interested person may file comments within 14 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW 2012-409).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

NOTICE IS HEREBY GIVEN that on December 14, 2012, the Board of Medicine, received a petition for waiver or variance filed by Mayra Lopez-Muniz, M.D., from Rules 64B8-1.007 and 64B8-4.009, F.A.C., with regard to the requirement for submission of the AMA Physician Profile. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Allison M. Dudley, J.D., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-5.502: General Requirements

The Department of Health, Bureau of Radiation Control hereby gives notice that on December 12, 2012, pursuant to Section 120.542, F.S., the Bureau of Radiation Control has issued an order.

The Order grants a variance from subparagraph 64E-5.502(1)(a)6., F.A.C., for the Polk County Sheriff's Office. The petition for a variance was received by the Department on October 4, 2012. Notice of receipt of the petition was published in the Florida Administrative Register on October 23, 2012. Subparagraph 64E-5.502(1)(a)6., F.A.C., prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided. The Polk County Sheriff's Office has been granted a variance to subparagraph

64E-5.502(1)(a)6., F.A.C., allowing the intentional exposure of individuals to ionizing radiation for the specific purpose of screening inmates at the Polk County Sheriff's Office and under the condition that the machine or any future machines and their use meet the standards found in ANSI/HPS 42.17-2009. The variance is in effect until such time as the Department promulgates rules specific to ionizing radiation machines for personnel security purposes.

A copy of the Order or additional information may be obtained by contacting Philip Thoma, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Suite 300, Orange Park, FL 32073 or (904)278-5730.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-5.502: General Requirements

The Department of Health, Bureau of Radiation Control hereby gives notice that on December 12, 2012, pursuant to Section 120.542, F.S., the Bureau of Radiation Control has issued an order.

The Order grants a variance from subparagraph 64E-5.502(1)(a)6., F.A.C., for the Marion County Sheriff's Office. The petition for a variance was received by the Department on September 24, 2012. Notice of receipt of the petition was published in the Florida Administrative Register on October 23, 2012. Subparagraph 64E-5.502(1)(a)6., F.A.C., prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided. The Marion County Sheriff's Office has been granted a variance to subparagraph 64E-5.502(1)(a)6., F.A.C., allowing the intentional exposure of individuals to ionizing radiation for the specific purpose of screening inmates at the Marion County Sheriff's Office and under the condition that the machine or any future machines and their use meet the standards found in ANSI/HPS 42.17-2009. The variance is in effect until such time as the Department promulgates rules specific to ionizing radiation machines for personnel security purposes.

A copy of the Order or additional information may be obtained by contacting Philip Thoma, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Suite 300, Orange Park, FL 32073 or (904)278-5730.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-5.502: General Requirements

The Department of Health, Bureau of Radiation Control hereby gives notice that on December 12, 2012, pursuant to Section 120.542, F.S., the Bureau of Radiation Control has issued an order.

The Order grants a variance from subparagraph 64E-5.502(1)(a)6., F.A.C., for the Alachua County Sheriff's Office. The petition for a variance was received by the Department on October 2, 2012. Notice of receipt of the petition was published in the Florida Administrative Register on October 23, 2012. Subparagraph 64E-5.502(1)(a)6., F.A.C., prohibits individuals from being exposed to radiation from an x-ray machine for training, demonstration or other purposes unless there are also medical requirements and a proper prescription has been provided. The Alachua County Sheriff's Office has been granted a variance to subparagraph 64E-5.502(1)(a)6., F.A.C., allowing the intentional exposure of individuals to ionizing radiation for the specific purpose of screening inmates at the Alachua County Sheriff's Office and under the condition that the machine or any future machines and their use meet the standards found in ANSI/HPS 42.17-2009. The variance is in effect until such time as the Department promulgates rules specific to ionizing radiation machines for personnel security purposes.

A copy of the Order or additional information may be obtained by contacting Philip Thoma, Bureau of Radiation Control, Radiation Machine Program, 705 Wells Road, Suite 300, Orange Park, FL 32073 or (904) 278-5730.

Section VI

Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs
The Florida Statewide Task Force on Prescription Drug Abuse and Newborns announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 9, 2013, 2:00 p.m. – 3:30 p.m.

PLACE: Toll Free Dial in Number: (888)670-3525, Participant Code: 1937102943

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force shall collect and organize data concerning the nature and extent of neonatal withdrawal syndrome from prescription drugs in Florida; collect and organize data concerning the costs associated with treating expectant mothers and newborns suffering from withdrawal from prescription drugs; identify available federal, state, and local programs that provide services to mothers who abuse prescription drugs and newborns with neonatal withdrawal syndrome; and evaluate methods to increase public awareness of the dangers associated with prescription drug abuse, particularly to women, expectant mothers, and newborns.

A copy of the agenda may be obtained by contacting: Department of Legal Affairs at (850)245-0200.

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: Department of Legal Affairs at (850)245-0200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: the Department of Legal Affairs at (850)245-0200.

For updates please visit <http://myfloridalegal.com/>

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District, Projects and Land Committee announces public meetings to which all persons are invited.

DATE AND TIME: Monday, January 7, 2013, 10:00 a.m., Projects and Land Committee site visit.

PLACE: St. Johns River Water Management District's Apopka Field Office, 25633 C.R. 448-A, Mount Dora, FL 32757

The location of the site visit may be changed due to inclement weather or other unforeseen circumstances. Notice of such change will be available by contacting: St. Johns River Water Management District, Attention: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, via email at hbarnes@sjrwmd.com or by phone at (386) 329-4347 or (386) 937-9717.

DATE AND TIME: Monday, January 7, 2013, 5:00 p.m., Projects and Land business meeting.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Projects and Land Committee will discuss agenda items, followed by committee recommendations to be approved by the full Governing Board. NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on Tuesday, January 8, 2013, 8 a.m. at District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, via email at hbarnes@sjrwmd.com, by phone at (386) 329-4347, or by visiting the District's website at www.floridaswater.com.

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 the District Clerk at (386)329-4500. If you are

hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: St. Johns River Water Management District, Attention: Heather Barnes, 4049 Reid Street, Palatka, FL 32177, via email at hbarnes@sjrwm.com, by phone at (386) 329-4347, or by visiting the District's website at www.floridaswater.com.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

The St. Johns River Water Management District announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, January 8, 2012: 8:15 a.m., Chair's meeting; 9:00 a.m., Finance, Administration and Audit Committee; 10:00 a.m., Regulatory Committee, followed by Governing Board meeting.

PLACE: District Headquarters, 4049 Reid Street (Hwy 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters. Staff may recommend approval of external amendments which affect the adopted budget.

NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Kyia Tiffany, 4049 Reid Street, Palatka, FL 32177, or by phone at (386)329-4101, or by visiting the District's website at floridaswater.com.

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 the District Clerk at (386)329-4500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

DATE AND TIME: January 8, 2013, 9:00 a.m. – 12:00 p.m.

PLACE: 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308

To participate by phone, please call (888)670-3525, participant passcode 8074710718#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of a Diagnosis Related Group (DRG) based reimbursement payment system for hospital inpatient services.

A copy of the agenda may be obtained by contacting: All meeting discussion material, including an agenda, will be posted to the Medicaid Institutional Provider Cost Reimbursement Medicaid Cost Reimbursement website at http://ahca.myflorida.com/Medicaid/cost_reim/index.shtml.

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: Edwin Stephens, (850)412-4077 or edwin.stephens@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Edwin Stephens, (850)412-4077 or edwin.stephens@ahca.myflorida.com

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, January 8, 2013, 10:00 a.m. or soon thereafter.

PLACE: Conference Call: (888) 670-3525, Conference Code: 2938723619.

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

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: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL

32399-1039, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, January 9, 2013, 12:00 Noon; Thursday, January 10, 2013, 8:00 a.m.; Friday, January 11, 2013, 8:00 a.m. or soon thereafter.

PLACE: Residence Inn Tallahassee, 600 W. Gaines Street, Tallahassee, Florida 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

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: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

DEPARTMENT OF HEALTH

Board of Acupuncture

The Board of Acupuncture, Continuing Education Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 18, 2013, 9:00 a.m., E.S.T.

PLACE: Conference call number: (888)670-3525; Participant Passcode: 6150683063

GENERAL SUBJECT MATTER TO BE CONSIDERED: Continuing Education.

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, FL 32399; (850)245-4161.

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: Anthony Jusevitch, Executive Director, 4052 Bald Cypress Way, Bin #C-06, Tallahassee, FL 32399; (850)245-4161. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Board of Massage

The Probable Cause Panel of the Board of Massage Therapy announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 10, 2013, 2:45 p.m. EST

PLACE: Conference Call Number: (888)670-3525; Participant Passcode: 4319491106

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Anthony Jusevitch, Executive Director at (850)245-4161 or 4052 Bald Cypress Way, #C-06, Tallahassee, FL 32399.

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: Paula Mask at (850)245-4161. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Board of Nursing

The Florida Board of Nursing South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 18, 2013, 10:00 a.m. – 1:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (888) 670-3525, code 1135981458.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Joe Baker Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

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: the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

The Department of Health, the Board of Physical Therapy Practice announces a meeting to which all persons are invited.

DATES AND TIMES: February 7, 2013 beginning at approximately 6:30 p.m. E.S.T. or soon thereafter and February 8, 2013 beginning at approximately 8:00 a.m. E.S.T. or soon thereafter

PLACE: Best Western Plus Gateway Grand, 4200 N.W. 97th Boulevard, Gainesville, Florida, 32606-3742

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing to Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255, by calling the board office at (850)245-4373 ext. 3472 or by visiting our website at www.doh.state.fl.us/mqa.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)488-0595. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD)

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that

a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be issued.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:

64E-9.001: General

The Department of Health, Water & Onsite Sewage Section announces public meetings to which all persons are invited.

DATES AND TIMES: Thursday, March 14, 2013; Thursday, May 9, 2013; Wednesday, July 10, 2013; Thursday, September 12, 2013; Thursday, November 14, 2013; 10:30 a.m. - 3:00 p.m.

PLACE: Conference Room N101, N. Tower, 1st Floor, Hurston Building, 400 West Robinson Street, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Purpose of this meeting will be for the board to make recommendations to the department for agency action on variance requests, rule and policy development, and other technical review problems.

A copy of the agenda may be obtained by contacting: Robert Pryor, Department of Health, Water and Onsite Sewage Section, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710; bob_pryor@doh.state.fl.us; (850)245-4444, ext. *2369.

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 10 days before the workshop/meeting by contacting: Robert Pryor, Department of Health, Water and Onsite Sewage Section, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710; bob_pryor@doh.state.fl.us; (850)245-4444, ext. *2369. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Robert Pryor, Department of Health, Water and Onsite Sewage Section, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710; bob_pryor@doh.state.fl.us; (850)245-4444, ext. *2369.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

NONE

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

NONE

Section XII
Miscellaneous

AGENCY FOR HEALTH CARE ADMINISTRATION
Hospital and Nursing Home Reporting Systems and Other
Provisions Relating to Hospitals

Metropolitan Hospital of Miami emergency
service exemption

The Agency for Health Care Administration received an application for an emergency service exemption from Metropolitan Hospital Of Miami located at 5959 N.W. 7th St, Miami, FL 33126 pursuant to Section 395.1041(3), Florida Statutes and 59A-3.255, Florida Administrative Code. The hospital is requesting an emergency service exemption for Otolaryngology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to the Agency for Health Care Administration, Attention: Jack Plagge, 2727 Mahan Drive, MS # 31, Tallahassee, Florida 32308, by phone at (850)412-4549 or by e-mail at Jack.Plagge@ahca.myflorida.com.

Section XIII
Index to Rules Filed During Preceding Week

NOTE: The above section will be published on Tuesday beginning October 2, 2012.
