

Section I
Notice of Development of Proposed Rules
and Negotiated Rulemaking

NONE

Section II
Proposed Rules

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NOS.: RULE TITLES:

59C-1.040 Hospital Inpatient General Psychiatric Services

59C-1.041 Hospital Inpatient Substance Abuse Services

PURPOSE AND EFFECT: The Agency is proposing to amend Rules 59C-1.040 and 59C-1.041, F.A.C., to remove, update and condense language regarding new hospital inpatient psychiatric services and hospital inpatient substance abuse services.

SUMMARY: The proposed amendments to this rule include: updates to definitions, updates to language on excluded hospitals, updating statutory language, improving/condensing the language for the needs assessment methodology, removing references to State and Local Health Council District health plans, removing language citing Rule 59C-1.038, F.A.C. (repealed), removing language requiring accreditation pursuant to Section 408.043(4), F.S., removing obsolete language and items from the utilization reporting requirement, removing language regarding amended licenses and removing language regarding the applicability of the amended rule.

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine the need for a SERC. As there will be no impact on economic growth, job creation or employment, private-sector investment, or business competitiveness and no increase in regulatory costs—no adverse impact is likely.

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: 408.034(3), (8), 408.15(8) FS.

LAW IMPLEMENTED: 408.034(3), 408.035, 408.036(1)(b), (c), 408.039(4)(a) 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:

DATE AND TIME: February 26, 2015, 8:30 a.m.

PLACE: The Agency for Health Care Administration, 2828 Mahan Drive, Building Three, Conference Room C, Tallahassee, Florida 32308

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: Marisol Fitch, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida or call (850)412-4346 or email at Marisol.fitch@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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Marisol Fitch, Certificate of Need, 2727 Mahan Drive, Mail Stop 28, Building 1, Tallahassee, Florida or call (850)412-4346 or email at Marisol.fitch@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59C-1.040 New Hospital Inpatient General Psychiatric Services.

(1) Agency Intent. ~~This rule implements the provisions of Sections 408.032(9), 408.034(3), 408.034(6), 408.036(1)(b), (c), 395.002(15) and 395.003(4), F.S.~~ It is the intent of the Agency to ensure the availability of hHospital iInpatient General pPsychiatric sServices as defined in this rule for children, adolescents and adults in need of these services regardless of their ability to pay. This rule regulates the establishment of new Hospital iInpatient General pPsychiatric hospitals and new inpatient intensive residential treatment facilities for children and adolescents Services, ~~the construction or addition of new hospital inpatient general psychiatric beds, the conversion of licensed hospital beds to hospital inpatient general psychiatric beds,~~ and specifies which services can be provided by licensed or approved providers of hHospital iInpatient General pPsychiatric sServices.

(2) Definitions.

(a) "Adolescent." A person age 14 through 17.

(b) "Adult." A person age 18 and over.

(c) "Agency." The Agency for Health Care Administration.

~~(d)(e)~~ "Approved Hospital Inpatient ~~General~~ Psychiatric Bed." A proposed hospital inpatient ~~general~~ psychiatric bed for which an exemption pursuant to paragraph 59C-1.005(6)(i), F.A.C., or notification pursuant to subsection 59C-1.0085(2), F.A.C. a Certificate of Need, a letter of intent to grant a ~~c~~Certificate of ~~n~~Need, a signed stipulated agreement, or a final order granting a ~~c~~Certificate of ~~n~~Need was issued, consistent with the provisions of paragraph 59C-1.008(2)(b), F.A.C., as of the most recent published deadline for Agency initial decisions prior to publication of the ~~f~~Fixed ~~n~~Need ~~p~~Pool, as specified in paragraph 59C-1.008(1)(g), F.A.C.

~~(e)(d)~~ "Charity Care." Is defined the same as in Section 409.911 (1), F.S. The portion of hospital charges for which there is no compensation, for care provided to patients whose family income as applicable for the 12 months preceding the determination does not exceed 150% percent of the current Federal Poverty Guidelines, or for care provided to patients for whom the hospital charges are greater than 25% percent of an annual family income which does not exceed four times the current Federal Poverty Level for a family of four, as defined in the Health Care Board's Florida Hospital Uniform Reporting System Manual, Chapter III, Section 3223.

~~(f)(e)~~ "Child." A person under the age of 14 years.

~~(f)~~ "Department." The Agency for Health Care Administration.

(g) "District." A District of the Agency defined in Section 408.032(5), F.S.

(h) "Fixed Bed Need Pool." The numerical hospital inpatient ~~general~~ psychiatric bed need for adults, or for children and adolescents, for the applicable planning horizon, as established by the Agency in accordance with this rule and subsection 59C-1.008(2), F.A.C.

~~(i)~~ "General Hospital." A hospital which provides services to the general population and does not restrict its services to any specified medical or psychiatric illness or to any specified age or gender group of the population, as defined in Section 395.002(10), F.S.

~~(i)(j)~~ "Gross Bed Need." The number of hospital inpatient ~~general~~ psychiatric beds projected for a District for the applicable planning horizon under paragraphs (4)(c) or (4)(f) of this rule, except that the number of licensed beds and approved beds is not subtracted from the projected total.

~~(j)(k)~~ "Hospital Inpatient ~~General~~ Psychiatric Bed." A bed designated for the exclusive use of patients receiving ~~h~~Hospital ~~i~~npatient ~~General~~ ~~p~~Psychiatric ~~s~~Services as defined by this rule.

~~(k)(l)~~ "Hospital Inpatient ~~General~~ Psychiatric Services." Services provided under the direction of a psychiatrist or clinical psychologist to persons whose sole diagnosis, or in the event of more than one diagnosis, the principal diagnosis as ~~defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM III R)~~ is a psychiatric disorder defined in paragraph (2)(~~p~~) of this rule.

~~(l)(m)~~ "Intensive Residential Treatment Program for Children and Adolescents." An inpatient program which provides intensive residential treatment services for children and adolescents, as described in Section 395.002(15), F.S., ~~including 24 hour care and diagnosis and treatment of patients under the age of 18 having psychiatric disorders. A facility may seek Certificate of Need approval for an intensive residential treatment program for children and adolescents in order to have the program beds licensed as specialty hospital beds for Hospital Inpatient General Psychiatric Services, in accordance with Section 395.003(2)(f), F.S. and Chapter 59A-3, F.A.C.~~ The net need for intensive residential treatment program beds for children and adolescents in facilities seeking to have the beds licensed as specialty hospital beds is included in the net need for ~~h~~Hospital ~~i~~npatient ~~General~~ ~~p~~Psychiatric ~~b~~Beds for ~~c~~Children and ~~a~~Adolescents calculated under paragraph (4)(f) of this rule.

~~(n)~~ "Local Health Council." The council referenced in Section 408.033, F.S.

~~(m)(o)~~ "Planning Horizon." The projected date by which a proposed hospital inpatient ~~general~~ psychiatric service would be initiated. For purposes of this rule, the planning horizon for applications submitted between January 1 and June 30 is July of the year 5 years subsequent to the year the application is submitted; the planning horizon for applications submitted between July 1 and December 31 is January of the year 5 years subsequent to the year which follows the year the application is submitted.

~~(n)(p)~~ "Psychiatric Disorder." For purposes of this rule, a psychiatric disorder is a mental illness as defined in Section 394.455(18), F.S., which requires inpatient hospitalization, disorder coded in any sub-classification of category 290 or coded in any sub-classification of categories 293 through 302 or coded in any sub-classification of categories 306 through 316, in Axis I or Axis II, consistent with the diagnostic categories defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM III R), incorporated herein by reference; or equivalent codes in the following sub-classifications in the International Classification of Disease (ICD 9), incorporated herein by reference: category 290, 293 through 302 or 306 through 316.

~~(o)(q)~~ "Separately Organized Unit." A specific section, ward, wing, or floor with a separate nursing station designated

exclusively for the care of ~~hHospital iInpatient General~~ ~~pPsychiatric sServices~~ patients.

~~(p)(*)~~ “Specialty Beds.” Specialty beds include ~~comprehensive medical rehabilitation beds,~~ hospital inpatient substance abuse beds, ~~and the hospital inpatient general~~ psychiatric beds and beds in ~~iIntensive rResidential tTreatment~~ ~~pPrograms~~ for ~~cChildren~~ and ~~aAdolescents~~ licensed as specialty hospital beds which are regulated under this rule.

~~(q)(*)~~ “Specialty Hospital.” A ~~specialty~~ hospital hospital is as defined by subsection 395.002(28), F.S. which restricts its services to a specified category of medical or psychiatric illness or to a specified age or gender group of the population, as defined in Section 395.002(28), F.S., including a facility with an intensive residential treatment program for children and adolescents which is licensed as a specialty hospital.

~~(r)(*)~~ “Substance Abuse.” The misuse or abuse of, or dependence on alcohol, illicit drugs, or prescription medications which requires inpatient hospitalization. A disorder coded in any sub-classification of categories 291, 292, 303, 304 or 305 in Axis I or Axis II consistent with the diagnostic categories defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R), incorporated herein by reference; or equivalent codes in any sub-classification of categories 291, 292, 303, 304 or 305 consistent with the diagnostic categories defined in the International Classification of Diseases (ICD-9), incorporated herein by reference.

(3) General Provisions.

(a) Admissions to Hospital Inpatient ~~General~~ Psychiatric Services. Admission to facilities with a ~~cCertificate of nNeed~~ for ~~hHospital iInpatient General~~ ~~pPsychiatric sServices~~ is limited to persons whose sole diagnosis, or in the event of more than one diagnosis, the principal diagnosis, is a psychiatric disorder as defined in paragraph (2). ~~in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R) is a disorder coded in any sub-classification of category 290 or coded in any sub-classification of categories 293 through 302 or coded in any sub-classification of categories 306 through 316, in Axis I or Axis II, consistent with the diagnostic categories defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R), incorporated herein by reference; or equivalent codes in the following sub-classifications in the International Classification of Disease (ICD-9), incorporated herein by reference: category 290, 293 through 302 or 306 through 316.~~ Psychiatric patients in need of medical/surgical care may be treated in acute care medical/surgical beds for their medical/surgical care needs or in a psychiatric services unit if the unit is properly staffed and equipped to care for the medical/surgical problem.

(b) Service Location. This rule applies to the establishment of new psychiatric inpatient ~~The Hospital~~

~~Inpatient General Psychiatric Services regulated under this rule may be provided in a hospital licensed as a general hospital or licensed as a specialty hospital,~~ including a facility with an intensive residential treatment program for children and adolescents which is licensed as a specialty hospital.

(c) Separate Regulation of Age Categories. The Agency regulates two types of ~~hHospital iInpatient General~~ ~~pPsychiatric sServices~~, those services which are used for ~~general~~ psychiatric treatment of adults, and those services used for ~~general~~ psychiatric treatment of children and adolescents. Certificate of ~~nNeed~~ applications for the establishment of ~~hHospital iInpatient General~~ ~~pPsychiatric sServices~~ for adults shall be reviewed separately from ~~cCertificate of nNeed~~ applications for ~~hHospital iInpatient General~~ ~~pPsychiatric sServices~~ for children and adolescents. A separate ~~cCertificate of nNeed~~ shall be issued for each service.

(d) Separately Organized Units. Hospital ~~iInpatient General~~ ~~pPsychiatric sServices~~ for ~~aAdults~~ shall be provided in one or more separately organized units within a ~~general hospital or specialty hospital~~. Hospital ~~iInpatient General~~ ~~pPsychiatric sServices~~ for ~~cChildren~~ and ~~aAdolescents~~ shall be provided in one or more separately organized units within a ~~general hospital or specialty hospital~~.

(e) Minimum Size of Specialty Hospitals. A specialty hospital providing ~~hHospital iInpatient General~~ ~~pPsychiatric sServices~~, or an intensive residential treatment program for children and adolescents licensed as a specialty hospital, shall have a minimum ~~total~~ capacity of 40 beds. The minimum capacity of a specialty hospital providing ~~hHospital iInpatient General~~ ~~pPsychiatric sServices~~ may include beds used for ~~hHospital iInpatient sSubstance aAbuse sServices~~ regulated under Rule 59C-1.041, F.A.C. The separately organized units for ~~hHospital iInpatient General~~ ~~pPsychiatric sServices~~ for adults or for children and adolescents in specialty hospitals shall meet the minimum size requirements stated in subsection (5) of this rule. Hospitals inventoried consistent with the provisions of subsection (11) of this rule are exempt from meeting the minimum capacity and minimum unit size requirements of this paragraph unless or until they submit a proposal which would modify the number of beds listed in the inventory.

(f) Conformance with the Criteria for Approval. A ~~cCertificate of nNeed~~ for the establishment of new ~~Hospital iInpatient General~~ ~~pPsychiatric~~ specialty hospital ~~sServices,~~ ~~or the expansion of existing services by addition of beds,~~ shall not normally be approved unless the applicant meets the applicable review criteria in Section 408.035, F.S., and the standards and need determination criteria set forth in this rule.

~~(g) Accreditation of Intensive Residential Treatment Programs for Children and Adolescents. A Licensed Intensive~~

~~Residential Treatment Program for children and adolescents applying for a Certificate of Need in order to have the program beds licensed as specialty hospital beds shall be accredited by the Joint Commission on Accreditation for Healthcare Organizations prior to submitting a Certificate of Need application.~~

~~(g)(h) Required Services. Hospital inpatient General psychiatric services whether provided directly by the hospital or under contract shall include, at a minimum, emergency screening services, pharmacology, individual therapy, family therapy, activities therapy, discharge planning, and referral services.~~

~~(h)(i) Excluded Hospitals. Hospitals operated by the State of Florida or the federal government are not regulated under this rule pursuant to Section 408.036 (3)(d), (r) and (s), F.S.~~

~~(4) Criteria for Determination of Need.~~

~~(a) Bed Need. A favorable need determination for proposed new inpatient psychiatric or expanded hospital inpatient general psychiatric services shall not normally be made unless a bed need exists according to the numeric need methodology specified in paragraphs (4)(c) or (4)(f) of this rule.~~

~~(b) Fixed Bed Need Pool. The future need for hospital inpatient general psychiatric services for adults shall be determined twice a year and published by the Agency as a fixed bed need pool for the applicable planning horizon. The future need for hospital inpatient general psychiatric services for children and adolescents shall be determined twice a year and published by the Agency as a fixed bed need pool for the applicable planning horizon.~~

~~(c) Need Formula for Hospital Inpatient General Psychiatric Beds for Adults. The net bed need for hospital inpatient general psychiatric beds for adults in each District shall be calculated in accordance with the following formula:~~

~~$$NNA = ((PDA/PA \times PPA) / (365 \times .75)) - LBA - ABA$$~~

~~where:~~

~~1. NNA equals the net need for hospital inpatient general psychiatric beds for adults in a district.~~

~~2. PDA equals the number of inpatient days in hospital inpatient general psychiatric beds for adults in a district for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed bed need pool.~~

~~3. PA equals the estimated population age 18 and over in the District. For applications submitted between January 1 and June 30, PA is the population estimate for January of the preceding year; for applications submitted between July 1 and December 31, PA is the population estimate for July of the preceding year. The population estimate shall be the most recent estimate published by the Office of the Governor and~~

available to the Agency at least 6 weeks prior to publication of the fixed bed need pool.

4. PPA equals the estimated population age 18 and over in the District for the applicable planning horizon. The population estimate shall be the most recent estimate published by the Office of the Governor and available to the Agency at least 6 weeks prior to publication of the fixed bed need pool.

5. .75 equals the desired average annual occupancy rate for hospital inpatient general psychiatric beds for adults in the district.

6. LBA equals the District's number of licensed hospital inpatient general psychiatric beds for adults as of the most recent published deadline for Agency initial decisions prior to publication of the fixed bed need pool.

7. ABA equals the District's number of approved hospital inpatient general psychiatric beds for adults, as determined consistent with the provisions of paragraph (2)(e) of this rule.

(d) Need formula for hospital inpatient psychiatric beds for children and adolescents. The net bed need for hospital inpatient psychiatric beds for children and adolescents in each district, including beds in intensive residential treatment programs for children and adolescents seeking to have the program beds licensed as specialty hospital beds, shall be calculated in accordance with the following formula: Special Circumstances for Approval of Expanded Capacity at Hospitals with Licensed Hospital Inpatient General Psychiatric Services for Adults. Need for additional Hospital Inpatient General Psychiatric Beds for Adults is demonstrated at a hospital with licensed Hospital Inpatient General Psychiatric Services for adults in the absence of need shown under the formula in paragraph (4)(c), or the provision specified in subparagraph (4)(e)3., and regardless of the average annual district occupancy rate determined under subparagraph (4)(e)4., if the occupancy rate or the hospital's inpatient general psychiatric beds for adults equalled or exceeded 85% percent for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.

$$NNCA = ((PDCA/PCA \times PPCA) / (365 \times .75)) - LBCA - ABCA$$

where:

1. NNCA equals the net need for hospital inpatient psychiatric beds for children and adolescents in a district, including beds in intensive residential treatment programs for children and adolescents seeking to have the program beds licensed as specialty hospital beds.

2. PDCA equals the number of inpatient days in hospital inpatient psychiatric beds for children and adolescents in a district, including days in intensive residential treatment

program beds for children and adolescents which are licensed as specialty hospital beds, for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed bed need pool.

3. PCA equals the estimated population under age 18 in the district. For applications submitted between January 1 and June 30 of each year, PCA is the population estimate for January of the preceding year; for applications submitted between July 1 and December 31 of each year, PCA is the population estimate for July of the preceding year. The population estimate shall be the most recent estimate published by the Office of the Governor and available to the agency at least 6 weeks prior to publication of the fixed bed need pool.

4. PPCA equals the estimated population under age 18 in the district for the applicable planning horizon. The population estimate shall be the most recent estimate published by the Office of the Governor and available to the Agency at least 6 weeks prior to publication of the fixed bed need pool.

5. .75 equals the desired average annual occupancy rate for hospital inpatient psychiatric beds for children and adolescents in the district, including beds in intensive residential treatment programs for children and adolescents which are licensed as specialty hospital beds.

6. LBCA equals the district's number of licensed hospital inpatient psychiatric beds for children and adolescents as of the most recent published deadline for agency initial decisions prior to publication of the fixed bed need pool, including beds in intensive residential treatment programs for children and adolescents which are licensed as specialty hospital beds.

7. ABCA equals the district's number of approved hospital inpatient psychiatric beds for children and adolescents, as determined consistent with the provisions of paragraph (2)(e) of this rule, including beds in intensive residential treatment programs for children and adolescents which are seeking to have the program beds licensed as specialty hospital beds.

(e) Other Factors to be Considered in the Review of Certificate of Need Applications for Hospital Inpatient General Psychiatric Services for children and adolescents Adults.

The applicant for an intensive residential treatment program for children and adolescents seeking to have the program beds licensed as specialty hospital beds shall provide documentation that the district's licensed non-hospital residential treatment programs for children and adolescents with psychiatric disorders do not meet the need for the proposed service. This documentation shall include the number of residential facilities and beds in the district, the type of clients served, and the type of program provided. In addition, the applicant shall provide letters of support from

other mental health professionals in the district for the proposed facility.

1. Applicants shall provide evidence in their applications that their proposal is consistent with the needs of the community and other criteria contained in Local Health Council Plans, the District Alcohol, Drug Abuse and Mental Health Plan, and the State Health Plan.

2. Applications from general hospitals for new or expanded Hospital Inpatient General Psychiatric Beds for Adults shall normally be approved only if the applicant converts a number of acute care beds, as defined in Rule 59C-1.038, F.A.C., excluding specialty beds, which is equal to the number of Hospital Inpatient General Psychiatric Beds for Adults proposed, unless the applicant can reasonably project an annual occupancy rate of 75% percent for the applicable planning horizon, based on historical utilization patterns, for all acute care beds, excluding specialty beds. If conversion of the number of acute care beds which equals the number of proposed Hospital Inpatient General Psychiatric Beds for Adults would result in an annual acute care occupancy exceeding 75% percent for the applicable planning horizon, the applicant shall only be required to convert the number of beds necessary to achieve a projected annual 75% percent acute care occupancy for the applicable planning horizon, excluding specialty beds.

3. In order to ensure access to Hospital Inpatient General Psychiatric Services for Medicaid-eligible and charity care adults, 40% percent of the gross bed need allocated to each district for Hospital Inpatient General Psychiatric Services for adults should be allocated to general hospitals.

4. Regardless of whether bed need is shown under the need formula in paragraph (4)(c), no additional Hospital Inpatient General Psychiatric Beds for Adults shall normally be approved in a district unless the average annual occupancy rate of the licensed Hospital Inpatient General Psychiatric Beds for Adults in the district equals or exceeds 75 percent for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.

(f) Preferences Among Competing Applicants for Hospital Inpatient Psychiatric Services. In weighing and balancing statutory and rule review criteria, preference will be given to applicants who: Need Formula for Hospital Inpatient General Psychiatric Beds for Children and Adolescents. The net bed need for Hospital Inpatient General Psychiatric Beds for Children and Adolescents in each district, including beds in Intensive Residential Treatment Programs for Children and Adolescents seeking to have the program beds licensed as specialty hospital beds, shall be calculated in accordance with the following formula:

$$NNCA = ((PDCA/PCA \times PPCA) / (365 \times .75)) - LBCA - ABCA$$

where:

1. Provide Medicaid and charity care days as a percentage of their total patient days equal to or greater than the average percentage of Medicaid and charity care patient days of total patient days provided by other hospitals in the district, as determined by the Florida Center for Health Information and Policy Analysis hospital discharge data for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the fixed bed need pool. NNCA equals the net need for Hospital Inpatient General Psychiatric Beds for Children and Adolescents in a district, including beds in Intensive Residential Treatment Programs for Children and Adolescents seeking to have the program beds licensed as specialty hospital beds.

2. Propose to serve the most seriously mentally ill patients (e.g. suicidal patients; patients with acute schizophrenia; patients with severe depression) to the extent that these patients can benefit from a hospital-based organized inpatient treatment program. PDCA equals the number of inpatient days in Hospital Inpatient General Psychiatric Beds for Children and Adolescents in a district, including days in intensive residential treatment program beds for children and adolescents which are licensed as specialty hospital beds, for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.

3. Propose to serve Medicaid-eligible persons. PCA equals the estimated population under age 18 in the District. For applications submitted between January 1 and June 30 of each year, PCA is the population estimate for January of the preceding year; for applications submitted between July 1 and December 31 of each year, PCA is the population estimate for July of the preceding year. The population estimate shall be the most recent estimate published by the Office of the Governor and available to the Agency at least 6 weeks prior to publication of the Fixed Bed Need Pool.

4. Propose to serve individuals without regard to their ability to pay. PPCA equals the estimated population under age 18 in the District for the applicable planning horizon. The population estimate shall be the most recent estimate published by the Office of the Governor and available to the Agency at least 6 weeks prior to publication of the Fixed Bed Need Pool.

5. Agree to be a designated public or private receiving facility. .75 equals the desired average annual occupancy rate for Hospital Inpatient General Psychiatric Beds for Children and Adolescents in the district, including beds in Intensive Residential Treatment Programs for Children and Adolescents which are licensed as specialty hospital beds.

6. Provide a continuum of psychiatric services for children and adolescents, including services following discharge. LBCA equals the district's number of licensed Hospital Inpatient General Psychiatric Beds for Children and Adolescents as of the most recent published deadline for Agency initial decisions prior to publication of the Fixed Bed Need Pool, including beds in Intensive Residential Treatment Programs for Children and Adolescents which are licensed as specialty hospital beds.

7. ABCA equals the district's number of approved Hospital Inpatient General Psychiatric Beds for Children and Adolescents, as determined consistent with the provisions of paragraph (2)(c) of this rule, including beds in Intensive Residential Treatment Programs for Children and Adolescents which are seeking to have the program beds licensed as specialty hospital beds.

(g) Non-Competitive Applicants. The factors contained in paragraph (i) shall also be considered in the review of a single non-competitive certificate of need application within the district. Special Circumstances for Approval of Expanded Capacity at Hospitals with Licensed Hospital Inpatient General Psychiatric Services for Children and Adolescents. Need for additional Hospital Inpatient General Psychiatric Beds for Children and Adolescents is demonstrated at a hospital with licensed Hospital Inpatient General Psychiatric Services for children and adolescents, or in a facility with an intensive residential treatment program for children and adolescents having beds licensed as specialty hospital beds, in the absence of need shown under the formula in paragraph (4)(f) and regardless of the average annual district occupancy rate determined under subparagraph (4)(h)4., if the occupancy rate of the hospital's inpatient general psychiatric beds for children and adolescents or occupancy rate of the facility with intensive residential treatment program beds for children and adolescents equalled or exceeded 85% percent for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.

(h) Other Factors to be Considered in the Review of Certificate of Need Applications for Hospital Inpatient General Psychiatric Services for Children and Adolescents.

1. Applicants shall provide evidence in their applications that their proposal is consistent with the need of the community and other criteria contained in Local Health Council Plans, the District Alcohol, Drug Abuse and Mental Health Plan, and the State Health Plan.

2. Applications from general hospitals for new or expanded Hospital Inpatient General Psychiatric Beds for Children and Adolescents shall normally be approved only if the applicant converts a number of acute care beds, as defined in Rule 59C 1.038, F.A.C., excluding specialty beds, which is equal to the number of Hospital Inpatient General Psychiatric

~~Beds for Children and Adolescents proposed, unless the applicant can reasonably project an annual occupancy rate of 75% percent for the applicable planning horizon, based on historical utilization patterns, for all acute care beds, excluding specialty beds. If conversion of the number of acute care beds which equals the number of proposed Hospital Inpatient General Psychiatric Beds for Children and Adolescents would result in an annual acute care occupancy exceeding 75% percent for the applicable planning horizon, the applicant shall only be required to convert the number of beds necessary to achieve a projected annual 75% percent acute care occupancy for the applicable planning horizon, excluding specialty beds.~~

~~3. In order to ensure access to Hospital Inpatient General Psychiatric Services for Medicaid eligible and charity care children and adolescents, 40% percent of the gross bed need allocated to each district for Hospital Inpatient General Psychiatric Services for children and adolescents should be allocated to general hospitals.~~

~~4. Regardless of whether bed need is shown under the need formula in paragraph (4)(f), no additional Hospital Inpatient General Psychiatric Beds for Children and Adolescents or additional beds in an intensive residential treatment program for children and adolescents seeking to have the program beds licensed as specialty hospital beds shall normally be approved in a district unless the average annual occupancy rate of the licensed Hospital Inpatient General Psychiatric Beds for Children and Adolescents in the District, including beds in Intensive Residential Treatment Programs for Children and Adolescents licensed as specialty hospital beds, equals or exceeds 75% percent for the 12 month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.~~

~~5. The applicant for an intensive residential treatment program for children and adolescents seeking to have the program beds licensed as specialty hospital beds shall provide documentation that the district's licensed non hospital residential treatment programs for children and adolescents with psychiatric disorders do not meet the need for the proposed service. This documentation shall include the number of residential facilities and beds in the district, the type of clients served, and the type of program provided. In addition, the applicant shall provide letters of support from other mental health professionals in the district for the proposed facility.~~

~~(i) Preferences Among Competing Applicants for Hospital Inpatient General Psychiatric Services. In weighing and balancing statutory and rule review criteria, preference will be given to applicants who:~~

~~1. Provide Medicaid and charity care days as a percentage of their total patient days equal to or greater than the average percentage of Medicaid and charity care patient days of total~~

~~patient days provided by other hospitals in the district, as determined for the most recent calendar year prior to the year of the application for which data are available from the Health Care Board.~~

~~2. Propose to serve the most seriously mentally ill patients (e.g. suicidal patients; patients with acute schizophrenia; patients with severe depression) to the extent that these patients can benefit from a hospital based organized inpatient treatment program.~~

~~3. Propose to serve Medicaid eligible persons.~~

~~4. Propose to serve individuals without regard to their ability to pay.~~

~~5. Agree to be a designated public or private receiving facility.~~

~~6. Provide a continuum of psychiatric services for children and adolescents, including services following discharge.~~

~~(j) Non-Competitive Applicants. The factors contained in paragraph (i) shall also be considered in the review of a single non-competitive Certificate of Need application within the district.~~

~~(5) Unit Size. A separately organized unit for hHospital inpatient general psychiatic services for adults shall have a minimum of 15 beds. A separately organized unit for hHospital inpatient general psychiatic services for children and adolescents shall have a minimum of 10 beds. Facilities inventoried consistent with the provisions of subsection (11) of this rule are exempt from meeting the minimum unit size requirements of this subsection unless or until they submit a proposal which would modify the number of beds listed in the inventory.~~

~~(6) Access Standard. Hospital inpatient general psychiatic services should be available within a maximum ground travel time of 45 minutes under average travel conditions for at least 90% percent of the district's total population.~~

~~(7) Quality of Care.~~

~~(a) Compliance with Agency Standards. Hospital inpatient general psychiatic services for adults or for children and adolescents shall comply with the Agency standards for program licensure described in Chapter 59A-3, F.A.C. Intensive residential treatment programs for children and adolescents with beds licensed as specialty hospital beds shall comply with the Agency standards for program licensure described in Chapter 59A-3, F.A.C. Applicants who include a statement in their certificate of need application that they will meet applicable Agency licensure standards are deemed to be in compliance with this provision.~~

~~(b) Hospital Inpatient general Psychiatric Services for Children. As required by Section 394.4785 (2), F.S., facilities~~

providing ~~hHospital iInpatient General pPsychiatric sServices~~ to children must have beds and common areas designated for children which cannot be used by adults. Adolescents may be treated in the units designated for children. Adolescents may only be treated in units designated for adult ~~hHospital iInpatient General pPsychiatric sServices~~ if the admitting physician indicates that such placement is medically indicated, or for reasons of safety.

(c) ~~Accreditation. Applicants proposing to add beds to a licensed hospital inpatient general psychiatric service shall be accredited by the Joint Commission on Accreditation of Healthcare Organizations consistent with the standards applicable to psychiatric services provided in inpatient settings for adults or for children and adolescents. Applicants proposing a new hospital inpatient general psychiatric service shall state how they will comply with the provisions of hospital licensure as defined in Rule 59A-3.300, F.A.C., meet the accreditation standards of the Joint Commission on Accreditation of Healthcare Organizations applicable to the establishment of a new inpatient psychiatric hospital psychiatric services provided in inpatient settings for adults or for children and adolescents.~~

(d) Continuity. Providers of ~~hHospital iInpatient General pPsychiatric sServices~~ shall also provide outpatient services, either directly or through written agreements with community outpatient mental health programs, such as local psychiatrists, local psychologists, community mental health programs, or other local mental health outpatient programs.

(e) Screening Program. All facilities providing ~~hHospital iInpatient General pPsychiatric sServices~~ shall have a screening program to assess the most appropriate treatment for the patient. Patients with a dual diagnosis of a psychiatric disorder, as defined in paragraph (2)(p) and substance abuse, as defined in paragraph (2)(t), shall be evaluated to determine the types of treatment needed, the appropriate treatment setting, and, if necessary, the appropriate sequence of treatment for the psychiatric and substance abuse disorders.

(8) Services Description. An applicant for ~~a new Hospital iInpatient General pPsychiatric~~ hospital sServices shall provide a detailed program description in its ~~cCertificate of nNeed~~ application including:

(a) Age groups to be served.

(b) Specialty programs to be provided (e.g., programs for eating disorders, stress management programs).

(c) Proposed staffing, including the qualifications of the clinical director and a description of staffing appropriate for any specialty program.

(d) Patient groups ~~by primary diagnosis ICD-9 code~~ that will be excluded from treatment.

(e) Therapeutic approaches to be used.

(f) Expected sources of patient referrals.

(g) Expected average length of stay for ~~hHospital iInpatient General pPsychiatric sServices~~ discharges by age group.

(h) Projected number of ~~hHospital iInpatient General pPsychiatric sServices~~ patient days by payer type, including Medicare, Medicaid, Baker Act, private insurance, self-pay and charity care patient days for the first 2 years of operation after completion of the proposed project.

(i) Admission policies of the facility with regard to charity care patients.

(9) Quarterly Reports. Facilities providing licensed hospital inpatient psychiatric services, including facilities with intensive residential treatment program beds for children and adolescents licensed as specialty hospital beds, shall report to the Agency or its designee, within 45 days after the end of each calendar quarter, the number of hospital inpatient psychiatric services admissions and patient days by age groups (patients under age 18 years and adults). Applications from Licensed Providers of Hospital Inpatient Psychiatric Services or Intensive Residential Treatment Programs for Children and Adolescents. A facility providing licensed Hospital Inpatient General Psychiatric Services seeking Certificate of Need approval for additional hospital inpatient general psychiatric beds, or a Licensed Intensive Residential Treatment Program for children and adolescents seeking Certificate of Need approval in order to have the program beds licensed as specialty hospital beds, shall provide the following information in its Certificate of Need application in addition to the information required by subsection (8):

~~(a) Number of Hospital Inpatient General Psychiatric Services admissions and patient days or number of intensive residential treatment program admissions and patient days by age group and primary diagnosis ICD-9 code for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.~~

~~(b) Number of Hospital Inpatient General Psychiatric Services patient days or intensive residential treatment program patient days by payer type, including Medicare, Medicaid, Baker Act, private insurance, self-pay and charity care patient days, for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.~~

~~(c) Gross revenues by payer source for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.~~

~~(d) Patient days by primary diagnosis ICD-9 code for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.~~

~~(e) Current staffing.~~

~~(f) Current specialized treatment programs (e.g. eating disorders, stress management, autism).~~

(10) Intensive Residential Treatment Programs for Children and Adolescents. An intensive residential treatment program for children and adolescents which is licensed as a specialty hospital consistent with the requirements of Chapter 59A-3, F.A.C., or a provider who has received certificate of need approval for an intensive residential treatment program for children and adolescents which is not yet licensed, may apply to the Agency for licensure of the program as a psychiatric hospital with services restricted to children and adolescents if it complies with the requirements specified in Chapter 59A-3, F.A.C., which are applicable to licensure of a psychiatric hospital. Quarterly Reports. Facilities providing licensed Hospital Inpatient General Psychiatric Services, including facilities with intensive residential treatment program beds for children and adolescents licensed as specialty hospital beds, shall report to the Agency or its designee, within 45 days after the end of each calendar quarter, the number of Hospital Inpatient General Psychiatric Services admissions and patient days by age and primary diagnosis ICD 9 code.

(11) Establishment of An Inventory of Hospital Inpatient General Psychiatric Beds for Adults and Hospital Inpatient General Psychiatric Beds for Children and Adolescents.

(a) Inventory Process. The Agency shall inventory the number of Hospital Inpatient General Psychiatric Beds for Adults and the number of Hospital Inpatient General Psychiatric Beds for Children and Adolescents, including the number of beds in Intensive Residential Treatment Programs for Children and Adolescents which are licensed as specialty hospital beds. The inventory shall be based on information in certificates of need and an Agency survey of facilities with short term hospital inpatient psychiatric beds or long term psychiatric beds that were licensed prior to the effective date of this rule. Facilities with intensive residential treatment program beds for children and adolescents which were licensed as specialty hospital beds prior to the effective date of this rule will also be surveyed. All information reported in the Agency survey shall be subject to verification by the Agency.

(b) Separate Identification of Beds for Children or Adolescents Required. The determination of the number of Hospital Inpatient General Psychiatric Beds for Adults and for Children and Adolescents shall be based on the Certificate of Need issued or the provider's survey response. Providers who designate hospital inpatient general psychiatric beds for children or adolescents shall document that these beds are located in units which are organized separately from units with Hospital Inpatient General Psychiatric Beds for Adults. All hospital inpatient general psychiatric beds which are not located in documented separately organized units for children or adolescents will be listed in the inventory as Hospital Inpatient General Psychiatric Beds for Adults. All beds in

~~Intensive Residential Treatment Programs for Children and Adolescents which are licensed as specialty hospital beds will be deemed to meet the requirement for separate identification of beds for children and adolescents.~~

~~(c) Current Restrictions on Age Groups Treated. Any restrictions imposed by a Certificate of Need issued prior to the effective date of this rule regarding age groups treated in a facility's short term hospital inpatient psychiatric services or long term psychiatric services will be reflected in the inventory.~~

~~(d) Approved Hospital Inpatient General Psychiatric Beds. Short term hospital inpatient psychiatric beds and long-term psychiatric beds which are approved but not licensed as of the effective date of this rule will be listed in the inventory as Hospital Inpatient General Psychiatric Beds for Adults unless the application for the Certificate of Need which was approved identified a specific number of beds to be used for children or adolescents. Beds in approved Intensive Residential Treatment Programs for Children and Adolescents seeking to have the program beds licensed as specialty hospital beds will be listed in the inventory as approved Hospital Inpatient General Psychiatric Beds for Children and Adolescents.~~

~~(e) Publication. The Agency shall publish a preliminary inventory of the licensed or approved Hospital Inpatient General Psychiatric Services for Adults and for Children and Adolescents in the Florida Administrative Register. Providers shall have 21 days after the initial publication of the inventory to contest the inventory. Subsequent to the resolution of any issues pertaining to the preliminary inventory, the Agency shall publish a final inventory.~~

~~(12) Facilities with Short Term or Long Term Psychiatric Services. Facilities currently licensed for the provision of short term or long term psychiatric services shall be issued an amended license authorizing the provision of Hospital Inpatient General Psychiatric Services to Adults or Hospital Inpatient General Psychiatric Services to Children and Adolescents, regardless of the length of stay, based on the inventory established by this rule.~~

~~(13) Intensive Residential Treatment Programs for Children and Adolescents. An intensive residential treatment program for children and adolescents which is licensed as a specialty hospital consistent with the requirements of Chapter 59A 3, F.A.C., or a provider who has received Certificate of Need approval for an intensive residential treatment program for children and adolescents which is not yet licensed, may apply to the Agency for licensure of the program as a psychiatric hospital with services restricted to children and adolescents if it complies with the requirements specified in Chapter 59A 3, F.A.C., which are applicable to licensure of a psychiatric hospital.~~

~~(14) Applicability of this amended rule. This amended rule shall not be applied to applications that are pending final Agency action as of the effective date of the rule.~~

Rulemaking Authority 408.034(3), (8), 408.15(8) FS. Law Implemented ~~408.034(3)~~, 408.035, 408.036(1)(b), (c), 408.039(4)(a) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(o), 10-5.040, Amended 8-24-93, 2-22-95, _____.

59C-1.041 New Hospital Inpatient Substance Abuse Services .

(1) Agency Intent. This rule implements the provisions of Sections ~~408.032(9)~~, 408.034(3), 408.034(6), 408.036(1)(b), (c) and 395.003(4), F.S. It is the intent of the Agency to ensure the availability of hHospital iInpatient sSubstance aAbuse sServices for cChildren, aAdolescents and aAdults in nNeed of these services regardless of their ability to pay. This rule regulates the establishment of new Hospital iInpatient sSubstance aAbuse hospitals Services, the construction or addition of new hospital inpatient substance abuse beds, the conversion of licensed hospital beds to hospital inpatient substance abuse beds, and specifies which services can be provided by licensed or approved providers of hHospital iInpatient sSubstance aAbuse sServices.

(2) Definitions.

~~(a) “Acute Detoxification Services.” Hospital inpatient services provided under the direction of a physician intended to treat the physiological effects of acute alcohol or drug intoxication during or immediately after the acute intoxication.~~

~~(b) “Acute Severe Psychiatric Disorder.” A psychiatric disorder not currently in full remission coded in any sub-classification of categories 293 through 295, except for 293.00, or coded as 296.24, 296.34, 296.44, 296.54 or 296.64, or coded in any sub classification of categories 297 through 299, or coded as 310.10, in Axis I or Axis II, consistent with the diagnostic categories defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM III R), incorporated herein by reference; or equivalent codes in the following sub-classifications in the International Classification of Disease (ICD 9), incorporated herein by reference: category 293 through 295, except for 293.00, or coded as 296.24, 296.34, 296.44, 296.54 or 296.64, 297 through 299 or 310.10.~~

~~(a)(e) “Adolescent.” A person age 14 through 17.~~

~~(b)(d) “Adult.” A person age 18 and over.~~

(c) “Agency.” The Agency for Health Care Administration.

(d)(e) “Approved Hospital Inpatient Substance Abuse Bed.” A proposed hospital inpatient substance abuse bed for

which an exemption, notification, a cCertificate of nNeed, a letter of intent to grant a cCertificate of nNeed, a signed stipulated agreement, or a final order granting a cCertificate of nNeed was issued, consistent with the provisions of paragraph 59C-1.008(2)(b), F.A.C., as of the most recent published deadline for Agency initial decisions prior to publication of the fFixed nNeed pPool, as specified in paragraph 59C-1.008(1)(g), F.A.C.

~~(e)(f) “Charity Care.” Is defined the same as in Section 409.911 (1), F.S. The portion of hospital charges for which there is no compensation for care provided to patients whose family income as applicable for the 12 months preceding the determination does not exceed 150% percent of the current Federal Poverty Guidelines, or for care provided to patients for whom the hospital charges are greater than 25% percent of an annual family income which does not exceed four times the current Federal Poverty Level for a family of four, as defined in the Health Care Board’s Florida Hospital Uniform Reporting System Manual, Chapter III, Section 3223.~~

~~(f)(g) “Child.” A person under the age of 14 years.~~

~~(h) “Department.” The Agency for Health Care Administration.~~

~~(g)(i) “District.” A District of the Agency defined in Section 408.032(5), F.S.~~

~~(h)(j) “Fixed Bed Need Pool.” The numerical hospital inpatient substance abuse bed need for adults for the applicable planning horizon, as established by the Agency in accordance with this rule and subsection 59C-1.008(2), F.A.C.~~

~~(i)(k) “General Hospital.” Means any facility which meets the provision of Section 395.002(12), F.S. A hospital which provides services to the general population and does not restrict its services to any specified medical or psychiatric illness or to any specified age or gender group of the population, as defined in Section 395.002(4), F.S.~~

~~(l) “Gross Bed Need.” The number of hospital inpatient substance abuse beds for adults projected for a district for the applicable planning horizon under paragraph (4)(c) of this rule, except that the number of licensed beds and approved beds is not subtracted from the projected total.~~

~~(j)(m) “Hospital Inpatient Substance Abuse Bed.” A bed designated for the exclusive use of patients receiving hHospital iInpatient sSubstance aAbuse sServices as defined by this rule.~~

(k)(n) “Hospital Inpatient Substance Abuse Services.” Services provided under the direction of a professional trained and experienced in substance abuse services, including a psychiatrist, a physician certified by the American Society of Addiction Medicine, a Certified Addictions Professional, a clinical psychologist, a clinical social worker (as defined in Section 491.003(2), F.S.) or a certified master social worker (as defined in Section 491.0145, F.S.) to persons whose sole

diagnosis, or in the event of more than one diagnosis, the principal diagnosis is a substance abuse disorder defined in paragraph (2)(s) of this rule, as defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R) is a substance abuse disorder defined in paragraph (2)(u) of this rule.

~~(e) "Local Health Council." The council referenced in Section 408.033, F.S.~~

~~(l)(p) "Planning Horizon." The projected date by which a proposed hospital inpatient substance abuse service would be initiated. For purposes of this rule, the planning horizon for applications submitted between January 1 and June 30 is July of the year 5 years subsequent to the year the application is submitted; the planning horizon for applications submitted between July 1 and December 31 is January of the year 5 years subsequent to the year which follows the year the application is submitted.~~

~~(m)(q) "Psychiatric Disorder." For purposes of this rule, a psychiatric disorder is a mental illness as defined in Section 394.455(18), F.S., which requires inpatient hospitalization, disorder coded in any sub-classification of category 290 or coded in any sub-classification of categories 293 through 302 or coded in any sub-classification of categories 306 through 316, in Axis I or Axis II, consistent with the diagnostic categories defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R), incorporated herein by reference; or equivalent codes in the following sub-classifications in the International Classification of Disease (ICD-9), incorporated herein by reference: category 290, 293 through 302 or 306 through 316.~~

~~(n)(r) "Separately Organized Unit." A specific section, ward, wing, or floor with a separate nursing station designated exclusively for the care of hHospital iInpatient sSubstance aAbuse sServices patients.~~

~~(s) "Specialty Beds." Specialty beds include comprehensive medical rehabilitation beds, hospital inpatient general psychiatric beds, and the hospital inpatient substance abuse beds regulated under this rule.~~

~~(o)(t) "Specialty Hospital." A specialty hospital is as defined by subsection 395.002(28), F.S. A hospital which restricts its services to a specified category of medical or psychiatric illness or to a specified age or gender group of the population, as defined in Section 395.002(28), F.S.~~

~~(p)(u) "Substance Abuse." The misuse or abuse of, or a dependence on alcohol, illicit drugs or prescription medications which requires inpatient hospitalization. A disorder coded in any sub-classification of categories 291, 292, 303, 304 or 305 in Axis I or Axis II consistent with the diagnostic categories defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R), incorporated herein by reference; or equivalent codes in the following sub-~~

classifications in the International Classification of Disease (ICD 9), incorporated herein by reference: category 291, 292, 303, 304 or 305.

(3) General Provisions.

(a) Admissions to Hospital Inpatient Substance Abuse Services. Admission to facilities with a cCertificate of nNeed for hHospital iInpatient sSubstance aAbuse sServices is limited to persons whose sole diagnosis, or in the event of more than one diagnosis, the principal diagnosis is a substance abuse disorder as defined in paragraph (2) the Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R) is a disorder coded in any sub-classification of categories 291, 292, 303, 304 or 305 in Axis I or Axis II consistent with the diagnostic categories defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-III-R); or equivalent codes in the following sub-classifications in the International Classification of Disease (ICD-9), incorporated herein by reference: category 291, 292, 303, 304 or 305.

(b) Service Location. The hHospital iInpatient sSubstance aAbuse sServices regulated under this rule may be provided in a hospital licensed as a general hospital or licensed as a specialty hospital.

(c) Separate Regulation of Age Categories. The Agency regulates two types of hHospital iInpatient sSubstance aAbuse sServices, those services which are used for substance abuse treatment of adults, and those services used for substance abuse treatment of children and adolescents. Certificate of nNeed applications for the establishment of hHospital iInpatient sSubstance aAbuse sServices for adults shall be reviewed separately from cCertificate of nNeed applications for hHospital iInpatient sSubstance aAbuse sServices for children and adolescents. A separate cCertificate of nNeed shall be issued for each service.

(d) Separately Organized Units. Hospital iInpatient sSubstance aAbuse sServices for adults shall be provided in one or more separately organized units within a general hospital or specialty hospital. Hospital iInpatient sSubstance aAbuse sServices for children and adolescents shall be provided in one or more separately organized units within a general hospital or specialty hospital.

(e) Minimum Size of Specialty Hospitals. A specialty hospital providing hHospital iInpatient sSubstance aAbuse sServices shall have a minimum total capacity of 40 beds, which may include beds used for hHospital iInpatient General pPsychiatric sServices regulated under Rule 59C-1.040, F.A.C. The separately organized units for hHospital iInpatient sSubstance aAbuse sServices for adults or for children and adolescents in specialty hospitals shall meet the minimum size requirements stated in subsection (5) of this rule. ~~Hospitals inventoried consistent with the provisions of subsection (11) of this rule are exempt from meeting the minimum capacity~~

~~and minimum unit size requirements of this paragraph unless or until they submit a proposal which would modify the number of beds listed in the inventory.~~

~~(f) Beds for Acute Detoxification. Beds used for acute detoxification services in general hospitals shall be considered a subset of the total number of medical surgical beds allocated to each district under Rule 59C 1.038, F.A.C. Beds used for acute detoxification services in specialty hospitals shall be considered a subset of the number of beds allocated to each district under subsection (4) of this rule.~~

~~(f)(g) Conformance with the Criteria for Approval. A Certificate of Need for the establishment of new Hospital Inpatient Substance Abuse hospitals Services, or the expansion of existing services by the addition of beds, shall not normally be approved unless the applicant meets the applicable review criteria in Section 408.035, F.S., and the standards and need determination criteria set forth in this rule.~~

~~(g)(h) Required Services. Hospital Inpatient Substance Abuse Services whether provided directly by the hospital or under contract shall include, at a minimum, emergency screening services; treatment planning services; pharmacology, if appropriate; individual therapy; family therapy; discharge planning; referral services, including written referral agreements for educational and vocational services; and occupational and recreational therapies.~~

~~(h)(i) Excluded Hospitals. Hospitals operated by the State of Florida or the federal government are not regulated under this rule pursuant to Section 408.036(3)(d), (r) and (s), F.S.~~

(4) Criteria for Determination of Need.

~~(a) Bed Need. A favorable need determination for proposed new or expanded Hospital Inpatient Substance Abuse hospitals Services for adults shall not normally be made unless a bed need exists according to the numeric need methodology in paragraph (4)(c) of this rule. A favorable need determination for proposed new Hospital Inpatient Substance Abuse Services for children and adolescents shall not normally be made unless a bed need exists according to the requirements of paragraph (4)(f) of this rule.~~

(b) Fixed Bed Need Pool. The future need for Hospital Inpatient Substance Abuse Services for adults shall be determined twice a year and published by the Agency as a Fixed Bed Need Pool for the applicable planning horizon.

(c) Need Formula for Hospital Inpatient Substance Abuse Beds for Adults. The net bed need for hospital inpatient substance abuse beds for adults in each District shall be calculated in accordance with the following formula:

$$NNA = ((PDA/PA \times PPA) / (365 \times .75)) - LBA - ABA$$

where:

1. NNA equals the net need for hospital inpatient substance abuse beds for adults in a district.

2. PDA equals the number of inpatient days in hospital inpatient substance abuse beds for adults in a district for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.

3. PA equals the estimated population age 18 or over in the district. For applications submitted between January 1 and June 30, PA is the population estimate for January of the preceding year; for applications submitted between July 1 and December 31, PA is the population estimate for July of the preceding year. The population estimate shall be the most recent estimate published by the Office of the Governor and available to the Agency at least 6 weeks prior to publication of the Fixed Bed Need Pool.

4. PPA equals the estimated population age 18 or over in the district for the applicable planning horizon. The population estimate shall be the most recent estimate published by the Office of the Governor and available to the Agency at least 6 weeks prior to publication of the Fixed Bed Need Pool.

5. .75 equals the desired average annual occupancy rate for hospital inpatient substance abuse beds for adults in the district.

6. LBA equals the district's number of licensed hospital inpatient substance abuse beds for adults as of the most recent published deadline for Agency initial decisions prior to publication of the Fixed Bed Need Pool.

7. ABA equals the district's number of approved hospital inpatient substance abuse beds for adults, as determined consistent with the provisions of paragraph (2)(e) of this rule.

(d) Need for Hospital Inpatient Substance Abuse Services for Children and Adolescents. The need for proposed hospital inpatient substance abuse services for children and adolescents shall be determined consistent with the following: Special Circumstances for Approval of Expanded Capacity at Hospitals with Licensed Hospital Inpatient Substance Abuse Services for Adults. Need for additional hospital inpatient substance abuse beds for adults is demonstrated at a hospital with licensed Hospital Inpatient Substance Abuse Services for adults in the absence of need shown under the formula in paragraph (4)(c), or the provision specified in subparagraph (4)(c)3., and regardless of the average annual district occupancy rate determined under subparagraph (4)(c)4., if the occupancy rate of the hospital's inpatient substance abuse beds for adults equalled or exceeded 85 percent for the 12-month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.

1. The Agency shall consider the need for hospital inpatient substance abuse services for children and adolescents within the context of licensed or approved hospital inpatient substance abuse services for children and adolescents and licensed non-hospital residential treatment programs for

children and adolescents with substance abuse disorders. The applicant for hospital inpatient substance abuse services for children and adolescents shall provide documentation that the district's licensed non-hospital residential treatment programs for children and adolescents with substance abuse disorders do not meet the need for the proposed service.

2. No additional hospital inpatient substance abuse beds for children and adolescents shall normally be approved in a district having one or more facilities with hospital inpatient substance abuse services for children and adolescents unless the average annual occupancy rate of all licensed hospital inpatient substance abuse beds for children and adolescents in the district equalled or exceeded 75 percent during the 12 month period ending 6 months prior to the application submission deadline.

(e) Preferences among competing applicants for hospital inpatient substance abuse services. In weighing and balancing statutory and rule review criteria, preference will be given to applicants who: Other Factors to be Considered in the Review of eCertificate of nNeed Applications for Hospital Inpatient Substance Abuse Services for Adults.

1. Provide Medicaid and charity care days as a percentage of their total patient days equal to or greater than the average percentage of Medicaid and charity care patient days of total patient days provided by other hospitals in the district, as determined by the Florida Center for Health Information and Policy Analysis hospital discharge data for the 12-month period ending six months prior to the beginning date of the quarter of the publication of the fixed bed need pool. Applicants shall provide evidence in their applications that their proposal is consistent with the needs of the community and other criteria contained in Local Health Council Plans, the District Alcohol, Drug Abuse and Mental Health Plan, and the State Health Plan.

2. Propose to serve Medicaid-eligible persons. Applications from general hospitals for new or expanded hospital inpatient substance abuse beds for adults shall normally be approved only if the applicant converts a number of acute care beds, as defined in Rule 59C 1.038, F.A.C., excluding specialty beds, which is equal to the number of hospital inpatient substance abuse beds for adults proposed, unless the applicant can reasonably project an annual occupancy rate of 75% percent for the applicable planning horizon, based on historical utilization patterns, for all acute care beds, excluding specialty beds. If conversion of the number of acute care beds which equals the number of proposed hospital inpatient substance abuse beds for adults would result in an annual acute care occupancy exceeding 75% percent for the applicable planning horizon, the applicant shall only be required to convert the number of beds necessary to achieve a projected annual 75% percent acute care

occupancy for the applicable planning horizon, excluding specialty beds.

3. Propose to serve substance-abusing pregnant and post-partum women regardless of their ability to pay. In order to ensure access to Hospital Inpatient Substance Abuse Services for Medicaid eligible and charity care adults, 40% percent of the gross bed need allocated to each District for Hospital Inpatient Substance Abuse Services for adults should be allocated to general hospitals.

4. Propose to serve individuals without regard to their ability to pay. Regardless of whether bed need is shown under the need formula in paragraph (4)(c), no additional hospital inpatient substance abuse beds for adults shall normally be approved for a District unless the average annual occupancy rate of the licensed hospital inpatient substance abuse beds for adults in the district equals or exceeds 75% percent for the 12 month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.

(f) Non-Competitive Applicants. The factors contained in paragraph (e) shall also be considered in the review of a single non-competitive certificate of need application within the district. Need for Hospital Inpatient Substance Abuse Services for Children and Adolescents. The need for proposed Hospital Inpatient Substance Abuse Services for children and adolescents shall be determined consistent with the following:

1. The Agency shall consider the need for Hospital Inpatient Substance Abuse Services for children and adolescents within the context of licensed or approved Hospital Inpatient Substance Abuse Services for children and adolescents and licensed non hospital residential treatment programs for children and adolescents with substance abuse disorders. The applicant for Hospital Inpatient Substance Abuse Services for children and adolescents shall provide documentation that the District's licensed non hospital residential treatment programs for children and adolescents with substance abuse disorders do not meet the need for the proposed service.

2. No additional hospital inpatient substance abuse beds for children and adolescents shall normally be approved in a district having one or more facilities with Hospital Inpatient Substance Abuse Services for Children and Adolescents unless the average annual occupancy rate of all licensed hospital inpatient substance abuse beds for children and adolescents in the district equalled or exceeded 75% percent during the 12 month period ending 6 months prior to the application submission deadline.

3. Under special circumstances, need for additional hospital inpatient substance abuse beds for children and adolescents is demonstrated at a hospital with licensed Hospital Inpatient Substance Abuse Services for Children and Adolescents regardless of the average annual occupancy rate

determined under subparagraph (4)(f)2. if the occupancy of the hospital's inpatient substance abuse beds for children and adolescents equalled or exceeded 85% percent during the 12 month period ending 6 months prior to the application submission deadline.

(g) ~~Other Factors to be Considered in the Review of Certificate of Need Applications for Hospital Inpatient Substance Abuse Services for Children and Adolescents.~~

1. ~~Applicants shall provide evidence in their applications that their proposal is consistent with the needs of the community and other criteria contained in Local Health Council Plans, the District Alcohol, Drug Abuse and Mental Health Plan, and the State Health Plan.~~

2. ~~Applications from general hospitals for new or expanded hospital inpatient substance abuse beds for children and adolescents shall normally be approved only if the applicant converts a number of acute care beds, as defined in Rule 59C-1.038, F.A.C., excluding specialty beds, which is equal to the number of hospital inpatient substance abuse beds proposed, unless the applicant can reasonably project an annual occupancy rate of 75% percent for the applicable planning horizon, based on historical utilization patterns, for all acute care beds, excluding specialty beds. If conversion of the number of acute care beds which equals the number of proposed hospital inpatient substance abuse beds for children and adolescents would result in an annual acute care occupancy exceeding 75 percent for the applicable planning horizon, the applicant shall only be required to convert the number of beds necessary to achieve a projected annual 75% percent acute care occupancy for the applicable planning horizon, excluding specialty beds.~~

(h) ~~Preferences Among Competing Applicants for Hospital Inpatient Substance Abuse Services. In weighing and balancing statutory and rule review criteria, preference will be given to applicants who:~~

1. ~~Provide Medicaid and charity care days as a percentage of their total patient days equal to or greater than the average percentage of Medicaid and charity care patient days of total patient days provided by other hospitals in the district, as determined for the most recent calendar year prior to the year of the application for which data are available from the Health Care Board.~~

2. ~~Propose to serve Medicaid eligible persons.~~

3. ~~Propose to serve substance abusing pregnant and post-partum women regardless of their ability to pay.~~

4. ~~Propose to serve individuals without regard to their ability to pay.~~

(i) ~~Non-Competitive Applicants. The factors contained in paragraph (h) shall also be considered in the review of a single non-competitive Certificate of Need application within the district.~~

(5) Unit Size. A separately organized unit for ~~hHospital~~ ~~iInpatient~~ ~~sSubstance~~ ~~aAbuse~~ ~~sServices~~ for adults shall have a minimum of 10 beds. A separately organized unit for ~~hHospital~~ ~~iInpatient~~ ~~sSubstance~~ ~~aAbuse~~ ~~sServices~~ for ~~cChildren~~ and ~~aAdolescents~~ shall have a minimum of five beds. Facilities inventoried consistent with the provisions of subsection (11) of this rule are exempt from meeting the minimum unit size requirements of this subsection unless or until they submit a proposal which would modify the number of beds listed in the inventory.

(6) Access Standard. Hospital ~~iInpatient~~ ~~sSubstance~~ ~~aAbuse~~ ~~sServices~~ should be available within a maximum ground travel time of 45 minutes under average travel conditions for at least 90% percent of the district's total population.

(7) Quality of Care.

(a) Compliance with Agency Standards. Hospital Inpatient Substance Abuse Services for Adults or for Children and Adolescents shall comply with the Agency standards for program licensure described in Chapter 59A-3, F.A.C. Applicants who include a statement in their ~~cCertificate of~~ ~~nNeed~~ application that they will meet applicable Agency ~~departmental~~ licensure standards are deemed to be in compliance with this provision.

(b) Hospital Inpatient Substance Abuse Services for Children. Facilities providing Hospital Inpatient Substance Abuse Services to children must have beds and common areas designated for children which cannot be used by adults. Adolescents may be treated in the units designated for children. Adolescents may only be treated in units designated for adult ~~hHospital~~ ~~iInpatient~~ ~~sSubstance~~ ~~aAbuse~~ ~~sServices~~ if the admitting physician indicates that such placement is medically indicated, or for reasons of safety.

(c) Accreditation. Applicants proposing to add beds to a licensed hospital inpatient substance abuse service shall be accredited by the Joint Commission on Accreditation of Healthcare Organizations consistent with the standards applicable to substance abuse services provided in inpatient settings for adults or for children and adolescents. Applicants proposing a new hospital inpatient substance abuse service shall state how they will comply with the provisions of hospital licensure as defined in Rule 59A-3.300, F.A.C. ~~meet the accreditation standards of the Joint Commission on Accreditation of Healthcare Organizations applicable to substance abuse services provided in inpatient settings for adults or for children and adolescents.~~

(d) Continuity. Providers of Hospital ~~iInpatient~~ ~~sSubstance~~ ~~aAbuse~~ ~~sServices~~ shall also provide outpatient or referral services, either directly or through written agreements with community outpatient substance abuse programs, such as local psychiatrists, other physicians trained in the treatment of

psychiatric or substance abuse disorders, local psychologists, community mental health programs, or other local substance abuse outpatient programs.

(e) Screening Program. All facilities providing ~~hHospital iInpatient sSubstance aAbuse sServices~~ shall have a screening program to assess the most appropriate treatment for the patient. Patients with a dual diagnosis of substance abuse, as defined in paragraph (2)(~~u~~), and a psychiatric disorder, as defined in paragraph (2)(~~q~~), shall be evaluated to determine the types of treatment needed, the appropriate treatment setting, and, if necessary, the appropriate sequence of treatment for the substance abuse and psychiatric disorders. ~~Provided, however, that persons with a dual diagnosis which includes an acute severe psychiatric disorder, as defined in paragraph (2)(b), shall be referred to a hospital inpatient general psychiatric service for treatment of the acute severe psychiatric disorder.~~

(8) Services Description. An applicant for an Hospital iInpatient sSubstance aAbuse hospital Services shall provide a detailed program description in its cCertificate of nNeed application including:

(a) Age groups to be served.

(b) Specialty programs to be provided (e.g. alcoholism treatment programs, drug abuse treatment programs).

(c) Proposed staffing, including qualifications of the clinical director, a description of staffing appropriate for any specialty program, and a discussion of the training and experience requirements for all staff who will provide substance abuse services.

(d) Therapeutic approaches to be used.

(e) Expected sources of patient referrals.

(f) Expected average length of stay for the hHospital iInpatient sSubstance aAbuse sServices discharges by age group.

(g) Projected number of hHospital iInpatient sSubstance aAbuse sServices patient days by payer type, including Medicare, Medicaid, private insurance, self-pay and charity care patient days for the first 2 years of operation after completion of the proposed project.

(h) Admission policies of the facility with regard to charity care patients.

(9) Quarterly Reports. Facilities providing licensed hospital inpatient substance abuse services shall report to the Agency or its designee, within 45 days after the end of each calendar quarter, the number of hospital inpatient substance abuse services admissions and patient days by age groups (patients under age 18 years and adults). ~~Applications from Licensed Providers of Hospital Inpatient Substance Abuse Services. A facility providing licensed Hospital Inpatient Substance Abuse Services seeking cCertificate of nNeed approval for additional hospital inpatient substance abuse beds~~

~~shall provide the following information in its cCertificate of nNeed application in addition to the information required by subsection (8):~~

~~(a) Number of Hospital Inpatient Substance Abuse Services admissions and patient days by age group and primary diagnosis ICD-9 code for the 12 month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.~~

~~(b) Number of Hospital Inpatient Substance Abuse Services patient days by payer type, including Medicare, Medicaid, private insurance, self pay and charity care patient days, for the 12 month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.~~

~~(c) Gross revenues by payer source for the 12 month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.~~

~~(d) Patient days by primary diagnosis ICD-9 code for the 12 month period ending 6 months prior to the beginning date of the quarter of the publication of the Fixed Bed Need Pool.~~

~~(e) Current staffing.~~

~~(f) Current specialized treatment programs (e.g. alcoholism treatment; drug abuse treatment).~~

~~(10) Quarterly Reports. Facilities providing licensed Hospital Inpatient Substance Abuse Services shall report to the Agency or its designee, within 45 days after the end of each calendar quarter, the number of Hospital Inpatient Substance Abuse Services admissions and patient days by age and primary diagnosis ICD-9 code.~~

~~(11) Establishment of an Inventory of Hospital Inpatient Substance Abuse Beds for Adults and Hospital Inpatient Substance Abuse Beds for Children and Adolescents.~~

~~(a) Inventory Process. The Agency shall inventory the number of hospital inpatient substance abuse beds for adults and the number of hospital inpatient substance abuse beds for children and adolescents. The inventory shall be based on information in certificates of need and an Agency survey of facilities with short term or long term hospital inpatient substance abuse beds that were licensed prior to the effective date of this rule. All information reported in the Agency survey shall be subject to verification by the Agency.~~

~~(b) Separate Identification of Beds for Children or Adolescents Required. The determination of the number of hospital inpatient substance abuse beds for adults and for children and adolescents shall be based on the cCertificate of nNeed issued or the provider's survey response. Providers who designate hospital inpatient substance abuse beds for children or adolescents shall document that these beds are located in units which are organized separately from units with hospital inpatient substance abuse beds for adults. All hospital inpatient substance abuse beds which are not located in~~

~~documented separately organized units for children or adolescents will be listed in the inventory as hospital inpatient substance abuse beds for adults.~~

~~(c) Current Restrictions on Age Groups Treated. Any restrictions imposed by a cCertificate of nNeed issued prior to the effective date of this rule regarding age groups treated in a facility's short term or long term Hospital Inpatient Substance Abuse Services will be reflected in the inventory.~~

~~(d) Approved Hospital Inpatient Substance Abuse Beds. Short term or long term hospital inpatient substance abuse beds which are approved but not licensed as of the effective date of this rule will be listed in the inventory as hospital inpatient substance abuse beds for adults unless the application for the cCertificate of nNeed which was approved identified a specific number of beds to be used for children or adolescents.~~

~~(e) Publication. The Agency shall publish a preliminary inventory of the licensed or approved Hospital Inpatient Substance Abuse Services for adults and for children and adolescents in the Florida Administrative Register. Providers shall have 21 days after the initial publication of the inventory to contest the inventory. Subsequent to the resolution of any issues pertaining to the preliminary inventory, the Agency shall publish a final inventory.~~

~~(12) Facilities with Short Term or Long Term Hospital Inpatient Substance Abuse Services. Facilities currently licensed for the provision of short term or long term Hospital Inpatient Substance Abuse Services shall be issued an amended license authorizing the provision of Hospital Inpatient Substance Abuse Services to adults or Hospital Inpatient Substance Abuse Services to Children and Adolescents, regardless of the length of stay, based on the inventory established by this rule.~~

~~(13) Applicability of this amended rule. This amended rule shall not be applied to applications that are pending final Agency action as of the effective date of the rule.~~

Rulemaking Authority 408.034(3), (8), 408.15(8) FS. Law Implemented 408.034(3), 408.034(8), 408.035, 408.036(1)(b), (c), 408.039(4)(a) FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(q), 10-5.041, Amended 8-24-93, 2-22-95,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Marisol Fitch
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 22, 2015

Section III
Notice of Changes, Corrections and Withdrawals

NONE

Section IV
Emergency Rules

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER16-8
 RULE TITLE: Replacement of Obsolete Emergency Rules
 SUMMARY: This emergency rule is replacing other emergency rules that have been determined to be obsolete or unnecessary by the Department of the Lottery.
 THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399- 4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER16-8 Replacement of Obsolete Emergency Rules.
The following Department of the Lottery emergency rules relating to Florida Lottery games, promotions or obsolete rules are being replaced because the games or promotions have concluded, or the provisions of the rule are obsolete. This rule shall replace the following rules: 53ER10-8, 53ER11-50, 53ER12-31, 53ER12-79, 53ER13-18, 53ER13-36, 53ER13-38, 53ER13-39, 53ER13-62, 53ER14-4, 53ER14-7, 53ER14-8, 53ER14-32, 53ER14-33, 53ER14-34, 53ER14-42, 53ER14-44, 53ER14-46, 53ER14-49, 53ER14-50, 53ER14-52, 53ER14-53, 53ER14-66, 53ER14-67, 53ER14-69, 53ER15-1, 53ER15-5, 53ER15-7, 53ER15-15, 53ER15-36, 53ER15-37, 53ER15-45, 53ER15-48, 53ER15-51 F.A.C.
Rulemaking Authority 24.109(1) FS. Law Implemented 24.109(1), 120.74(1)(c) FS. History – New 1-28 -16, Replaces 53ER10-8, 53ER11-50, 53ER12-31, 53ER12-79, 53ER13-18, 53ER13-36, 53ER13-38, 53ER13-39, 53ER13-62, 53ER14-4, 53ER14-7, 53ER14-8, 53ER14-32, 53ER14-33, 53ER14-34, 53ER14-42, 53ER14-44, 53ER14-46, 53ER14-49, 53ER14-50, 53ER14-52, 53ER14-53, 53ER14-66, 53ER14-67, 53ER14-69, 53ER15-1, 53ER15-5, 53ER15-7, 53ER15-15, 53ER15-36, 53ER15-37, 53ER15-45, 53ER15-48, 53ER15-51 F.A.C.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE: 1-28-16.

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER16-10 POWERBALL®

SUMMARY: This emergency rule sets forth the provisions for the conduct of POWERBALL® and replaces rule 53ER15-58. THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399- 4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER16-10 POWERBALL®.

(1) Definitions.

The following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:

(a) Advertised Jackpot Prize- The estimated annuitized Jackpot Prize amount as determined by MUSL prior to the Jackpot Prize drawing. The “Advertised Jackpot Prize” is not a guaranteed prize amount and the actual Jackpot Prize amount may vary from the advertised amount, except in circumstances where there is a guaranteed Jackpot Prize amount as described in subparagraph (8)(d).

(b) Drawing- refers collectively to the formal draw event for randomly selecting the winning indicia that determine the number of winners for each prize level of the POWERBALL® game and the Power Play® multiplier. Winning indicia include the Winning Numbers for the POWERBALL game, and the Power Play multiplier.

(c) Jackpot Prize- The top prize in the POWERBALL game.

(d) MUSL- The Multi-State Lottery Association.

(e) MUSL Powerball Product Group (“Product Group”) - The group of lotteries that have joined together to offer the POWERBALL lottery game under the terms of the MUSL agreement and MUSL Powerball Product Group rules.

(f) Play - The six (6) numbers, the first five (5) chosen from a field of sixty-nine (69) numbers and the last one chosen (1) from a field of twenty-six (26) numbers, that appear on a ticket as a single lettered selection to be played by a player in the POWERBALL game.

(g) Set Prize- All prizes except the Jackpot Prize that are advertised to be paid by a single lump-sum payment and, except as set forth in paragraph (10)(g) and (h), will be equal to the prize amount established by MUSL for the prize level.

(h) “Winning Numbers” means the indicia randomly selected during a Drawing which shall be used to determine winning Plays for the POWERBALL game contained on a ticket.

(2) How to Play POWERBALL.

(a) POWERBALL is a multi-state lottery online terminal game which is offered to players in Florida by the Florida Lottery via authorized Florida Lottery retailers. In POWERBALL, players select five (5) numbers from a field of one (1) through sixty-nine (69) and one (1) Powerball number from a separate field of one (1) through twenty-six (26) for each Play.

(b) Players may make their POWERBALL ticket selections by marking a play slip or by telling the retailer their desired selections. There are five (5) panels on a play slip, each containing an upper play area and a lower play area. Each panel played will cost \$2.00 per Play, per drawing. Players may mark their desired numbers on the play slip by selecting six (6) numbers (five (5) in the upper play area and one (1) in the lower play area) from each panel played. Players may also mark the “QP” (Quick Pick) box located at the bottom of each play area for the terminal to randomly select any or all of the six numbers from either or both play areas. A “Void” box is also located at the bottom of each panel and should be marked by the player if an error was made in his or her selections in a panel. For each panel played, the first five of the six numbers appearing in a single horizontal row on a POWERBALL ticket shall be the numbers selected from the upper play area of the play slip, and the last number shall be the Powerball number selected from the lower play area of the play slip.

(c) Players must use only blue or black ink or pencil for making selections. Play slips may be processed through a Florida Lottery full service vending machine or processed by a retailer to obtain a ticket. Retailers also are authorized to manually enter numbers selected by a player.

(d) Players may play up to fifty-two (52) consecutive POWERBALL drawings by using the “advance play” feature. To use the advance play feature, players may either mark the number of drawings desired in the “Advance Play” section of a play slip or tell the retailer their desired number of consecutive advance drawings. The number of consecutive drawings marked will include the next available drawing and will apply to each panel (A-E) played. In the event that a planned change in the POWERBALL game requires that the number of advance plays available for purchase be reduced to zero before implementation of the change, an advance play countdown schedule will be posted on the Lottery’s website. Advance play is not available with Jackpot Combo.

(e) Jackpot Combo. Players may elect to play “Jackpot Combo” by marking the “Jackpot Combo \$5” box on the play

slip or by telling the retailer. Players will receive three (3) Quick Pick tickets for the next available drawing consisting of one (1) \$2.00 FLORIDA LOTTO® with XTRA ticket, one (1) \$2.00 POWERBALL® ticket and one (1) \$1.00 MEGA MILLIONS® ticket. Tickets in Jackpot Combo play cannot be player selected and cannot be canceled.

(f) For an additional \$1.00 per Play, players may mark the Power Play box to increase the second through ninth prizes. Power Play will apply to all panels and advance play marked.

(3) POWERBALL Drawings.

(a) POWERBALL drawings to determine the Winning Numbers shall be conducted by MUSL two (2) times per week, on Wednesday and Saturday, at approximately 10:59 p.m., ET.

(b) The Florida Lottery shall not be responsible for incorrect circulation, publication or broadcast of official Winning Numbers.

(4) Determination of Prize Winners.

In order for a ticket to be a winning ticket, numbers appearing in a single horizontal row on the ticket must match the official POWERBALL Winning Numbers in any order for the draw date for which the ticket was purchased, in one of the following combinations:

(a) Jackpot Prize: Five (5) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(b) Second Prize: Five (5) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(c) Third Prize: Four (4) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(d) Fourth Prize: Four (4) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(e) Fifth Prize: Three (3) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(f) Sixth Prize: Three (3) numbers selected from the first set of balls and not the Powerball number from the second set of balls.

(g) Seventh Prize: Two (2) numbers selected from the first set of balls plus the Powerball number selected from the second set of balls.

(h) Eighth Prize: One (1) number selected from the first set of balls plus the Powerball number selected from the second set of balls.

(i) Ninth Prize: No numbers selected from the first set of balls and the Powerball number selected from the second set of balls.

(5) Limited to Highest Prize Won. The holder of a winning ticket may win only one prize per Play in connection with the Winning Numbers drawn and shall be entitled only to the prize won by those numbers in the highest matching prize category.

(6) POWERBALL Odds of Winning.

(a) The odds of winning the prizes described in subsection (4) are as follows:

1. Jackpot Prize- 1: 292,201,338.0000

2. Second Prize- 1: 11,688,053.5200

3. Third Prize- 1: 913,129.1813

4. Fourth Prize- 1:36,525.1673

5. Fifth Prize- 1:14,494.1140

6. Sixth Prize- 1:579.7646

7. Seventh Prize- 1:701.3281

8. Eighth Prize- 1:91.9775

9. Ninth Prize- 1:38.3239

(b) The overall odds of winning a prize in a POWERBALL drawing are 1:24,8671.

(7) POWERBALL Prize Pool.

(a) The POWERBALL Prize Pool for all prize categories shall consist of 50% of each drawing period's sales. The POWERBALL Prize Pool shall be funded in accordance with criteria set by the Product Group.

(b) Expected Prize Payout Percentages. The Jackpot Prize shall be determined on a pari-mutuel basis. Except as provided in these rules, all other prizes awarded shall be paid as Set Prizes with the following expected prize payout percentages, although the actual prize payout percentage per drawing will vary by drawing.

<u>Match</u>	<u>Prize Category</u>	<u>Prize Payout</u>	<u>Estimated Percentage of Prize Pool Allocated to Prize Category</u>
<u>Five first set numbers and the Powerball number</u>	<u>Jackpot Prize</u>	<u>Jackpot Prize</u>	<u>.68.0131%</u>
<u>Five first set numbers</u>	<u>Second Prize</u>	<u>\$1,000,000</u>	<u>8.5558%</u>
<u>Four first set numbers and the Powerball number</u>	<u>Third Prize</u>	<u>\$50,000</u>	<u>5.4757%</u>
<u>Four first set numbers</u>	<u>Fourth Prize</u>	<u>\$100</u>	<u>0.2738%</u>
<u>Three first set numbers and the Powerball number</u>	<u>Fifth Prize</u>	<u>\$100</u>	<u>0.6899%</u>
<u>Three first set numbers</u>	<u>Sixth Prize</u>	<u>\$7</u>	<u>1.2074%</u>
<u>Two first set numbers and the Powerball number</u>	<u>Seventh Prize</u>	<u>\$7</u>	<u>0.9981%</u>
<u>One first set number and the Powerball number</u>	<u>Eighth Prize</u>	<u>\$4</u>	<u>4.3489%</u>
<u>The Powerball number</u>	<u>Ninth Prize</u>	<u>\$4</u>	<u>10.4373%</u>

(c) Prize money allocated to the Jackpot Prize category will be divided equally by the number of Plays determined to be winners of the Jackpot Prize.

(d) The number of Plays determined to be winners of the second through ninth prize categories will be paid as Set Prizes, except as provided in paragraph (10)(g) and (h) below.

If all or any portion of the Set Prize pool is not awarded in the current POWERBALL drawing, that portion of the Set Prize pool shall be carried forward to subsequent POWERBALL drawings.

(e) Any interest or earnings accrued on a POWERBALL Set Prize prior to prize payment shall accrue to MUSL and not to the winner.

(8) POWERBALL Jackpot Prize Payment.

(a) Players can choose one of two payment options for receiving their portion of the POWERBALL Jackpot Prize. Payment options are "Cash Option" (which may be referred to as a "single lump sum payment") and "Annual Payment." Jackpot Prize winners have sixty (60) days after the winning draw date to choose between the two (2) payment options. Once the Jackpot Prize winner signs the Winner Claim Form, files a claim and exercises the winner's chosen option, the election of that option shall be final and cannot be revoked, withdrawn or otherwise changed except as provided in subparagraph (8)(c)6., below. Neither MUSL nor the Florida Lottery shall be responsible or liable for the difference between the Advertised or estimated Jackpot Prize amount and the actual Jackpot Prize amount after the prize payment method is known to MUSL.

(b) Cash Option Payment. In order to select the Cash Option, the Jackpot Prize winner must submit his or her ticket for payment within sixty (60) days after the winning draw date. If the Jackpot Prize winner does not elect the Cash Option within sixty (60) days after the winning draw date, the Annual Payment option will be applied, except as provided in subparagraph (8)(c)4., below. Shares of the Jackpot Prize shall be determined by dividing the funds available in the Jackpot Prize pool equally among all winning plays of the Jackpot Prize. A Jackpot Prize winner who chooses the Cash Option payment will receive his or her share in a single lump sum payment, less applicable federal income tax withholding.

(c) Annual Payment Option.

1. If a Jackpot Prize winner elects the Annual Payment option, his or her share of the Jackpot Prize will be paid in thirty (30) graduated annual installments that will increase by a rate determined by the Product Group, less applicable federal income tax withholding.

2. The Florida Lottery will make the initial annual payment of a prize and all further annual payments upon receipt of funds from MUSL.

3. The amount of the annual prize payment shall be determined by multiplying the winner's share of the Jackpot Prize pool by the MUSL Annuity Factor. The MUSL Annuity Factor is determined through a process as approved by the MUSL Finance and Audit Committee. MUSL shall purchase and hold the investments to fund the Jackpot Prize winner's annual prize payments.

4. If the winner's share of the Jackpot Prize is less than \$250,000, the Product Group is authorized to pay such winner their Grand Prize share in one lump sum payment, without regard either to the winner's choice of prize payment method or to whether the winner claimed the Grand Prize share more than sixty days after the drawing.

5. Annuitized payment of the Jackpot prize or a share of the Jackpot prize will be rounded down to the nearest one thousand dollars (\$1,000) to facilitate the purchase of an appropriate funding mechanism. Rounding differences on an annuitized Jackpot prize win shall be added to the first payment to the winner or winners. Prizes other than the Jackpot prize, which become single-payment, pari-mutuel prizes, will be rounded down so that prizes can be paid in multiples of whole dollars. Rounding differences resulting from rounding these prizes shall be carried forward to the prize pool for the next drawing.

6. In the event of the death during the annuity payment period of a POWERBALL winner who elected the Annual Payment option, the estate of the deceased winner (the "Estate") may make a written request to the Florida Lottery to accelerate payment of all the remaining prize proceeds to the Estate. Such request will be forwarded by the Florida Lottery to MUSL for processing. MUSL will decide, in its sole discretion, whether or not to grant the payment, and if so, the form of such payment, whether in securities or cash.

(d) Guaranteed Minimum Jackpot Prize. The minimum guaranteed annuity Jackpot Prize amount is \$40 million. When the Jackpot Prize is won at the guaranteed minimum, the Jackpot Prize shares shall be determined as follows:

1. If there are multiple Jackpot Prize winners during a single drawing, each selecting the Annual Payment option, then a winner's share of the guaranteed Jackpot Prize shall be determined by dividing the guaranteed minimum Jackpot Prize by the number of winning plays.

2. If there are multiple Jackpot Prize winners during a single drawing and at least one of the Jackpot Prize winners has elected the Annual Payment option, then the best bid submitted by MUSL's pre-approved qualified brokers shall determine the cash pool needed to fund the guaranteed minimum Jackpot Prize.

3. If no winner of the Jackpot Prize during a single drawing has elected the Annual Payment option, then the amount of cash in the Jackpot Prize pool shall be an amount equal to the guaranteed minimum amount divided by the MUSL Annuity Factor.

(e) Federal income taxes shall be applied and withheld from the prize amount at the time payment is made, pursuant to applicable provisions of the Internal Revenue Code and Code of Federal Regulations.

(f) Any interest or earnings accrued on a POWERBALL Jackpot Prize prior to prize payment shall accrue to MUSL and not to the winner.

(g) If the Jackpot Prize is not won in a drawing, the prize money allocated for the Jackpot Prize shall roll over and be added to the Jackpot Prize pool for the following drawing.

(9) Set Prize Payment. Set Prizes shall be paid in a single cash payment, less applicable federal income tax withholding.

(10) Power Play®.

(a) Power Play Prize Pool. The Power Play Prize Pool for all Power Play prize categories shall consist of 50% of each drawing period's sales. The Power Play Prize Pool shall be funded in accordance with criteria set by the Product Group. The actual prize payout percentage per drawing will vary by drawing. The Power Play Prize Pool shall be carried forward to subsequent drawings if all or a portion of it is not needed to pay the Power Play prizes awarded in the current drawing.

(b) The Power Play option shall be available in association with the POWERBALL game. At the time of purchasing a POWERBALL ticket, a player may choose the Power Play option for an additional \$1.00 per play for each play on the POWERBALL ticket to increase the guaranteed prize amount for the second through ninth tier prizes. The POWERBALL Jackpot Prize will not be eligible for increase under the Power Play option.

(c) Power Play Drawing. A separate, random Power Play drawing will be conducted and the results announced during each of the regular POWERBALL drawings. In each Power Play drawing, the number 2, 3, 4, 5 or 10 shall be drawn (the Power Play number, sometimes called the multiplier number). When the initially Advertised Jackpot Prize for a drawing is \$150 million or less, the possible Power Play numbers included in the Power Play drawing will be 2, 3, 4, 5 and 10. When the initially Advertised Jackpot Prize for a drawing is greater than \$150 million, the possible Power Play numbers included in the Power Play drawing will be 2, 3, 4 and 5. The Power Play number drawn will increase the value of the prizes for the second tier as provided below. The Power Play number will be used to multiply the value of the prizes for the third through ninth tiers.

(d) The following table sets forth the probability of the various Power Play numbers being drawn during a single Power Play drawing.

When the 10X Power Play is available:		
Multiplier	Probability of Prize Increase	Chance of Occurrence
10X	1 in 43	2.3255%
5X	2 in 43	4.6512%
4X	3 in 43	6.9767%
3X	13 in 43	30.2326%
2X	24 in 43	55.8140%

When the 10X Power Play is not available:		
Multiplier	Probability of Prize Increase	Chance of Occurrence
10X	0 in 42	0.000%
5X	2 in 42	4.7619%
4X	3 in 42	7.1429%
3X	13 in 42	30.9523%
2X	24 in 42	57.1429%

(e) Application of Power Play Number.

1. Second Prize. The Power Play number selected increases the Second Prize for a winning POWERBALL with Power Play ticket to \$2,000,000.00, except as provided in (10)(g) and (h).

2. Third through Ninth Prizes. The Power Play number selected increases the prize amount for the Third through Ninth Prizes. A Third through Ninth Prize winner who purchased the Power Play feature with his or her POWERBALL ticket shall be paid a prize in the amount of the Set Prize amount multiplied by the Power Play number for that drawing.

3. Jackpot Prize. The Power Play feature does not apply to the Jackpot Prize.

(f) POWERBALL tickets that win the Second through Ninth Prizes with the Power Play option will pay the amounts shown below:

Mat ch	Prize	Without Power Play	With Power Play 2X	With Power Play 3X	With Power Play 4X	With Power Play 5X	With Power Play 10X
Mat ch 5+0	Second	\$1,000.00 0.00	\$2,000.00 0.00	\$2,000.00 0.00	\$2,000.00 0.00	\$2,000.00 0.00	\$2,000.00 0.00
Mat ch 4+1	Third	\$50,000.0 0	\$100,000. 00	\$150,000. 00	\$200,000. 00	\$250,000. 00	\$500,000. 00
Mat ch 4+0	Fourth	\$100.00	\$200.00	\$300.00	\$400.00	\$500.00	\$1,000.00
Mat ch 3+1	Fifth	\$100.00	\$200.00	\$300.00	\$400.00	\$500.00	\$1,000.00
Mat ch 3+0	Sixth	\$7.00	\$14.00	\$21.00	\$28.00	\$35.00	\$70.00
Mat ch 2+1	Seventh	\$7.00	\$14.00	\$21.00	\$28.00	\$35.00	\$70.00
Mat ch 1+1	Eighth	\$4.00	\$8.00	\$12.00	\$16.00	\$20.00	\$40.00
Mat ch 0+1	Ninth	\$4.00	\$8.00	\$12.00	\$16.00	\$20.00	\$40.00

(g) If, with respect to a single POWERBALL drawing, the total of the POWERBALL Set Prizes and the Power Play prizes awarded in a drawing exceeds the percentage in the prize pools allocated to the Set Prizes and the Power Play prizes and there are insufficient funds from all sources to pay the Set Prizes for a particular POWERBALL drawing and the associated Power Play prizes, the highest Set Prize, including the Power Play prize amounts, shall become a pari-mutuel prize. If the amount of the highest Set Prize, when paid as a pari-mutuel prize, is less than or equal to the next highest Set

Prize and there are still not sufficient funds to pay the remaining prizes, the next highest Set Prize, including the Power Play prize amounts, shall become a pari-mutuel prize. If necessary under the same test set forth in the preceding sentence, each succeeding Set Prize level shall be converted to a pari-mutuel prize, in order, until all Set Prizes become pari-mutuel. In that instance, the money available from the funding sources shall be divided among the winning Plays in proportion to their respective prize percentages. POWERBALL and Power Play prizes will be reduced by the same percentage.

(h) When the POWERBALL Set Prizes become pari-mutuel, the POWERBALL Set Prize amounts will be less than the amount shown in paragraph (7)(b) above, and the Power Play prizes shall be changed to an amount announced after the drawing.

(i) Power Play Set Prizes which become pari-mutuel will be rounded down so that they can be paid in multiples of whole dollars. Funds remaining after rounding shall be carried forward to the prize pool for the next drawing.

(j) All Power Play prizes shall be paid in a single lump-sum payment, less applicable federal income tax withholding.

(11) POWERBALL Rules and Prohibitions.

(a) By purchasing a POWERBALL ticket, a player agrees to comply with and abide by all rules of the Florida Lottery.

(b) Florida POWERBALL prizes shall be claimed only through a Florida Lottery retailer (for prizes less than \$600) or Lottery office beginning on the first business day following the drawing. The Lottery is not authorized to accept claims or pay prizes for POWERBALL tickets purchased in other jurisdictions. POWERBALL prize payments shall be made in accordance with the rule of the Florida Lottery governing payment of prizes. A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(c) Subject to a retailer's hours of operation and on-line system availability, POWERBALL lottery tickets are available for purchase daily between the hours of 6:00 a.m. and 12:00 midnight, ET. Ticket sales for a specific POWERBALL drawing will close at 10:00 p.m., ET, on the night of the drawing. Any ticket sold after the close of game will be printed with the next POWERBALL drawing date.

(d) POWERBALL tickets cannot be canceled.

(12) The effective date of this rule is January 31, 2016.

Rulemaking Authority 24.105(9)(a), (b), (c), (e), (f), (h), 24.109(1), 24.115(1) FS. Law Implemented, 24.105(9)(a), (b), (c) (e), (f), (h), 24.115(1), 24.124(1) FS. History—New 1-31-16, Replaces 53ER15-58.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: 1-31-16.

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF HEALTH

Board of Clinical Laboratory Personnel

RULE NO.: RULE TITLE:

64B3-5.003 Technologist

NOTICE IS HEREBY GIVEN that on January 29, 2016, the Board of Clinical Laboratory Personnel, received a petition for variance or waiver filed by Yesenia Coto. Petitioner is seeking a variance or waiver of Rule 64B3-5.003(3)(a), Option 1, F.A.C., which sets forth the education, training/experience and examination requirements for a specialty licensure as a technologist.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Anthony B. Spivey, Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel within 14 days of publication of this notice.

Section VI Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agricultural Museum announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 11, 2016, 11:00 a.m.

PLACE: Palm Coast Holdings, Inc. 145 City Place, Palm Coast, FL 32164

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Board of Trustees to discuss general business.

A copy of the agenda may be obtained by contacting: Andrew Morrow, (386)446-7630.

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: Andrew Morrow, (386)446-7630. 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).

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 9, 2016, 9:00 a.m. – 11:00 a.m., ET, Legislative Conference call

PLACE: Conference call number: 1(888)670-3525, pass code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Legislative Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org. 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: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 23, 2016, 10:30 a.m. – 12:30 p.m., ET, Public Awareness

PLACE: Conference call: 1(888)670-3525, pass code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Public Awareness Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org. 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: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 15, 2016, 2:30 p.m. – 4:30 p.m., ET, Planning

PLACE: Conference call: 1(888)670-3525, pass code: 7513637441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Rehabilitation Council Planning/Coordination Committee General Business.

A copy of the agenda may be obtained by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org. 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: Roy Cosgrove at (850)245-3317 or roy.cosgrove@vr.fldoe.org.

DEPARTMENT OF EDUCATION

State Board of Education

The Florida Rehabilitation Council for the Blind and Division of Blind Services announces a telephone conference call to which all persons are invited.

DATE AND TIME: February 18, 2016, 12:30 p.m. – 2:00 p.m.

PLACE: Telephone conference: 1(888)670-3525, participant pass code: 1242528392, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: Subcommittee Client Satisfaction Survey Committee Meeting.

A copy of the agenda may be obtained by contacting: Sharon Scurry, (850)245-0392, Sharon.Scurry@dbs.fldoe.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: The Division of Blind Services, 325 West Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392. 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: The Division of Blind Services, 325 West Gaines Street, Room 114, Tallahassee, FL 32399, (850)245-0392.

DEPARTMENT OF LAW ENFORCEMENT

Division of Local Law Enforcement Assistance

RULE NO.: RULE TITLE:

11D-10.003 Selection Committee

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

DATE AND TIME: Monday, February 15, 2016, 2:00 p.m.
 PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Room B1055, Tallahassee, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Nominations for consideration for induction into the Florida Law Enforcement Officers' Hall of Fame for 2016.
 A copy of the agenda may be obtained by contacting: Ms. Vickie Koenig, Chief of Policy and Special Programs, Criminal Justice Professionalism, Post Office Box 1489, Tallahassee, FL 32302, (850)410-8600.
 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: Ms. Vickie Koenig, Chief of Policy and Special Programs, Criminal Justice Professionalism, Post Office Box 1489, Tallahassee, FL, 32302, (850)410-8600. 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.

STATE BOARD OF ADMINISTRATION
 Florida Prepaid College Board
 The Florida Prepaid College Board announces a public meeting to which all persons are invited.
 DATE AND TIME: February 9, 2016, 2:00 p.m., ET
 PLACE: The Hermitage Centre, Sun Coast Conference Room, 1801 Hermitage Blvd., Tallahassee, Florida 32308
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Negotiation Team will recommend contract award(s) for Invitation to Negotiate ITN 15-03, Mutual Fund Family for Florida ABLE, Inc.
 A copy of the agenda may be obtained by contacting: The Florida Prepaid College Board, ITN Administrator by email: ITNinfo.Prepaid@myfloridaprepaid.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 5 days before the workshop/meeting by contacting: the ITN Administrator at the email address provided above. 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 Radiological Emergency Preparedness Section announces a public meeting to which all persons are invited.
 DATE AND TIME: Friday, February 26, 2016, 10:00 a.m.
 PLACE: St. Lucie County Public Safety Building, County Emergency Operations Center, 15305 Midway Road, Fort Pierce, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the Saint Lucie Nuclear Power Plant FEMA Evaluated Exercise that occurs on February 24, 2016.
 A copy of the agenda may be obtained by contacting: Division of Emergency Management - Radiological Emergency Preparedness, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, (850)413-9881.
 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: the Division of Emergency Management, Radiological Emergency Preparedness at (850)413-9881. 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
 Apalachee Regional Planning Council
 The Apalachee Local Emergency Planning Committee announces a public meeting to which all persons are invited.
 DATE AND TIME: Tuesday, February 16, 2016, 10:00 a.m., ET
 PLACE: Capital Area Chapter of the American Red Cross, 1115 Easterwood Drive, Tallahassee, FL 32311
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular quarterly meeting of the Apalachee Local Emergency Planning Committee (LEPC).
 A copy of the agenda may be obtained by contacting: Chris Rietow, ARPC, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303, CRietow@thearpc.com, (850)488-6211, ext. 102.

REGIONAL UTILITY AUTHORITIES
 Tampa Bay Water - A Regional Water Supply Authority
 Tampa Bay Water - A Regional Water Supply Authority announces a public meeting to which all persons are invited.
 DATE AND TIME: Monday, February 15, 2016, 9:30 a.m.
 PLACE: Tampa Bay Water Administrative Offices, 2575 Enterprise Road, Clearwater, Florida 33763
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Meeting.
 A copy of the agenda may be obtained by contacting: Records, (727)796-2355.
 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: Records, (727)796-2355. 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: Records, (727)796-2355.

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATE AND TIME: February 9, 2016, 12:00 Noon – 1:00 p.m.

PLACE: Hurston Complex, 400 West Robinson Street, Suite S1106F, Orlando, FL (change in location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: LTCOP East Central Council Business.

A copy of the agenda may be obtained by contacting: the Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2323, LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting the above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATE AND TIME: May 10, 2016, 1:00 p.m. – 2:00 p.m.

PLACE: Hurston Complex, 400 West Robinson Street, Suite 709, Orlando, FL (different location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: LTCOP East Central Council Business.

A copy of the agenda may be obtained by contacting: the Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, (850)414-2323, LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting the above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces public meetings to which all persons are invited.

DATES AND TIMES: August 9, 2016, 12:00 Noon – 1:00 p.m.; November 8, 2016, 12:00 Noon – 1:00 p.m.

PLACE: Hurston Complex, 400 W. Robinson Street, S1106F, Orlando, Florida (different location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: LTCOP East Central Council Business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIMES: February 8, 2016, 11:00 a.m. – 12:00 Noon; May 9, 2016, 11:00 a.m. – 12:00 Noon; August 8, 2016, 11:00 a.m. – 12:00 Noon; November 14, 2016; 11:00 a.m. – 12:00 Noon

PLACE: 111 South Sapodilla Ave., Room, 113B, West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: Palm Beach Council LTCOP business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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).

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 72 hours before the workshop/meeting by contacting: above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIMES: February 18, 2016, 1:00 p.m. – 2:00 p.m.; May 19, 2016 1:00 p.m. – 2:00 p.m.; August 18, 2016, 1:00 p.m. – 2:00 p.m.; November 17, 2016, 1:00 p.m. – 2:00 p.m.

PLACE: Alachua Regional Service Center, 14107 NW Highway 441, Rm. 190A, Alachua, FL 32615

GENERAL SUBJECT MATTER TO BE CONSIDERED: North Central Council LTCCOP business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces public meetings to which all persons are invited.

DATES AND TIMES: February 11, 2016, 1:00 p.m. – 2:00 p.m.; May 12, 2016, 1:00 p.m. – 2:00 p.m.; August 11, 2016, 1:00 p.m. – 2:00 p.m.; November 10, 2016, 1:00 p.m. – 2:00 p.m.

PLACE: United Way of Central Florida, 5605 US Hwy 98 South, Lakeland, FL 33812

GENERAL SUBJECT MATTER TO BE CONSIDERED: South Central Council LTCOP business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces public meetings to which all persons are invited.

DATES AND TIMES: February 10, 2016, 10:00 a.m. – 11:00 a.m.; May 11, 2016, 10:00 a.m. – 11:00 a.m.; August 10, 2016, 10:00 a.m. – 11:00 a.m.; November 9, 2016; 10:00 a.m. – 11:00 a.m.

PLACE: 210 N. Palmetto Ave, Rm. 148, Daytona Beach, FL 32114

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Coast South Council LTCOP business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850) 414-2323 or email: LTCOPInformer@elderaffairs.org.

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIMES: February 18, 2016, 10:00 a.m. – 11:00 a.m.; May 19, 2016, 10:00 a.m. – 11:00 a.m.; August 18, 2016, 10:00 a.m. – 11:00 a.m.; November 17, 2016; 10:00 a.m. – 11:00 a.m.

PLACE: Pasco Health Department Conference Room B, Educational Center, 10841 Little Road, Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pasco/North Pinellas Council LTCOP business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIMSE: February 15, 2016, 10:00 a.m. – 11:30 a.m.; May 16, 2016, 10:00 a.m. – 11:30 a.m.; August 15, 2016, 10:00 a.m. – 11:30 a.m.; November 21, 2016; 10:00 a.m. – 11:30 a.m.

PLACE: Thomas Counseling Center, 5000 Dunn Road, Ft. Pierce, FL 34981

GENERAL SUBJECT MATTER TO BE CONSIDERED: Treasure Coast Council LTCOP business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces public meetings to which all persons are invited.

DATES AND TIMES: February 17, 2016, 1:00 p.m. – 2:30 p.m.; May 18, 2016, 1:00 p.m. – 2:30 p.m.; August 17, 2016, 1:00 p.m. – 2:30 p.m.; November 16, 2016, 1:00 p.m. – 2:30 p.m.

PLACE: Conference call: 1(888)670-3525, pass code: 780-930-7873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Panhandle Council LTCOP business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIMES: February 26, 2016, 9:30 a.m. – 10:30 a.m.; May 26, 2016, 9:30 a.m. – 10:30 a.m.; August 25, 2016, 9:30 a.m. – 10:30 a.m.; November 17, 2016, 9:30 a.m. – 10:30 a.m.

PLACE: 1060 Shoreline Drive, Gulf Breeze, FL 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: Northwest Council LTCOP business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

DATES AND TIMES: February 25, 2016, 1:00 p.m. – 2:00 p.m.; May 26, 2016, 1:00 p.m. – 2:00 p.m.; August 25, 2016, 1:00 p.m. – 2:00 p.m.; November 10, 2016, 1:00 p.m. – 2:00 p.m.

PLACE: Mary Grizzle Building, 11351 Ulmerton Rd., Ste. 136, Largo, FL 33771

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mid & South Pinellas LTCOP business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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).

DEPARTMENT OF ELDER AFFAIRS

Long-Term Care Ombudsman Program

The Department of Elder Affairs, Long-Term Care Ombudsman Program announces public meetings to which all persons are invited.

DATES AND TIMES: February 11, 2016, 1:00 p.m. – 2:00 p.m.; May 12, 2016, 1:00 p.m. – 2:00 p.m.; August 11, 2016, 1:00 p.m. – 2:00 p.m.; November 10, 2016, 1:00 p.m. – 2:00 p.m.

PLACE: Government Center Viera, 2725 Judge Fran Jamieson Way, Building B, Suite 101, Viera, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Brevard Council LTCOP business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399, telephone: (850)414-2323 or email: LTCOPInformer@elderaffairs.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: above referenced number. 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).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Department of Business and Professional Regulation announces a public meeting to which all persons are invited.

DATE AND TIMES: February 23, 2016, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel,

1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

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: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062. 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: Ian Brown, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (850)488-0062.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.

DATE AND TIME: Monday, February 15, 2016, 2:30 p.m.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Probable Cause Panel will meet to conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Probable Cause Panel or its counsel.

A copy of the agenda may be obtained by contacting: Deputy Clerk, Division of Real Estate, (407)481-5662. Only public portions of the agenda are available upon request.

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 Real Estate, (407)481-5662. 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).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

The Probable Cause Panel of the Florida Real Estate Commission announces a hearing to which all persons are invited.

DATES AND TIMES: Tuesday, February 16, 2016, 8:30 a.m., ET; meeting will reconvene on Wednesday, February 17, 2016, 8:30 a.m., ET.

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., Chapter 61J2 rule discussion, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, disciplinary actions and real estate applications. All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by contacting: Lori Crawford at lori.crawford@myfloridalicense.com or Mike Davis at michael.davis@myfloridalicense.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 5 days before the workshop/meeting by contacting: Division of Real Estate, (407)481-5662. 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 Polk State College, Center for Public Safety, KCTIPS announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 18, 2016, 2:00 p.m.

PLACE: Polk State College, Center for Public Safety, Kenneth C. Thompson Institute of Public Safety, 1251 Jim Keene Blvd., Winter Haven, FL 33880

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- 1) Approve Minutes from August 13, 2015 meeting
- 2) Old Business
- 3) New Business
 - a. Region VIII Course Offerings
 - b. Region VIII Budget Reports
 - c. CJSTC Rules
- 4) Training Issues
- 5) Other Issues
- 6) Adjournment

A copy of the agenda may be obtained by contacting: Debbie Bull, Secretary, Polk State College, Center for Public Safety,

Kenneth C. Thompson Institute of Public Safety, 1251 Jim Keene Blvd., Winter Haven FL 33880.

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 24 hours before the workshop/meeting by contacting: Debbie Bull, Secretary, (863)669-2908. 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: Debbie Bull, Secretary, (863)669-2908.

AFRICAN AMERICAN HISTORY TASK FORCE

The African American History Task Force announces a public meeting to which all persons are invited.

DATE AND TIME: February 10, 2016, 9:00 a.m. – 3:00 p.m.

PLACE: 3701 Winton Drive, Jacksonville, FL 32208; District: Duval County Public Schools

GENERAL SUBJECT MATTER TO BE CONSIDERED: Annual meeting of the Commissioner of Education's African American History Task Force.

A copy of the agenda may be obtained by contacting: Lakechia Eiland, lakechia.eiland@famu.edu.

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: Lakechia Eiland. 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: Dr. Bernadette Kelley, bernadette.kelley@famu.edu.

AMERICAN CONSULTING PROFESSIONALS - DEBORAH TURNER

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

DATES AND TIMES: Tuesday, February 2, 2016, 5:30 p.m. – 7:30 p.m., West River; Saturday, February 13, 2016, 9:30 a.m. – 1:00 a.m., Youth Charrette (Children 6-17 yrs.); Tuesday, February 16, 2016, 5:30 p.m. – 7:30 p.m., Seminole

Heights; Monday, February 22, 2016, 5:30 p.m. – 7:30 p.m., Tampa Heights; Monday, February 29, 2016 5:30 p.m. – 7:30 p.m., Ybor (Historic, VM, East Tampa)

PLACES: West River, Youth Charrette (Children 6-17 yrs.), Tampa Heights, and Ybor (Historic, VM, East Tampa) will take place at the Children's Board of Hillsborough County, 1002 East Palm Avenue, Tampa, Florida; Seminole Heights will take place at the Seminole Heights Library, 4711 North Central Avenue in Tampa

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa Bay Express (TBX) City of Tampa Community Engagement Meetings

For the Downtown Tampa Interchange (I-275 at I-4)

WPI: 433821-22-01

The Florida Center for Community Design and Research (FCCDR), in cooperation with the Florida Department of Transportation District Seven, City of Tampa, Hillsborough County, HART and Hillsborough Planning Commission, is inviting community representatives from City of Tampa Home Owner Associations residents and civic and business associations near the Downtown Tampa Interchange (I-275 at I-4) to participate in a second round of Community Engagement meetings regarding the TBX project to:

- Determine needs based on neighborhood concerns.
- Develop shared goals/objectives to address those needs.
- Develop visual concepts to clarify the shared goals/objectives to meet neighborhood needs.

Individuals may attend the meetings as observers to the process and participate through worksheets provided at the meeting. Audience seating will be limited.

The results of these meetings will be shared via the tampabayexpress.com website, local newspapers, email and in the community (location to be determined) for review and comment by all of the community. There will be a Florida Department of Transportation, District Seven, community meeting in late Spring 2016 for final comments.

For a copy of the agenda please check Tampabayexpress.com for current information and meeting updates or call Chris Speese, Public Involvement Coordinator at (813)975-6405.

For more information, you may contact: Chris Speese. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Chris Speese, Public Involvement Coordinator, at (813)975-6405, 1(800)226-7220 or email: christopher.speese@dot.state.fl.us at least seven (7) days prior to a meeting.

THE VALERIN GROUP, INC.

The Florida Department of Transportation (FDOT) announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, February 9, 2016, 5:00 p.m. – 7:00 p.m.

PLACE: Florida Conference of Seventh-day Adventists Community Room, 351 South State Road 434, Altamonte Springs, FL 32714

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public hearing is being held regarding safety improvements at the intersection of State Road (SR) 434 at Calabria Drive in Seminole County. The hearing is being conducted to give interested persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental effects of the proposed improvements.

The project addresses crash patterns at the intersection by converting the full median opening to a directional median opening. This modification reduces traffic conflict points at the intersection.

The hearing will be held on Tuesday, February 9, 2016, in the Community Room at the Florida Conference of Seventh-day Adventists, 351 South State Road 434, Altamonte Springs, FL 32714 between 5:00 p.m. and 7:00 p.m. The hearing will begin as an open house at 5:00 p.m. with a formal presentation at 6:00 p.m. Staff members will be available to discuss the project and answer questions before and after the presentation. Participants may also provide verbal comments directly to a court reporter before and after the formal presentation. Written comments can be submitted at the hearing, sent by mail to: Dave Mixon, Florida Department of Transportation, District Five Traffic Operations, 719 South Woodland Boulevard, M.S. 562, DeLand, FL 32720 or sent by email: Dave.Mixon@dot.state.fl.us no later than February 19, 2016. All comments written and oral will become part of the project's public record.

The draft project documents and other information will be available for public review from January 14, 2016 to February 19, 2016 at the Seminole County Library West Branch, 245 North Hunt Club Boulevard, Longwood, FL 32779.

Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT compliance with Title VI may do so by contacting Jennifer Smith, FDOT District Five Title VI Coordinator, by phone: (386)943-5367 or via email: Jennifer.Smith2@dot.state.fl.us.

A copy of the agenda may be obtained by contacting: there will be no agenda.

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: Kelly Hiden, Public Involvement Coordinator, The Valerin Group, (407)508-0839, kelly@valerin-group.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 additional information about the project, please contact: Dave Mixon at (386)943-5DOT or Dave.Mixon@dot.state.fl.us.

Section VII Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Hans R. DeVaughn, Unit Owner, In Re: Coconut Palms Beach Resort II Owner’s Association, Inc., Docket No. 2016001527, filed on January 7, 2016. The petition seeks the agency’s opinion as to the applicability of Section 718.112(2)(d)4., Florida Statutes, as it applies to the petitioner.

Whether the last sentence of Section 718.112(2)(d)4., Florida Statutes, [“This subparagraph does not apply to an association governing a timeshare condominium.”] applies to all the subparts of Section 718.112(2)(d)4., Florida Statutes, and the action taken by the Association at the annual meeting?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rikki Anderson, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1415, Rikki.Anderson@myfloridalicense.com.

Please refer all comments to: Ryan N. Lumbreras, Senior Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Condominiums, Timeshares and Mobile Homes

NOTICE IS HEREBY GIVEN that the Division of Florida Condominiums, Timeshares, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Hans R. DeVaughn, Unit Owner, In Re: Coconut Palms Beach Resort Owner’s Association, Inc., Docket No. 2016001533, filed on January 7, 2016. The petition seeks the agency’s opinion as to the applicability of 718.112(2)(f)2a., Florida Statutes, as it applies to the petitioner.

Whether 718.112(2)(f)2a., Florida Statutes, applies to deferred maintenance cost of “soft goods” at the rate of the single item or the rate for a volume buy when determining reserve calculations?

A copy of the Petition for Declaratory Statement may be obtained by contacting: Rikki Anderson, Administrative Assistant II, at Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217, (850)717-1415, Rikki.Anderson@myfloridalicense.com.

Please refer all comments to: Ryan N. Lumbreras, Senior Attorney, Department of Business and Professional Regulation, Division of Florida Condominiums, Timeshares, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202. Responses, motions to intervene, or requests for an agency hearing, §120.57(2), Fla. Stat., must be filed within 21 days of this notice.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 FOREST CAPITAL MUSEUM CONSTRUCTION
 MATERIALS

SOLICITATION NO. 2016031C, INVITATION TO BID, On behalf of the Florida Department of Environmental Protection the Procurement Office is soliciting formal, competitive, sealed bids from contractors for Construction Materials for the Forest Capital Museum. The Department will post notice of any changes or additional meeting(s) on the Vendor Bid System in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise any notice in the Florida Administrative Register. Access the VBS at: http://www.myflorida.com/apps/vbs/vbs_www.main_menu.

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals 2016-03, Lender Appreciation Awards
 Dinner Venue and Lodging

The Florida Housing Finance Corporation invites all qualified Respondents to submit proposals for consideration in accordance with the terms and conditions set forth in this Request for Proposals (RFP) 2016-03, relating to the procurement of Lender Appreciation Awards Dinner Venue and Lodging. Florida Housing expects to select one Respondent who proposes to provide these services as specified in this RFP.

Responses shall be accepted until 2:00 p.m. (Eastern Time), March 1 2016, to the attention of the Contracts Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Jenny Marshall at (850)488-4197 or Jenny.Marshall@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Jenny Marshall, or you can download the Request for Proposals from the Florida Housing Finance Corporation website at: <http://www.floridahousing.org/BusinessAndLegal/Solicitation>

s/RequestForProposals. Any modifications that occur to the Request for Proposals will be posted at the website and may result in an extension of the deadline.

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposals 2016-02, Homebuyer Loan Program

The Florida Housing Finance Corporation invites all qualified Respondents to submit proposals for consideration in accordance with the terms and conditions set forth in this Request for Proposals (RFP) 2016-02, relating to the Homebuyer Loan Program. Florida Housing expects to select one Respondent who proposes to provide these services as specified in this RFP.

Responses shall be accepted until 2:00 p.m. (Eastern Time), February 23, 2016, to the attention of the Contracts Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact: Jenny Marshall at (850)488-4197 or Jenny.Marshall@floridahousing.org. To obtain a copy of the Request for Qualifications, which outlines selection criteria and applicant's responsibilities, please submit your request to the attention of Jenny Marshall, or you can download the Request for Proposals from the Florida Housing Finance Corporation website at: <http://www.floridahousing.org/BusinessAndLegal/Solicitation> s/RequestForProposals. Any modifications that occur to the Request for Qualification will be posted at the website and may result in an extension of the deadline.

Section XII
Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION
 State Revolving Fund Program

NOTICE OF AVAILABILITY

FLORIDA CATEGORICAL EXCLUSION NOTICE
 CITY OF PUNTA GORDA

The Florida Department of Environmental Protection (DEP) has determined that the City of Punta Gorda project involving construction of a reverse osmosis water treatment plant is not expected to generate controversy over potential environmental effects. The total estimated construction cost is \$33,201,000. The project may qualify for a Drinking Water State Revolving Fund loan composed of federal and 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: Greg Alfsen, DEP, 3900 Commonwealth Boulevard, MS 3505, Tallahassee, Florida 32399-3000,

calling (850)245-2983 or emailing
gregory.alfsen@dep.state.fl.us.

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.
