

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:           RULE TITLE:

40D-8.624           Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: The purpose is to amend Rule 40D-8.624, F.A.C., to adopt revised minimum and guidance levels for Lake Hancock located in Polk County. The effect of the rule is to support the District’s water supply planning, water use permitting, and environmental resource permitting programs.

SUBJECT AREA TO BE ADDRESSED: Establish guidance and minimum levels for Lake Hancock pursuant to Sections 373.042, and 373.0421, F.S.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

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

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

DATE AND TIME: Thursday, October 8, 2015, 3:30 p.m. – 5:00 p.m.

PLACE: City of Bartow, City Commission Chambers, 450 North Wilson Ave., Bartow, FL 33830

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: SWFWMD Human Resources Director, (352)796-7211, ext. 4702; 1(800)423-1476 (FL only), ext. 4702 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Tanner, Staff Attorney, SWFWMD, 7601 U.S. Highway 301 North, Tampa, FL 33637, (813)985-7481, ext. 4652, (OGC# 2015026)

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**

RULE NO.:           RULE TITLE:

59G-4.250           Prescribed Drug Services

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.250 is to incorporate by reference the Florida Medicaid Prescribed Drug Services Coverage Policy, \_\_\_\_\_. The incorporated coverage policy will specify recipient eligibility, provider requirements, service coverage, and reimbursement information.

SUBJECT AREA TO BE ADDRESSED: Prescribed Drug Services.

An additional area to be addressed during the workshop will be the potential regulatory impact Rule 59G-4.250, Florida Administrative Code, will have as provided for under sections 120.54 and 120.541, Florida Statutes.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906(20), 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: October 8, 2015, 9:00 a.m. – 11:00 a.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 Williams. 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 William, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)228-7313, e-mail: Susan.Williams@ahca.myflorida.com Please note that a preliminary draft of the reference material, if available, will be posted prior to the workshop at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Comments will be received until 5:00 p.m., the day of the workshop.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.250 Prescribed Drug Services.

(1) This rule applies to all providers of prescribed drug services who are enrolled in or registered with the Florida Medicaid program.

(2) All providers of prescribed drug services must be in compliance with the provisions of the Florida Medicaid Prescribed Drug Services Coverage Policy, \_\_\_\_\_, Limitations and Reimbursement Handbook, updated July 2014, which is incorporated by reference. The policy handbook is available from the Medicaid fiscal agent's Web site at <http://portal.flmmis.com/flpublic> [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com). Select Public Information for Providers, then Provider Support, and then Provider Handbooks.

~~(3) The following forms are incorporated by reference: MPDS2012 1 23, Request for Reconsideration June 2012; MPDS2012 1 24, Your Right to a Fair Hearing, June 2012; MPDS2012 1 25, Request to Change Lock in Pharmacy, June 2012; and MPDS2012 1 26, Recipient Pharmacy Lock in Referral Form, June 2012. These forms may be accessed at [www.ahca.myflorida.com/Medicaid/Prescribed\\_Drug/lockin.s.html](http://www.ahca.myflorida.com/Medicaid/Prescribed_Drug/lockin.s.html).~~

Rulemaking Authority: 409.919 FS. Law Implemented 409.902, 409.906(20), 409.907 409.908, 409.912 409.913 FS. History-- New 1-1-77, Amended 6-30-77, 10-1-77, 2-1-78, 4-1-78, 9-28-78, 6-1-79, 2-28-80, 11-11-81, 7-3-84, Formerly 10C-7.42, Amended 3-11-86, 12-5-88, 6-4-90, 10-29-90, 5-20-92, 4-11-93, Formerly 10C-7.042, Amended 12-28-95, 8-3-97, 2-11-98, 9-13-99, 7-20-00, 1-29-01, 4-24-01, 10-6-02, 12-7-06, 11-3-08, 6-19-12, 7-2-14, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: RULE TITLE:  
64B17-2.001 Fees for Application, Re-Application and Initial Licensure.

PURPOSE AND EFFECT: To combine and streamline existing fee requirements.

SUBJECT AREA TO BE ADDRESSED: Existing fee requirements.

RULEMAKING AUTHORITY: 486.025, 486.041, 486.081(2) FS.

LAW IMPLEMENTED: 456.013(1), (2), 456.065(3), 486.041, 486.061, 486.081, 486.103, 486.106, 486.107 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

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

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.: RULE TITLES:  
64B17-6.001 Minimum Standards of Physical Therapy Practice.  
64B17-6.002 General Supervision of Physical Therapist Assistants; Eligibility; Requirements.  
64B17-6.0042 Medical Records of Deceased Physical Therapists or Physical Therapist Assistants.

PURPOSE AND EFFECT: To streamline, clarify, reorganize and restructure existing rule requirements in a manner more easily understood.

SUBJECT AREA TO BE ADDRESSED: Minimum standards of practice; requirements and procedures for supervision of physical therapist assistants by physicians; and procedures regarding the records of retired, relocating or deceased physical therapists or physical therapist assistants.

RULEMAKING AUTHORITY: 456.058, 486.025 FS.

LAW IMPLEMENTED: 456.057(12), 456.058, 486.021(5), (6), (9), (10), (11), 486.025, 486.123, 486.125(1)(b), (d), (e), (f), (i), (j), 486.161(3), 486.171 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

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

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: RULE TITLE:  
6A-1.004 School District Budget Requirements

PURPOSE AND EFFECT: The purpose of the amendment is to revise Forms ESE 139, District Summary Budget and ESE 524, Resolution Determining Revenues and Millages Levied.  
SUMMARY: Rule 6A-1.004, FAC., is amended to provide updated forms for the District Summary Budget as incorporated by reference.

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: Based on past agency experiences with annually updating required forms for financial reporting for school districts in accordance with laws and rules of the State Board of Education, the adverse impact or regulatory cost, if any, does not exceed, nor would be expected to exceed, any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes. Revisions include modification, addition and deletion of federal revenue accounts to reflect updates to federal program revenues and a change to a statute reference.

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:** 1001.02(1), (2)(n), 1011.01(2)(a), 1011.60(1), (5), Florida Statutes.

**LAW IMPLEMENTED:** 200.065, 1011.01(2)(a), (3)(a), 1011.60(1), (5), Florida Statutes.

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

**DATE AND TIME:** October 28, 2015, 9:00 a.m.

**PLACE:** Technical Education Center Osceola, 501 Simpson Road, Kissimmee, FL 34744

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Mark Eggers, Bureau Chief of School Business Services, 325 West Gaines Street, Room 814, Tallahassee, Florida 32399-0400, (850)245-0405

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

6A-1.004 School District Budget Requirements.

The District Summary Budget shall be submitted to the Department of Education in the manner prescribed in Rule 6A-1.0071, F.A.C.

(1) No change.

(2) A budget shall not be considered to be officially received until all required forms, schedules, analyses and certifications have been received, including Forms ESE 139, District Summary Budget Levied (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04653>), and ESE 524, Resolution Determining Revenues and Millages

Levied (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04654>). Forms ESE 139 and ESE 524 are hereby incorporated by reference to become effective ~~December 2015~~ ~~November 2014~~, and may be obtained from the Administrator of the Office

of Funding and Financial Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

Rulemaking Authority 1001.02(1), (2)(n), 1011.01(2)(a), (3)(a), 1011.60(1), (5) FS. Law Implemented 200.065, 1011.01(2)(a), (3)(a), 1011.60(1), (5) FS. History—New 3-26-66, Amended 9-17-72, 2-18-74, Repromulgated 12-5-74, Amended 11-29-78, 7-10-85, Formerly 6A-1.04, Amended 10-4-88, 9-22-08, 3-13-12, 11-13-12, 11-19-13, 11-4-14,\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Linda Champion, Deputy Commissioner, Finance and Operations

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Pam Stewart, Commissioner, Department of Education

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** September 18, 2015

**DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR:** June 5, 2015

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO:** 6A-6.0574 **RULE TITLE:** CAPE Postsecondary Industry Certification Funding List

**PURPOSE AND EFFECT:** The purpose and effect of this rule is to amend the CAPE Postsecondary Industry Certification Funding List. Amendments include the addition of occupational areas and the addition of industry certifications. The following occupational areas were added by the 2015 General Appropriations Act for school districts: law enforcement officer, corrections officer, public safety telecommunicator and plumbing. Industry certifications were added in the following areas: law enforcement officer, corrections officer, public safety telecommunicator, plumbing, health sciences, cloud virtualization, electrician, advanced manufacturing, automotive service technology, and heating, ventilation, and air conditioning technician.

**SUMMARY:** The CAPE Postsecondary Industry Certification Funding list adopted by this rule will be used by the Division of Career and Adult Education and the Division of Florida Colleges for the distribution of postsecondary incentive funding related to the student attainment of industry certifications.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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 proposed rule does not require legislative ratification and is not expected to have any impact on the factors found in section 120.541(2)(a), F.S. This is because the amendment increases the number of industry certifications for which school districts and Florida Colleges are provided monetary incentives to offer to postsecondary students. These certifications have been evaluated and determined to be rigorous and tied to the statewide occupational demand in Florida. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of the notice.

RULEMAKING AUTHORITY: 1008.44, 1011.80, 1011.81, Florida Statutes.

LAW IMPLEMENTED: 1008.44, 1011.80, 1011.81, Florida Statutes.

DATE AND TIME: October 28, 2015, 9:00 a.m.

PLACE: Technical Education Center Osceola, 501 Simpson Road, Kissimmee, FL 34744.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Bureau Chief, Division of Career and Adult Education, 325 West Gaines Street, suite 744, Tallahassee, Florida 32399-0400, phone: (850)245-9001, Tara.Goodman@fldoe.org.

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

6A-6.0574 CAPE Postsecondary Industry Certification Funding List.

(1) Section 1008.44, F.S., requires the State Board of Education to approve annually a list of industry certifications appropriate for postsecondary programs. This list will be known as the “~~2015-2016~~ ~~2014-2015~~ CAPE Postsecondary Industry Certification Funding List” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-04616>) published by the Department of Education and is incorporated by reference in this rule. The “~~2015-2016~~ ~~2014-2015~~ CAPE Postsecondary Industry Certification Funding List” may be obtained from the Department of Education’s web site at <http://www.fldoe.org/workforce> or may be obtained from the Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399.

(2) For inclusion on the “~~2015-2016~~ ~~2014-2015~~ CAPE Postsecondary Industry Certification Funding List,” the certification shall:

(a) through (4) No change.

(5) This list shall contain a designation of performance funding eligibility in accordance with the provisions of Sections 1011.80(6)(b) and 1011.81(2)(b), F.S., based upon the highest

available certification for postsecondary students. School districts and Florida College System institutions are eligible for performance funding for students who earn an initial industry certification from the incorporated list with an approved funding designation in the occupational areas identified in the ~~2015~~ ~~2014~~ General Appropriations Act.

Rulemaking Authority 1001.02(1), (2)(n), 1008.44, 1011.80, 1011.81 FS. Law Implemented 1008.44, 1011.80, 1011.81 FS. History—New 1-1-14, Amended 11-4-14, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rod Duckworth, Chancellor, Career and Adult Education.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Stewart, Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 23, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 12, 2015

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.193

RULE TITLE:

Statewide Medicaid Managed Care Long-term Care Waiver Program Prioritization and Enrollment

PURPOSE AND EFFECT: The purpose of new Rule 59G-4.193 is to define the method used to prioritize individuals for placement onto the Statewide Medicaid Managed Care (SMMC) Long-term Care (LTC) program priority list and to define the subsequent process for releasing individuals for enrollment into the LTC program.

SUMMARY: This rule applies to individuals residing in the community who are seeking Florida Medicaid coverage for home and community-based services through the LTC program and describes the methodology for prioritizing enrollment of and enrolling these individuals.

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, Florida Statutes, 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, 409.961 FS.

LAW IMPLEMENTED: 409.978, 409.979(3) FS.

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

DATE AND TIME: October 21, 2015, 1:30 p.m. – 2:30 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Kelly Raborn. 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: Kelly Raborn, Bureau of Medicaid Policy, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (813)350-4850, e-mail: Kelly.Raborn@ahca.myflorida.com. Comments will be received until 5:00 p.m. on the date of the hearing.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.193 Statewide Medicaid Managed Care Long-term Care Waiver Program Prioritization and Enrollment.

(1) Definitions.

(a) Agency for Health Care Administration (AHCA) - The single state agency, or its designee, responsible for administering the Florida Medicaid program.

(b) Aging and Disability Resource Center (ADRC) - An agency designated by the Department of Elder Affairs (DOEA) to perform functions pursuant to Chapters 409 and 430, Florida Statutes (F.S.).

(c) Aging out - Department of Children and Families' (DCF) clients enrolled in the Community Care for Disabled Adults (CCDA) or Home Care for Disabled Adults (HCDA) program who, at the age of 60 years, age out of CCDA or HCDA, and are screened and prioritized for programs serving individuals who are age 60 years and older.

(d) Assessed priority consumer list (herein referred to as priority list) - A waitlist maintained by DOEA, of individuals who have completed the screening and placement process prior to enrollment in the home and community-based services portion of the Long-term Care (LTC) program.

(e) Assessed priority pipeline list (APPL) - A list maintained by DOEA, of individuals who have been released

from the LTC program priority list for potential enrollment into the home and community-based portion of the LTC program.

(f) Authorized or designated representative - An individual who has the legal authority to make decisions on behalf of a Florida Medicaid enrollee, or potential Florida Medicaid enrollee, in matters related to the managed care plan, screening, or eligibility process.

(g) Department of Elder Affairs - The primary state agency, or its designee, responsible for administering human services programs to benefit Florida's elders, pursuant to Chapter 430, F.S. The Department of Elder Affairs, or its designee, performs priority list functions pursuant to Chapter 409, F.S., and Chapter 2014-53, Laws of Florida.

(h) Disenrollment - The Agency for Health Care Administration's approved discontinuance of a recipient's participation in a Florida Medicaid managed care plan.

(i) Enrollment - The process by which an eligible Florida Medicaid recipient signs up to participate in a Florida Medicaid managed care plan.

(j) Imminent risk - Individuals in the community whose mental or physical health condition has deteriorated to the degree that self-care is not possible; there is no capable caregiver; and nursing facility placement is likely within a month, or very likely within three months.

(k) Long-term Care (LTC) program - The LTC program, referenced in Chapter 2014-53, Laws of Florida and section 409.978, F.S., is a component of the Statewide Medicaid Managed Care (SMMC) program.

(l) Priority rank - A number between 1-8 that indicates an individual's need for services, used to prioritize an individual's release from the priority list for enrollment in the home and community-based services portion of the LTC program. The priority rank is generated automatically following the calculation of an individual's priority score, when the screening form is completed and entered into DOEA's referral tracking system.

(m) Priority score - A number between 0 and 105, inclusive, that indicates an individual's need for services. The priority score generates a priority rank, which is used to prioritize an individual's release from the priority list for the home and community-based services portion of the LTC program. The priority score is generated automatically when the screening form is completed and entered into DOEA's referral tracking system.

(n) Rescreening - The use of Screening Form (701S) or Comprehensive Assessment (701B) by DOEA certified staff to conduct annual screenings or screenings due to a significant change. Annual screenings must occur within 13 months of the previous screening.

(o) Screening - The use of Screening Form (701S) or Comprehensive Assessment (701B) by DOEA certified staff for

initial screenings, which must occur prior to placement on the priority list.

(p) Significant change - A change in an individual's health status after an accident or illness; change in living situation; change in the caregiver relationship; loss, damage, or deterioration of the home environment; or loss of spouse or caregiver.

(2) Purpose.

(a) This rule applies to individuals residing in the community who are seeking Florida Medicaid coverage for home and community-based services through the LTC program. No waiting list exists for Institutional Care Program (ICP) nursing facility services. The mandates of this rule, specifically related to priority list placement and release for enrollment in the home and community-based portion of the LTC program, are not applicable to ICP applicants or ICP recipients residing in nursing facilities.

(b) The Department of Elder Affairs and AHCA may limit enrollment into the LTC program pursuant to Chapter 409, F.S., to prevent exceeding:

1. The number of Florida Medicaid recipients who may be enrolled, or who are projected to be enrolled in the LTC program, and the total LTC program allocation in the General Appropriations Act.

2. The cost to serve the total number of individuals in the APPL.

(c) A certified DOEA staff person completes the screening for each individual requesting enrollment in the home and community-based service portion of the LTC program. The individual requesting LTC program services, or the individual's authorized or designated representative, must participate in an initial screening. The screening form must be completed in its entirety for placement on the priority list for the LTC program.

(d) The completion of the screening form in DOEA's referral tracking system automatically generates a priority score, used to prioritize an individual's order of enrollment into the LTC program, and completes the process of placement on the priority list. The Department of Elder Affairs maintains one statewide priority list for the LTC program.

(e) Individuals eligible for initial and continued prioritization on the priority list must live in the LTC program waiver service area.

(f) The Department of Elder Affairs must perform a rescreening annually for an individual to remain on the priority list. Individuals must keep appointments with DOEA to furnish information and documentation needed to complete the screening process for the LTC program, including correct and current name, mailing address, and telephone number(s).

(g) The specific methodology used to calculate an individual's priority score is available on DOEA's Web site at

[http://elderaffairs.state.fl.us/doea/SMMCLTC/2014\\_Priority\\_Score\\_Calculation.pdf](http://elderaffairs.state.fl.us/doea/SMMCLTC/2014_Priority_Score_Calculation.pdf).

Priority scores are grouped into levels or categories (referred to as "ranks") as follows:

1. Rank 1: 0–15.

2. Rank 2: 16–29.

3. Rank 3: 30–39.

4. Rank 4: 40–45.

5. Rank 5: greater than or equal to 46.

6. Rank 6: Aging Out Referral.

7. Rank 7: Imminent Risk.

8. Rank 8: Adult Protective Services High Risk Referral.

(h) The following individuals are eligible to transition into the home and community-based services portion of the LTC program without completing the screening or priority list placement process if all financial eligibility and clinical eligibility requirements for the LTC program are met prior to their enrollment:

1. Nursing facility residents who have resided in a Florida-licensed skilled nursing facility for at least 60 consecutive days.

2. Medically complex recipients, as defined in Rule 59G-1.010, Florida Administrative Code (F.A.C.), who are 18, 19, or 20 years of age.

3. Individuals referred by DCF Adult Protective Services as high risk and placed in an assisted living facility temporarily funded by DCF.

(i) Upon completion of the priority list placement, DOEA shall provide the individual, or their authorized or designated representative, a notification of priority list placement. The notification of priority list placement shall include all of the following:

1. The individual's generated priority rank.

2. Instructions for requesting an administrative fair hearing, in accordance with Title 42, Code of Federal Regulations (CFR), section 431, Subpart E - Fair Hearings for Applicants and Beneficiaries, and Title 42 CFR 438, Subpart F – Grievance System.

3. Instructions for requesting a copy of the completed screening form, which shall include the priority score.

4. Instructions for requesting a rescreening.

5. Contact information for the ADRCs.

(j) The individual, or their authorized or designated representative, may request a rescreening due to a significant change.

(k) The Department of Elder Affairs may remove individuals from the screening process or priority list for one of the following reasons:

1. The Department of Elder Affairs is unable to contact the individual or the individual's authorized or designated representative to schedule an initial screening, significant change rescreening, or annual rescreening.

2. The individual, or the individual's authorized or designated representative, does not keep an appointment with DOEA without scheduling another appointment time.

(l) If DOEA is unable to contact the individual, or the individual's authorized or designated representative, to schedule an initial screening, significant change rescreening, or annual rescreening, or the individual does not keep an DOEA appointment, DOEA will:

1. Send written correspondence to the last documented address of the individual, or to the authorized or designated representative listed for that individual. The correspondence will request that the individual contact DOEA within 30 business days of the date of the notice and notify the individual that he or she may be removed from the screening process or priority list because of DOEA's inability to successfully make contact and perform the screening or rescreening.

2. The written correspondence will include the following:

a. Instructions for re-initiating the screening or priority list placement process, including instructions for requesting a rescreening and for contacting the ADRCs.

b. Instructions for requesting an administrative fair hearing in accordance with Title 42, CFR, section 431, Subpart E, and section 438, Subpart F.

(m) Notification that an individual will not remain on the waitlist if he or she does not have a current priority score or rank; no longer wishes to remain on the priority list; is no longer eligible to receive services; begins the eligibility process for the LTC program; or begins receiving LTC program services.

(n) Prior to LTC program enrollment, individuals must be determined financially and clinically eligible for the LTC program.

1. The Department of Elder Affairs determines clinical eligibility, in accordance with Rules 59G-4.180 and 59G-4.290, F.A.C.

2. The Department of Children and Families determines financial eligibility for Florida Medicaid, pursuant to DCF Rule 65A-1.205, F.A.C. Individuals will receive notice that an ACCESS Florida Application for Medicaid Waiver/Home and Community Based Services must be submitted to DCF within 35 calendar days from the date of the notice, if LTC program eligibility information is incomplete.

(o) The Department of Elder Affairs will send written notice to the last known address of the individual, or to the authorized or designated representative of the individual, with instructions about the requirements for a completed and signed AHCA MedServ Form 5000-3008, October 2015, Medical Certification for Medicaid Long-term Care Services and Patient Transfer Form submission, incorporated by reference in Rule 59G-1.045, F.A.C. The form is available on the AHCA fiscal agent's Web site at <http://portal.flmmis.com/flpublic>. The

individual must return the completed form to DOEA within 30 calendar days of the date of the notice.

(p) The Department of Elder Affairs will contact the individual to schedule completion of the Comprehensive Assessment (701B). If the individual cannot be reached to schedule and complete the Comprehensive Assessment (701B), clinical eligibility cannot be determined.

(q) If an individual believes they have been removed from the screening process or priority list in error, the individual, or their authorized or designated representative, may contact the ADRC at any time to reinstate their screening process or priority list placement.

(r) The Department of Elder Affairs can substantiate and document information provided by the individual as part of the screening process, or as part of placement on the priority list. The Department of Elder Affairs may ask for additional documentation or may obtain information from other agencies, as necessary.

(3) The following forms are incorporated by reference in Rule 58A-1.010, F.A.C.: Comprehensive Assessment (701B), Revised April 2013, and Screening Form (701S), Revised April 2013. These forms are available on DOEA's Web site at <http://elderaffairs.state.fl.us/index.php>. Rulemaking Authority 409.919, 409.961 FS. Law Implemented 409.978, 409.979(3) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kelly Raborn

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 15, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 5, 2015

## **DEPARTMENT OF MANAGEMENT SERVICES**

### **Governor's Mansion Commission**

RULE NO.: 60G-1.003  
RULE TITLE: Meetings and Notice

PURPOSE AND EFFECT: The repeal of this rule removes duplicative, redundant and unnecessary rule language.

SUMMARY: The rule states that meetings will be at least annually and defines a quorum, both of which are addressed by statute. It also limits the sorts of days upon which a meeting may be scheduled.

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 repeal of this rule does not directly or indirectly impose any costs on regulated entities, small business or government and, to the contrary, it will provide clarity which may reduce regulatory burdens.

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: 272.18(2)(a) FS.

LAW IMPLEMENTED: 272.18 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: October 14, 2015, 1:00 p.m. – 1:30 p.m.

PLACE: 4050 Esplanade Way, Suite 315K, 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: Dottie Young, Department of Management Services, 4050 Esplanade Way, Suite 315K, Tallahassee, Florida 32399 or Dottie.Young@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dottie Young, Department of Management Services, 4050 Esplanade Way, Suite 315K, Tallahassee, Florida 32399 or Dottie.Young@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

60G-1.003 Meetings and Notice.

Rulemaking Specific Authority 272.18(2)(a) FS. Law Implemented 272.18 FS. History–New 8-1-83, Formerly 13L-1.03, 13L-1.003, Amended 10-14-98 Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Berger, Division Director, Real Estate Development and Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Chad Poppell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2015

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management**

RULE NO.: RULE TITLE:

60H-1.013 Fire Code Compliance in Leased Space

PURPOSE AND EFFECT: The repeal of this rule removes duplicative, redundant and unnecessary rule language.

SUMMARY: The purpose of repealing this rule is to remove language redundant, in effect, of statute.

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 repeal of this rule does not directly or indirectly impose any costs on regulated entities, small business or government and, to the contrary, it will provide clarity which may reduce regulatory burdens.

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: 255.249, 255.25 FS.

LAW IMPLEMENTED: 255.25(5), 281.02 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: October 14, 2015, 1:00 p.m. – 1:30 p.m.

PLACE: 4050 Esplanade Way, Suite 315K, 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: Dottie Young, Department of Management Services, 4050 Esplanade Way, Suite 315K, Tallahassee, Florida 32399 or Dottie.Young@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).



THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dottie Young, Department of Management Services, 4050 Esplanade Way, Suite 315K, Tallahassee, Florida 32399 or Dottie.Young@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

**60H-1.013 Fire Code Compliance in Leased Space.**

Rulemaking Authority 255.249, 255.25 FS. Law Implemented 255.25(5), 281.02 FS. History--New 4-25-79, Formerly 13D-7.091, Amended 3-18-86, Formerly 13M-1.013, Amended 4-29-10, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Berger, Division Director, Real Estate Development and Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2015

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Facilities Management**

RULE NO.: RULE TITLE:

60H-6.003 Applicability

PURPOSE AND EFFECT: The repeal of this rule removes duplicative, redundant and unnecessary rule language.

SUMMARY: This rule addressed the applicability of the Rule Chapter.

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 repeal of this rule does not directly or indirectly impose any costs on regulated entities, small business or government and, to the contrary, it will provide clarity which may reduce regulatory burdens.

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: 255.249(2) FS.

LAW IMPLEMENTED: 255.249(1), 272.04 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: October 14, 2015, 1:00 p.m. – 1:30 p.m.

PLACE: 4050 Esplanade Way, Suite 315K, 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: Dottie Young, Department of Management Services, 4050 Esplanade Way, Suite 315K, Tallahassee, Florida 32399 or Dottie.Young@dms.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dottie Young, Department of Management Services, 4050 Esplanade Way, Suite 315K, Tallahassee, Florida 32399 or Dottie.Young@dms.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

**60H-6.003 Applicability.**

Rulemaking Authority 255.249(2) FS. Law Implemented 272.04 255.249(1) FS. History--New 8-1-78, Formerly 13D-5.03, 13M-9.003, Amended 1-9-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Berger, Division Director, Real Estate Development and Management

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Secretary Chad Poppell

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 4, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2015

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NOS.: RULE TITLES:

64B17-2.005 Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees.

64B17-2.006 Duplicate License Fee.

64B17-2.007 Certification of Public Records.

PURPOSE AND EFFECT: To repeal rules being combined with Rule 64B17-2.001, F.A.C.

SUMMARY: Rule repeals.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:** The agency has determined that the repeal of these rules will not have an adverse impact on small business nor increase regulatory costs. Repealing these rules will have no effect, because the content is being combined into existing Rule 64B17-2.001, F.A.C.

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

**RULEMAKING AUTHORITY:** 486.025, 486.085 FS.

**LAW IMPLEMENTED:** 456.025(2), (7), (8), 456.036(4), (6), 486.025, 486.085, 486.108(1) 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, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

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

64B17-2.005 Biennial Renewal and Inactive Status; Delinquency; Reactivation; and Change of Status Fees.

Rulemaking Authority 486.025, 486.085 FS. Law Implemented 456.036(4), (6), 486.085, 486.108(1) FS. History—New 8-6-84, Formerly 21M-8.10, Amended 9-22-87, 6-20-89, Formerly 21M-8.010, Amended 10-17-90, Formerly 21MM-2.005, 61F11-2.005, 59Y-2.005, Amended 12-6-01, 4-18-04, 1-18-06, 6-1-09, Repealed.

64B17-2.006 Duplicate License Fee.

Rulemaking Authority 456.025(2), (7), 486.025 FS. Law Implemented 456.025(2), (7) FS. History—New 10-14-91, Amended 1-1-92, Formerly 21MM-2.006, 61F11-2.006, 59Y-2.006, Amended 5-8-00, 4-9-06, Repealed.

64B17-2.007 Certification of Public Records.

Rulemaking Authority 456.025(8), 486.025 FS. Law Implemented 456.025(2), (7), FS. History—New 10-14-91, Amended 1-1-92, Formerly 21MM-2.007, 61F11-2.007, 59Y-2.007, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Board of Physical Therapy Practice

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Board of Physical Therapy Practice

**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** August 6, 2015

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

**RULE NOS.:** RULE TITLES:

64B17-6.0044 Medical Records of Physical Therapists or Physical Therapist Assistants Relocating or Terminating Practice

64B17-6.005 Costs of Duplicating Medical Records

**PURPOSE AND EFFECT:** To repeal Rule 64B17-6.0044, F.A.C., as it is being combined with Rule 64B17-6.0042, F.A.C.; repeal Rule 64B17-6.005, F.A.C., as it duplicates the statutory language.

**SUMMARY:** Rule repeals.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST AND LEGISLATIVE RATIFICATION:** The agency has determined that the repeal of these rules will not have an adverse impact on small business nor increase regulatory costs. Repealing these rules will have no effect, because the rule provisions are either being combined into one rule or are duplicative of the statute.

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:** 456.057, 456.058, 486.025 FS.

**LAW IMPLEMENTED:** 456.057, 456.058, 486.021(6), (11) 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, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

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

64B17-6.0044 Medical Records of Physical Therapists or Physical Therapist Assistants Relocating or Terminating Practice.

Rulemaking Specific Authority 456.058 FS. Law Implemented 456.058, 486.021(6), (11) FS. History—New 5-13-99, Repealed.

64B17-6.005 Costs of Duplicating Medical Records.

Rulemaking Specific Authority 456.057, 486.025 FS. Law Implemented 456.057, 456.058 FS. History—New 10-14-91, Formerly 21MM-6.005, 61F11-6.005, 59Y-6.005, Repealed.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Board of Physical Therapy Practice

**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** Board of Physical Therapy Practice

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2015

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-11.006  
RULE TITLE: Incomplete Applications.  
PURPOSE AND EFFECT: To repeal obsolete rule.

SUMMARY: Rule repeal.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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: Repealing this rule will reduce regulatory burdens on and costs to all entities, including government and small businesses.

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: 490.004(4) FS.  
LAW IMPLEMENTED: 120.60(1), 456.013(1), 490.005(1) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

THE TEXT OF THE PROPOSED RULE IS:

64B19-11.006 Incomplete Applications.  
Rulemaking Specific Authority 490.004(4) FS. Law Implemented 120.60(1), 456.013(1), 490.005(1) FS. History—New 6-23-91, Formerly 21U-11.008, 61F13-11.008, 59AA-11.006, Amended 8-4-08, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2015

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.: 64B19-12.011  
RULE TITLE: Fee to Enforce Prohibition Against Unlicensed Activity.

PURPOSE AND EFFECT: To repeal obsolete rule.

SUMMARY: Rule repeal.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST 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: Repealing this rule will reduce regulatory burdens on and costs to all entities, including government and small businesses.

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: 456.065 FS.

LAW IMPLEMENTED: 456.065 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE ANNOUNCED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373

THE TEXT OF THE PROPOSED RULE IS:

64B19-12.011 Fee to Enforce Prohibition Against Unlicensed Activity.

Rulemaking Specific Authority 456.065 FS. Law Implemented 456.065 FS. History—New 1-28-93, Formerly 21U-12.013, 61F13-12.013, Amended 6-26-97, Formerly 59AA-12.011, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 17, 2015

**DEPARTMENT OF HEALTH**

**Impaired Practitioners Program**

RULE NO.: 64B31-10.001  
 RULE TITLE: Impaired Practitioners Committee's Policies & Guidelines

PURPOSE AND EFFECT: Eliminates unnecessary rule language and designates the approved impaired practitioner programs.

SUMMARY: The rule is being amended to eliminate rule language that is not required by statute and to address how the Department designates approved impaired practitioner programs.

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: Based on the SERC checklist, this rulemaking will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in s.120.541(2)(a), F.S. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 456.004, 456.076(1) FS.

LAW IMPLEMENTED: 456.076(1) 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: Adrienne Rodgers, 4052 Bald Cypress Way, Bin #C-11, Tallahassee, FL 32399, (850)245-4095 or Adrienne.Rodgers@FLHealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B31-10.001 Approved Impaired Practitioner Practitioners Programs ~~Committee's Policies & Guidelines.~~

(1) Definitions:

(a) An Approved Impaired Practitioner Program ~~Programs~~ is designated by the department through contract with a consultant to initiate intervention, recommend evaluation, and refer impaired practitioners to ~~Department approved~~ Treatment pProviders or tTreatment pPrograms and monitor the progress of impaired practitioners in treatment ~~under the direction of~~

~~consultants. Approved impaired practitioner programs~~ They are entities which do not provide medical services.

(b) ~~Consultants operate approved impaired practitioner programs which are Florida licensees approved by the Committee who~~ receive allegations of licensee impairment, personally intervene or arrange intervention with licensees, refer licensees to ~~Department approved~~ tTreatment pPrograms or tTreatment pProviders, evaluate treatment progress, and monitor continued care provided by approved programs and providers ~~Treatment Programs/Providers.~~

(c) ~~A tTreatment program~~ Programs is approved by a designated impaired practitioner program and must be a nationally accredited or state licensed residential, intensive outpatient, partial hospital or other program with a multidisciplinary team approach with individual treatment providers treating licensees depending on the licensee's individual diagnosis and treatment plan that has been approved by an approved impaired practitioner program, ~~and they must be comprised of no fewer than two (2) Treatment Providers.~~

~~(d) A tTreatment provider is approved by a designated impaired practitioner program and must be a~~ Providers are state licensed or nationally certified individual individuals with experience treating specific types of impairment.

~~(e) Intervenor~~ are individual licensees who act on behalf of the Department to intervene with impaired practitioners.

(2) The Department designates Intervention Project for Nurses (IPN) and Professionals Resource Network (PRN) as the Approved Impaired Practitioner Programs. Approved impaired practitioner programs also serve as consultants. The Impaired Practitioners Committee's policies are to assure that:

~~(a) No qualified and Department approved Treatment Provider or Treatment Program is denied an opportunity to evaluate and/or treat any impaired practitioner.~~

~~(b) Impaired practitioners are evaluated and treated fairly, equitably, and uniformly without reference to race, religion, national origin, sexual preference, gender or social status.~~

~~(c) No Department approved Treatment Provider or Treatment Program receives referrals unless by free and voluntary choice of impaired practitioners/patients who have been provided with a list of appropriate, alternative, approved Treatment Providers/ Programs, except when Chapter 397, Florida Statutes, permits otherwise.~~

~~(d) Practitioners who choose to be evaluated for impairment are provided with a list of those Department approved Treatment Providers and Treatment Programs which are capable of providing appropriate evaluation prior to any evaluation; enabling practitioners to make a free and fully informed decision regarding the Provider/Program they choose; strengthening their commitment to succeed by involving them in the selection process, except when Chapter 397, Florida Statutes, permits otherwise.~~

~~(e) Practitioner/patients are not denied access to Department approved Treatment Providers or Treatment Programs located in states outside of Florida.~~

~~(f) The Department's consultants report to the Department any instances where Treatment Providers/Programs fail to comply with applicable statutes (especially Chapter 396, Florida Statutes), rules, or policies.~~

~~(g) The Department's consultants immediately notify the Department in the event any approved Treatment Provider/Program has operated in a manner which appears to require Department disapproval of a Treatment Provider or Treatment Program.~~

~~(3) Impaired Practitioners Committee's guidelines for minimal qualifications of Treatment Providers and Treatment Programs:~~

~~(a) Department approved Treatment Providers must be state licensed or nationally certified in treating the specific impairment identified and must have at least three (3) years experience treating that specific impairment.~~

~~(b) Department approved Treatment Programs are clinical settings comprising at least two (2) Department approved Treatment Providers and must submit the following to the Department:~~

~~1. Proof of accreditation by the Joint Commission on Accreditation of Health Care Organizations including the JCAHCO report of the program, proof of financial ability to operate in accordance with Chapter 394, 395 or 396, Florida Statutes, and proof of liability insurance coverage;~~

~~OR~~

~~2. Proof of accreditation by the Council on Accreditation of Rehabilitation Facilities, proof of financial ability to operate in accordance with Chapter 396, Florida Statutes, and proof of liability insurance coverage;~~

~~OR~~

~~3. Proof of licensure under Chapter 394, 395, 396, or 397, Florida Statutes.~~

~~(4) Treatment Programs which wish to become Department approved Treatment Programs must submit at least the following to the Department:~~

~~(a) Designation of one Treatment Program director responsible for prompt responses to information requests concerning practitioner/patients made by the Department's consultants or designees.~~

~~(b) Unless more frequent reporting is specified by a Department consultant, provision of monthly reports to the Department's consultants containing the number of people referred by the Department to the consultant within each program.~~

~~(c) Agreement to refrain from using or mentioning the Program's name as one which the Department approves for advertisements or other public correspondence.~~

~~(d) Provision of no less than 5% of its total inpatient population services to the indigent.~~

~~(5) Requests for provider/program approval received by the Department shall be referred to the Impaired Practitioners Committee for its recommendation as to approval. The Committee shall recommend a site visit of the program by a board member or Department employee when necessary to determine whether a program meets the requirements of these rules. The Committee shall utilize the services of Department retained consultants in the review process when the Department determines such expertise is absolutely necessary.~~

~~(6) The Department shall approve qualified Treatment Programs and shall designate the particular type(s) of impairment problem(s) that an approved program may handle pursuant to that program's history of treatment. The Department shall compile lists of approved Treatment Programs for each type of impairment problem.~~

~~Rulemaking Specific Authority 456.004(5), 456.076(1) FS. Law Implemented 456.076(1) FS. History-New 5-12-93, Formerly 21-20.006, 61-10.006, 59HH-10.001, Amended \_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Adrienne Rodgers

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, FACS, Surgeon General and Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: 9/11/15

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 1/7/15

**DEPARTMENT OF HEALTH**

**Division of Emergency Preparedness and Community Support**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
64J-2.006	Trauma Registry and Trauma Quality Improvement Program
64J-2.007	Trauma Agency Formation, Continuation, and Plan Requirements
64J-2.008	Trauma Agency Plan Approval and Denial Process
64J-2.009	Trauma Agency Implementation and Operations Requirements
64J-2.019	Funding for Verified Trauma Centers
64J-2.020	Acute Care Hospital Trauma Registry

**PURPOSE AND EFFECT:** Review these rules and amend rule language as necessary to ensure that all rules conform to statutory requirements, delete unnecessary and obsolete language and update reference material.

**SUMMARY:** Proposed changes are related to terminology clarification, revised document updates, and reduction in duplicative statutory language.

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: Through its analysis of regulatory costs required as a part of the SERC analysis, the Department has determined this rule will not require legislative ratification pursuant to Section 120.541(3), F.S. No other statute requires legislative ratification for this rule.

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: 395.401(2), 395.405, 401.35 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.4025, 395.403, 395.4036, 395.404, 395.4045 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 THIS RULE IS: Susan Bulecza, DNP, RN, PHCNS-BC, Trauma Program Administrator, 4052 Bald Cypress Way, Bin #A20, Tallahassee, Florida 32399-1722

THE FULL TEXT OF THE PROPOSED RULES ARE:

64J-2.006 Trauma Registry and Trauma Quality Improvement Program.

(1) The Florida Trauma Registry Manual, Data Dictionary January 1, 2016 edition is an extension of the ACS NTDB National Trauma Data Standard: Data Dictionary 2016 Admissions, Release date July, 2015, which is incorporated by reference and available from the American College of Surgeons at <http://www.ntdsdictionary.org/dataElements/datasetDictionary.html>. Instructions for completing and submitting data are defined in the Florida Trauma Registry Manual, and Data Dictionary January 1, 2016 edition January 2014, which is incorporated by reference and available from the department, as defined by subsection 64J-2.001(4), F.A.C., or at <http://www.flrules.org/Gateway/reference.asp?No=Ref-03327>.

(2) Level I and Level II verified trauma centers must maintain participation in the American College of Surgeons Trauma Quality Improvement Program.

PROPOSED EFFECTIVE DATE: January 1, 2016.

Rulemaking Authority 395.401(2), 395.405 FS. Law Implemented 395.401(2), 395.4025(9), 395.404 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.103, Amended 7-14-99, 11-19-01, 6-3-02, 6-9-05, 4-25-06, 7-8-08, Formerly 64E-2.018, Amended 11-5-09, 1-1-14, 7-1-14, Amended\_\_\_\_\_.

64J-2.007 Trauma Agency Formation, Plan Approval and Denial Process Continuation, and Plan Requirements.

(1) The geographic boundaries of To form a regional trauma agency service area, a county or counties (if regional), or an entity with which the county or counties contract for the purpose of trauma service administration shall: shall be consistent with boundaries of a trauma region as defined in section 395.4015 Florida Statutes.

(a) ~~Obtain formal authority to create the agency from the county commission of each of the counties in which the agency plans to operate.~~

(b) ~~Establish interlocal agreements between county governments if the proposed agency shall provide service to more than one county.~~

(2) To form a trauma agency, an entity shall demonstrate compliance with the requirements of section 395.401 (1), Florida Statutes by submitting an application to the department. For the formation and for continuation of a trauma agency, a county or counties, or an entity with which the county or counties contract for the purpose of trauma agency service administration, shall submit a trauma agency plan initially and an update at five year intervals thereafter to the department for approval. Prior to the submission of the trauma agency plan or five year plan update to the department, the county or counties, an entity with which the county or counties contract or the existing trauma agency shall:

(a) ~~Hold a public hearing at least 60 days prior to the submission of the plan to the department, and give adequate notice of the hearing to the public in the defined geographic area to be served by the trauma agency. Adequate notice shall consist of publishing the notice, at least 30 days prior to the public hearing, in at least one newspaper of general circulation in each affected county. If a newspaper is not published in a county in which the trauma agency shall operate, adequate notice may be given by publishing the notice in at least one newspaper of general circulation in adjoining affected counties.~~

(b) ~~Develop and submit an electronic copy of the trauma agency plan or five year plan update to the department for review and approval.~~

(3) The department shall, within 30 days of receipt of the initial trauma agency application or update, review the trauma agency's trauma system plan and notify the trauma agency that

the plan is complete, or that there are omissions. If there are omissions, the department shall request the required additional information to be submitted by the trauma agency.

~~(3) The trauma agency initial plan or five year plan update shall contain the following information in the following order:~~

~~(a) Table of Contents;~~

~~(b) Population and Geographic Area to be Served:~~

~~1. Describe the population and defined geographic area to be served by the trauma agency;~~

~~2. Include a map showing the defined geographic area of the trauma agency, each major geographical barrier, all medical facilities, all prehospital ground and air facilities, and all other significant factors that affect the determination of the geographic area boundaries; and~~

~~3. Describe the historical patient flow, patient referral, and transfer patterns used to define the geographic areas of the trauma agency.~~

~~(c) Organizational Structure:~~

~~1. Provide a detailed description of the managerial and administrative structure of the proposed agency;~~

~~2. Include a table of organization, the names of the board of directors and each member's affiliation, and identify the individuals who will administer or operate the trauma agency, if known;~~

~~3. Provide the names, job descriptions and responsibilities of officials who shall be directly responsible for trauma agency personnel, and the names, job descriptions and responsibilities of individuals who shall be responsible for managing and operating the trauma agency on a daily basis; and~~

~~4. Describe in detail the specific authority that trauma agency personnel shall have in directing the operation of prehospital and hospital entities within the purview of the trauma agency, if approved, be it a single or multi-county trauma agency.~~

~~(d) Trauma System Structure:~~

~~1. Describe the operational functions of the system; the components of the system; the integration of the components and operational functions; and the coordination and integration of the activities and responsibilities of trauma centers, hospitals, and prehospital EMS providers; and~~

~~2. Include a list of all participating and non-participating trauma care resources within the defined geographical area of the trauma agency and documentation showing that these entities have been given the opportunity to participate in the system. Trauma care resources shall include, but are not limited to, hospitals, trauma centers, EMS providers, training centers, emergency medical dispatch, and planning entities; and~~

~~3. Include the trauma agency's recommendation and justification for the number and location of trauma centers required to serve its defined geographical area.~~

~~(e) Objectives, Proposed Actions, and Implementation Schedule. Provide a description of the objectives of the plan, a detailed list of the proposed actions necessary to accomplish each objective, and a timetable for the implementation of the objectives and action.~~

~~(f) Describe the source of income and anticipated expenses by category for the trauma agency;~~

~~(g) Describe the trauma agency's fiscal impact on the trauma system which includes a description of any increased costs related to providing trauma care.~~

~~(h) Transportation System Design:~~

~~1. Describe the EMS ground, water, and air transportation system design of the trauma system; and~~

~~2. Include trauma patient flow patterns, emergency inter-hospital transfer agreements and procedures, and the number, type, and level of service of the EMS providers within the trauma system.~~

~~(i) TTPs:~~

~~1. Provide confirmation that existing department approved TTPs for each EMS provider, within the defined geographical area of the trauma agency, are accurate and shall be adopted by the trauma agency, pending department approval of the plan;~~

~~2. A trauma agency may develop uniform TTPs for department approval that shall be adhered to by all EMS providers that serve the geographical area of the trauma agency. If uniform TTPs are submitted to the department for approval, the TTPs shall include the name of each EMS provider that shall operate according to the uniform TTPs, and proof of consultation with each EMS provider's medical director. TTPs developed and submitted by a trauma agency shall be processed in accordance with Rule 64J-2.003, F.A.C.; and~~

~~3. The trauma agency shall provide a copy of any county ordinance governing the transport of trauma patients within the defined geographic area of the trauma agency.~~

~~(j) Medical Control and Accountability. Identify and describe the qualifications, responsibilities and authority of individuals and institutions providing off-line (system) medical direction and on-line (direct) medical control of all hospitals and EMS providers operating under the purview of the trauma agency.~~

~~(k) Emergency Medical Communications:~~

~~1. Describe the EMS communication system within the trauma agency's trauma service area; and~~

~~2. Verify that the existing communications within the trauma agency's trauma service area meet all the requirements for compliance with the Florida Emergency Medical Services Communications Plan, Volume I—March 2004 and Volume II—July 2008, to include all hospitals with emergency departments. The Florida Emergency Medical Services Communications Plan (Volumes I and II) is incorporated by reference and a copy of the document can be obtained by mail~~

~~from the Department of Management Services, Division of Telecommunications, 4030 Esplanade Way, Suite 180, Tallahassee, Florida 32399; or electronically through the following web link: [http://dms.myflorida.com/suncom/public\\_safety/radio\\_communications/radio\\_communication\\_plans](http://dms.myflorida.com/suncom/public_safety/radio_communications/radio_communication_plans).~~

~~(l) Data Collection. Describe the trauma data management system developed for the purpose of documenting and evaluating the trauma systems operation.~~

~~(m) Trauma System Evaluation. Describe the methodology by which the trauma agency shall evaluate the trauma system.~~

~~(n) Mass Casualty and Disaster Plan Coordination. Describe the trauma agency's role with local and/or regional emergency management entities in the coordination of the prehospital and hospital component's mass casualty and disaster plan for the defined geographic area it represents.~~

~~(o) Public Information and Education. Describe the trauma agency's programs designed to increase public awareness of the trauma system and public education programs designed to prevent, reduce the incidence of, and care for traumatic injuries within the defined geographic area it represents.~~

~~(p) Attachments. Include the following:~~

~~1. A sample of each type of contract and agreement entered into by the trauma agency for the benefit and operation of the trauma system. A description of these agreements may be substituted.~~

~~2. Documentation showing that the county commission of the county or counties in the geographic area to be served by the trauma agency have endorsed the initial plan or five year plan update, pending department approval of the same; and~~

~~3. A copy of the public hearing notice and minutes of the hearing for the initial plan or five year plan update.~~

~~(4) The trauma agency shall submit the requested additional information to the department within 30 days of receipt of the notice of omissions.~~

~~(5) The department shall deem the plan complete upon receipt of the additional information or the expiration of the 30-day time period, whichever occurs first.~~

~~(6) The department shall review the plan to determine compliance with Chapter 395, Florida Statutes, within 60 days of receipt of the additional information or of the plan being deemed complete and notify the applicant of the department's approval or denial of the plan.~~

~~Rulemaking Specific Authority 395.401, 395.405, 401.35 FS. Law Implemented 395.401, 395.40, 395.402, 395.4025, 395.405, 401.35 FS. History—New 8-3-88, Amended 12-10-92, Formerly 10D-66.104, Amended 11-24-02, 6-9-05, Formerly 64E-2.019, Amended 3-25-09,\_\_\_\_\_.~~

64J-2.008 Trauma Agency Plan Approval and Denial Process.

Rulemaking Specific Authority 395.401, 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.405, 401.35 FS. History—New 8-3-88, Amended 12-10-92, Formerly 10D-66.106, Amended 11-24-02, Formerly 64E-2.020, Amended 3-25-09, Repealed\_\_\_\_\_.

64J-2.009 Trauma Agency Implementation and Operation Requirements.

~~(1) To implement a trauma system, a department approved trauma agency shall:~~

~~(a) Implement the trauma system in accordance with its department approved planned timetable for implementation.~~

~~(b) Submit proposed changes to the department approved plan to the department for approval, as provided in Rule 64J-2.008, F.A.C. The trauma agency may, at its own risk, institute proposed changes to the plan and submit a request for department approval within 30 days after a change is instituted if a delay in approval would have an adverse impact on the current level of care. The trauma agency's request shall explain how the delay in approval would have adversely affected the current level of care. Each request shall document that affected trauma care resources within the defined geographical area of the agency concur with these proposed changes.~~

~~(1)(2) Each trauma agency shall operate the trauma system in accordance with the department approved plan, and shall:~~

~~(a) Conduct reviews of trauma center applications from any hospital within the defined geographic area of the trauma agency. Submission of a trauma center's application to the trauma agency by a hospital seeking approval shall be in accordance with the time frames described in paragraph 64J-2.012(1)(e), F.A.C. The department will coordinate the prospective trauma center's application development and review process with the relevant trauma agency to facilitate sufficient time to increase familiarity with the application and conduct the final review. Results of the trauma agency's review shall be submitted to the department no later than April 7 of each year, in order to be considered by the department.~~

~~(b) Conduct annual performance evaluations and submit annual reports on the status of the trauma agency's trauma system to the department to be included in the department's Florida Trauma System annual reports. The trauma agency annual report shall be submitted by May 1 following the end of the previous calendar year. This evaluation shall include at least the following:~~

~~1. Description of any funding sources and any other related issues, such as: the fiscal impact on the trauma agency's system, including increased costs related to providing trauma care, the reduction or increase in budget or human resources, specialty physician coverage, etc.~~

~~2. Description of whether Documentation that all trauma centers in the geographic area of the trauma agency participate~~



in the trauma agency’s quality assurance and improvement activities.

3. through 5. No change

(2) Trauma agencies shall every five years submit to the department for approval an updated plan in accordance with section 395.401(1)(n) Florida Statutes.

~~(3) Each trauma agency shall have personnel or arrange for management service personnel with clear authority and responsibility to operate the trauma agency. The administrative function of the trauma agency shall not be carried out or performed under the direct supervision of any individual who administers or operates any health care entity in the trauma system, whether a single or multi county system.~~

~~Rulemaking Specific Authority 395.401, 395.405, 401.35 FS. Law Implemented 395.401, 395.4015, 395.402, 395.4025, 395.405, 401.35 FS. History—New 12-10-92, Formerly 10D-66.1065, Amended 8-4-98, 11-19-01, 11-24-02, 6-9-05, Formerly 64E-2.021, Amended 3-25-09, \_\_\_\_\_.~~

64J-2.019 Funding for Verified Trauma Centers.

(1) For purposes of Sections 318.14, 318.18 and 395.4036, F.S., and this rule, in addition to those terms defined by ~~in the Florida Trauma Registry Manual, February 2008, (see Rule 64J-2.006, F.A.C.)~~ and elsewhere in these rules, the following definitions also apply:

(a) No change.

(b) ~~“Certified trauma center”~~; ~~“Verified trauma center”~~ and ~~“trauma center”~~ all means mean a Level I, Level II or Pediatric Verified Trauma Center not operating as a provisional trauma center.

~~(c) “Caseload volume”, “trauma caseload volume”, and “volume of trauma cases” all mean the number of verified trauma patients served by a trauma center during a calendar year, after 2004, on whom data timely supplied by the trauma center to the trauma registry satisfies the Florida Trauma Registry Manual, February 2008, reporting requirements for determining trauma caseload volume (see page 6 of the manual).~~

~~(c) (d)~~ No change.

~~(e) “Public hospital” means a hospital licensed under Chapter 395, Part I, F.S., which is owned by a state or local government, or local healthcare tax district.~~

~~(d) (f)~~ No change

~~(g) “Verified Trauma Patient” means a patient treated at a state verified certified trauma center with at least one ICD 9-CM discharge diagnosis between 800 and 959.9 with a Survival Risk Ratio (SRR) <1 whose data is used by the trauma registry to determine caseload volume. SRRs for each diagnosis code will be determined from analysis of data in the trauma registry by the Department consistent with ICISS and shall be published by the Department.~~

~~(e)(h)~~ “Year” – means the most recent complete calendar year for which trauma caseload volume is available from the trauma registry.

(2) Funds governed under this rule shall be distributed to verified trauma centers in the quarter following deposit into the Department’s trust funds.

(a) No change.

(b) Funds collected under Section 318.14(5), F.S., governed under this rule shall be distributed to the verified trauma centers as follows:

$[(.5 \times \text{funds}) / \text{Current total number of } \underline{\text{verified}} \text{ trauma centers}] + [(.5 \times \text{funds}) \times (\underline{\text{Trauma}} \text{ caseload volume for the } \underline{\text{verified}} \text{ trauma center for the year} / \text{The sum of } \underline{\text{trauma}} \text{ caseload volume for all } \underline{\text{verified}} \text{ trauma centers during the year})]$ .

(c) Funds collected under Section 318.18(15), 316.0083(1)(b)3.a. and 316.003(1)(b)3.b., F.S., governed under this rule and deposited in accordance with Section 395.4036(1), F.S., shall be distributed as follows:

1. To each verified trauma center in a region receiving a local funding contribution as of December 31 of the previous year:  $(.2 \times \text{funds}) \times (\underline{\text{Trauma}} \text{ caseload volume for the } \underline{\text{verified}} \text{ trauma center for the year} / \text{The sum of } \underline{\text{trauma}} \text{ caseload volume for the year for all } \underline{\text{verified}} \text{ trauma centers receiving funding under subparagraph (2)(c)1. of this rule})$ .

2. To each verified trauma center:  $(.4 \times \text{funds}) \times (\underline{\text{Trauma}} \text{ caseload volume of the } \underline{\text{verified}} \text{ trauma center during the year} / \text{The sum of } \underline{\text{trauma}} \text{ caseload volume for all } \underline{\text{verified}} \text{ trauma centers during the year})$ .

3. To each verified trauma center:  $(.4 \times \text{funds}) \times (\text{The total number of severe injury patients served by the } \underline{\text{verified}} \text{ trauma center for the year} / \text{The total number of all severe injury patients served by all } \underline{\text{verified}} \text{ trauma centers for the year})$ .

(d) Funds collected under Section 318.18(5)(c) and (20), F.S., governed under this rule shall be distributed as follows.

1. To each Level II trauma center ~~operated by a public hospital~~ that provides an attestation certifying that the hospital is governed by an elected board of directors as of December 31, 2008:

$(.30 \times \text{funds})$ .

2. To each verified trauma center:  $(.35 \times \text{funds}) \times (\underline{\text{Trauma}} \text{ caseload volume of the } \underline{\text{verified}} \text{ trauma center during the year} / \text{The sum of } \underline{\text{trauma}} \text{ caseload volume for all } \underline{\text{verified}} \text{ trauma centers during the year})$ .

3. To each verified trauma center:  $(.35 \times \text{funds}) \times (\text{The total number of severe injury patients served by the } \underline{\text{verified}} \text{ trauma center for the year} / \text{The total number of all severe injury patients served by all } \underline{\text{verified}} \text{ trauma centers for the year})$ .

(3) No change.

Rulemaking Authority 395.4036 FS. Law Implemented 395.4036 FS. History—New 4-25-06, Amended 1-9-07, Formerly 64E-2.040, Amended 10-22-09, 12-22-10, \_\_\_\_\_.

64J-2.020 Acute Care Hospital Trauma Registry.

Each hospital as defined by Section 395.002(12), F.S., except for a long term care hospital as defined in Section 408.032, F.S., shall document and submit to the department patient care data in accordance with the format and time frame specified in the Florida Acute Care Trauma Registry Manual ~~Data Dictionary~~, January 1, 2016 edition ~~2014~~, which is incorporated by reference and available from the department, or at [DOS link](#).

PROPOSED EFFECTIVE DATE: January 1, 2016.  
 Rulemaking Authority 395.405 FS. Law Implemented 395.404 FS.  
 History—New 6-17-14-; Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Susan Bulecza, DNP, RN, PHCNS-BC, Trauma Program Administrator

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, M.D., FACS.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: May 13, 2015

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.:	RULE TITLES:
59A-26.001	Definitions
59A-26.002	Licensure Procedure, Fees and Exemptions
59A-26.003	Classification of Deficiencies
59A-26.004	Responsibilities for Operation
59A-26.005	Fiscal Standards
59A-26.006	Admission Policies and Requirements
59A-26.007	Personnel Standards
59A-26.008	Training, Habilitation, Active Treatment Professional, and Special Programs and Services
59A-26.009	Dietary Services
59A-26.010	Dental Services
59A-26.011	Psychological Services
59A-26.012	Drugs and Pharmaceutical Services
59A-26.013	Administration of Medications to ICF/DD Residents by Unlicensed Medication Assistants
59A-26.014	Training and Validation Required for Unlicensed Medication Assistants
59A-26.015	Plant Maintenance and Housekeeping
59A-26.016	Fire Protection, Life Safety, Systems Failure and External Emergency Communication
59A-26.017	Plans Submission and Fees Required
59A-26.018	Physical Plant Codes and Standards for ICF/DD
59A-26.019	Construction and Physical Environment Standards
59A-26.020	Disaster Preparedness

**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. 40 No. 247, December 23, 2014 issue of the Florida Administrative Register.

59A-26.001 Definitions.

~~(1) Active Treatment — Active treatment is defined in Section 400.960, F.S. Active treatment includes aggressive, consistent implementation of a program of specialized and generic training, treatment and health services. Active treatment does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.~~

~~(1)(2) Administrator — The person who is responsible for the overall management of an Intermediate Care Facilities for the Developmentally Disabled (hereinafter referred to as ICF/DD) licensed under this part and certified under 42 CFR~~

483 Subpart I. The Administrator must meet the following criteria:

(a) ~~Be a~~ Qualified Developmental Disabilities Professional (QDDP); or

(b) Be a licensed nursing home administrator; or

(c) Have a Bachelor's degree in a human services field and at least one year of experience working with persons with developmental disabilities or related conditions; or

(d) ~~If the individual does not have a Bachelor's degree in a human services field,~~ Have five years of experience working with persons with developmental disabilities or related conditions is sufficient. This requirement is for administrators who become effective after the date of this Rule.

~~(2)(3)~~ No change.

~~(4) Age Appropriate Services, programming, equipment and supplies that are appropriate for persons who do not have a developmental disability and who are of approximately the same chronological age as the client.~~

~~(3)(5)~~ No change.

~~(6) Chemical Restraint—A chemical restraint means a medication used to control the person's behavior or to restrict his or her freedom of movement.~~

~~(7) Client—Any person determined by the Agency for Persons with Disabilities to be eligible for developmental services.~~

(8) through (12) are renumbered to (4) through (8) No change.

~~(13) General Supervision—Means the responsible supervision of supportive personnel by a licensed practitioner who need not be present when such procedures are performed, but is available and who assumes legal liability.~~

(14) through (16) are renumbered to (9) through (11) No change.

~~(12)(17) Level of Care – The type of care required by a Medicaid applicant or recipient based on medical and related needs as defined by the criteria established in Rule Chapter 65B-38 59G-4.170, F.A.C.~~

(18) through (23) are renumbered to (13) through (19) No change.

~~(24) Physical Restraint—A physical restraint as defined in Section 400.960(7)(a), F.S. This includes but not limited to, a half bed rail, a full bed rail, a geriatric chair, and a posey restraint. The term "physical restraint" shall also include any device which was not specifically manufactured as a restraint but which has been altered, arranged, or otherwise use for this purpose. The term shall not include bandage material used for the purpose of binding a wound or injury.~~

(25) through (28) are renumbered to (20) through (23) No change.

~~(24)(29) Qualified Intellectual Disabilities Professional (QIDP) Qualified Developmental Disabilities Professional~~

~~(QDDP) – A person who meets the requirements for a QIDP QDDP as required by 42 C.F.R. Part 483, Subpart I, Section 483.430, F.S.~~

~~(25)(30)~~ No change.

~~(26)(31)~~ No change.

~~(32) Seclusion—Seclusion is defined in accordance with Section 400.960(8), F.S. In addition to the definition, when a person is involuntarily confined in a room or a restricted space and is prevented from leaving, or reasonably believes that he or she will be prevented from leaving, by means that include, but are not limited to:~~

~~(a) Manually, mechanically, or electronically locked doors;~~

~~(b) One way doors, which when closed or unlocked, cannot be opened from the inside;~~

~~(c) Physical intervention of staff; or~~

~~(d) Coercive measures, such as the threat of restraint or sanctions, or the loss of privileges that the client would otherwise have.~~

~~(33) Self Mobile—The ability to use a walker, cane, wheelchair or other mobility device independently without human assistance, including the ability to transfer into and out of the mobility device without human assistance.~~

~~(34) Severe Maladaptive Behavior—Actions of an individual absent environmental, behavioral, physical, or chemical intervention, result in or have the potential to damage the individual or others. Such actions require medical attention or occur with sufficient frequency, magnitude, or duration that a life threatening situation might result.~~

~~(35) Shared Facilities and Services—Those central services or facilities such as food preparation, maintenance, laundry and management that are shared by living units within a facility or with other facilities, including day treatment programs.~~

~~(27)(36)~~ No change.

Rulemaking Authority 400.967, 400.9685 FS. Law Implemented 400.967, 400.9685 FS. History–New \_\_\_\_\_.

59A-26.002 Licensure Procedure, Fees and Exemptions.

(1) through (4) No change.

(5) In addition to the provisions of Chapter 400, Part VIII, Chapter 408, Part II, Chapter 409, F.S. and Rule Chapter 59G-4, F.A.C., a license may be suspended, revoked or denied in any case where the Agency finds that there has been substantial failure to comply with certification or re-certification requirements as a Medicaid.

Rulemaking Authority 400.967, 408.819 FS. Law Implemented 400.962, 400.965, 400.967, 408.804, 408.805, 408.806, 408.807, 408.809, 408.810 408.811, FS. History–New \_\_\_\_\_.

59A-26.003 Classification of Deficiencies.

(1) Violations of Chapter 400, Part VIII, and Chapter 408, Part II, F.S., shall be classified according to the nature of the violation and the gravity of its probable effect on clients as as

~~required in Section 408.813(2), F.S. The scope of a violation may be cited as an isolated, patterned, or widespread deficiency. An isolated deficiency is a deficiency affecting one or a very limited number of clients, or involving one or a very limited number of staff, or a situation that occurred only occasionally or in a very limited number of locations. A patterned deficiency is a deficiency in which more than a very limited number of clients are affected, or more than a very limited number of staff are involved, or the situation has occurred in several locations, or the same client or clients have been affected by repeated occurrences of the same deficient practice but the effect of the deficient practice is not found to be pervasive throughout the provider. A widespread deficiency is a deficiency in which the problems causing the deficiency are pervasive in the provider or represent systemic failure that has affected or has the potential to affect a large portion of the provider's clients. The definitions of classifications in this subsection control over conflicting definitions in authorizing statutes. This subsection does not affect the legislative determination of the amount of a fine imposed under authorizing statutes. Violations shall be classified on the written notice as follows:~~

~~(1)(a) through (1)(d) no change~~

~~Rulemaking Authority 400.967, 408.813, 408.819 FS. Law Implemented 400.967(3), 408.813, 408.815 FS. History—New\_\_\_\_\_.~~

~~59A-26.004 Responsibilities for Operation.~~

~~(1) The licensee must be in compliance with all conditions and standards in Title 42, CFR, Subpart I, sections 483.410 through 483.480, Conditions of Participation for Intermediate Care Facilities for Persons with Mental Retardation, June 3, 1988, as incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX> and <http://www.gpoaccess.gov/cfr/index.html>. The licensee must ensure compliance with state regulations in Chapter 400, Part VIII, Chapter 408, Part II, Chapter 409, F.S., and Chapter 59G-4, F.A.C.~~

~~(2) Within 60 days of initial licensure, the licensee must be certified in accordance with federal regulations as stated in Title 42, Code of Federal Regulations 483 Subpart I, sections, 483.410 through 483.480.~~

~~Rulemaking Authority 400.967 FS. Law Implemented 400.967FS. History—New\_\_\_\_\_.~~

~~59A-26.005 Fiscal Standards.~~

~~(1) No change.~~

~~(2) Maintain financial and statistical records in accordance with Title 42 CFR, Sections 483.420(b)(1)-(2) 413.24 (a), (b), (c) and (e), effective October 1, 2014, as incorporated by reference and located at [~~420.xml. <http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=bdb912e59f6e76e8e19d6825dd1e23f&r=PART&n=42v2.0.1.2.13#42.2.0.1.2.13.2.59> 2. The licensee is required to detail all of its costs for its entire reporting period making appropriate adjustments for determination of allowable costs as required by the Florida Title XIX Intermediate Care Facility for the Mentally Retarded and Developmentally Disabled Reimbursement Plan for Not Publicly Owned and Operated or Publicly Owned and Operated Facilities Version VIII, Effective Date July 1, 2012, and incorporated herein by reference <https://www.flrules.org/Gateway/reference.asp?No=Ref-03075>. A copy of the Plan may be obtained by writing to the Deputy Secretary for Medicaid, Agency for Health Care Administration, Mail Stop 8, Tallahassee, Florida 32308. A cost report must be prepared and submitted to the Agency using accrual basis of accounting in accordance with Generally Accepted Accounting Principles as incorporated by reference in Rule 61H1-20.007, F.A.C., except as modified by:~~](http://www.gpo.gov/fdsys/pkg/CFR-2011-title42-vol5/xml/CFR-2011-title42-vol5-sec483-</a></u></del></p>
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~~(a) The method of reimbursement and cost finding of Title XVIII (Medicare) Principles of Reimbursement described in 42 CFR 413.5—413.35, effective October 1, 2014, as incorporated by reference and~~

~~(b) Further interpreted by the Provider Reimbursement Manual CMS PUB. 15-1, as incorporated by reference in Rule 59G-6.010, F.A.C., or~~

~~(c) As further modified by Reimbursement Plan.~~

~~(3) Comply with requirements of Rules 59G-6.040 and 59G-6.045, F.A.C.~~

~~(4)(3) through (7)(6) No change.~~

~~59A-26.006 Admission Policies and Requirements.~~

~~(1) through (2) No change.~~

~~(3) The licensee must comply with the admission agreement. The admission agreement must include a description of the program and services to be provided, including at a minimum:~~

~~(3)(a) through (3)(e) No change.~~

~~(3)(f) Sufficient seasonal clothing as required by the client and applicable to the client's needs for instances when the client or client's representative does not provide sufficient clothing. Sufficient seasonal clothing must be provided and include a basic wardrobe for the client, including a five-day supply of sleepwear, socks, shoes, undergarments, outer clothing to include shirts, pants, or dresses; a winter coat; raingear; and personal grooming and hygiene items. The licensee must maintain an inventory of the client's clothing and provide a copy of the inventory to the client or client's representative within 14 seven calendar days of a written request;~~

~~(3)(g) through (4)(c)1. No change.~~

(4)(c)2. If a client ~~insists on~~ ~~persists in~~ leaving, the licensee will assist the client in locating an appropriate alternative placement.

(5) through (6) No change.

(7) If a pre-existing medical condition exists, if medical problems are identified by the nursing admissions assessment, or if a client is admitted who does not have a complete medical record including medical history, positive physical findings, diagnosis, and signed physician's orders for treatment, nursing care or diets, the client must be examined by the admitting physician within 96 hours of admission ~~unless the registered nurse determines that the physician should examine the client sooner.~~

Rulemaking Authority 400.967 FS. Law Implemented 400.967(2)(f) FS. History--New\_\_\_\_\_.

59A-26.007 Personnel Standards.

(1) through (2) No change.

(3) Regardless of the organization or design of client living units, the minimum overall direct care staff-client ratios must comply with those specified in 42 CFR 483.430(d)(3), dated October 1, 2014 ~~2011~~, as incorporated by reference and available at <http://www.gpo.gov/fdsys/pkg/CFR-2014-title42-vol5/xml/CFR-2014-title42-vol5-sec483-430.xml>.  
~~<http://www.gpoaccess.gov/cfr/index.html>.~~

(4) through (7)(f) No change.

Rulemaking Authority 400.962, 400.967 FS. Law Implemented 400.964, 400.967(2)(b), 400.967(2)(h), 408.809, FS. History--New\_\_\_\_\_.

59A-26.008 Training, Habilitation, Active Treatment, Professional, Special Programs and Services.

(1) through (1)(a)1. No change.

2. For school age clients, when services are provided by the local school district, the licensee must ~~make regular and consistent efforts to~~ include the school system, the client, and client's representative in the habilitation planning process. The licensee's individual program plan shall be in addition to any individual education plan prepared by the school district.

(1)(b) through (1)(i) No change.

(j) Client rights as required by the Bill of Rights of Persons Who Are Developmentally Disabled, Section 393.13(3)(~~a~~)-(j), F.S. through Section 393.13(4)(j), F.S.

(1)(k) through (7) No change.

(8) When a psychotropic medication is initiated based upon a recommendation by the IDT, a physician, ARNP, registered nurse or pharmacist must ensure ~~assure~~ or make provisions for the instruction of the facility staff regarding side effects and adverse effects of the prescribed medication including when to notify the physician if undesirable side effects or adverse effects are observed. The staff must document in the progress notes that these instructions have been given. Any time a psychotropic

medication is initiated, changed, increased or decreased, the facility must assure the physician writes a progress note. ~~At a minimum,~~ The facility must ensure the physician makes a progress note every 30 calendar days. The effect of the medication on targeted symptoms must be reviewed and monitored at least quarterly by the IDT.

(9) through (13) No change.

Rulemaking Authority 400.962, 400.967 FS. Law Implemented 400.967(2)(d),(f),(h) FS. History--New\_\_\_\_\_.

59A-26.009 Dietary Services.

(1) through (6) No change.

(7) As required by the Department of Health, ~~a~~All matters pertaining to food service must comply as required by the following regulations based on the number of beds to be licensed:

(a) For facilities with 25 or more beds the provisions of Rule Chapter 64E-11, F.A.C., Food Hygiene.

(b) For facilities with 24 beds or fewer the provisions of Rule Chapter 64E-12, F.A.C., Community Based Residential Facilities.

59A-26.010 Dental Services.

No change.

59A-26.011 Psychological Services.

Psychologists providing services to the clients of the facility must be licensed pursuant to Sections Chapter 490.005 and 490.006, F.S., and have a minimum of one year of experience or training in the field of intellectual or developmental disabilities.

59A-26.012 Drugs and Pharmaceutical Services.

(1) An ICF/DD must have a Class I Institutional Pharmacy Permit as required by the Department of Health in Section 465.019, F.S. All prescription medications must be compounded and dispensed by a pharmacy registered in Florida.

A consultant pharmacist must be responsible for implementation of the pharmacy program as defined by each licensee even when the consultant pharmacist is not the vendoring pharmacist.

(2) Labeling of prescription medications must be done as required by the Department of Health in Sections Chapters 465.0235, 465.186 and 499.0054, F.S. and Rule Chapter 64B16-27, F.A.C., as required by the Department of Health. Stock bottles of nonprescription drugs which are properly labeled according to the regulations related to the Drug and Cosmetic Act, Section Chapter 499.0054, F.S., are permitted.

(3) through (4) No change.

(5) All drugs listed in Schedules II through V must be handled, used, administered and dispensed as required by the Florida Comprehensive Drug Abuse Prevention and Control Act in Section Chapter 893.06, F.S.

(6) A count of controlled drugs listed in Schedules II-V of Section Chapter 893.03, F.S., must be made jointly between shifts by the licensed nurse beginning duty and the licensed nurse leaving duty. For facilities licensed for six beds or less, the count must be done by the supervising registered nurse on a weekly basis. For facilities licensed for more than six beds, a medication count of controlled substances must be made at every change of shift by the licensed nurse or an unlicensed medication assistant (UMA) as defined in Rule 59A-26.002, F.A.C. The count at shift change must be witnessed by another licensed nurse or another staff member trained in medication administration.

(7) A record must be maintained for all drugs listed in Section 893.03, F.S., of the Florida Comprehensive Drug Abuse Prevention and Control Act as Schedules II, III, IV, and V for continuous reconciliation.

(8) Medicinal substances classified as controlled substances by the Drug Enforcement Administration (DEA), as provided in the Drug Abuse Prevention and Control Act of 1970 and related regulations, and Section Chapter 893.03, F.S., as required by the Florida Comprehensive Drug Abuse Prevention and Control Act and related regulations must be disposed of as required by Rule Chapter 64B-16-28.303, F.A.C., as required by the Department of Health.

(9) through (11)(a) No change

(11)(b) All controlled drugs not administered to a client due to wastage, loss, or returned to the pharmacy must be documented in each client's medical record and accounted for by a licensed nurse as required by the Florida Comprehensive Drug Abuse Prevention and Control Act in Section Chapter 893.07, F.S.

(12) All verbal orders must be written on the physician's order sheet by the licensed nurse receiving the order and countersigned by the physician within 72 hours. Verbal orders for Schedule II drugs are permitted ~~only~~ in emergency situations but is limited to a 72-hour supply. In an emergency situation, the physician must directly contact the pharmacist and the pharmacist must receive a copy of the original or direct copy of the physician's order within 72 hours as required by the Florida Comprehensive Drug Abuse Prevention and Control Act in Section 893.04, F.S.

(13) No change.

59A-26.013 Administration of Medications to ICF/DD Clients by Unlicensed Medication Assistants.

(1) through (5) No change.

(5)(a) A current informed consent has been signed by the client or client's representative. The consent must acknowledge and permit UMAs to administer specifically listed medications prescribed by a licensed health care professional to the client. The informed consent must be updated and signed ~~at least~~ annually;

(5)(b) through (6)(a) No change.

(6)(b) Prior to assigning tasks to an UMA, the supervisory nurse must verify the training and validation of the unlicensed medication assistant as required by this Rule Chapter.

(6)(c) through (7) No change.

(7)(a) Outdated medication must be properly destroyed by the supervising nurse. The disposal must will be witnessed by one other staff of the facility and a record of the medication disposal must be maintained by the facility and signed by the supervising nurse and witness.

(b) Torn, damaged, illegible or mislabeled prescription labels must should be reported immediately to the dispensing pharmacy or pharmacist.

(7)(c) through (7)(d) No change.

(8) When administering medications to clients, the UMA must:

(8)(a) through (8)(f) No change.

59A-26.014 Training and Validation Required for Unlicensed Medication Assistant.

(1) Required medication administration training must include criteria to ensure that competency is demonstrated through validation and revalidation of the qualification of the UMA and all requirements of UMAs specified in this Rule Chapter.

(2) Medication administration training must will be conducted by a registered nurse, ARNP or physician for UMAs and will be provided by the ICF/DD licensee. Any person providing medication administration training sessions or conducting skills validation or revalidation tests must first complete a trainer orientation session, which includes requirements of this rule and information to be covered during medication administration training sessions. Documentation of the trainer's completed orientation must will be provided to each UMA that he or she trains or validates.

(3) through (3)(i) No change.

(j) Each duty of UMAs as required in this Rule Chapter.

(4) Validation or revalidation of the effective completion of the training is required for each UMA to assess that competency has been achieved after completion of required training. To become validated or revalidated, the UMA must be able to successfully demonstrate, in a practical setting, his or her ability to correctly administer or supervise the self-administration of medications to clients in a safe and sanitary manner and to correctly and accurately document actions

related to the administration of medications, in accordance with the requirements of this Chapter. At completion of the training, an UMA must attain an overall score of 100% on knowledge tests that cover the training and facility specific questions. The UMA will have three attempts to achieve a 100% score. If after the third attempt a score of 100% is not achieved, the UMA must repeat the training and may not administer medication to clients until such time as a score of 100% is achieved. Additionally, an UMA must be able to state the purpose, common side effects, and signs and symptoms of adverse reactions for a list of commonly used medications from memory or demonstrate how they obtain that information and maintain it for easy access.

(5) Validation or revalidation of competency will be conducted by an RN, physician, or ARNP. The ICF/DD licensee will maintain documentation containing the following information:

(5)(a) No change.

(b) Validation or revalidation date, with expiration date of 365 days from the validation;

(5)(c) through (6) No change.

(7) The following must be validated or revalidated for each UMA:

(7)(a) through (b) No change.

(7)(c) Demonstration of the ability to perform as required in this Rule Chapter.

(7)(d) through (10) No change.

59A-26.015 Plant Maintenance and Housekeeping.

(1) through (3)(a) No change.

(3)(b) Keep floors clean and ~~as non-slip as practicable~~ to ensure client safety;

(3)(c) through (4)(g) No change.

59A-26.016 Fire Protection, Life Safety, Systems Failure, and External Emergency Communications.

(1) Standards for fire prevention for the facility are those adopted pursuant to Rule 69A-3.012, F.A.C., as required by the Division of State Fire Marshal at Department of Financial Services, and Chapter 69A-38, Uniform Fire Safety Standards for Residential Facilities for Individuals with Developmental Disabilities, F.A.C., as required by the Agency for Persons with Disabilities, as applicable to the classifications of occupancy therein.

(2) No change.

(3) ICF/DD's providing personal care, as defined in the Life Safety Code NFPA 101 as adopted pursuant to Rule 69A-3.012, F.A.C., as required by the Division of State Fire Marshal at the Department of Financial Services, and Rule Chapter 69A-38, F.A.C., as required by the Agency for Persons with Disabilities, will be reviewed as a Residential Board and Care

occupancy under the Florida Specific Edition of NFPA 101 Life Safety Code, as adopted pursuant to Rule 69A-3.012, F.A.C., as required by the Division of State Fire Marshal at the Department of Financial Services, and Rule Chapter 69A-38, F.A.C. as required by the Agency for Persons with Disabilities. ICF/DD's providing services to clients that receive chronic, skilled/acute nursing or medical care or designated as a Level of Care 9 will be reviewed as a Health Care occupancy status under the Florida Specific Edition of NFPA 101 Life Safety Code, as adopted pursuant to Rule 69A-3.012, F.A.C., as required by the Division of State Fire Marshal at Department of Financial Services and Rule Chapter 69A-38, F.A.C., as required by the Agency for Persons with Disabilities. To ensure the life safety code requirements are appropriate for all clients served in an ICF/DD, each licensure survey shall establish or confirm the occupancy status. Beginning ~~December~~ January 1, 2015, upon renewal of each ICF/DD license, the license shall display the occupancy status. The ICF/DD licensee must receive written approval from the Agency, including the Office of Plans and Construction, prior to a change in the occupancy status. A client requiring chronic, skilled/acute nursing or medical care, or designated as a Level of Care 9 client, may not reside in an ICF/DD with a Residential Board and Care occupancy status.

(4) Each licensee must provide fire protection through the elimination of fire hazards as evidenced by compliance with the fire codes referenced in Rule 59A-26.016(1) requirements of Rule 69A-3.012 and Chapter 69A-38, F.A.C.

(5) No change.

(6) ~~In As required by NFPA 101, Life Safety Code, in the event of a system failure of the fire alarm system, smoke detection system, or sprinkler system, the following actions must be taken immediately by the licensee:~~

(6)(a) through (7) No change.

59A-26.017 Plans Submission and Fee Requirements.

(1) through (4) No change.

(5) Plans and specifications submitted for review shall be subject to a plan review fee pursuant to section 400.967(5), F.S. A non-refundable initial fee of \$2,000 will be charged for all projects. The agency will also collect a fee, not to exceed one percent of the estimated construction cost or the actual cost of review, whichever is less, for the portion of the review which encompasses initial review through the initial revised construction document review. Additionally, the Agency will collect its actual costs on all subsequent portions of the review and construction inspections. All fees must be paid by check made payable to the Agency for Health Care Administration, with the check noted with the Office of Plans and Construction facility log number and identified that it is for the Agency's

Health Care Trust Fund. Fees will be accepted only from the ICF/DD licensee or prospective licensee.

(6) Plans and specifications may be submitted for review at any of the three stages of development described in this rule. Approval of a Stage III submission is required to begin construction. Limited early construction may be permitted for projects with an approved Stage II submission, submission of construction documents limited to the scope of work for early construction, and a letter from the facility holding the Agency for Health Care Administration harmless for any changes required as a result of the final construction document review. Plans and specifications shall be submitted in three stages of development described in this rule. Exceptions to the requirement for Stage I and/or Stage II submissions may be granted upon review of the size, scope and complexity of a project by the Agency's Office of Plans and Construction.

(6)(a) through (8) No change.

(9) through (10) are renumbered to (8) through (9) No change.

(10)(11) Stage II preliminary plans will be approved by the Agency upon successful demonstration that the construction will comply with applicable life safety code requirements, flood requirements and that the layout will accommodate all required functional space as evidenced by a thorough examination of documents submitted as required by this subsection. Stage II, preliminary plans must include:

(11)(a) through (i) are renumbered to (10)(a) through (i) No change.

(11)(12) Stage III, construction documents. Stage III construction documents will be approved by the Agency upon successful demonstration that the construction will comply with all applicable codes and standards as evidenced by a thorough examination of documents submitted as required by this subsection.

(12)(a) through (12)(a)9.b. are renumbered to (11)(a) through (11)(a)9.b. No change.

(b) All construction documents must be well coordinated to provide consistency of design intent throughout the documents. It is specifically required that in the case of additions to facilities, the mechanical and electrical, especially existing essential electrical systems and all other pertinent conditions, must be a part of this submission.

(c) All subsequent addenda, change orders, field orders and other documents altering the above must also be signed, sealed, dated and submitted in advance to the Agency's Office of Plans and Construction for review. The Agency will either approve or disapprove the submission based on compliance with all applicable codes and standards and shall provide a listing of deficiencies in writing written approval.

(13) is renumbered to (12) No change.

(13)(14) Additions or revisions that substantially change the original scope of the project or are submitted by different design professionals will be required to be submitted as a new project. A substantial change is one which deviates from the approved documents or additions.

Rulemaking Authority 400.467 FS. Law Implemented 400.967(2), (4), (5), FS. History- New \_\_\_\_\_.

59A-26.018 Physical Plant Codes and Standards for ICF/DD.

(1) All construction of new facilities or conversions and all additions, modifications, alterations, renovations, and refurbishing to the site, facility, equipment or systems of a facility must be in compliance with all applicable the following codes and standards. In addition to the standards in this rule, the following codes apply to design and construction of ICF/DD facilities:

(a) The Florida Building Code as adopted pursuant to Rule 61G20-1.001, F.A.C., by the Florida Building Code Commission at the Department of Business and Professional Regulation.

(b) The fire codes adopted by the State Fire Marshal pursuant to Rule 69A-38 69A-3.012, F.A.C., by the Division of State Fire Marshal at the Department of Financial Services.

(c) For the purpose of determining life safety occupancy classification, facilities When the licensee is providing services to clients that receive chronic, skilled/acute nursing or medical care or designated as a Level of Care 9 will be classified as a health care occupancy, NFPA 101, Chapter 18 (Health Care Occupancies) must be applied.

(d) For the purpose of determining life safety occupancy classification, facilities When the licensee is providing personal care services will be classified as a residential board and care occupancy, as defined in the Life Safety Code NFPA 101, incorporated in Rule 69A-3.012, F.A.C., NFPA 101, Chapter 32 (Residential Board and Care) must be applied.

(2) The Fire Safety Evaluation System (FSES) NFPA-101 adopted pursuant to Rule 69A-38 69A-3.012, F.A.C., as required by the Division of State Fire Marshall at the Department of Financial Services, shall not be used to meet the required codes and standards for new construction, renovations, or for conversion of an existing building to a new licensed ICF/DD.

(3) Where additions, modifications, alterations, refurbishing, renovations or reconstruction are undertaken within a facility, all such additions, modifications, alterations, refurbishing, renovations or reconstruction must comply with sections of the applicable codes for new facilities. Where major structural elements make total compliance impractical or impossible, the licensee or potential licensee must submit to the Agency's Office of Plans and Construction a request to utilize



~~alternate materials and methods. The Agency will evaluate the request in accordance with standards as required by Florida Building Code.~~

~~(4) All existing facilities classified as Residential Board and Care must be in compliance with the requirements of Chapter 33, Existing Residential Board and Care Occupancy, of the National Fire Protection Association (NFPA) Life Safety Code 101, as incorporated in Rule 69A 3.012, F.A.C.~~

~~(5) At a minimum all existing facilities classified as Health Care Occupancies must be in compliance with the requirements of Chapter 19, Existing Health Care Occupancies, of the NFPA Life Safety Code 101, as incorporated in Rule 69A 3.012, F.A.C.~~

59A-26.019 Construction and Physical Environment Standards for Facilities Providing Services to Clients that Receive Chronic, Skilled/Acute Nursing or Medical Care or Designated as a Level of Care 9.

All new facilities and all additions, renovations and alterations of existing facilities must be in compliance with the following physical plant standards:

(1) through (2)(f)1. No change.

2. The dimensions and arrangement of the client bedrooms must provide a minimum of three feet wide (0.91m) clear access space to each bed along at least 75 percent of the length of one side of the bed and must be designed to allow the use of a wheelchair and other portable equipment (0.91-meter) between the sides and foot of the bed and any wall or any other fixed obstruction or adjacent bed. In multiple-bed rooms, a clearance of 3 feet 8 inches (1.11 meters) to any fixed obstruction must be available at the foot of each bed to permit the passage of equipment and beds. For beds equipped with a piped in medical gas headwall unit, there must be minimum clearance of 3 feet (0.91m) along the entire length of the bed between both sides of the bed and any other bed, wall or any other fixed obstruction. The maximum number of clients sharing a bedroom shall be two.

(2)(g) through (3)(i) No change.

~~(j) Only recessed soap dishes may be allowed in client use tubs and showers.~~ Towel bars must be provided at each bathing area.

(3)(k) through (n) No change.

(3)(o) Where it is not possible to inspect smoke ~~barriers~~ partitions because of the fire-tested membrane, fire-rated access panels must be installed adjacent to each side of the smoke ~~barriers~~ partitions at intervals not exceeding 30 feet (9.14 meters) and in such locations as necessary to view all surfaces of the ~~barriers~~ partition.

(3)(p) through (5)(h)1. No change.

(5)(h)2. An emergency calling station of the pull cord type must be provided and must be conveniently located for client

use at each client toilet, bath or shower room, but not inside the shower unless the nurse call device is listed for wet locations. The call signal must be the highest priority and shall be cancelled only at the emergency calling station. The emergency station must activate distinctive audible and visual signals immediately at the client room door or wireless page, and activate a visual and audible signal in the staff work areas or mobile nurse station receiver and the master station of the client unit. If a mobile nurse station receiver is utilized to receive the client call it will be worn by all staff who are assigned to the client unit and must identify the specific client and or room from which the call was placed;

3. The nurse call master station must not block incoming client calls. The master station control settings must not prevent the activation of the incoming audible and visual signals. In wireless systems, all orphaned calls to mobile nurse station receivers will register at the nurse call master station;

4. In multi-client rooms, activation of an emergency call shall not cancel a normal call from the same room; and

5. A corridor dome light must be located directly outside of any client care area that is equipped with a wired nurse call station.

(5)(i) through (6)(a) No change.

(6)(b) An accessible, potable supply of water must be provided in all facilities ~~and must be operated as required by Chapter 64E 8, F.A.C.~~

(c) An adequate and safe method of sewage collection, treatment and disposal must be provided in each facility as ~~required by Chapter 62-600, F.A.C., Domestic Wastewater Facilities or Chapter 64E 6, F.A.C., Standards of Onsite Sewage Treatment and Disposal.~~ Whenever a municipal or public sewer system is available to the property such system must be used.

(d) In all facilities vermin must be controlled in all areas of the facility ~~as required by Chapter 64E 11, F.A.C. Insecticides and rodenticides must be handled as required by Rules 5E-14.102-.113, F.A.C.~~

(7) through (7)(a) No change.

(7)(a)1. Existing Facility means a facility that prior to ~~December~~ January 1, 2015:

(7)(a)1. a. through (7)(a)2. No change.

(7)(a)2. a. An ICF/DD licensed after ~~December~~ January 1, 2015; or

b. A facility that receives a Stage II Preliminary Plan approval after ~~December~~ January 1, 2015; or

(7)(a)2.c. through (7)(b)2. No change.

(7)(b)2. a. ~~The Except as permitted by Section 1612 of the Florida Building Code (FBC), the lowest floor of all new facilities shall be elevated to the "Base flood elevation" as defined in FBC Section 1612, plus 2 feet (61 cm), or to the height of hurricane Category 3 (Saffir-Simpson scale) surge~~

inundation elevation, as described by the Sea, Lake, and Overland Surge (SLOSH) from Hurricanes model developed by the Federal Emergency Management Agency (FEMA), United States Army Corps of Engineers (USACE), and the National Weather Service (NWS), whichever elevation requirement is more stringent. The Base flood elevation shall be defined as the elevation of an area having a 1 percent chance of being equaled or exceeded by flood waters in any given year.

b. For all existing facilities, the lowest floor elevations of all additions, and all resident support areas including food service, and all resident support utilities, including mechanical, and electrical (except fuel storage as noted in sub-subparagraph ~~59A-26.019~~ ~~59A-26.022~~(7)(b)9.e., F.A.C.) for the additions shall be at or above the elevation of the existing building, if the existing building was designed and constructed to comply with either the site standards of this rule or local flood resistant requirements in effect at the time of construction, whichever requires the higher elevation, ~~unless otherwise permitted by FBC Section 1612.~~ If the existing building was constructed prior to the adoption of either the site standards of this rule or local flood resistant requirements, then substantial improvements, the addition and all resident support areas and utilities for the addition as described in this section shall either be designed and constructed to meet the requirements of this rule or be designed and constructed to meet the dry flood proofing requirements of the Florida Building Code FBC Section 1612.

c. Substantial improvement shall include any repairs, reconstruction(s), rehabilitation(s), additions(s) or improvement(s) to the building over a five year period, the cost of which cumulatively exceeds the market value of the building prior to the start of work, as defined by FBC Section 1612, to all existing facilities located within flood areas or within a Category 3 surge inundation zone as described in this rule, shall be designed and constructed to comply with the requirements in FBC Section 1612.

(7)(b)2.d. through (7)(b)9.b. No change.

(7)(b)9.c. ~~At a minimum,~~ There must be one clothes washer and one clothes dryer for laundry service.

(7)(b)9.d. through (7)(b)10. No change.

(7)(b)10.a. On-site water storage capacity to continue sprinkler coverage in accordance with the fire codes adopted by the state fire marshal, as required by NFPA 13, "Sprinkler Systems," or a fire watch, must be conducted as required by NFPA 601.

b. If the facility provides a fire watch in lieu of water storage to continue sprinkler coverage, then one 4-A type fire extinguisher or equivalent must be provided for every three or less 2-A fire extinguishers ~~as required by NFPA 10, "Portable Extinguishers"~~ for the area served. These additional

extinguishers must be equally distributed throughout the area they are protecting.

(7)(b)11. No change.

**59A-26.020 Disaster Preparedness.**

(1) through (1)(c)5.c. No change.

(1)(c)5.d. A 72 hour ~~Seventy two hour~~ supply of all essential supplies and client medications; and

(1)(c)5.e. through (d) No change.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:

59A-26.007 Personnel Standards

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 40 No. 247, December 23, 2014 issue of the Florida Administrative Register.

The following sections of the Statement of Estimated Regulatory Costs (SERC), Rule Number 59A-26.007 Personnel Standards, should be changed to read:

Page 2, Section C, #5.

Revised to the following:

*\*Pursuant to Section 483.430420(d)(3), C.F.R., the staffing ratio for ICF is 1 to 3.2 residents.*

Page 6, Section G, The type of small business that would be subject to the rule:

Revised to the following:

*The CPR and First Aid training certification requirement in state law would affect all licensed ICF/DDs. As of November 1, 2013, there were 101 licensed ICF/DD facilities. The average number of ICF beds/residents in a facility is 28. This new regulation requires a licensee must ensure that 50% of its staff on duty at all times are certified in cardio-pulmonary resuscitation (CPR) and have received basic first aid training. Section 483.430420(d)(3), C.F.R., mandates the staffing ratio for ICF is 1 to 3.2 residents. The average number of beds in an ICF is 28 beds. The 28 beds divided by the 3 residents per staff and divided by two (50% of the staff trained) X \$58.00\*\* (CPR/First Aid Training). The cost is \$290 per facility.*

Page 6, Section G, The probable impact on affected small business. The likely per-entity regulatory cost increase:

Revised to the following:

*This new regulation requires a licensee must ~~to~~ ensure that 50% of its staff on duty at all times are certified in cardio-pulmonary resuscitation (CPR) and have received basic first aid training. Section 483.430420(d)(3), C.F.R., mandates the staffing ratio for ICF is 1 to 3.2 residents. The average number of beds in an ICF is 28 beds. The 28 beds divided by the 3 residents per staff and divided by two (50% of the staff trained) X \$58.00\*\* (CPR/First Aid Training). The cost is \$290 per facility.*

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE NO.: RULE TITLE:  
 64B17-2.007 Certification of Public Records  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 41 No. 121, June 23, 2015 issue of the Florida Administrative Register has been withdrawn.

**Section IV  
 Emergency Rules**

**NONE**

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001 Safety Standards

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

On September 21, 2015, the Department received a request withdrawing the Petition for variance from St. Johns River Power Park, #2 Boiler, filed March 2, 2015, and advertised on March 4, 2015, in Vol. 41 No.43 of the Florida Administrative Register. The Petition for variance requested a variance from Rule 2.27.3.2.1, ASME A17.1b, 2009 edition, as adopted by Chapter 30, Section 3001.2 Florida Building Code adopted by paragraph 61C-5.001(1)(a), F.A.C., that requires upgrading the elevators Phase I Emergency Recall Operation by Fire Alarm Initiating Devices. The Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety is taking no further action on the petition (VW2015-054).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-1.004 General Sanitation and Safety Requirements

The Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants hereby gives notice:

On August 31, 2015, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-1.004(1)(a), F.A.C., Section 5-203.13, 2009 FDA Food Code, subsection 61C-4.010(7), F.A.C., and subsection 61C-4.010(6), F.A.C., from EMKO located in West Palm Beach. The above referenced F.A.C. addresses the requirement that at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water and one accessible bathroom be provided for use by customers. They are requesting to share the mop sink and bathrooms for use by customers only located within an adjacent establishment under the same ownership.

The Petition for this variance was published in Vol. 41, No. 177, F.A.R., on September 11, 2015. The Order for this Petition was signed and approved on September 22, 2015. After a complete review of the variance request, the Division finds that the application of this Rule will create a financial hardship to the food service establishment. Furthermore, the Division finds that the Petitioner meets the burden of demonstrating that the underlying statute has been achieved by the Petitioner ensuring the mop sink and bathrooms located within Jereve - the Culinary Studio at EMKO are maintained in a clean and sanitary manner; the mop sink is provided with hot and cold running water under pressure; the bathrooms are provided with cold running water under pressure, soap, approved hand drying devices, and both the mop sink and bathrooms are available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. If the ownership of Jereve - the Culinary Studio at EMKO (LMAL Management LLC) changes, a signed agreement for use of the bathroom and mop sink facilities is required immediately.

A copy of the Order or additional information may be obtained by contacting: Bianca.Kirkland@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: RULE TITLE:

61H1-28.0052 Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules

The Board of Accountancy hereby gives notice that the petition filed by Philip Holcman, on July 24, 2015, seeking a variance or waiver from paragraph 61H1-28.0052(1)(b), F.A.C., has been withdrawn. The Notice of Petition was published in Vol. 41, No. 154, of the August 10, 2015, issue of the Florida Administrative Register.

A copy of the Order or additional information may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607.

Section VI

Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

The Florida Food Safety and Food Defense Advisory Council announces a public meeting to which all persons are invited.

DATE AND TIME: October 16, 2015, 10:00 a.m. – 12:00 Noon

PLACE: Eyster Auditorium, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A general meeting of the Florida Food Safety and Food Defense Advisory Council will be held to discuss topics including: FSMA, Food Safety training, Retail Food Safety inspections, Outbreak Updates, Oriental Fruit Fly and, other general organizational matters of the Advisory Council.

A copy of the agenda may be obtained by contacting: Darcy Poole, Division of Food Safety, 3125 Conner Building, Mail Stop C-18, Tallahassee, Florida 32399-1650, (850)245-5595.

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: Darcy Poole, Division of Food Safety, 3125 Conner Building, Mail Stop C-18, Tallahassee, Florida 32399-1650, (850)245-5595. 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).

For more information, you may contact: Darcy Poole, Division of Food Safety, 3125 Conner Building, Mail Stop C-18, Tallahassee, Florida 32399-1650, (850)245-5595.

DEPARTMENT OF EDUCATION

The Miami Dade College Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: September 30, 2015, 10:00 a.m. – 4:30 p.m.

PLACE: MDC Kendall Campus, 11011 SW 104 Street, Building M, Room M321, Miami, FL 33176

GENERAL SUBJECT MATTER TO BE CONSIDERED: Miami Dade College announces the postponement of the public Evaluation Committee Meeting which was originally scheduled for Friday, September 25, 2015 at 10:00 a.m. The rescheduled new meeting date, time and location is outlined here. This meeting is open to the public. In the event this meeting is cancelled or postponed, notification of the meeting being rescheduled will be provided and posted on the MDC Website: ([www.mdc.edu/purchasing](http://www.mdc.edu/purchasing)).

A copy of the agenda may be obtained by contacting: Miami Dade College, Office of the Purchasing Director, 11011 SW 104 Street, Room 9254, Miami, FL 33176 or by calling (305)237-2402.

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: Roman Martinez, MPA, CPPO, CPPB; Group Director - purchasing phone: (305)237-0012; fax: (305)237-0737; email: [Rmartin9@mdc.edu](mailto:Rmartin9@mdc.edu).

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation District 5 announces public meetings to which all persons are invited.

DATE AND TIME: Thursday, October 15, 2015, 6:00 p.m.

PLACE: Florida Department of Transportation, District Five Office Building, 719 South Woodland Boulevard, Cypress A & B Conference Rooms, DeLand, Florida 32720

The Public Hearing will be webcast to: the John H. Jackson Community Center, 1002 West Carter Street, Orlando, FL 32805

GENERAL SUBJECT MATTER TO BE CONSIDERED: There will also be public information meetings held at each Metropolitan Planning Organization/ Transportation Planning Organization listed below:

Ocala/Marion County Transportation Planning Organization- Public Information Meeting

DATE AND TIME: Tuesday, October 27, 2015, 4:00 p.m.

PLACE: McPherson Complex Auditorium, 601 SE 25th Avenue, Ocala, Florida 34471

Lake-Sumter Metropolitan Planning Organization- Public Information Meeting

DATE AND TIME: Wednesday, October 28, 2015, 2:00 p.m.

PLACE: 1616 South 14th Street, Leesburg, Florida 34748

Flagler County Board of County Commissioners- Public Information Meeting

DATE AND TIME: Monday, November 2, 2015, 9:00 a.m.

PLACE: 1769 East Moody Boulevard Building 2, Board Chambers, Bunnell, Florida 32110

MetroPlan Orlando Board Meeting-Public Information Meeting

DATE AND TIME: Wednesday, November 4, 2015, 9:00 a.m.

PLACE: 315 East Robinson Street, Suite 355, Orlando, Florida 32801

Space Coast Transportation Planning Organization- Public Information Meeting

DATE AND TIME: Thursday, November 12, 2015, 9:00 a.m.

PLACE: Brevard County Government Center, 2725 Judge Fran Jamieson Way, Building C, 3rd Floor, Florida Room, Melbourne, Florida 32940

River to Sea Transportation Planning Organization- Public Information Meeting

DATE AND TIME: Wednesday, November 25, 2015, 9:00 a.m.

PLACE: 2570 West International Speedway Boulevard, Suite 100, Daytona Beach, FL 32114

A copy of the agenda may be obtained by contacting: Kellie Smith, Florida Department of Transportation, FDOT/MPO Liaison, 719 South Woodland Boulevard, DeLand, Florida 32720, (386)943-5427, [kellie.smith@dot.state.fl.us](mailto:kellie.smith@dot.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: Jennifer Smith, Florida Department of Transportation, Title VI Coordinator, 719 South Woodland Boulevard, DeLand, Florida 32720, (386)943-5367, [jennifer.smith2@dot.state.fl.us](mailto:jennifer.smith2@dot.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kellie Smith Florida Department of Transportation MPO Liaison, Florida Department of Transportation, (386)943-5427, [Kellie.Smith@dot.state.fl.us](mailto:Kellie.Smith@dot.state.fl.us).

Written comments from all interested parties will be accepted by the Department at the Public Hearing and for a period of ten (10) days after the Public Hearing. Comments should be addressed to: Noranne Downs, District Secretary, Florida Department of Transportation, 719 South Woodland Boulevard, DeLand, Florida 32720. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. The presentation of the Department's Tentative Five Year Work Program will be available through various local TV stations.

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STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:

19-4.0035 Florida Retirement System Defined Benefit Plan Investment Policy Statement

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

DATE AND TIME: September 29, 2015, 9:00 a.m. (ET) to conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Trustees of the State Board of Administration to authorize the State Board of Administration to file a Notice of Proposed Rule for amendments to Rule 19-4.0035 to adopt the most recent version of the Investment Policy Statement for the FRS Defined Benefit Plan, and to file these rules for adoption if no member of the public timely requests a rule hearing or if a rule hearing is requested but no Notice of Change is needed.

A copy of the agenda may be obtained by contacting: Diane Bruce, (850)413-1253, [diane.bruce@sbafla.com](mailto:diane.bruce@sbafla.com).

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STATE BOARD OF ADMINISTRATION

RULE NO.: RULE TITLE:

19-7.002Investment Policy Guidelines

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

DATE AND TIME: September 29, 2015, 9:00 a.m. (ET) to conclusion of the meeting

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Trustees of the State Board of Administration to authorize the State Board of Administration to file a Notice of Proposed Rule for amendments to Rule 19-7.002 to adopt the most recent version of the Investment Policy Statement for Florida PRIME and to remove all references to Fund B which now has been closed, and to file this rule for adoption if no member of the public timely requests a rule hearing or if a rule hearing is requested but no Notice of Change is needed.

A copy of the agenda may be obtained by contacting: Diane Bruce, (850)413-1253, [diane.bruce@sbafla.com](mailto:diane.bruce@sbafla.com)

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**EXECUTIVE OFFICE OF THE GOVERNOR**

The Florida Children and Youth Cabinet announces a public meeting to which all persons are invited.

DATE AND TIME: October 5, 2015, 1:00 p.m. – 5:00 p.m.

PLACE: The Capitol, Governor's Cabinet Meeting Room, Lower Level, 400 S. Monroe Street, Tallahassee FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Cabinet members will meet to conduct regular business of the Children and Youth Cabinet.

A copy of the agenda may be obtained by contacting: Nicole Stookey, Department of Children and Families, (850)488-9410 or [Nicole.Stookey@myflfamilies.com](mailto:Nicole.Stookey@myflfamilies.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 3 days before the workshop/meeting by contacting: Nicole Stookey, Department of Children and Families, (850)488-9410 or [Nicole.Stookey@myflfamilies.com](mailto:Nicole.Stookey@myflfamilies.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Nicole Stookey, Department of Children and Families, (850)488-9410 or [Nicole.Stookey@myflfamilies.com](mailto:Nicole.Stookey@myflfamilies.com).

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**EXECUTIVE OFFICE OF THE GOVERNOR**

Division of Emergency Management

The Local Emergency Planning Committee (LEPC), Chairpersons and Staff Contacts announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2015, 1:30 p.m.

PLACE: Sandestin Golf & Beach Resort, 9300 Emerald Coast Parkway, Destin, FL 32550

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the activities and goals of the Local Emergency Planning Committee in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**EXECUTIVE OFFICE OF THE GOVERNOR**

Division of Emergency Management

The State Emergency Response Commission for Hazardous Materials (SERC) announces a public meeting to which all persons are invited.

DATE AND TIME: October 9, 2015, 10:00 a.m.

PLACE: Sandestin Golf & Beach Resort, 9300 Emerald Coast Parkway, Destin, FL 32550

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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**EXECUTIVE OFFICE OF THE GOVERNOR**

Division of Emergency Management

The State Emergency Response Commission for Hazardous Materials Training Task Force (TTF) announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2015, 9:30 a.m.

PLACE: Sandestin Golf & Beach Resort, 9300 Emerald Coast Parkway, Destin, FL 32550

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss the activities and goals of the Training Task Force and other hazardous materials training issues.

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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**EXECUTIVE OFFICE OF THE GOVERNOR**

Division of Emergency Management

The Division of Emergency Management announces a public meeting to which all persons are invited.

DATE AND TIME: September 30, 2015, 2:30 p.m.

PLACE: William E. Sadowski Office Building, 2555 Shumard Oak Blvd., Room 120L, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with the timeframe set forth in section 120.525, Florida Statutes, a Public Opening is hereby noticed within the timeline for the Request for Proposal (RFP-DEM-15-16-037) for Florida Statewide Emergency Alert and Notification System.

The Division reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Division will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Review (FAR). Access the VBS at: [http://vbs.dms.state.fl.us/vbs/main\\_menu](http://vbs.dms.state.fl.us/vbs/main_menu).

A copy of the agenda may be obtained by contacting: Tara Walters, Division Purchasing Specialist, Bureau of Finance, Florida Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399, (850)410-1391, [Tara.Walters@em.myflorida.com](mailto:Tara.Walters@em.myflorida.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: Tara Walters, (850)410-1391, [Tara.Walters@em.myflorida.com](mailto:Tara.Walters@em.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**REGIONAL PLANNING COUNCILS**

East Central Florida Regional Planning Council

The Local Emergency Planning Committee District VI announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, October 23, 2015, 10:00 a.m.

PLACE: East Central Florida Regional Planning Council, 309 Cranes Roost Blvd., Suite 2000, Mayor John H. Land Boardroom, Altamonte Springs, FL 32701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Material related to EPCRA Community right-to-know.

A copy of the agenda may be obtained by contacting: Michelle Cechowski at (407)262-7772, ext. 317 or [michelle@ecfrpc.org](mailto:michelle@ecfrpc.org).

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 13, 2015, 1:30 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 US Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: Environmental Advisory Committee meeting: Discuss committee business. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211

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: SWFWMD Human Resources Bureau Chief at 1(800)423-1476 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103 or email: [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: [Dennis.cockrell@watermatters.org](mailto:Dennis.cockrell@watermatters.org), 1(800)423-1476 (FL only) or (352)796-7211, ext. 4400(Ad Order EXE0458)

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 14, 2015, 1:00 p.m.

PLACE: SWFWMD Headquarters, 2379 Broad Street, Brooksville, FL 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: Springs Coast Management Committee: Discussion will

include the framework for management plans, approval of BMAP Nutrient Management Strategy & Management Actions and other water quality drivers. Review of draft Kings Bay SWIM Plan.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar; 1(800)423-1476 (FL only) or (352)796-7211.

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: SWFWMD Human Resources Bureau Chief at 1(800)423-1476 (FL only) or (352)796-7211, ext. 4703; TDD (FL only) 1(800)231-6103 or email: ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Chris.zajac@watermatters.org; 1(800)423-1476 (FL only) or (352)796-7211, ext. 4413 (Ad Order EXE0459).

#### AGENCY FOR HEALTH CARE ADMINISTRATION Medicaid

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

DATE AND TIME: October 13, 2015, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308

Operator assisted phone access will be available by dialing: 1(877)809-7264, followed by participant code: 78822163#

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The quarterly meeting of the Medical Care Advisory Committee (MCAC). This meeting will include a Post Award Forum on Florida's Managed Medical Assistance (MMA) program from 1:00 p.m. – 2:00 p.m. and a Post Award Forum on Florida's Family Planning (FP) program from 2:00p.m. – 2:30p.m.

Additional agenda topics will be covered from 2:30 p.m. – 3:00 p.m. and subcommittee breakout sessions will be held from 3:00 p.m. – 4:00 p.m.

A copy of the agenda may be obtained by contacting: Carla Sims at (850)412-4013 or Carla.sims@ahca.myflorida.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 7 days before the workshop/meeting by

contacting: Carla Sims at (850)412-4013 or Carla.sims@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Carla Sims at (850)412-4013 or Carla.sims@ahca.myflorida.com.

#### DEPARTMENT OF MANAGEMENT SERVICES Commission on Human Relations

The Florida Commission on Human Relations announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 14, 2015, 10:00 a.m., ET.

PLACE: Call 1(888)670-3525; when prompted enter passcode: 1760507820, followed by the # key

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of the meeting is for the Commission to vote on the disposition of cases pending before it for decision.

A copy of the agenda may be obtained by contacting: Jim Mallue at (850)907-6805 or Jim.Mallue@fchr.myflorida.com.

**ACCESS POINT:** The FCHR office at 4075 Esplanade Way, Room 110, Tallahassee, FL 32399, will serve as an access point for this meeting. Interested persons wishing to attend this meeting may also do so by appearing in person at this designated access point, at which location telephonic access to the meeting will be provided.

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: Jim Mallue at (850)907-6805 or Jim.Mallue@fchr.myflorida.com.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

##### Board of Architecture and Interior Design

The Board of Architecture and Interior Design announces a public meeting to which all persons are invited.

DATE AND TIME: October 8, 2015, 9:00 a.m. and October 9, 2015, 9:00 a.m.

PLACE: Crowne Plaza Pensacola Grand, 200 E. Gregory Street, Pensacola, Florida 32501, Telephone: (850)433-3336

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** October 8, 2015, 9:00 a.m. - General Business, including disciplinary cases and reports. If time permits discussion items - architecture profession, interior design profession, and rules. October 9, 2015, 9:00 a.m. - General Business including discussion items -architecture profession, interior design profession, rules, reports, and review of applications.



A copy of the agenda may be obtained by contacting: Board of Architecture and Interior Design, 1940 N. Monroe Street, Tallahassee, Florida 32399-0751, Telephone: (850)717-1982.

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: Board of Architecture and Interior Design, 1940 N. Monroe Street, Tallahassee, Florida 32399-0751, Telephone: (850)717-1982. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

For more information, you may contact: Board of Architecture and Interior Design, 1940 N. Monroe Street, Tallahassee, Florida 32399-0751, Telephone: (850)717-1982.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

Board of Accountancy

The Board of Accountancy announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 15, 2015, 2:00 p.m., until all business is concluded

PLACE: Conference call, dial in number: 1(888)670-3525; Pass code number: 1368986679#

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Budget Task Force will meet to discuss the board's quarter financials.

A copy of the agenda may be obtained by contacting: Denise Graves.

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: Denise Graves. 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).

For more information, you may contact: Denise Graves, (352)313-6607.

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**DEPARTMENT OF HEALTH**

The Board of Nursing announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 6, 2015, 10:00 a.m.

PLACE: Department of Health, Tallahassee at Meet Me number: 1(888)670-3525, pass code: 9908086106

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider cases where Probable Cause has previously been found.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3252.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: the Board at (850)245-4125. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

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**DEPARTMENT OF CHILDREN AND FAMILIES**

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

DATE AND TIME: October 8, 2015, 10:00 a.m. – 11:30 a.m., ET

PLACE: Human Services Building, 1000 W. Tharpe Street, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Children and Families, Circuit 2 Alliance - Community Action Team to provide a forum for providers and the Community to identify needs and gaps in services in order to improve the lives of children and families in the Big Bend area which covers Franklin, Gadsden, Jefferson, Leon, Liberty and Wakulla Counties. For those that cannot attend in person, the following conference call number is being provided for their convenience: 1(888)670-3525, participant code: 6368767367. Agenda: New Business - Executive Committee Report, Nominating Committee, Child Abuse Prevention Plan Review, Department of Children and Families Update, Big Bend Community Based Care Update, Managing Entity Updates, System of Care Update; Unfinished Business - Membership Agreements.

A copy of the agenda may be obtained by contacting: Jeanna Olson, Circuit 2 & 14 Community Development Administrator, at (850)921-8269 or at jeanna.olson@myflfamilies.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: Jeanna Olson, Circuit 2 & 14 Community Development Administrator, at (850)921-8269 or at

jeanna.olson@myflfamilies.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Jeanna Olson, Circuit 2 & 14 Community Development Administrator, at (850)921-8269 or jeanna.olson@myflfamilies.com.

**FOUNDATION FOR INDIGENT GUARDIANSHIP**

The Foundation for Indigent Guardianship, Inc. announces a telephone conference call to which all persons are invited.

DATE AND TIME: October 6, 2015, 4:00 p.m. – 5:30 p.m., ET  
 PLACE: 1(888)670-3525, pass code: 7919129022#

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
 General Business Meeting.

A copy of the agenda may be obtained by contacting: LeeAnn Herman at lhflgator@gmail.com.

For more information, you may contact: LeeAnn Herman, lhflgator@gmail.com.

**Section VII**

**Notice of Petitions and Dispositions  
 Regarding Declaratory Statements**

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Roy Flournoy on May 5, 2015. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 41, No. 119, of the June 19, 2015, Florida Administrative Register. The Petitioner seeks a declaratory statement regarding Section 489.105(3)(a), Florida Statutes, as to whether it is permissible for a Certified General Contractor to perform progress/draw inspections on construction projects for financial institutions who are financing the project, for the purpose of establishing the status of construction of the project, and verifying stored and/or purchased materials. The Board’s Order, filed on September 16, 2015, declines to issue a declaratory statement in this matter because the Petition is not legally sufficient pursuant to 28-105.002, F.A.C. It is not signed or dated, and does not cite the circumstances surrounding the Petition.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783,

(850)487-1395 or by email:  
 Amanda.Wynn@myfloridalicense.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by James Friedrichs on May 13, 2015. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 41, No. 124, of the June 26, 2015, Florida Administrative Register. The Petitioner seeks a declaratory statement regarding paragraph 61G4-15.015(2)(b), F.A.C., as to the following: (1) definition or interpretation of a preformed panel-post and beam roof; (2) whether a Specialty Structure Contractor install preformed panel metal roofs on site built residential or commercial structures where the preformed panel is being installed directly over existing roofing; (3) whether the term "manufactured housing" include homes certified by the U.S. Department of Housing and Urban Development, commonly referred to as mobile homes and manufactured or modular homes regulated by the Department of Business & Professional Regulation; (4) if the Board determines that a Specialty Structure Contractor's scope of work includes roof-overs of both classifications of manufactured homes, whether it would be the Board's opinion the intent and spirit of this scope of work extend to residential and commercial site-built structures; and (5) whether the building official of a local jurisdiction can determine the scope of work of a state certified contractor where there is a question and or conflict. The Board’s Order, filed on September 16, 2015, declines to issue a declaratory statement in this matter because the Petitioner is not substantially affected, as required by section 120.565, Florida Statutes, and the Petitioner is not a licensee.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)487-1395 or by email:  
 Amanda.Wynn@myfloridalicense.com.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

Construction Industry Licensing Board

NOTICE IS HEREBY GIVEN that the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Stephen F. Bender/HeatEx Industries, Inc. on June 11, 2015. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Volume 41, No. 119, of the June 19, 2015, Florida Administrative Register. The Petitioner seeks a declaratory statement as to whether a license is required for an industrial welding contractor in the State of Florida when the welding process is used to repair boilers in petrochemical and power facilities and does not erect, modify, or change any existing structures. The Board’s Order, filed on September 16, 2015, declines to issue a declaratory statement in this matter because the Petitioner is not substantially affected, as required by Section 120.565, Florida Statutes. The inquiry of the Petition for Declaratory Statement is answered in the statute.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Dan Biggins, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783, (850)487-1395 or by email: Amanda.Wynn@myfloridalicense.com.

DEPARTMENT OF FINANCIAL SERVICES

Finance

NOTICE IS HEREBY GIVEN that the Office of Financial Regulation has received the petition for declaratory statement from Check Mart of Florida, Inc. d/b/a The Check Cashing Store on July 13, 2015. The petition seeks the agency's opinion as to the applicability of Chapter 560, Florida Statutes, as it applies to the petitioner.

The petition seeks a declaratory statement as to whether Petitioner’s proposed business model of offering its deferred presentment services to Florida residents (on-line lending through a Central Authorization location accessed via its internet website) requires additional licensing under Chapter 560, Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889.

Please refer all comments to: Agency Clerk, Office of Financial Regulation, P.O. Box 8050, Tallahassee, Florida 32314-8050, (850)410-9889.

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

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

NONE

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

NONE

Section IX  
Notice 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 THE LOTTERY

Notice of Publication of 2015-2016 Regulatory Plan  
NOTICE IS HEREBY GIVEN that on September 17, 2015, the Department of the Lottery published its 2015-2016 Regulatory Plan in accordance with Section 120.74(1), F.S., as amended by Ch. 2015-162, Laws of Florida. The Regulatory Plan is available on the Florida Lottery’s website at <http://www.flalottery.com/exptkt/FY2015-16RegulatoryPlan.pdf>.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF PROPOSED WATER QUALITY STUDY  
The Department of Environmental Protection (FDEP) gives notice of the intent of Mosaic Fertilizer, LLC to conduct a study of water quality in Brushy Creek, Lettis Creek and Troublesome Creek in Hardee County, to which the company proposes to discharge under its FDEP Permit (No. FL0040177) Mosaic Hardee South Pasture Mine. The purpose of this study is to establish appropriate numeric interpretations of the narrative nutrient standard for Brushy Creek, Lettis Creek and

Troublesome Creek under Rules 62-302.531 and Chapter 62-650, Florida Administrative Code (FAC). At the conclusion of the study, these numeric interpretations may be established as Level II Water Quality Based Effluent Limits (WQBELs), or another site-specific order of the FDEP.

Upon request, the plan of study (POS) is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, 2600 Blair Stone Road, Room 205E, Tallahassee, FL 32399, (850)245-8190 or the Department of Environmental Protection, Phosphate Management Section, 13051 N. Telecom Parkway, Temple Terrace, FL 33637-0926, (813)470-5911. Electronic copies of the POS are also available during normal business hours.

Any interested person may submit written comments on the POS to: Nia Wellendorf, Aquatic Ecology and Quality Assurance Section, Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399, Nijole.Wellendorf@dep.state.fl.us. Comments must be received within 14 days of publication of this notice.

In response to comments received pertaining to the POS prior to the proposed commencement date, the applicant may revise the POS if necessary. Upon approval of any revisions to the POS by FDEP, the applicant shall conduct the study for purposes of establishing numeric interpretations of the narrative nutrient standard for the affected receiving waters.

Although FDEP may allow for informal dispute resolution during the study period, the study is considered free-form agency decision making and does not constitute proposed agency action until notice of such is given pursuant to subsection 62-650.500(8), F.A.C.

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 State Revolving Fund Program  
 NOTICE OF AVAILABILITY  
 FLORIDA CATEGORICAL EXCLUSION NOTICE  
 Palmetto, Florida

The Florida Department of Environmental Protection (DEP) has determined that the City of Palmetto's project involving the construction of a 2 million gallon equalization tank, odor control system and a flow splitter box facilities at the wastewater treatment plant is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$3,985,000. The project may qualify for a Clean Water State Revolving Fund (CWSRF) loan comprised of federal or state funds. DEP will consider public comments about the environmental impacts of the proposed project that are postmarked or delivered at the address below within 30 days of this notice. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Pankaj Shah, CWSRF Program, Department of Environmental

Protection, 3900 Commonwealth Boulevard, MS 3505, Tallahassee, Florida 32399-3000, call: (850)245-2962 or email: Pankaj.shah@dep.state.fl.us.

DEPARTMENT OF HEALTH  
 Board of Nursing

Notice of Emergency Action

On September 23, 2015, the State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Greg M. Hilbert, L.M.T., License #: MA 49592. This Emergency Restriction 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 (2008-2015). 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

Notice of Emergency Action

On September 23, 2015, State Surgeon General issued an Order of Emergency Restriction of Certification with regard to the certificate of Lateef A. Akolade, C.N.A., Certification #: CNA 161948. This Emergency Restriction 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 (2014). 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.

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.