

Rulemaking Specific Authority 456.079, 468.705, 468.719 FS. Law Implemented 456.072, 456.717, 456.079, 468.719 FS. History—New 10-22-02, Amended 1-16-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Athletic Training
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Athletic Training
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 11, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.044 RULE TITLE: Residency for Tuition Purposes
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 6, February 12, 2010 issue of the Florida Administrative Weekly.

6A-10.044 Residency for Tuition Purposes.

The purpose of this rule is to establish consistent policies for the classification of students as residents for tuition purposes in accordance with criteria set forth in Section 1009.21, Florida Statutes.

~~(1) For Initial Determination of Residency: A dependent person will be one for whom fifty (50) percent or more of his or her support has been provided by another as defined by the Internal Revenue Service. An independent person will be one who provides more than fifty (50) percent of his or her own support as evidenced by the student's most recent tax return or other documentation, including, but not limited to, pay stubs or bank account statements.~~

(a) A dependent student who attended a Florida high school for a minimum of two (2) academic years immediately preceding his or her initial enrollment in an institution of higher education and graduated from a Florida high school or earned a Florida GED within the last twelve (12) months may use their high school transcript or the GED transcript as evidence of Florida residency. At least one (1) additional document identified in Section 1009.21(3)(c)1. or 1009.21(3)(c)2., Florida Statutes, must be presented evidencing parental legal residence.

(b) If a declaration of domicile, pursuant to Section 222.17, Florida Statutes, is being used as one of the documents to establish residency for tuition purposes, the date that an applicant shall be deemed as establishing residency for tuition purposes shall be twelve (12) months hence from the date that the Clerk of Circuit Court notes the declaration was sworn and subscribed to them. Nothing in this subsection shall prevent the use of additional documentation as evidence that legal residency was established by other means pursuant to Section 1009.21(1)(c), Florida Statutes, as of a date earlier than that established by the Declaration of Domicile.

(2) For Residency Reclassification Determination. A student who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes by presenting a minimum of three (3) documents identified in Section 1009.21(3)(c)1. or 1009.21(3)(c)2., Florida Statutes, that convincingly demonstrate the establishment of permanent legal residence in Florida other than for the sole purpose of pursuing a postsecondary education. Documentation must demonstrate that the student or, if the student is a dependent, his or her parent, has maintained legal residence in Florida for at least twelve (12) consecutive months prior to his or her request for reclassification. For Initial Determination of Residency:

~~(a) A person or, if that person is a dependent, his or her parent or parents must have established legal residence in Florida for at least twelve (12) consecutive months prior to his or her initial enrollment in an institution of higher education.~~

~~(b) A dependent student who attended a Florida high school for a minimum of two (2) academic years immediately preceding his or her initial enrollment in an institution of higher education and graduated from a Florida high school or earned a Florida GED within the last twelve (12) months may use their high school transcript or the GED transcript as evidence of Florida residency. At least one (1) additional document identified in Section 1009.21(3)(c)1. or 2., Florida Statutes, must be presented evidencing parental legal residence.~~

~~(c) If a declaration of domicile, pursuant to Section 222.17, Florida Statutes, is being used as one (1) of the documents to establish residency for tuition purposes, the date that an applicant shall be deemed as establishing residency for tuition purposes shall be twelve (12) months hence from the date that the Clerk of Circuit Court notes the declaration was sworn and subscribed to them.~~

(3) The burden of providing clear and convincing documentation that justifies the institution's classification of a student as a resident for tuition purposes rests with the student or, if the student is a dependent, his or her parent. For documentation to be "clear and convincing," it must be credible, trustworthy, and sufficient to persuade the institution that the student or, if that student is a dependent, his or her

parent has established legal residency in Florida that is not solely for the purpose of pursuing an education and has relinquished residency in any other state for at least twelve (12) consecutive months prior to classification. Each institution of higher education may establish submission deadlines for all documentation that will be used to determine residency for tuition purposes. Residency Reclassification Determination. A student who is classified as a nonresident for tuition purposes may become eligible for reclassification as a resident for tuition purposes by presenting a minimum of three (3) documents identified in Section 1009.21(3)(c)1. or 2., Florida Statutes, that convincingly demonstrate the establishment of permanent legal residence in Florida other than for the sole purpose of pursuing a postsecondary education. Documentation must demonstrate that the student or, if the student is a dependent, his or her parent, has maintained legal residence in Florida for at least twelve (12) consecutive months prior to his or her request for reclassification.

(4) A non-United States citizen may be eligible to establish residency for tuition purposes if evidence is presented verifying that he or she is legally present in the United States and the student is one of the following: The burden of providing clear and convincing documentation that justifies the institution's classification of a student as a resident for tuition purposes rests with the student or, if the student is a dependent, his or her parent. For documentation to be "clear and convincing," it must be credible, trustworthy, and sufficient to persuade the institution that the student or, if that student is a dependent, his or her parent has established legal residency in Florida that is not solely for the purpose of pursuing an education and has relinquished residency in any other state for at least twelve (12) consecutive months prior to classification. Each institution of higher education may establish submission deadlines for all documentation that will be used to determine residency for tuition purposes.

(a) A foreign national in a nonimmigrant Visa classification eligible for study and with a date of departure that is not during the term the student will be enrolled. The student, and parent, if the student is a dependent, must present evidence of legal presence in the United States. A Student Visa shall not be accepted as evidence of eligibility to establish residency.

(b) A foreign national, such as permanent resident aliens, parolees, asylees, Cuban-Haitian Entrants, and other legal aliens granted indefinite stay, in a status that is eligible for study in the United States.

(5) Each institution's official residency appeal process established pursuant to Section 1009.21(11), Florida Statutes, shall be in writing and prominently displayed on the institution's web site. Non-U.S. citizens who are currently classified as permanent residents, parolees, asylees, refugees, or other permanent status persons (e.g., conditional permanent residents and temporary residents) must present valid and

eligible documentation from the U.S. Citizenship and Immigration Services (USCIS) as indentified in subsections (6) and (7) of this rule. Non-U.S. citizens who have applied to the USCIS with no date certain for departure shall be considered eligible to establish Florida residency for tuition purposes. Both student, and parent, if the student is a dependent, must have valid and eligible USCIS documentation. All non-U.S.citizen document categories must be valid and non-expired for the entire term in which a non-U.S. citizen is classified as a Florida resident.

(6) ~~Nonimmigrants holding one of the following visas shall be considered eligible to establish Florida residency for tuition purposes. Individuals with non immigrant visas must provide evidence that: (1) he or she is in an eligible visa category (and parent, if a dependent); and (2) he or she has lived in Florida for the required twelve (12) month qualifying period (or parent, if a dependent). Visa categories must be valid and non expired for the entire term in which a nonimmigrant is classified as a Florida resident. Persons in visa categories not listed herein shall be considered ineligible to establish Florida residency for tuition purposes.~~

~~(a) Visa category A — Foreign Government Official, including members of their immediate family.~~

~~(b) Visa category E — Treaty Traders and Investors, including their spouse and children.~~

~~(c) Visa category G — Foreign Government Officials to International Organizations, including members of their immediate family.~~

~~(d) Visa category H-1B — Temporary Workers (Specialty Occupations, Department of Defense Workers, Fashion Models, and Nurses in HPSA's), including their spouse and children.~~

~~(e) Visa category I — Foreign Media Representatives, including their spouse and children.~~

~~(f) Visa category K — Fiancé(e)s of United States citizen(s), including their children.~~

~~(g) Visa category L — Intracompany Transferees, (including their spouse and children).~~

~~(h) Visa category N — Parent or child of alien accorded special immigrant status.~~

~~(i) Visa category O-1 — Workers of "Extraordinary" Abilities, including their spouse and children.~~

~~(j) Visa category R — Religious workers, including their spouse and children.~~

~~(k) Visa category NATO 1-7 — North Atlantic Treaty Organization Representatives and their immediate family.~~

~~(l) Visa category S — Alien witnesses and informants, including their spouse and children.~~

~~(m) Visa category T — Victims of trafficking, who cooperate with federal authorities in prosecutions of traffickers, including their spouses and children.~~

~~(n) Visa category U — Victims of Certain Crimes, including their spouse and children.~~

~~(o) Visa category V — Spouses and children of lawful permanent residents.~~

~~(7) Non-U.S. citizens who fall within the following categories shall also be considered eligible to establish Florida residency for tuition purposes:~~

~~(a) Citizens of Micronesia.~~

~~(b) Citizens of the Marshall Islands.~~

~~(c) Beneficiaries of the Family Unity Program.~~

~~(d) Individuals granted Temporary Protected Status (TPS).~~

~~(e) Individuals granted Withholding of Removal status.~~

~~(f) Individuals granted Suspension of Deportation status or cancellation of Removal.~~

~~(g) Individuals granted a Stay of Deportation status or Stay of Removal.~~

~~(h) Individuals granted Deferred Action Status.~~

~~(i) Individuals granted Deferred Enforced Departure status.~~

~~(j) Applicants for Adjustment of Status.~~

~~(k) Asylum applicants with INS receipt or Immigration Court stamp.~~

~~(8) Institutions shall establish a residency appeal committee that is responsible for making final residency determinations for students who initiate an appeal according to the institution's official appeal process. The official appeal process shall be written and prominently displayed on the institution's web site.~~

Rulemaking Specific Authority 1009.21(11) FS. Law Implemented 1009.21(11) FS. History—New 10-6-92, Amended 10-17-00, 3-22-05,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-1.659
 RULE TITLE: Forms and Instructions

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 10, March 12, 2010 issue of the Florida Administrative Weekly.

40E-1.659 Forms and Instructions.

The following forms and instructions are hereby incorporated by reference throughout the District's rules as specified below and are listed herein for convenience in this chapter and Copies may be obtained without cost by contacting the Records Management Specialist, South Florida Water Management District Clerk's Office, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-8045, ext. 6436, or (561)682-6436 or online at www.sfwmd.gov or at any of the District's Service Centers. Locations and contacts for the District's Service Centers may be obtained from the Record Management Specialist at the address and phone number provided herein or on the District's website at <http://www.sfwmd.gov>. These forms may also be obtained from the District's website at <http://www.sfwmd.gov>, "What We Do", then "Permitting/Regulation". On the "Permitting/Regulation" page, click on "Environmental Resource Permits" then "Forms":

1190	1-07	Deed of Conservation Easement (Standard), <u>incorporated by reference in Section 4.3.8, of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1191	1-07	Deed of Conservation Easement (Standard Passive Recreational), <u>incorporated by reference in Section 4.3.8, of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1192	1-07	Deed of Conservation Easement (Standard Riparian), <u>incorporated by reference in Section 4.3.8, of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1194	1-07	Deed of Conservation Easement (Third Party Standard), <u>incorporated by reference in Section 4.3.8, of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1195	1-07	Deed of Conservation Easement (Third Party Passive Recreational), <u>incorporated by reference in Section 4.3.8, of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.</u>

1196	1-07	Deed of Conservation Easement (Third Party Riparian), <u>incorporated by reference in Section 4.3.8, of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.</u>
1197	1-07	<u>Restrictive Covenant (Standard), incorporated by reference in Section 4.3.8, of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.</u>
<u>1318</u>	_____	<u>Deed of Conservation Easement (Local Governments), incorporated by reference in Section 4.3.8, of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C.</u>

Rulemaking Specific Authority ~~120.53~~, 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS. Law Implemented ~~120.53~~, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 FS. History—New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06, 1-23-07, 8-7-07, _____.

6. Form No. 1196, Deed of Conservation Easement (Third Party Riparian), effective date January 23, 2007;

7. Form No. 1197, Restrictive Covenant (Standard), effective date January 23, 2007;

8. Form No. 1318, Deed of Conservation Easement (Local Governments), effective date _____, 2010;

(b) through (k) No change.

(2) The documents listed in subsection (1) are available from District Service Centers upon request, online at www.sfwmd.gov or can be obtained at no cost by contacting the District Clerk’s Office, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6436, or (561)682-6436.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.091
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 10, March 12, 2010 issue of the Florida Administrative Weekly.

Changes to the text in Section 4.3.8 of the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, incorporated by reference in Rule 40E-4.091, F.A.C., are posted online at www.sfwmd.gov, or can be obtained at no cost by contacting Kathie Ruff, Paralegal, South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406, (800)432-2045, ext. 6320 or (561)682-6320.

40E-4.091 Publications, Rules and Interagency Agreements Incorporated by Reference.

(1) No change.

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District, effective date _____11-11-09”, which incorporates the following forms by reference:

1. Form No. 1190, Deed of Conservation Easement (Standard), effective date January 23, 2007;

2. Form No. 1191, Deed of Conservation Easement (Standard Passive Recreational), effective date January 23, 2007;

3. Form No. 1192, Deed of Conservation Easement (Standard Riparian), effective date January 23, 2007;

4. Form No. 1194, Deed of Conservation Easement (Third Party Standard), effective date January 23, 2007;

5. Form No. 1195, Deed of Conservation Easement (Third Party Passive Recreational), effective date January 23, 2007;

Rulemaking Authority 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441, 668.003, 668.004, 668.50, 704.06 FS. Law Implemented 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441, 668.003, 668.004, 668.50, 704.06 FS. History—New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, 10-1-06, 11-20-06, 1-23-07, 7-1-07, 7-22-07, 11-11-09, _____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.091
 RULE TITLE: Publications, Rules and Interagency Agreements Incorporated by Reference

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 10, March 12, 2010 issue of the Florida Administrative Weekly.

Delete the following subsections from the Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District: 4.3.9.1 through 4.3.9.5 and Figure 4.3-1 (Incentive Graph), which were inadvertently omitted from the previous publication. These subsections all pertain to Section 4.3.9, the Mitigation Reduction Through a Melaleuca Eradication Program. Subsection 4.3.9.1 pertains to determination of wetland boundaries, subsection 4.3.9.2 pertains to the method for determination of melaleuca coverage and reduction in mitigation, subsection 4.3.9.3 pertains to

The purpose of the amendment to Rule 59G-13.030, F.A.C., is to incorporate by reference the revised Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook, May 2009. The following revisions have been made to the handbook.

Page 1-4 AAAs and Medicaid Waiver Specialists. Fifth paragraph is changed to read as follows: "The AAAs shall follow policies and procedures regarding recipient enrollment into the A/DA Waiver Program and "wait list" policies and procedures for those individuals on the "wait list." The "wait list" shall be available for review by AHCA; DCF, Adult Protective Services; and DOEA."

Page 1-5 DCF's Spending Authority. First paragraph is changed to read as follows: "DCF's Adult Protective Services Headquarters Program Office manages the budgetary authority for disabled adults ages 18 to 59 served by the A/DA waiver."

Page 1-6

Case Management Agency Requirements.

First paragraph is changed to read as follows: "To provide A/DA waiver case management services, the entity must have one of the following unless case management is provided by DCF staff:"

Second bullet is changed to read as follows: "A referral agreement and contract with the Department of Children and Families (DCF)."

After "General Case Management Provider Qualifications" Insert: "Transition Case Management. Transition Case Management services can be provided to Medicaid eligible individuals who reside in a nursing facility and wish to transition into a less restrictive environment within the community. This service can be used to assess, evaluate, plan, and coordinate the services needed by a potential nursing home transition candidate. Transition case management services can be provided to Medicaid eligible individuals who have resided in a nursing facility for at least 60 consecutive days before their discharge from the nursing facility. The enrolled case management provider may bill for a time period no greater than 180 consecutive days (6 months) prior to discharge, and is not authorized to bill for transition case management services provided until after the individual is discharged from the nursing facility and is actively enrolled in the waiver. After discharge from the nursing facility and enrollment in the waiver, transition case management services end and regular waiver case management services can begin. If an individual is not discharged from the nursing facility, the case management provider will not be authorized to bill for transition case management services.

The provider qualifications and the reimbursement rate for Transition Case Management will remain the same as currently provided by case management services under the waiver."

Page 1-8

Adult Companion Providers.

Fifth bullet is changed to read as follows: "A home health agency licensed under Chapter 400, Part III, F.S."

Sixth bullet is changed to read as follows: "A home health agency licensed under Chapter 400, Part III, F.S. that meets federal conditions of Medicare participation under 42 CFR 484;"

Page 1-9

Case Aide Providers.

First paragraph is changed to read as follows: "To provide A/DA waiver case aide services, providers must have one of the following unless case aides are provided by DCF staff:"

Second bullet is changed to read as follows: "A referral agreement and contract with the Department of Children and Families (DCF)."

Page 1-10 Consumable Medical Supply providers. Fifth bullet is changed to read as follows: "HME providers licensed in accordance with Chapter 400, Part VII, F.S., if the HME provider supplies products that require recipient training and enrolled as a Medicaid Durable Medical Equipment provider."

Page 1-14 Specialized Medical Equipment and Supply Providers. Fifth bullet is changed to read as follows: "HME providers with an occupational license issued in accordance with Chapter 205, F.S. and have an HME license issued in accordance with Chapter 400, Part VII, F.S., if the HME provides supplies requiring recipient training. Enrolled as a Medicaid Durable Medical Equipment provider."

Page 1-17 Referral Agreement. Paragraph is changed to read as follows: "Every A/DA waiver service provider must maintain a current executed referral agreement or memorandum of agreement with the AAA or case management agency. The Department of Children & Families' Adult Protective Services offices maintain referral agreements or memorandum of agreement with the A/DA waiver service providers. The executed referral agreement or memorandum of agreement must be on file with the AAA or case management agency before any A/DA waiver service is provided. Failure to comply with this A/DA waiver provider responsibility can result in AHCA recouping any payments made for services provided prior to the executed referral agreement or memorandum of agreement being placed on file."

Page 2-5

Request for Level of Care. Second paragraph is changed to read as follows: "Note: See Appendix B in this handbook for a copy of the Medical Certification for Nursing Facility/Home and Community Based Services Form (MCNF/HCBS), AHCA-Med Serv Form 3008. The form is available on the DOEA website at <http://elderaffairs.state.fl.us/english/cares.php>."

Informed Consent Form. Second paragraph is changed to read as follows: "Note: See Appendix C for a copy of the Informed Consent Form, AHCA Med-Serv Form 2040 in English and Spanish. The form is available on the DOEA website at <http://elderaffairs.state.fl.us/english/cares.php>."

Page 2-7 Recipient Enrollment into the Waiver. Last paragraph is changed to read as follows: "Enrollment into the waiver for individuals 18 to 59 years old is determined by the Florida Department of Children and Families, Adult Protective Services Programs' Region Offices. A listing of the District Offices and the telephone numbers are available on this website: <http://www.dcf.state.fl.us/as/>"

Page 2-8 A/DA Waiting List. Last paragraph is changed to read as follows: "The A/DA waiting list for the 18 to 59 year old disabled adult population of the waiver is maintained at the Florida Department of Children and Families, Adult Protective Services Program Office."

Page 2-10 Choice of Case Manager. Paragraph is changed to read as follows: "Recipients have a right to select the case management provider or case manager of their choice. In the absence of a selection by the recipient or authorized representative, the case management agency may assign a case manager. The recipient or authorized representative may make a different selection at a later date after the initial selection."

Page 2-11 Case Manager Responsibilities. Eighth bullet is changed to read as follows: "Review and update the plan of care every three (3) months to ensure the appropriate services are provided at the level needed by the recipient;"

Page 2-13 Covered Services. Ninth bullet is changed to read as follows: "The three (3) month and twelve (12) month reviews and updates to the recipient's plan of care;"

Page 2-15 Case Narrative Requirements. Following fifth paragraph, insert new paragraph as follows: "For monthly telephone contact, the narrative must reflect the case manager's monitoring of client changes and the receipt and satisfaction with services;"

Page 2-17. Plan of Care Document. Paragraph is changed to read as follows: "The plan of care document must contain the following elements: 1) Client name and Medicaid identification number; 2) Case management agency name and Medicaid provider identification number; 3) Client's assessed service needs; 4) Types, units, frequency and duration of planned waiver and non-waiver services; 5) The provider and associated costs of each planned service; 6) Initiation, revision and termination dates of the care plan; 7) An acknowledgement that the client or client's representative is involved in the development of the care; and 8) Client or representative and case manager signatures and date of signatures."

Page 2-20

Plan of Care Implementation and Review. The fourth bullet is changed to read as follows: "Reviewing the plan of care with the recipient or caregiver face-to-face every three (3) months to determine if the recipient's needs continue to be met. The plan of care may need to be reviewed more frequently depending on changes in the recipient's condition or living situation. The necessity for reviews conducted more frequently than the three-month review must be justified in the narrative."

Increasing and Decreasing Service Authorizations. Last paragraph is changed to read as follows: "For changes or increases in services for the disabled adult population of the waiver to be effective the case manager must submit a completed Request for Service Increase Form, CF-AA 1116, pdf. May 2004, for processing through the DCF, Adult Protective Services Region Program Office."

Page 2-21 Annual Assessment. First paragraph is changed to read as follows: "A/DA waiver recipients must receive a complete assessment at least annually. If changes in the recipient's condition warrant a complete update assessment, an assessment should be done based on circumstances and need."

Page 2-22

Termination of Enrollment. Eighth bullet is changed to read as follows: "The recipient no longer meets the defined level of care criteria for Intermediate I or Intermediate II as stated in Rule 59G-4.180, F.A.C.; or"

Case Manager Responsibilities Regarding Termination. Second bullet is changed to read as follows: "Notify the DCF Region Office;"

Page 2-27 Service Limitations. Following second bullet, insert new bullet as follows: "Adult companions may not drive the recipient in their car or the recipient's car but may accompany the recipient on public transportation, by taxi, or on Medicaid transportation."

Page 2-28 Service Limitations. Fourth bullet is changed to read as follows: "Authorization of ten hours per day requires extensive written justification."

Page 2-34 Incontinence Supplies. Last paragraph is removed from the text as follows: "Note: See the Adult and Disabled Waiver Disposable Incontinence Medical Supplies Fee Schedule and Quality Standards for Briefs and Diapers available on the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. They are incorporated by reference in Rule 59G-13.032, F.A.C."

Page 2-35

Service Limitations-Consumable Medical Supplies.

Fifth bullet is changed to read as follows: "See the Aged and Disabled Adult Services Waiver Procedure Codes and Fee Schedule."

Last paragraph is removed from the text as follows: "Note: The Aged and Disabled Adult Services Fee Schedule and the Adult and Disabled Waiver Disposable Incontinence Medical Supplies Fee Schedule are available on the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. Aged and Disabled Adult Services Fee Schedule is incorporated by reference in Rule 59G-13.031, F.A.C.; and the Adult and Disabled Waiver Disposable Incontinence Medical Supplies Fee Schedule is incorporated by reference in Rule 59G-13.032, F.A.C."

Page 2-36

Service Exclusions. Paragraph is changed to read as follows: "A/DA waiver funds may not be utilized for Consumable Medical Supplies available under the Florida Medicaid Durable Medical Equipment and Medical Supply Services Program, unless the supplies that are available under the Medicaid Durable Medical Equipment and Medical Supply Services Program are unable to meet the physician-ordered specifications. A copy of the completed Prior Authorization form PA01 07/2008, denying or approving the request, must be in the case record for each requested DME service."

Page 2-46 Service Exclusions. Last paragraph is removed from the text as follows: "Note: The Fee Schedule is available on the Medicaid fiscal agent's Web Portal at <http://mymedicaid-florida.com>. Click on Public Information for Providers, then on Provider Support, and then on Fee Schedules. It is incorporated by reference in Rule 59G-13.031, F.A.C."

Page 2-55 Service Limitations. Fourth bullet is changed to read as follows: "See the Aged and Disabled Adult Services Waiver Procedure Codes and Fee Schedule, for the maximum units of service and the maximum reimbursement per unit. Although this service may be authorized for up to four hours per day, such an authorization would be unusual and requires extensive documentation."

Page 4-2 The header at the top of this page has been corrected to read "Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook."

Page 4-4 The header at the top of this page has been corrected to read "Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook."

The purpose of the amendment to Rule 59G-13.031, F.A.C., is to incorporate by reference the revised Aged and Disabled Adult Waiver Fee Schedule, May 2009. The following information was added to the fee schedule.

**AGED AND DISABLED ADULT SERVICES WAIVER
FEE SCHEDULE**

T2024	U2	TRANSITION CASE MANAGEMENT	\$11.25 per 15-minute unit	80 units (20 hours) per six (6) month transition period (\$900 maximum)
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Barbers' Board

RULE NO.: 61G3-16.007 RULE TITLE: Examination for Restricted Licensure

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 12, March 26, 2010 issue of the Florida Administrative Weekly.

The correction is as follows:

The Rule Development is: October 30, 2009.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CORRECTION IS: Robyn Barineau, Executive Director, 1940 North Monroe Street Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-24.008 RULE TITLE: Biennial Renewal Fee for Cosmetologists and Specialists

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 10, March 12, 2010 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimate Regulatory Costs was prepared. The Board determined that the rule amendments would have an impact on small businesses. The increase in the biennial fee will have an impact on licensed cosmetologist. The information compiled by the Office of Budget and Financial Management of the Department of Business and Professional Regulation, shows the projected numbers of licensed cosmetologist that will be impacted for the next three fiscal years:

- 2010 - 2011 = 41, 220.
- 2011 - 2012 = 43,542.
- 2012 - 2013 = 42, 045.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CORRECTION IS: Robyn Barineau, Executive Director, 1940 North Monroe Street Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.: 61G5-24.010 RULE TITLE: Delinquent License and Specialty Registration Fee

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 10, March 12, 2010 issue of the Florida Administrative Weekly.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimate Regulatory Costs was prepared. The Board determined that the rule

amendments would have an impact on small businesses. The increase in the delinquent renewal fee will have an impact on licensed cosmetologist. The information compiled by the Office of Budget and Financial Management of the Department of Business and Professional Regulation, shows the projected numbers of licensed cosmetologist that will be impacted for the next three fiscal years:

- 2010 - 2011 = 5, 327.
- 2011 - 2012 = 2, 949.
- 2012 - 2013 = 5, 434.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CORRECTION IS: Robyn Barineau, Executive Director, 1940 North Monroe Street Tallahassee, Florida 32399-0750

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-304.600 Tampa Bay Basin TMDLs

NOTICE OF WITHDRAWAL

Notice is hereby given that the following subsections, as noticed in the Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly have been withdrawn:

- 62-304.600(1)
- 62-304.600(3)
- 62-304.600(6)
- 62-304.600(9)
- 62-304.600(10)
- 62-304.600(12)
- 62-304.600(14)
- 62-304.600(15)
- 62-304.600(19)
- 62-304.600(21)
- 62-304.600(25)
- 62-304.600(26)
- 62-304.600(28)
- 62-304.600(30)
- 62-304.600(31)
- 62-304.600(33)
- 62-304.600(36)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-304.610 Hillsborough River Basin TMDLs

NOTICE OF WITHDRAWAL

Notice is hereby given that the following subsections, as noticed in the Vol. 35, No. 31, August 7, 2009 issue of the Florida Administrative Weekly have been withdrawn:

- 62-304.610(13)
- 62-304.610(16)

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-306.100	Scope and Intent
62-306.200	Definitions
62-306.300	General Requirements
62-306.310	Prohibitions and Restrictions
62-306.320	Eligibility for Registration of Credits
62-306.400	Waters and Pollutants Subject to Trading
62-306.500	Credit Generation and Validation
62-306.600	Use of Credits and Credit Tracking
62-306.700	Compliance with Trade Provisions
62-306.800	Program Evaluation
62-306.900	Forms

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly. In both the chapter index and the proposed text, Rules 62-306.500 and 62-306.600 were incorrectly identified as 62-305.500 and 62-305.600, respectively. The rules are correctly identified as Rules 62-306.500 and 62-306.600. These corrections do not affect the substance of the rules as they appeared in the Florida Administrative Weekly.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: RULE TITLE:
64B10-15.001 Continuing Education for Licensure Renewal

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 36, No. 9, of the March 3, 2010, issue of the Florida Administrative Weekly. The change is in response to concerns stated by the Board at its meeting on February 26, 2010, granting continuing education hours for practitioners who assist in the examination process.

The change is as follows:

(7) Five hours of continuing education per biennium may be obtained by participating in the examination process by serving as a consultant.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr, Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: RULE TITLE:
64B11-2.003 Fees; Application

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 4, January 29, 2010 issue of the Florida Administrative Weekly.

These corrections are in response to the Joint Administrative Procedures Committee comments, dated March 10, 2010. The corrections are as follows:

64B11-2.003 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. This application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form Occupational Therapy Application, DH-MQA 1152, (revised 08/09 09-08), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy’s website at <http://www.doh.state.fl.us/mqa/occupational/>.

Form DH-MQA 1116.

Confidential and Exempt from Public Records Disclosure, Page 1.

*This page is exempt from public records disclosure. The Department of Health is required and authorized to collect Social Security Numbers relating to applications for professional licensure pursuant to Title 42 USC~~A~~S § 666 (a)(13). For all professions regulated under chapter 456, Florida Statutes, the collection of Social Security Numbers is required by Section 456.013(1)(a), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CORRECTION IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: RULE TITLE:
64B11-3.001 Fees; Application

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 4, January 29, 2010 issue of the Florida Administrative Weekly.

These corrections are in response to the Joint Administrative Procedures Committee comments, dated March 10, 2010. The corrections are as follows:

64B11-3.001 Fees; Application.

Each applicant for licensure shall pay an application fee in the amount of \$100.00 in the form of a check or money order payable to the Department of Health. This application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application, a new application and new fee shall be required from any applicant who desires to be considered for licensure. The fee for any reapplication shall be the sum of \$100.00 payable in the same manner as above. The application shall be made on Form Occupational Therapy Application, DH-MQA 1152, (revised 08/09 09-08), hereby adopted and incorporated by reference, and can be obtained from the Board of Occupational Therapy’s website at <http://www.doh.state.fl.us/mqa/occupational/>.

Form DH-MQA 1116.

Confidential and Exempt from Public Records Disclosure, Page 1.

*This page is exempt from public records disclosure. The Department of Health is required and authorized to collect Social Security Numbers relating to applications for professional licensure pursuant to Title 42 USC~~A~~S § 666 (a)(13). For all professions regulated under chapter 456, Florida Statutes, the collection of Social Security Numbers is required by Section 456.013(1)(a), Florida Statutes.

The publication date of the proposed rule development is: May 15, 2009.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CORRECTION IS: Allen Hall, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-16.006 Sliding Fee Scale

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

The changes are in response to written comments received from the Joint Administrative Procedures Committee (JAPC). These changes include the following: correcting the rule number from 64F-16.001 to 64F-16.006; correcting the introduction of the text from “The preliminary text of the proposed rule development” to “The full text of the proposed rule is”; incorporating by reference the Health and Human

Services poverty guidelines; reflecting that there is no change to subsection (2) of the rule; amending paragraph (3)(f) to reflect that all family planning methods will be limited depending on the availability of funds; amending subsection 64F-16.006(4), F.A.C., to reflect paragraphs (3)(a) through (h) instead of subsections (a) through (h); correcting the date the notice of proposed rule development was published in the Florida Administrative Weekly from September 2, 2009 to September 11, 2009; and deleting the history note that reflects the rule was amended in August 31, 2009. The foregoing changes (except the proposed rule development publication date) are reflected in the rule as follows:

The full text of the proposed rule is:

64F-16.006 Sliding Fee Scale.

(1) Persons with net family incomes between 101 and 200 percent of the ~~Federal Office of Management and Budget Health and Human Services Poverty Guidelines for the 48 Contiguous States and the District of Columbia (poverty guidelines)~~, as published in January 23, 2009 rendition of the Federal Register, incorporated by reference and available at <http://aspe.hhs.gov/poverty/> or per subsection 64F-16.001(6), F.A.C., shall be charged a fee on a sliding scale based on the following increments. For family planning services only, persons with incomes between 101 percent ~~200~~ and 250 percent of poverty shall be charged on a sliding fee scale as described in paragraph 64F-16.006(3)(h), F.A.C., below:

(a) through (g) No change.

(2) No change.

(3) This sliding fee scale applies to recipients of integrated family health and communicable disease control services, with the following exceptions: . . .

(a) through (e) No change.

(f) Clients served by CHDs and their subcontractors shall not be denied family planning services for failure or inability to pay a prescribed fee, regardless of their income; however all family planning methods ~~the family planning services of inserting Norplant, and, male and female sterilization~~, shall be limited depending on the availability of funds, ~~to pay for these services.~~

(g) Clients shall not be denied pregnancy testing for failure or inability to pay a fee.

(h) For family planning services only, persons with net family incomes between 101 percent and 250 ~~200~~ percent of the ~~Federal Office of Management and Budget~~ poverty guidelines shall be charged a fee on a sliding scale based on the following increments:

1. Persons with incomes at or below 100 percent of the poverty guidelines shall pay no fee. ~~Persons with incomes at 200 to 224 percent of the OMB poverty guidelines shall pay 90 percent of the full fee for family planning services.~~

2. Persons with incomes at 101 to 129 percent of the poverty guidelines shall pay 17 percent of the full fee. ~~Persons with incomes at 225 to 249 percent of the OMB poverty guidelines shall pay 95 percent of the full fee for family planning services~~

3. Persons with incomes at 130 to 159 percent of the poverty guidelines shall pay 33 percent of the full fee. ~~Persons with incomes at or above 250 percent of the OMB poverty guidelines shall pay the full fee for family planning services.~~

4. Persons with incomes at 160 to 189 percent of the poverty guidelines shall pay 50 percent of the full fee.

5. Persons with incomes at 190 to 219 percent of the poverty guidelines shall pay 67 percent of the full fee.

6. Persons with incomes at 220 to 250 percent of the poverty guidelines shall pay 83 percent of the full fee.

7. Persons with incomes at or above 251 percent of the poverty guidelines shall pay the full fee.

(4) Persons with net family incomes above 200 percent of the ~~OMB~~ poverty guidelines shall be charged the full fee promulgated by the department or the relevant board of county commissioners, with the exception of those groups listed in paragraphs (3) ~~subsections~~ (a) through (h) above.

Rulemaking Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.007, Amended 6-24-02, 6-17-03, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.704
 RULE TITLE: Family-Related Medicaid Eligibility Determination Process

NOTICE OF CORRECTION

The following notice was incorrectly published in Vol. 36, No. 16, April 23, 2010 of the Florida Administrative Weekly. The notice should have read:

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 15, April 16, 2010 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 5, 2010

**Section IV
 Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."