

**Section I**  
**Notices of Development of Proposed Rules**  
**and Negotiated Rulemaking**

**PUBLIC SERVICE COMMISSION**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
25-30.335	Customer Billing
25-30.350	Backbilling
25-30.351	Unauthorized Use

**PURPOSE AND EFFECT:** To amend Rule 25-30.335, F.A.C., to address use of estimated bills.. To amend Rule 25-30.350, F.A.C., to add the criteria for refunds where a customer was overbilled. To adopt Rule 25-30.351, F.A.C., to address billing for unauthorized or fraudulent use of service or meter tampering.

Docket No. 120246-WS

**SUBJECT AREA TO BE ADDRESSED:** Billing for water and/or wastewater utilities.

**RULEMAKING AUTHORITY:** 350.127(2), 367.121 FS.

**LAW IMPLEMENTED:** 367.091, 367.121 FS.

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

**DATE AND TIME:** February 28, 2013, 1:30 p.m.

**PLACE:** Room 148 Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

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: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Cindy Miller, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6082, cmiller@psc.state.fl.us. The agenda for the workshop and a copy of the preliminary draft of the proposed rule amendment/ repeal/adoption will be available on the Commission's website, www.floridapsc.com, on February 14, 2013

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
59G-1.040	Pre-Admission Screening and Resident Review

**PURPOSE AND EFFECT:** This rule specifies Florida Medicaid's process and forms required for Pre-Admission Screening and Resident Review (PASRR). The PASRR is a federally mandated process to help ensure individuals in need of long-term care services reside in the most appropriate and least restrictive setting possible, are not inappropriately placed in nursing homes, and receive the services they need in that setting. The PASRR process is required for all applicants to Medicaid-certified nursing facilities, which include children under the age of 21 years, regardless of payor. The rule also ensures that every applicant receives a Level II evaluation and determination if indicated in the PASRR Level I. This rule supersedes the PASRR process and forms currently in the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, incorporated by reference in Rule 59G-4.200, Florida Administrative Code.

**SUBJECT AREA TO BE ADDRESSED:** Pre-Admission Screening and Resident Review

An additional area to be addressed during the workshop will be the potential regulatory impact of Rule 59G-1.040, F.A.C., as provided for under Sections 120.54 and 120.541, Florida Statutes.

**RULEMAKING AUTHORITY:** 409.919 FS.

**LAW IMPLEMENTED:** 409.902, 409.905(8), 409.912, 409.913 FS.

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

**DATE AND TIME:** Wednesday, February 27, 2013, 10:30 a.m. - 12:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Susan Rinaldi at the Bureau of Medicaid Services, (850)412-4254. 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 Rinaldi, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4254, e-mail: susan.rinaldi@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-1.040 Pre-Admission Screening and Resident Review.

(1) Introduction.

(a) Pre-Admission Screening and Resident Review (PASRR) is a federal requirement mandated by the Nursing Home Reform Act, under the Omnibus Budget Reconciliation Act of 1987, amended in 1990 and 1996. The PASRR process is required for all applicants to Medicaid-certified nursing facilities, regardless of payor, and must be completed prior to admission. The program is intended to prevent the inappropriate placement and retention of individuals with serious mental illnesses or intellectual disabilities in need of long-term care services to allow them to reside in the most appropriate and "least restrictive setting" possible and receive the services they need to live in that setting.

(b) PASRR requires an individualized assessment and determination of the presence of serious mental illness (MI) or intellectual disabilities (ID) and related conditions, in accordance with Title 42, section 483.100, Code of Federal Regulations (CFR), through section 483.138, CFR. The purpose of PASRR is to ensure each person's needs are met in a Medicaid certified nursing home, whether the person is seeking admission to a nursing facility or currently residing in a nursing facility.

(c) Florida's PASRR process is designed to promote community-focused, patient centered care by assuring psychological, psychiatric, and functional needs are considered along with personal goals and preferences when planning long term care services. Multiple state agencies work together to ensure the individual's long term care needs are met in the most appropriate and least restrictive setting possible.

(2) PASRR Evaluations.

(a) PASRR evaluations involve the following:

1. The individual being evaluated;
2. The individual's legal representative; and
3. The individual's family if available, in the event the individual or the legal representative agrees to family participation.

(3) Medicaid-certified nursing facilities must not admit applicants who have indications of serious mental illness or intellectual disability until the appropriate state agency or its designee has determined whether a) the individual needs the level of services that a nursing facility provides, and b) whether individuals who need nursing facility services also need "specialized services." The intent of the PASRR process is to ensure that all nursing facility applicants are thoroughly screened, placed in nursing facilities only when appropriate, and receive all necessary services while there.

(4) PASRR Process. There are two parts to the PASRR process. They include Level I and Level II and are described as follows:

(a) Level I is a once in a lifetime screening performed prior to the first time an individual is admitted to the nursing facility setting. The purpose of PASRR is to "look behind" the diagnosis of record to identify any presenting evidence of MI or ID. If the finding of the Level I assessment indicates a serious MI or a ID, then a referral for a PASRR Level II Evaluation and Determination should be sent to the Comprehensive Assessment and Review for Long-Term Care Services (CARES) program, within the Department of Elder Affairs.

(b) Level II provides an in-depth evaluation of the individual which results in a determination of the need for continued long-term care services based on the need for specialized services to identify the most appropriate setting possible to meet their long term care needs; and to provide a set of recommendations for services if appropriate, to be incorporated in to the individual's care plan. A Level II must be completed prior to admission to a Medicaid certified nursing facility when the Level I screening indicates a suspicion of serious MI or ID. A Level II must also be performed when there is a significant change in the nursing facility resident's mental or physical condition.

(c) PASRR Level I and Level II forms are available on the Medicaid fiscal agent's Web site at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com). Select Public Information for Providers, then Provider Support, and then Forms.

(5) PASRR Level I Screenings.

(a) Appropriate hospital staff, nursing facility staff, or the Comprehensive Assessment and Review for Long-Term Care Services (CARES) program, within the Department of Elder Affairs (DOEA), shall perform Level I screenings on all applicants age 21 years or older, prior to admission to a Medicaid certified nursing facility, and if required, request and obtain the Level II Evaluation and Determination summary report. The CARES staff shall perform Level I screenings on all persons in community settings (other than hospitals) requesting admission under the Medicaid Institutional Care Program (ICP) in a Medicaid certified nursing facility.

(b) Individuals under the age of 21 years seeking admission to a Medicaid certified nursing facility must be referred to the Children's Multidisciplinary Assessment Team (CMAT), within the Department of Health, prior to admission to a Medicaid certified nursing facility. CMAT shall perform PASRR Level I screenings and, if required, request and obtain the Level II Evaluation and Determination summary report.

(c) A PASRR Level I screening shall be used to determine whether the person seeking admission to a Medicaid certified nursing facility is suspected of having MI or ID, even if the individual has not been diagnosed with MI or ID.

(d) Prior to admission into a Medicaid certified nursing facility, both the PASRR Level I screening and, if required, the PASRR Level II Evaluation and Determination summary report, must be completed and maintained in the facility's file for each resident.

(e) Provisional admission is allowed under the following circumstances:

1. Pending further assessment of delirium where an accurate diagnosis cannot be made until the delirium clears, not to exceed seven days.

2. Pending further assessment in emergency situations requiring protective services, with placement in a nursing facility, not to exceed seven days.

3. Brief respite care for in-home caregivers, with placement in a nursing facility twice a year not to exceed 14 days.

(f) A referral for a PASRR Level II is accomplished as follows:

1. The completed PASRR Level II form is sent to CARES, along with the following documentation. Contact information for the CARES program is available on the Department of Elder Affairs (DOEA) Web site at [www.elderaffairs.state.fl.us](http://www.elderaffairs.state.fl.us). Select Programs & Services and then Comprehensive Assessment & Review for Long-Term Care Services (CARES).

a. When a PASRR Level II is requested as a result of a PASRR Level I screening, the Level II form must be sent to the CARES program along with following documentation:

i. PASRR Level I form (AHCA-MedServ Form 004, Part A);

ii. Informed Consent Form (AHCA-MedServ Form 2040, May 2008);

iii. Medical Certification for Nursing Facility/Home and Community Based Services Form (AHCA-MedServ 3008);

iv. Other medical documentation including relevant case notes or records of treatment/medication administration record (MAR);

v. Psychiatric Evaluation Forms (DOEA-MH Form 1911-A, Aug 01, and DOEA-MH Form 1911-B, Aug 01);

vi. DOEA Assessment Instrument (DOEA Form 701B, September 2008); and

vii. CMAT assessment, if the individual is under the age of 21 years.

b. When a PASRR Level II is requested as a result of a Resident Review (RR), when there is a significant change in the resident's physical or medical condition, the Level II form must be sent to the CARES program along with the following documentation. Contact information for the CARES program is available on the Department of Elder Affairs (DOEA) Web site at [www.elderaffairs.state.fl.us](http://www.elderaffairs.state.fl.us). Select Programs & Services and then Comprehensive Assessment & Review for Long-Term Care Services (CARES).

i. PASRR Level I form (AHCA-MedServ Form 004, Part A);

ii. Relevant Case Notes/Records of Treatment or Evaluations (including psychiatric)/Medication Administration Record (MAR); and Minimum Data Set (MDS).

(g) Within two days of completion of the PASRR Level I screening, if the individual is suspected of have MI or ID, written notice must be sent to the individual and their legal representative is suspected of an MI or ID diagnosis and is being referred for a more in-depth PASRR Level II evaluation shall be sent to the individual and his or her legal representative.

(h) A PASRR Level I must be performed when a person is considered for admission to a Medicaid certified nursing facility, unless otherwise exempted.

(6) PASRR Level II Evaluation and Determination.

(a) The Department of Children and Families (DCF), or state-designated contract provider, will perform the PASRR Level II evaluations for persons with a serious MI diagnosis or other indication of a serious MI; and

(b) The Agency for Persons with Disabilities (APD) will perform the PASRR Level II Evaluation and Determination for persons suspected of having an ID diagnosis or related conditions, through ID an diagnosis or other indications.

(c) Individuals who must be evaluated include:

1. Anyone determined to have an indication of a serious MI or ID diagnosis through a PASRR Level I screening;

2. A nursing facility resident that experiences a significant change in their mental or physical condition; or

3. An individual that entered a Medicaid certified nursing facility under the hospital discharge exemption, pursuant to 42 C.F.R. §483.106(b)(2), who is later found to require more than thirty (30) days of nursing facility care.

(d) The PASRR Level II evaluation shall be completed:

1. Within seven to ten working days of receipt of the Level II request with all of the appropriate paperwork;

2. Within 14 calendar days after the facility determines, or should have determined, that there has been a significant change in the resident's physical or mental condition. (For purposes of the PASRR process, a "significant change" means a major decline or improvement in the resident's status that will not normally resolve itself without further intervention by staff or by implementing standard disease-related clinical interventions, that has an impact on more than one area of the resident's health status, and requires interdisciplinary review or revision of the care plan, or both.);

3. Within 40 calendar days of admission, for an individual entering an nursing facility as an exempted hospital discharge pursuant to 42 C.F.R. §483.106(b)(2), who is later found to require more than 30 days of nursing facility care;

(e) PASRR Level II evaluations shall:

1. Confirm or rule out the presence of an MI or ID diagnosis;

2. Confirm the need for nursing facility services and the appropriate placement; and

3. Determine the need for specialized services; if specialized services can be provided in the nursing facility or the community; and whether or not nursing facility placement is appropriate if specialized services cannot be provided in the nursing facility.

(f) In determining appropriate placement, the PASRR Level II evaluation shall:

1. Prioritize the physical and mental needs of the individual being evaluated, taking into account the severity of each condition;

2. Assess whether:

a. The individual's total needs are such that their needs can be met in an appropriate community setting;

b. The individual's total needs are such that they can be met only on an inpatient basis, which may include the option of placement in a home and community-based services waiver program, but for which the inpatient care would be required;

c. If inpatient care is appropriate and desired, the nursing facility is an appropriate institutional setting for meeting those needs; or

d. If the inpatient care is appropriate and desired but the nursing facility is not the appropriate setting for meeting the individual's needs, another setting is an appropriate institutional setting for meeting those needs.

(g) At a minimum, the data relied on to make a nursing facility determination must include:

1. Evaluation of physical status (for example, diagnoses, date of onset, medical history, and prognosis);

2. Evaluation of mental status (for example, diagnoses, date of onset, medical history, likelihood that the individual may be a danger to themselves or others); and

3. Functional assessment (activities of daily living).

(h) All PASRR Level II evaluations must be individualized.

(i) Specialized services must be provided which are found to be necessary to improve the individual's level of independence so that a reduction in intensity of services to below the level of specialized services can occur as soon as possible.

(j) The PASRR Level II evaluation shall be completed within seven to ten days of receipt of the PASRR Level II request and applicable paperwork.

(k) All PASRR Level II evaluation findings must be issued in the form of a written evaluative summary report which:

1. Identifies the name and professional title of person(s) who performed the evaluation(s) and the date on which each portion of the evaluation was administered;

2. Provides a summary of the medical and social history, including the positive traits or developmental strengths and weaknesses or developmental needs of the evaluated individual;

3. Identifies the specific services that are required to meet the evaluated individual's needs if nursing facility services are recommended;

4. Identifies any specific ID or MI services that are of a lesser intensity than specialized services that are required to meet the evaluated individual's needs if specialized services are not recommended;

5. Identifies the specific ID or MI services required to meet the evaluated individual's needs if specialized services are recommended; and

6. Includes the basis for the Level II Evaluation and Determination summary report's conclusions.

(l) DCF or state-designated contract provider, or APD, as appropriate, must send in writing the PASRR Level II Evaluation and Determination summary report to the following:

1. CMAT if the individual is under the age of 21 years or CARES if the individual is age 21 years or older;

2. The evaluated individual and their legal representative;

3. The admitting or retaining nursing facility;

5. The discharging hospital, if the individual is seeking admission to a Medicaid certified nursing facility from a hospital, and unless the individual is exempt from preadmission screening as provided for at 42 C.F.R. §483.106(b)(2).4. The evaluated individual's attending physician; and

(m) Each notice of a PASRR Level II determination made by DCF or a state-designated contract provider, or APD must include documentation that specifies:

1. Whether a nursing facility level of services is needed;

2. Whether specialized services are needed;

3. The placement options that are available to the individual consistent with these determinations; and

4. The rights of the individual to appeal the determination.

(n) The PASRR Level II findings must be interpreted and explained to the individual and, where applicable, to and their legal representative or the legal representative.

(7) MI PASRR Level II Evaluation and Determination.

(a) The PASRR Level II evaluation for MI will be performed by DCF, or a state-designated contract provider, and must be based on an independent physical and mental evaluation performed by a person or entity other than DCF. A qualified mental health professional outside of DCF must validate the diagnosis.

(b) The specialized services must be designed to result in the continuous and aggressive implementation of an individualized plan of care that:

1. Is developed and supervised by an interdisciplinary team including the attending physician, qualified mental health professionals and other professionals as appropriate;

2. Prescribes specific therapies and activities for the treatment of persons experiencing an acute episode of serious MI, which necessitates supervision by trained mental health personnel; and

3. Is directed toward diagnosing and reducing the individual's behavioral symptoms that necessitated institutionalization, improving their level of independent functions, and achieving a functioning level that permits a reduction in the intensity of mental health services to below the level of specialized services at the earliest possible time.

(c) MI Diagnosis. A qualified mental health professional outside of DCF must validate the diagnosis of serious MI. A comprehensive history and physical examination of the person must be provided, including:

1. Complete medical history;

2. Review of all body systems;

3. Specific evaluation of the person's neurological system in the areas of motor functioning, sensory functioning, gait, deep tendon reflexes, cranial nerves, and abnormal reflexes; and

4. In case of abnormal findings which are the basis for a nursing facility placement, additional evaluations conducted by appropriate specialists:

a. A comprehensive drug history including current or immediate past use of medications that could mask symptoms or mimic MI;

b. A psychosocial evaluation of the person, including current living arrangements and medical and support systems;

c. A comprehensive psychiatric evaluation including a complete psychiatric history, evaluation of intellectual functioning, memory functioning, and orientation, description of current attitudes and overt behaviors, affect, suicidal or homicidal ideation, paranoia, and degree of reality testing (presence and content of delusions) and hallucinations; and

d. A functional assessment of the individual's ability to engage in activities of daily living and the level of support that would be needed to assist the individual to perform these activities while living in the community. The assessment must determine whether this level of support can be provided to the individual in an alternative community setting or whether the level of support needed is such that nursing facility placement is required. The functional assessment must address the following areas:

i. Self-monitoring of health status;

ii. Self-administering and scheduling of medical treatment, including medication compliance, or both; and

iii. Self-monitoring of nutritional status, handling money, dressing appropriately, and grooming.

(d) A qualified mental health professional must determine whether a program of psychiatric specialized services is needed.

(e) When the Level II indicates both MI and ID, DCF or state designated provider will coordinate with APD to complete the evaluation and determination.

(8) ID PASRR Level II Evaluation and Determination.

(a) The PASRR Level II Evaluation and Determination will be performed by APD.

(b) An ID diagnosis, confirmed by a licensed psychologist, must be utilized to identify the intellectual functioning measurement of individuals with ID or a related condition.

(c) Specialized services are to be directed toward the acquisition of the behaviors necessary for the individual to function with as much self-determination and independence as possible; and the prevention or deceleration of regression or loss of current optimal functional status.

(d) The data collected for an evaluation of the need for specialized services for an ID individual must include the individual's comprehensive history and physical examination results to identify the following information or, in the absence of data, must include information that permits a reviewer specifically to assess:

1. The individual's medical problems;

2. The level of impact these problems have on the individual's independent functioning;

3. All current medications used by the individual and the current response of the individual to any prescribed medications must be evaluated in the following drug groups:

a. Hypnotics;

b. Antipsychotics (neuroleptics);

c. Mood stabilizers and antidepressants;

d. Antianxiety-sedative agents; and

e. Anti-Parkinson agents.

4. Self-monitoring of health status;

5. Self-administering and scheduling of medical treatments;

6. Self-monitoring of nutritional status;

7. Self-help development such as toileting, dressing, grooming, and eating;

8. Sensorimotor development, such as ambulation, positioning, transfer skills, gross motor dexterity, visual motor perception, fine motor dexterity, eye-hand coordination, and extent to which prosthetic, orthotic, corrective or mechanical supportive devices can improve the individual's functional capacity;

9. Speech and language (communication) development, such as expressive language (verbal and nonverbal), receptive language (verbal and nonverbal), extent to which non-oral communication systems can improve the individual's function capacity, auditory functioning, and extent to which

amplification devices (for example, hearing aid) or a program of amplification can improve the individual's functional capacity;

10. Social development, such as interpersonal skills, recreation-leisure skills, and relationships with others.

11. Academic/educational development, including functional learning skills;

12. Independent living development such as meal preparation, budgeting and personal finances, survival skills, mobility skills (orientation to the neighborhood, town, city), laundry, housekeeping, shopping, bed making, care of clothing, and orientation skills (for individuals with visual impairments);

13. Vocational development, including present vocational skills;

14. Affective development such as interests, and skills involved with expressing emotions, making judgments, and making independent decisions; and

15. The presence of identifiable maladaptive or inappropriate behaviors of the individual based on systematic observation (including, but not limited to, the frequency and intensity of identified maladaptive or inappropriate behaviors).

(e) In making the determination of special needs for an individual with ID, APD must also make a qualitative judgment on the extent to which the person's status reflects, singly and collectively, the characteristics commonly associated with the need for specialized services, including:

1. The inability to:

a. Take care of the most personal care needs;

b. Understand simple commands;

c. Communicate basic needs and wants;

d. Be employed at a productive wage level without systematic long term supervision or support;

e. Learn new skills without aggressive and consistent training;

f. Apply skills learned in a training situation to other environments or settings without aggressive and consistent training;

g. Demonstrate behavior appropriate to the time, situation or place without direct supervision; and

h. Make decisions requiring informed consent without extreme difficulty.

2. Demonstration of severe maladaptive behaviors that place the person or others in jeopardy to health and safety; and

3. Presence of other skill deficits or specialized training needs that necessitate the availability of personnel trained in ID, 24 hours per day, to teach the person functional skills.

(f) When the Level II indicates both MI and ID, APD shall coordinate with the DCF or state designated provider, to complete the evaluation and determination.

(9) Nursing facility Resident Review. A Resident Review is required when there is a significant change in the resident's condition. The procedures for completing the Level II requests is the same for Resident Reviews (RR) and Level I screening, as specified in this rule.

(10) Records.

(a) Nursing facilities are required to maintain copies of all PASRR screenings, evaluations and re-evaluations in the resident's file, even after the resident has been discharged or has been transferred from another facility.

(b) Original PASRR Level I screenings shall be retained by the entity completing the Level I screen and a copy submitted to CARES for repository. Level II Evaluations and Determinations shall be maintained with CARES. The original Level II Resident Review (RR) completed by nursing facilities through DCF or a state-designated contract provider, or APD shall be kept by the initiating facility and also a copy will be sent to CARES.

(11) Oversight of PASRR. Agency for Health Care Administration (AHCA), Agency for Persons with Disabilities (APD), Department of Children and Families (DCF), Department of Elder Affairs (DOEA), and Department of Health (DOH) shall enter into a memorandum of understanding outlining each respective agency's role in the PASRR process. AHCA shall review a sample of PASRR Level I screenings and PASRR Level II evaluations and determinations on an annual basis, to determine compliance with the requirements outlined in this rule, federal regulations, state law, and the executed memorandum of understanding.

Rulemaking Authority 409.919 FS. Law Implemented: 409.902, 409.905(8), 409.912, 409.913 FS. History—New \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Treasury**

RULE NO.:

RULE TITLE:

69C-6.003

The Plan; Prescribed Forms

PURPOSE AND EFFECT: Amendments to the rule include:

- Updates to the rule due to changes to and clarifications of the Federal deferred compensation regulations.
- Definitions added or changed in the Plan Document (Form DFS-J3-1176) are as follows:
  - Beneficiaries of the Plan are now defined,
  - "Compensation" was added to clarify language as provided by the IRS,
  - "Normal Retirement Age" was amended to provide the definition for members of the Florida Retirement System's Investment Plan and the Optional Retirement Plan.
  - Roth Contribution – if Roth IRA is available,
  - Trust Agreement was added to provide language for the protection of the participants and beneficiaries assets,
  - Trust Fund was added to clarify the Plan created a Trust as required by the IRS,

- “Trustees of the Plan” definition was added for clarification, and
- “Unforeseeable Emergency” definition was added to the Plan Document to provide specific language to assist in the qualifying of a participant’s in-service distribution.
- Language was added to provide instruction to the Plan Administrator making corrections for excess deferrals.
- Language was added to clarify the Required Minimum Distribution provision.
- Language was added to clarify the requirements necessary for a participant to utilize the Standard catch-up provision.
- Language was added to clarify the approval process for distributions due to unforeseeable emergencies.
- A provision was added to clarify specific beneficiary types for death benefits.
- A provision was added to clarify Deemed IRA’s and Roth IRA’s requirements.
- A provision was added for Qualified Domestic Relations Orders.
- A provision was added for the distribution process for settlement proceeds received from the investment vendors.
- Amendments to existing forms and adding new forms for the State of Florida Employees Deferred Compensation Plan in order to clarify requirements, conform all forms to changes in the Plan Document (Form DFS-J3-1176), and implement minor administrative changes to the Plan.

SUBJECT AREA TO BE ADDRESSED: Deferred Compensation Plan.

RULEMAKING AUTHORITY: 112.215(12) FS.

LAW IMPLEMENTED: 112.215 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE, AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, March 1, 2013, 2:00 p.m.

PLACE: Suite 440-C, Hermitage Centre, Suite 400, 1801 Hermitage Blvd., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kandi Winters, Chief of Deferred Compensation, Division of Treasury, Bureau of Deferred Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0346, (850) 413-3162 or Kandi.Winters@myfloridacfo.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

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

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### State Board of Education

RULE NO.:	RULE TITLE:
6A-14.0572	Safety Issues in Courses Offered by Florida College System Institutions

PURPOSE AND EFFECT: The purpose of this new rule is to ensure that policies and procedures are in place to protect the health and safety of students, instructional personnel, and visitors who participate in courses offered by a Florida College System institution. The effect will be that the Florida College System institutions establish, implement and report to the Chancellor of the Division of Florida Colleges health and safety policies and procedures.

SUMMARY: This new rule states that Florida College System institution boards of trustees are responsible for campus safety and emergency preparedness, to include safety and security measures for students, instructional personnel, and visitors. It also requires boards of trustees to adopt and annually review health and safety policies. The rule includes minimum standards for the policies and procedures and requires submission of policies and procedures to the Chancellor of the Division of Florida Colleges no later than December 31, 2013.

#### 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: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) because the rule requires only that the state colleges address health, safety, and security policies and procedures, and does not mandate specific measures.

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: 1006.65(1) FS.

LAW IMPLEMENTED: 1006.65 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 19, 2013, 8:00 a.m.

PLACE: Tallahassee, Florida (The physical location will be posted on the Department’s website no later than 14 days prior to the meeting at <http://www.fldoe.org>).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Alexander, Division of Florida Colleges, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida, (850)245-9523, Julie.Alexander@fldoe.org

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-14.0572 ~~Safety Issues in Courses Offered by~~ Florida College System Institutions Safety Policies and Procedures.

(1) Each Florida College System institution board of trustees shall be responsible for campus safety and emergency preparedness, to include safety and security measures for students, instructional personnel, and visitors.

(2) Pursuant to Section 1006.65(1), F.S., each board of trustees shall adopt and review annually policies and procedures addressing health and safety of students, instructional personnel, and visitors. At a minimum, the policies and procedures shall address the following:

(a) Posting of relevant health and safety information in classrooms, including those required or guided by industry standards.

(b) Early warning and emergency alert communication protocols.

(c) Threat assessment protocols and resources.

(d) Threat and emergency response protocols.

(e) Establishment of a campus safety and emergency preparedness advisory group.

(f) Implementation of federal, state and industry requirements, as appropriate.

(3) Each Florida College System institution shall submit health and safety policies and procedures to the Chancellor of the Division of Florida Colleges no later than December 31, 2013 and upon request of the Chancellor thereafter.

Rulemaking Authority 1006.65(1) FS. Law Implemented 1006.65(1) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Randy Hanna, Chancellor, Division of Florida Colleges.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Tony Bennett, Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 3, 2012

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Driver Licenses**

RULE NO.: 15A-6.009                      RULE TITLE: Venue

PURPOSE AND EFFECT: The Department seeks a proposed change to this rule in order to clarify jurisdiction for hearings at Bureau of Administrative Review (BAR) offices. This proposed language could provide cost-savings by providing greater flexibility for Hearing Officers and witnesses to appear telephonically in lieu of personal appearances at BAR offices.

SUMMARY: The rule identifies the proper location for administrative hearings regarding driver license suspensions, and authorizes the use of communication technology in such hearings.

**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 nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: 322.02(6), 322.2615(12), 322.2616(13), 322.64(12) FS.

LAW IMPLEMENTED: 322.2615, 322.2616, 322.64 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: March 11, 2013, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, Room Number B130, Tallahassee, Florida 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: Kathy Jimenez-Morales, Chief of Bureau of Administrative Reviews, 2900 Apalachee Parkway, Room #A-432, Tallahassee, Florida 32399, (850)617-2607.. 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: Kathy Jimenez-Morales, Chief of Bureau of Administrative Reviews, 2900 Apalachee Parkway, Room #A-432, Tallahassee, Florida 32399, (850)617-2607

THE FULL TEXT OF THE PROPOSED RULE IS:

**15A-6.009 Location of Hearings Venue.**

Hearings shall be held at the nearest Department Hearing Office assigned to the county where the arrest occurred or the notice of suspension or disqualification was issued in the judicial circuit where the notice of suspension was issued, unless otherwise ordered by the hearing officer with the consent of the driver. The Hearing Officer is authorized to conduct all hearings using communications technology approved by the department.

Rulemaking Specific Authority 322.2615(12), 322.2616(13), 322.02(6)(4), 322.64(12) FS. Law Implemented 322.2615, 322.2616, 322.64 FS. History—New 10-1-90, Amended 10-7-91, 1-2-96, 7-3-97,

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathy Jimenez-Morales, Chief of Bureau of Administrative Reviews

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governor and Cabinet

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: August 3, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.015  
 RULE TITLE: Ambulance Transportation Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.015, F.A.C., is to incorporate by reference the Ambulance Transportation Services Coverage and Limitations Handbook, May 2013.

SUMMARY: The updated handbook will provide guidance for ambulance (emergency and non-emergency) transportation providers by clarifying current policy and establishing guidelines for the appropriate use of ambulance transportation.

**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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not 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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, March 5, 2013, 3:00 p.m. – 4:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Susan Hamrick at the Bureau of Medicaid Services, (850)412-4210. 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 Hamrick, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4210, e-mail: susan.hamrick@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.015 Ambulance Transportation Services.

(1) This rule applies to all ambulance transportation providers enrolled in the Florida Medicaid program.

(2) All ambulance transportation providers enrolled in the Florida Medicaid program must be in compliance with the provisions of the Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, May 2013 ~~February 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. The Both handbooks is are available from the Medicaid fiscal agent's Web site at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com). Select Public Information for Providers, then Provider Support, and~~

~~then Provider Handbooks. Paper copies of the handbook may be obtained by calling the Provider Services Contact Center at 1-800-289-7799 and selecting Option 7 website at <http://floridamedicaid.aes-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.~~

~~Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913, 409.908+ FS. History--New 7-23-06, Amended \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Susan Hamrick  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2012  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 18, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.130  
RULE TITLE: Home Health Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.130, F.A.C., is to incorporate by reference the Home Health Services Coverage and Limitations Handbook, March 2013. The handbook is being revised to comply with mandates passed in the 2012 legislative session.

SUMMARY: The mandates referenced above include: (1) limiting home health visits to three visits per day for non-pregnant adults and (2) implementing a Telephonic Home Health Service Delivery Monitoring and Verification Program statewide.

**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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not 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: 409.919 FS.  
LAW IMPLEMENTED: 409.902, 409.905, 409.908, 409.9081, 409.912, 409.913, 409.9132, 409.9133 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, March 13, 2013, 10:00 a.m. – 12:00 Noon

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Claire Anthony-Davis at the Bureau of Medicaid Services, (850)412-4266. 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: Claire Anthony-Davis, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4266, e-mail: [claire.davis@ahca.myflorida.com](mailto:claire.davis@ahca.myflorida.com). To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

**THE FULL TEXT OF THE PROPOSED RULE IS:**

59G-4.130 Home Health Services.

(1) This rule applies to all home health agencies licensed under Chapter 400, Part III, Florida Statutes F.S., and certified by the Agency for Health Care Administration for participation in the Florida Medicaid program for home health care.

(2) All home health agency providers enrolled in the Florida Medicaid program must be in compliance with the Florida Medicaid Home Health Services Coverage and Limitations Handbook, March 2013 ~~December 2011~~, incorporated by reference, ~~and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated in Rule 59G-4.001, F.A.C.~~ The Both handbooks is are available from the Medicaid fiscal agent's Web site at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com). Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Services Contact Center Medicaid fiscal agent ~~at 1-800-4(800)-289-7799~~ and selecting Option 7.

(3) When terminating, reducing, or denying private duty nursing or personal care services, Medicaid will provide written notification to the recipient or the recipient's legal guardian. The notice will provide information and instructions regarding the recipient's right to request a hearing.

(4) The following forms and appendices are included in the Florida Medicaid Home Health Services Coverage and Limitations Handbook and are incorporated by reference: Appendix B, Home Health Certification and Plan of Care, Form CMS-485(C-3)(02-94) (Formerly HCFA-485), July 2008 December 2011; and in Appendix C, the Authorization for Private Duty Nursing Provided by a Parent or Legal Guardian, AHCA-Med Serv Form 5000-3541 046, February 2013; Appendix D, Guidelines for Evaluating Family Support and Care Supplements, December 2011; Appendix D E, Physician Visit Documentation Form, AHCA-Med Serv Form 5000-3502, Revised February 2013 October 2010; Appendix E F, Parent or Legal Guardian Medical Limitations, AHCA-Med Serv Form 5000-3501, Revised February 2013 October 2010; Appendix F G, Parent or Legal Guardian Work Schedule, AHCA-Med Serv Form 5000-3503, Revised February 2013 December 2011; Appendix G H, Parent or Legal Guardian Statement of Work Schedule, AHCA-Med Serv Form 5000-3504, Revised February 2013 December 2011; Appendix H I, Parent or Legal Guardian School Schedule, AHCA-Med Serv Form 5000-3505, Revised February 2013 December 2011; Appendix I J, Medicaid Instructions for Personal Care Services Plan of Care and Form, AHCA-Med Serv Form 5000-3506, September December 2011; Appendix I K, Medicaid Physician's Written Prescription for Home Health Services, AHCA-Med Serv Form 5000-3525, Revised February 2013, December 2011; Appendix KL, Review Criteria for Private Duty Nursing Services, December 2011; and Appendix LM, Medicaid Review Criteria for Personal Care Services, December 2011. The forms are available by photocopying them from the handbook.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.912, 409.913, 409.9132, 409.9133 FS. History--New 1-1-77, Amended 4-1-78, 9-28-78, 1-24-79, 7-17-83, Formerly 10C-7.44, Amended 6-1-88, 4-9-89, 1-1-90, 5-26-93, Formerly 10C-7.044, Amended 3-14-95, 12-27-95, 5-7-96, 2-9-98, 5-30-00, 11-24-03, 10-30-07, 12-29-08, 6-25-12, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Claire Anthony-Davis  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2013  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 27, 2012

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.260  
 RULE TITLE: Prescribed Pediatric Extended Care Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.260, F.A.C., is to incorporate by reference the Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, May 2013. Prescribed Pediatric Extended Care (PPEC) centers provide medical, nursing, and personal care to those children who are medically complex and require such services. This handbook is for Medicaid enrolled and potential Medicaid enrolled PPEC providers in the State of Florida.

SUMMARY: The handbook revises service authorization procedures, which are now handled by a Medicaid contracted Quality Improvement Organization. The language has been updated to include appropriate procedures for Medicaid reimbursement for PPEC providers. The handbook clarifies policy and reimbursement rules.

**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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not 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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, March 13, 2013, 3:30 p.m. – 5:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kathleen Core at the Bureau of Medicaid Services, (850)412-4221. 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: Kathleen Core, Medicaid Services, 2727 Mahan Drive, Mail Stop 20; Tallahassee, Florida 32308-5407, telephone: (850)412-4221, e-mail: kathleen.core@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.260 Prescribed Pediatric Extended Care Services.

(1) This rule applies to all Prescribed Pediatric Extended Care (PPEC) service providers enrolled in the Florida Medicaid program.

(2) All Florida Medicaid enrolled prescribed pediatric extended care service providers must be in compliance with the provisions of the Florida Medicaid Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook, May 2013 February 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated in Rule 59G-4.001, F.A.C. The ~~Both~~ handbooks ~~is~~ are available from the Medicaid fiscal agent's Web site website at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com) ~~http://floridamedicaid.aes-inc.com~~. Select Public Information for Providers, then Click on Provider Support, and then on Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Provider Services Contact Center at 1-800-289-7799 and selecting Option 7 Provider Enrollment at (800)377-8216.

(3) The following form is included in the Prescribed Pediatric Extended Care Services Coverage and Limitations Handbook and is incorporated by reference: Appendix B, Physician Plan of Care for PPEC Services Form, AHCA-Med Serv Form 5000-3507, Revised February 2013.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.912, 409.913 FS. History—New 8-27-91, Amended 4-21-92, 3-9-93, Formerly 10C-7.0471, Amended 2-11-96, 2-22-00, 5-11-04, 4-24-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathleen Core  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2013  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 23, 2012

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-4.001 RULE TITLE: Use of Prescription Devices  
 PURPOSE AND EFFECT: To clarify training and supervision requirements for electrical stimulation and ultrasound devices.

SUMMARY: Training and supervision.

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: 468.203(4), 468.204 FS.

LAW IMPLEMENTED: 468.203(4) 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: Allen Hall, Executive Director, Department of Health, 4052 Bald Cypress Way Bin #C05, Tallahassee, Florida 32399-0797

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-4.001 Use of Prescription Devices.

(1) Electrical Stimulation Device.

(a) through (b) No change.

(c) The training required for students, postgraduates, and licensees to qualify for the use of an electrical stimulation device shall include didactic training of at least four (4) hours and performance of at least five (5) treatments under supervision. The required training may be obtained through educational programs, workshops, or seminars offered at a college or university approved for training of occupational therapists by the American Occupational Therapy Association or of physical therapists by the American Physical Therapy Association or at clinical facilities affiliated with such accredited colleges or universities or through educational programs offered by the American Society of Hand Therapists or Florida Occupational Therapy Association. Online courses are not approved for the didactic or performance training.

(d) Supervised treatment sessions shall be conducted under the personal supervision of licensed occupational therapists and occupational therapy assistants who have completed four hours of coursework in the use of electrical stimulation devices and five (5) supervised treatments or licensed physical therapists and physical therapist assistants trained in the use of electrical stimulation devices. Treatment supervisors must have a minimum of 24 months prior experience in the use of electrical stimulation devices. Personal supervision means that the supervisor is in the room with the trainees and actively provides guidance and supervision of the performance treatments.

(e) through (f) No change.

(2) Ultrasound Device.

(a) through (b) No change.

(c) The training required for students, postgraduates, and licensees to qualify for the use of an ultrasonic stimulation device shall include didactic training of at least four (4) hours and performance of at least five (5) treatments under supervision. The required training may be obtained through educational programs, workshops, or seminars offered at a college or university approved for training of occupational therapists by the American Occupational Therapy Association or of physical therapists by the American Physical Therapy Association or at clinical facilities affiliated with such accredited colleges or universities or educational programs offered through the American Society of Hand Therapists or Florida Occupational Therapy Association. Online courses are not approved for the didactic or performance training.

(d) Supervised treatment sessions shall be conducted under the personal supervision of licensed occupational therapists and occupational therapy assistants who have completed four hours of coursework in the use of ultrasound devices and five (5) supervised treatments or licensed physical therapists and physical therapist assistants trained in the use of ultrasound devices. Treatment supervisors must have a minimum of 24 months prior experience in the use of ultrasound devices. Personal supervision means that the supervisor is in the room with the trainees and actively provides guidance and supervision of the performance treatments.

(e) through (f) No change.

Rulemaking Specific Authority 468.203(4), 468.204 FS. Law Implemented 468.203(4) FS. History--New 1-1-88, Formerly 21M-15.001, 61F6-15.001, Amended 12-4-95, Formerly 59R-63.001, Amended 8-9-99, 7-2-00,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Occupational Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 7, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 24, 2013

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

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

#### Child and Farm Labor Program

RULE NO.: 61L-1.004  
RULE TITLE: Requirements of Registration  
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. 72, November 15, 2012 issue of the Florida Administrative Register.

#### 61L-1.004 Procedures for Registration.

Application for the issuance of a Farm Labor Contractor Certificate of Registration may be made by regular mail, express mail, certified mail, or hand delivery U.S. Mail or in person at 1940 North Monroe Street, Tallahassee, Florida 32399-0783. Assistance with the application process may be obtained at selected Department of Business and Professional Regulation field offices, ~~or any other place so designated by the Department of Business and Professional Regulation where staff are trained to administer the test and assist with the completion and submission of forms.~~ Contact information for these offices, along with the application, supplemental forms and program information, may be obtained at <http://www.myfloridalicense.com/dbpr/reg/farmLabor.html>. Prior to the issuance of a certificate of registration, an applicant seeking a certificate must comply with the following requirements:

(1) through (3) No change.

(4) Successfully take and pass the Farm Labor Contractor Test and pay the nonrefundable examination fee of \$35.00. The test may be administered at selected Department of Business and Professional Regulation field offices, Contact information for these offices may be obtained at <http://www.myfloridalicense.com/dbpr/reg/farmLabor.html> or any other place so designated by the Department of Business and Professional Regulation. When an applicant passes the test, they must comply with all other registration requirements before a certificate of registration will be issued;

(5) No change.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Child and Farm Labor Program**

RULE NOS.:	RULE TITLES:
61L-1.005	Renewal of Registration Certificate
61L-1.006	Reexamination

**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. 72, November 15, 2012 issue of the Florida Administrative Register.

61L-1.005 Renewal of Registration Certification.

(1) Application for the renewal of a Florida Farm Labor Contractor Certificate of Registration may be made at least 30 days prior to expiration, by U.S. Mail or in person at 1940 North Monroe Street, Tallahassee, Florida, 32399-0783. Assistance may be obtained at selected Department of Business and Professional Regulation field offices. Contact information for these offices, along with the application, supplemental forms and program information, may be obtained at <http://www.myfloridalicense.com/dbpr/reg/farmLabor.html> or any other place so designated by the Department of Business and Professional Regulation. Prior to the renewal of a certificate previously issued, a person seeking a certificate must comply with the following requirements:

(a) Possess a valid Federal Farm Labor Contractor or Employee Certificate of Registration, or timely submit form WH-530, "Federal Application for a Farm Labor Contractor or Farm Labor Contractor Employee Certificate of Registration," revised December 2011, herein incorporated by reference, to the U.S. Department of Labor at least thirty (30) days prior to the expiration of their current Federal Farm Labor Contractor Certificate of Registration, and provide a copy to the Department of Business and Professional Regulation as proof of timely submission. Form WH-530 can be obtained by contacting the Department at 1940 North Monroe Street, Tallahassee, Florida 32399-0783 or at <http://www.myfloridalicense.com/dbpr/reg/farmLabor.html>;

- (b) through (c) No change.
- (2) No change.

61L-1.006 Reexamination.

- (1) No change.

(2) Reexamination may be administered at selected Department of Business and Professional Regulation field offices. Contact information for these offices, along with the application, supplemental forms and program information, may be obtained at <http://www.myfloridalicense.com/dbpr/reg/farmLabor.html> or any other place so designated by the Department of Business and Professional Regulation.

Rulemaking Authority 450.36 FS. Law Implemented 450.30, 450.31(1)(c) FS. History--New\_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.:	RULE TITLE:
62-730.900	Forms
	<b>NOTICE OF CORRECTION</b>

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 7, January 10, 2013 issue of the Florida Administrative Register. This is the second Notice of Correction. The Notice of Proposed Rule is being corrected to add the following statement, there are no changes being made to the rule language itself: 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 nature of this rulemaking is non-substantive and is only intended to provide simplicity, clarity, and ease of use, while also reducing duplicative language. Because no substantive changes are proposed, the department expects no regulatory costs associated with this proposed rule; therefore, a SERC and legislative ratification are not required. In addition, no information on the expected economic impacts of this proposed rule has been submitted by the public to the department.

**Section IV  
Emergency Rules**

**NONE**

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

**NONE**

**Section VI  
Notices of Meetings, Workshops and Public  
Hearings**

**DEPARTMENT OF EDUCATION**

State Board of Education

The State Board of Education announces a public meeting to which all persons are invited.

DATE AND TIME: February 18, 2013, 10:30 a.m.

PLACE: Le Cordon Bleu College of Culinary Arts, 8511 Commodity Circle, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting agenda will consist of approval of minutes of the State Board meetings held December 11 and 12, 2012, and updates

on various reports and status of education initiatives by the Commissioner. A presentation will be given by Mona Mourshed, Co-Author of Education to Employment: Designing a System that Works. Updates will be provided on the transition to Common Core Standards and Assessments, digital implementation, Career and Adult Education, Florida College System, implementation of teacher and principal evaluation systems, and class size operating fund adjustment. Items for consideration include action relating to the following: Amendment to Rule 6A-1.0014, Comprehensive Management Information System; Amendment to Rule 6A-3.0291, Specifications for New School Buses; Amendment to Rule 6A-6.03026, Special Programs for Prekindergarten Children with Disabilities; Amendment to Rule 6A-6.03030, Special Programs for Children Birth Through Two Years Old who have Established Conditions; Amendment to Rule 6A-6.03031, Special Programs for Children Birth Through Two Years Old who are Developmentally Delayed; Amendment to Rule 6A-6.0573, Industry Certification Process; Recommendation to Withdrawal Proposed Rule 6A-6.0907, Inservice Requirements for Personnel of Limited English Proficient Students, and Recommence Rulemaking; Amendment to Rule 6A-10.033, Postsecondary Credit Definitions; New Rule 6A-10.0401, Gold Standard Career Pathways Articulation Agreements; Amendment to Rule 6A-14.030, Instruction and Awards in Community Colleges; Amendment to Rule 6A-14.047, Personnel Records; and Amendment to Rules 6A-16.018, Designation of Official Reporter; 6A-16.021, Plan; and 6A-16.025, Maintenance of Records. Other actions items include: Approval of Delegation of Authority to the Commissioner of Education; Approval of Critical Teacher Shortage Areas for 2013-14; and Consideration of WXEL's Request to Sublease Space in its Broadcasting Station.

A copy of the agenda may be obtained by contacting: Lynn Abbott at (850)245-9661 or [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org) or by visiting the Department's website at: <http://www.fldoe.org>.

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: Lynn Abbott at (850)245-9661 or [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org). 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: Lynn Abbott at (850)245-9661 or [lynn.abbott@fldoe.org](mailto:lynn.abbott@fldoe.org).

#### DEPARTMENT OF CITRUS

The Florida Department of Citrus announces a public meeting to which all persons are invited.

DATE AND TIME: February 20, 2013, 9:00 a.m.

PLACE: Florida Department of Citrus, 605 E. Main Street, Bartow, Florida 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene for the purpose of standing committee meetings and the regularly scheduled meeting of the Florida Citrus Commission. The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, program evaluation measurements, licensing, issues pertaining to Chapter 601, F.S., rulemaking; and any other matter addressed during regular meetings of the Commission.

A copy of the agenda may be obtained by contacting: Heather Facey, Florida Department of Citrus, P. O. Box 9010, Bartow, Florida 33831, or [hfacey@citrus.state.fl.us](mailto:hfacey@citrus.state.fl.us).

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: Dianne Screws at [dscrews@citrus.state.fl.us](mailto:dscrews@citrus.state.fl.us) or (863)537-3984. 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.

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#### EXECUTIVE OFFICE OF THE GOVERNOR

Division of Emergency Management

The State Emergency Response Commission Training Task Force announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 20, 2013, 1:30 p.m.

PLACE: This is a telephone conference call which can be attended via the internet and telephone. Meeting ID: 208-685-682. <https://www2.gotomeeting.com/join/208685682>  
Call in number: (888)808-6959; pass code is 6517811543

GENERAL SUBJECT MATTER TO BE CONSIDERED: Report on TRANSCAER; Update of Current Protocols; 2013 Hazmat Symposium; Supplemental Environmental Projects.

A copy of the agenda may be obtained by contacting: Division of Emergency Management, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)413-9970.

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: Division of Emergency Management at

(850)413-9970. 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).

**REGIONAL PLANNING COUNCILS**

**Southwest Florida Regional Planning Council**

The Charlotte Harbor National Estuary Program announces a public meeting to which all persons are invited.

**DATE AND TIME:** February 20, 2013, 9:00 a.m.

**PLACE:** 1001 Sarasota Center Boulevard, Sarasota, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The joint meeting of the Charlotte Harbor National Estuary Program’s Management Committee, the Sarasota Bay Estuary Program’s Management Board and the Tampa Bay Estuary Program’s Management Board will consider the Southwest Florida Regional Ecosystem Restoration Plan Work Group’s initial project ranking and develop recommendations to be provided to the Joint Policy Boards.

A copy of the agenda may be obtained by contacting: Liz Donley at (866)835-5785, ldonley@swfrpc.org or www.chnep.org.

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 2 days before the workshop/meeting by contacting: Liz Donley at (866)835-5785 or ldonley@swfrpc.org. 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: Liz Donley at (866)835-5785 or ldonley@swfrpc.org.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

The North Florida Regional Water Supply Partnership Stakeholder Advisory Committee (the Advisory Committee) is a committee of stakeholders selected by the St. Johns River Water Management District and the Suwannee River Water Management District in consultation with the Florida Department of Environmental Protection, to advise these agencies on issues affecting water supplies in both water management districts. The Advisory Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** Monday, February 18, 2013, 1:00 p.m.

**PLACE:** Florida Gateway College, Wilson S. Rivers Library and Media Center, 149 SE College Place, Building 200, Room 102, Lake City, FL 32025

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a meeting of the Advisory Committee described above. The purpose of the meeting is to hear presentations on and discuss: overview of water resource conservation and protection strategies at sand mines, agricultural crop selection

and water conservation, resource protection criteria used in water supply plans, and committee members perspectives on water supply issues in North Florida. An opportunity for public comment will be provided near the end of the meeting.

**NOTE:** One or more members of the Governing Board from each of the water management districts named above may attend and participate in the meeting of the Advisory Committee.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Julie Green, 4049 Reid Street, Palatka, FL 32177, (386)329-4240, email: jgreen@sjrwm.com or by visiting the North Florida Regional Water Supply Partnership website at www.northfloridawater.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: Vanessa Fultz, Communications/Creative Services Specialist, Suwannee River Water Management District, (386)362-1001. 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: Julie Green, (386)329-4240, email: jgreen@sjrwm.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

The Florida Board of Professional Engineers (FBPE) Florida Building Code CEU Requirement Committee announces a public meeting to which all persons are invited.

**DATE AND TIME:** March 20, 2013, 1:00 p.m. (EST) or soon thereafter.

**PLACE:** Florida Board of Professional Engineers, 2639 North Monroe St., Building B-112, Tallahassee, FL 32303

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** general business of the committee. This meeting will be available by conference call. If you would like to participate in the call, please contact Rebecca Sammons at (850)521-0500 ext. 114 at least 48 hours prior to the date of the meeting.

A copy of the agenda may be obtained by contacting: Rebecca Sammons.

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: Rebecca Sammons. 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: Rebecca Sammons, rsammons@fbpe.org.

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DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: RULE TITLE:

64J-2.010: Apportionment of Trauma Centers within a Trauma Service Area (TSA)

The Florida Department of Health, Office of Trauma announces a workshop to which all persons are invited.

DATE AND TIME: March 15, 2013, 9:00 a.m., EST.

PLACE: Collier County Government Human Resource Training Room, Collier County Government Human Resource Building, Collier County Government Center, 3303 Tamiami Trail East, Naples, Florida 34112; Individuals can also participate by conference call: (888)670-3525; passcode 6189253393.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear comments on the Department's development of Rule 64J-2.010, F.A.C., Apportionment of Trauma Centers within a Trauma Service Area (TSA).

A copy of the agenda may be obtained by contacting: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, ext. 2776.

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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, ext. 2776. 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).

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DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: RULE TITLE:

64J-2.010: Apportionment of Trauma Centers within a Trauma Service Area (TSA).

The Department of Health, Office of Trauma, announces a workshop to which all persons are invited.

DATE AND TIME: March 8, 2013, 9:00 a.m. EST; 8:00 a.m. CST.

PLACE: Okaloosa County Health Department, 221 Hospital Drive, NE, Ft. Walton Beach, Florida 32548. Individuals can also participate by conference call: (888)670-3525; passcode 6189253393.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear comments on the Department's development of Rule 64J-2.010, F.A.C., Apportionment of Trauma Centers within a Trauma Service Area (TSA).

A copy of the agenda may be obtained by contacting: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, x2776.

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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, x2776. 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).

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DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

RULE NO.: RULE TITLE:

64J-2.010: Apportionment of Trauma Centers within a Trauma Service Area (TSA)

The Department of Health, Office of Trauma, announces a workshop to which all persons are invited.

DATE AND TIME: March 28, 2013, 9:00 a.m.

PLACE: Highlands County Health Department, 7205 S. George Blvd., Sebring, Florida 33875. Individuals can also participate by conference call: (888)670-3525; passcode 6189253393.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hear comments on the Department's development of Rule 64J-2.010, F.A.C., Apportionment of Trauma Centers within a Trauma Service Area (TSA).

A copy of the agenda may be obtained by contacting: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, ext. 2776.

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: Lisa VanderWerf-Hourigan, 4052 Bald Cypress Way, Bin A-22, Tallahassee, Florida 32399, telephone: (850)245-4440, ext. 2776. 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).

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DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Florida Department of Children of Families announces a public meeting to which all persons are invited.

DATE AND TIME: February 28, 2013, 9:00 a.m. – 3:00 p.m.

PLACE: Holiday Inn Orlando International Airport; 5750 T.G. Lee Blvd, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Committee to the Florida Department of Children and Families for the Deaf or Hard-of-Hearing will meet to commence its responsibilities as outlined in the Settlement Agreement between the Florida Department of Children and Families and the U.S. Department of Health and Human Services. The meeting will be held in Orlando, FL on February 28, 2013, is open to the public from 9:00 a.m. – 3:00 p.m. and open for public comments from 1:00 p.m. – 2:00 p.m.

The meeting is accessible by Communication Access Realtime Translation (CART) via internet at: <http://www.streamtext.net/player?event=DCFHHS>.

Conference call: (888)670-3525; conference code: 9688330209. Sign Language Interpreters will be provided free of charge. If unable to attend but would like to share comments, send to: Lira M. Latimer at [lira\\_latimer@dcf.state.fl.us](mailto:lira_latimer@dcf.state.fl.us). A copy of the agenda may be obtained by contacting: Lira M. Latimer, (850)922-6829, [lira\\_latimer@dcf.state.fl.us](mailto:lira_latimer@dcf.state.fl.us).

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: Lira M. Latimer, (850)922-6829, [lira\\_latimer@dcf.state.fl.us](mailto:lira_latimer@dcf.state.fl.us). 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: Lira M. Latimer (850)922-6829, [lira\\_latimer@dcf.state.fl.us](mailto:lira_latimer@dcf.state.fl.us).

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES Refugee Services

The Department of Children and Family Services, Refugee Service announces a public meeting to which all persons are invited.

DATE AND TIME: March 15, 2013, 10:00 a.m. Conference call: call-in number (888)670-3525, conference code 3082681153#

PLACE: Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd, Bldg. 5, Rm. 202, Tallahassee, FL 32399-0700

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is to review the scoring, criteria and ranking instructions with the Department evaluators in accordance with the methodology outlined in RFP 01K13BS1 for the Customer Survey and Evaluation of Comprehensive Refugee Services in Orange, Osceola, and Seminole Counties, published to the Vendor Bid System (VBS) on January 30, 2013. The VBS can be accessed at: <http://vbs.dms.state.fl.us/>.

A copy of the agenda may be obtained by contacting: Tammie Kuhn, Procurement Manager Florida Department of Children and Families Refugee Services, 1317 Winewood Blvd, Bldg. 5, Rm. 209, Tallahassee, FL 32399-0700, or [Tammie\\_Kuhn@dcf.state.fl.us](mailto:Tammie_Kuhn@dcf.state.fl.us).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Pamela Thornton, email: [Pamela\\_Thornton@dcf.state.fl.us](mailto:Pamela_Thornton@dcf.state.fl.us) or (850)717-4567. 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: Tammie Kuhn at [Tammie\\_Kuhn@dcf.state.fl.us](mailto:Tammie_Kuhn@dcf.state.fl.us).

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES Refugee Services

The Department of Children and Family Services, Refugee Services announces a public meeting to which all persons are invited.

DATE AND TIME: March 22, 2013, 10:00, a.m.

PLACE: Florida Department of Children and Families, Refugee Services, 1317 Winewood Blvd, Bldg. 5, Rm. 202, Tallahassee, FL 32399-0700. Conference call #: (888)670-3525; conference code: 3082681153#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public debriefing meeting is to record all evaluation scores and calculate the final scores for RFP 01K13BS1 for the Customer Survey and Evaluation of Comprehensive Refugee Services in Orange, Osceola, and Seminole Counties, according to the evaluation methodology outlined in the RFP, published on the Vendor Bid System (VBS) on January 30, 2013. The VBS can be accessed at: <http://vbs.dms.state.fl.us/>

A copy of the agenda may be obtained by contacting: Tammie\_Kuhn@dcf.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Pamela Thornton, email: [Pamela\\_Thornton@dcf.state.fl.us](mailto:Pamela_Thornton@dcf.state.fl.us) or (850)717-4567. 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: Tammie Kuhn at [Tammie\\_Kuhn@dcf.state.fl.us](mailto:Tammie_Kuhn@dcf.state.fl.us).

**FLORIDA LEAGUE OF CITIES**

The Florida Municipal Investment Trust announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 14, 1:00 p.m.

PLACE: InterContinental Hotel, 4860 W. Kennedy Blvd., Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Municipal Investment Trust general meeting conducted through the use of communications media technology, as authorized by Section 163.01(18), Florida Statutes. Persons interested in attending may do so in person at InterContinental Hotel, 4860 W. Kennedy Blvd, Tampa, FL, where a communications media technology facility will be located.

A copy of the agenda may be obtained by contacting: Linda Bridges, email: [lbridges@flcities.com](mailto:lbridges@flcities.com) or call: (850)222-9684.

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: Linda Bridges, email: [lbridges@flcities.com](mailto:lbridges@flcities.com): (850)222-9684. 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: Linda Bridges, email: [lbridges@flcities.com](mailto:lbridges@flcities.com): (850)222-9684.

**FLORIDA LEAGUE OF CITIES**

The Florida Municipal Loan Council announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 14, 2013, 10:00 a.m.

PLACE: InterContinental Hotel, 4860 W. Kennedy Blvd, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Municipal Loan Council general meeting conducted through the use of communications media technology, as authorized by Section 163.01(18), Florida Statutes.

A copy of the agenda may be obtained by contacting: Linda Bridges, email: [lbridges@flcities.com](mailto:lbridges@flcities.com) or call: (850)222-9684.

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: Linda Bridges, email: [lbridges@flcities.com](mailto:lbridges@flcities.com) or

call: (850)222-9684. 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: Linda Bridges, email: [lbridges@flcities.com](mailto:lbridges@flcities.com) or call: (850)222-9684.

**FLORIDA LEAGUE OF CITIES**

The Florida Municipal Pension Trust Fund announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 14, 2013, 11:00 a.m.

PLACE: InterContinental Hotel, 4860 W. Kennedy Blvd, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Municipal Pension Trust Fund general meeting conducted through the use of communications media technology, as authorized by Section 163.01(18), Florida Statutes.

A copy of the agenda may be obtained by contacting: Linda Bridges, email: [lbridges@flcities.com](mailto:lbridges@flcities.com): (850)222-9684.

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: Linda Bridges, email: [lbridges@flcities.com](mailto:lbridges@flcities.com): (850)222-9684. 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: Linda Bridges, email: [lbridges@flcities.com](mailto:lbridges@flcities.com): (850)222-9684.

**COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION, INC.**

The Commission for Florida Law Enforcement Accreditation announces a workshop to which all persons are invited.

DATE AND TIME: February 20, 2013, 3:00 p.m. – 5:00 p.m.

PLACE: Mission Inn and Resort, Howey-in-the-Hills, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of candidate agencies for accreditation or reaccreditation and general business of the Commission.

A copy of the agenda may be obtained by contacting: Deborah Moody, (850)410-7205 or DeborahMoody@fdle.state.fl.us.

COMMISSION FOR FLORIDA LAW ENFORCEMENT ACCREDITATION, INC.

The Commission for Florida Law Enforcement Accreditation announces a public meeting to which all persons are invited.

DATE AND TIME: February 21, 2013 10:00 a.m. – 12:00 p.m.

PLACE: Mission Inn and Resort, Howey-in-the-Hills, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Discussion of candidate agencies for accreditation or reaccreditation and general business of the Commission.

A copy of the agenda may be obtained by contacting: Deborah Moody, (850)410-7205 or DeborahMoody@fdle.state.fl.us.

FLORIDA CORRECTIONS ACCREDITATION COMMISSION, INC.

The Florida Corrections Accreditation Commission announces a workshop to which all persons are invited.

DATE AND TIME: February 18, 2013, 3:00 p.m. – 5:00 p.m.

PLACE: Mission Inn and Resort, Howey-in-the-Hills, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Discussion of candidate agencies for accreditation or reaccreditation and general business of the Commission.

A copy of the agenda may be obtained by contacting: Deborah Moody, (850)410-7205 or DeborahMoody@fdle.state.fl.us.

FLORIDA CORRECTIONS ACCREDITATION COMMISSION, INC.

The Commission for Florida Law Enforcement Accreditation announces a public meeting to which all persons are invited.

DATE AND TIME: February 19, 2013, 10:00 a.m. – 12:00 p.m.

PLACE: Mission Inn and Resort, Howey-in-the-Hills, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Discussion of candidate agencies for accreditation or reaccreditation and general business of the Commission.

A copy of the agenda may be obtained by contacting: Deborah Moody, (850)410-7205 or DeborahMoody@fdle.state.fl.us.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by David Balke, Petitioner, In Re: Tropic Winds Owners Association, Inc., Docket No. 2012049013 on November 27, 2012. The following is a summary of the agency's declination of the petition:

The Division declined to issue a Declaratory Statement because it may not issue a statement concerning events that have already taken place; or to determine the rights and duties of third parties; or where a dispute of fact exists.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

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**

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Motor Vehicles

WITHDRAWAL of Hillsborough Motor Cars, LLC, for the establishment of MITS line-make

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the publication of Hillsborough Motor Cars, LLC, d/b/a Tampa Mitsubishi, as a new point for Mitsubishi automobiles (line-make MITS) franchise dealership in Hillsborough County by Dealer License Section, published in Vol. 39, No. 27, of the Florida Administrative Register on February 8, 2013, has been withdrawn due to an error in the publication.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Division of Motor Vehicles

Hillsborough Motor Cars, LLC, for the relocation of MITS line-make

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mitsubishi Motors North America, Inc. intends to allow the relocation of Hillsborough Motor Cars, LLC d/b/a Tampa Mitsubishi as a dealership for the sale of Mitsubishi motor vehicles (line-make MITS) from 11608 North Florida Avenue, Tampa (Hillsborough County), Florida 33612, to 4636 Dale Mabry Highway, Tampa (Hillsborough County), Florida 33614, on or after March 15, 2013. The relocation is the result of a transfer of the dealership from Elder Auto, Inc. dba Tampa Mitsubishi to Hillsborough Motor Cars, LLC dba Tampa Mitsubishi.

The name and address of the dealer operator(s) and principal investor(s) of Hillsborough Motor Cars, LLC, d/b/a Tampa Mitsubishi are dealer operator(s): Frank Morsani, 16007 North Florida Avenue, Lutz, Florida 33549; principal investor(s): Frank Morsani, 16007 North Florida Avenue, Lutz, Florida 33549.

The notice indicates intent to relocate the dealership in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Kimberly A. McKee, Mitsubishi Motors North America, Inc., 516 Heron Drive, Swedesboro, New Jersey 08085.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**DEPARTMENT OF HEALTH**

Board of Nursing

Emergency Action

On February 6, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Maya K. Beyde, C.N.A., License # CNA 189037. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

**DEPARTMENT OF HEALTH**

Board of Nursing

Emergency Action

On February 6, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Julie M. Sanders Kimberly, L.P.N. License # PN 610981. This Emergency Suspension Order was predicated upon the State

Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On February 6, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Marwil C. Cenido, C.N.A., License # CNA 231609. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Emergency Action

On February 6, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Amanda Nicely, C.N.A., License # CNA 183527. This Emergency Suspension Order was predicated upon the State Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

Emergency Action

On February 7, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Daniel Philip McIntire, D.O. License # OS 7238. This Emergency Suspension Order was predicated upon the State

Surgeon General’s findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2011). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

HEALTH CARE DISTRICT OF PALM BEACH COUNTY

NOTICE PURSUANT TO SECTION 155.40(5)(e)(1),  
FLORIDA STATUTES (2012).

On February 5, 2013, the Health Care District of Palm Beach County Board of Commissioners (“Board”) conducted a public hearing, in accordance with Section 155.40, Florida Statutes (2012), to determine whether the Health Care District of Palm Beach County should continue to own and operate Lakeside Medical Center or whether Lakeside Medical Center should be operated by a for-profit or not-for-profit entity. Based upon the totality of the information considered by the Board, including a valuation report prepared by Health Management Associates, comparison of the operating costs and measurable quality outcomes between Lakeside Medical Center and other similarly situated government, not-for-profit and for-profit hospitals with similar service mixes, comments from the public, comments from the Board, and input from professional staff, the Health Care District of Palm Beach County Board of Commissioners took the following action:

1. Received, filed and accepted a report prepared by Health Management Associates, pursuant to Section 155.40, Florida Statutes (2012), which is now part of the public records of the Health Care District of Palm Beach County; and
2. Determined that it is in the best interest of the affected community for the Health Care District of Palm Beach County to own and operate Lakeside Medical Center.

Section XIII

Index to Rules Filed During Preceding Week

**NOTE: The above section will be published on Tuesday beginning October 2, 2012, unless Monday is a holiday, then it will be published on Wednesday of that week.**

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