

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-38.001	Definitions
65C-38.002	Child Abuse, Neglect, Abandonment Investigations
65C-38.003	Relative and Non-Relative Placements
65C-38.004	Foster Care Licensure
65C-38.005	Adoptions

**PURPOSE AND EFFECT:** This rule outlines requirements for background screening in protective investigations, placements, adoptions, and foster care licensing.

**SUBJECT AREA TO BE ADDRESSED:** Criminal History and Abuse Record Checks for the Investigation of Reports or Abuse, Neglect, or Abandonment and for the Placement of Children.

**RULEMAKING AUTHORITY:** 39.012, 39.0138 FS.

**LAW IMPLEMENTED:** 39.012, 39.0138 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eleese Davis, 1317 Winewood Blvd., Tallahassee, Florida 32399, Telephone (850)717-4650, Email [eleese\\_davis@dcf.state.fl.us](mailto:eleese_davis@dcf.state.fl.us) THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-1.004	Definitions

**PURPOSE AND EFFECT:** The purpose and effect of this rule development is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission, during calendar year 2013.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rule include rule language definitions.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-4.001	General Prohibitions
68A-4.002	Take of Wildlife and Freshwater Fish with a Gun at Night; Exceptions
68A-4.005	Introduction of Carriers of Disease; Inspection
68A-4.0051	Importation of Deer, Elk and Other Wildlife Species in the Family of Cervidae
68A-4.0053	Importation and Possession of Carcasses from Deer, Elk and Other Wildlife Species in the Family of Cervidae
68A-4.007	Exclusion of Certain Areas from Open Season
68A-4.008	Taking Wildlife on Roads and Rights-of-Way Prohibited

**PURPOSE AND EFFECT:** The purposes and effects of this rule development effort are to establish or revise rule provisions, during calendar year 2013, associated with general prohibitions pertaining to wildlife and freshwater fish resources, introduction and inspection of carriers of disease, importation of wildlife species in the family Cervidae, possession of a gun while using a light, exclusion of certain areas from open season, and the take of wildlife on roads and rights-of-way.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rule include general prohibitions pertaining to wildlife and freshwater fish, introduction and inspection of carriers of disease, importation of wildlife species in the family Cervidae, possession of a gun while using a light, exclusion of certain areas from open season, and the take of wildlife on roads and rights-of-way.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 379.1025 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 379.2223, 379.3015, 379.404 FS.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-6.0011	Possession of Wildlife in Captivity; Permit Requirements
68A-6.002	Categories of Captive Wildlife
68A-6.0021	Possession or Transfer of Class I Wildlife as Personal Use Wildlife
68A-6.0022	Possession of Class I, II, or III Wildlife in Captivity; Permit Requirements
68A-6.0023	General Regulations Governing Possession of Captive Wildlife; Public Contact; Transfer of Wildlife and Record Keeping Requirements
68A-6.0024	Commercialization of Wildlife; Bonding or Financial Responsibility Guarantee

68A-6.0025	Sanctuaries; Retired Performing Wildlife and Identification
68A-6.003	Facility and Structural Caging Requirement for Class I, II and III Wildlife
68A-6.004	Standard Caging Requirements for Captive Wildlife
68A-6.0041	Exceptions to Standard Caging Requirements for Captive Wildlife
68A-6.0042	Elephant Rides
68A-6.005	Transportation Requirements for Wildlife; Caging Requirements for Performing and Non-Performing Animals
68A-6.006	Dealing in Exotic or Pet Birds: Records
68A-6.007	Possession, Transportation, Exhibition and Caging Venomous Reptiles and Reptiles of Concern
68A-6.0071	Record Keeping and Reporting Requirements
68A-6.0072	Identification of Non-Native Venomous Reptiles and Reptiles of Concern; Escape

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to analyze the current rules during calendar year 2013 to determine if adjustments are needed to ensure the safety of the general public and the possessors of wildlife, and to ensure the welfare of the wildlife.

**SUBJECT AREA TO BE ADDRESSED:** Subject area covered in the proposed rules includes the regulations governing captive wildlife.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

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**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Inv. Jason Marlow, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)488-6253

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-9.002	Permits to Take Wildlife or Freshwater Fish for Justifiable Purposes
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas
68A-9.005	Falconry
68A-9.006	Wildlife Rehabilitation Permit
68A-9.007	Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing
68A-9.008	Permits for Physically Disabled
68A-9.010	Taking Nuisance Wildlife
68A-9.012	Taking of Wildlife on Airport Property

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2013, associated with wildlife management area permits, recreational use permits and related fees on Wildlife Management Areas; falconry; wildlife rehabilitation; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; permits for the physically disabled; and to clarify and simplify regulations relating to nuisance wildlife and wildlife on airport property. The effort will, in part, incorporate federal changes to regulations governing falconry and ensure the proper care and use of wildlife under rehabilitation.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include recreational use permits; falconry; wildlife rehabilitation; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; permits for wildlife rehabilitation and the physically disabled; and taking of nuisance wildlife and wildlife on airport property.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 375.313, 379.1025, 379.2223, 379.354 FS.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-12.002	General Methods of Taking Game; Prohibitions
68A-12.007	Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting
68A-12.008	Use of Pen-raised Quail for Training Bird Dogs

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule development is to establish or revise rule provisions, during calendar year 2013, associated with general methods of taking game, the use of dogs for taking game, and the use of pen-raised quail for training bird dogs.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rule include general methods of taking game, the use of dogs for taking game, and the use of pen-raised quail for training bird dogs.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

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Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-13.001	Open Season for Taking Game; Bag and Possession Limits
68A-13.003	Hunting Regulations for Ducks, Geese, and Coots
68A-13.004	Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits
68A-13.006	Hunting on National Wildlife Refuges
68A-13.007	Hunting Regulations on Public Small-Game Hunting Areas
68A-13.008	Hunting Regulations for Migratory Birds Other than Ducks and Coots

**PURPOSE AND EFFECT:** The purpose and effect of this rule development is, during calendar year 2013, (1) establish hunting regulations for ducks, geese, coots, and other migratory birds; (2) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (3) update taxonomic changes; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 379.1025 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-14.001	Establishment Orders
68A-14.0011	Opening or Closing Areas Other Than Restricted Hunting Areas or Bird Sanctuaries; General

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2013, associated with the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, or miscellaneous areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include the establishment of areas as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, or miscellaneous areas; and the opening or closing of areas other than restricted hunting areas, bird sanctuaries or critical wildlife areas.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 379.121 FS.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-15.004	General Regulations Relating to Wildlife Management Areas
68A-15.005	Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits
68A-15.006	Regulations Relating to Miscellaneous Areas
68A-15.061	Specific Regulations for Wildlife Management Areas – Southwest Region
68A-15.062	Specific Regulations for Wildlife Management Areas – North Central Region
68A-15.063	Specific Regulations for Wildlife Management Areas – Northwest Region
68A-15.064	Specific Regulations for Wildlife Management Areas – South Region
68A-15.065	Specific Regulations for Wildlife Management Areas – Northeast Region

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2013, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMAs) and specific regulations related to Miscellaneous Areas (MAs); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs and MAs; and (4) adjust hunting season dates on WMAs and MAs to conform with proposed 2013-2014 hunting season dates for the appropriate management zone.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223, 379.354 FS.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-16.001	Migratory Birds; Adoption of Federal Statutes and Regulations
68A-16.002	Bald Eagle ( <i>Haliaeetus leucocephalus</i> )

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rules is to establish or revise rule provisions, during calendar year 2013, associated with birds.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include adoption of Federal statutes and regulations regarding migratory birds. The subject area also includes rules associated with the conservation of bald eagles.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 379.2292 FS.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-17.004	General Regulations Relating to Wildlife and Environmental Areas
68A-17.005	Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2013, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEAs); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2013-2014 hunting season dates for the appropriate management zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 375.313, 379.2223, 379.354 FS.

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Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-18.004	Regulations in Wildlife Refuges

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to or revise rule provisions, during calendar year 2013, associated with wildlife refuges.

SUBJECT AREA TO BE ADDRESSED: Subject area covered in the proposed rules includes regulations in wildlife refuges.

RULEMAKING AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 379.2223 FS.

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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-19.005	General Regulations Relating to Critical Wildlife Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions related to the establishment and protection of critical wildlife areas (CWAs) during calendar year 2013.

**SUBJECT AREA TO BE ADDRESSED:** Proposed amendments would establish or revise rule provisions related to the establishment and protection of CWAs.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.  
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**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
68A-20.004	Regulations in Fish Management Areas
68A-20.005	Specific Fish Management Area Regulations

**PURPOSE AND EFFECT:** The purpose and effect of this rule development notice is to amend regulations in Fish Management Areas in the 2013 calendar year as a result of stock assessments or other management or enforcement requirements.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas addressed in the rule development notice include size limits, bag limits, gear restrictions and other subjects encompassed by the above-cited rules.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.  
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**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
68A-23.002	General Methods of Taking Freshwater Fish
68A-23.003	Commercial Fishing Devices; Provision for Use in Certain Waters
68A-23.004	Lawful Methods for Using Trotlines and Bush Hooks or Set Lines
68A-23.005	Bag Limits, Length Limits, Open Season: Freshwater Fish
68A-23.006	Prohibiting Possession of Freshwater Game Fish Under Certain Conditions

**PURPOSE AND EFFECT:** The purpose and effect of this rule development notice is to, during calendar year 2013, amend or establish methods for taking freshwater fish, gear specifications, bag or size limits, seasons, and other management or enforcement regulation as a result of stock assessments or other management or enforcement requirements.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas addressed in the rule development notice include size limits, bag limits, gear restrictions, seasons, and other subjects encompassed by the above-cited rules.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.  
**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.**

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 ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Tom Champeau, Director, Division of Freshwater Fisheries Management, Florida Fish and Wildlife Conservation Commission, 2590 Executive Center Circle E, Suite 201, Tallahassee, Florida 32301, (850)488-4066

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
68A-24.002	Methods of Taking Fur-Bearing Animals; Possession; Open Season
68A-24.005	Transporting and Shipping Live Raccoons

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2013, associated with methods of taking, possession of, and open season for furbearing animals; and transporting and shipping live raccoons.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include methods of taking, possession of, and open season for furbearing animals; and transporting and shipping live raccoons.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution.

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

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 ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
68A-25.001	Feeding or Enticement of Alligators or Crocodiles Unlawful
68A-25.002	General Provisions for Taking Possession and Sale of Reptiles
68A-25.003	Taking and Disposal of Nuisance-Alligators Statewide
68A-25.004	Regulations Governing the Operation of Alligator Farms
68A-25.031	Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs
68A-25.032	Regulations Governing the Establishment of Alligator Management Programs
68A-25.042	Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale
68A-25.052	Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2013, for taking and possessing alligators and other reptiles that will ensure conservation of alligator populations and other reptile populations while providing for realization of their potential aesthetic, recreational, and economic values.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include requirements for taking and possessing alligators and other reptiles.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 379.26, 379.3012, 379.303, 379.304, 379.305, 379.372, 379.373, 379.374, 379.3751, 379.3752, 379.3761, 379.3762 FS.



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

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 ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NO.:	RULE TITLE:
68A-26.002	Regulations Relating to the Taking of Amphibians

**PURPOSE AND EFFECT:** The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2013, associated with methods of take and open season for amphibians.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include methods of take and open season for amphibians.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 379.363 FS.

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

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 ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

RULE NOS.:	RULE TITLES:
68A-27.0001	Purpose and Intent
68A-27.001	Definitions
68A-27.0011	Killing Endangered Species
68A-27.0012	Procedures for Listing and Removing Species from Florida's Endangered and Threatened Species List
68A-27.0021	Designation of Candidate Species; Prohibitions; Permits
68A-27.003	Designation of Endangered Species; Prohibitions
68A-27.0031	Marine Endangered and Threatened Species
68A-27.005	Designation of Species of Special Concern; Prohibitions; Permits
68A-27.006	Reward Program
68A-27.007	Permits and Authorizations for the Take of Florida Endangered and Threatened Species

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rules is to establish or revise rule provisions, during calendar year 2013, associated with species classified as Candidate Species, Endangered Species, Threatened Species, Species of Special Concern, and Marine Endangered and Threatened Species.

**SUBJECT AREA TO BE ADDRESSED:** Subject areas covered in the proposed rules include listing, delisting, and reclassifying procedures; designation of Candidate Species, Endangered Species, Threatened Species, Species of Special Concern, and Marine Endangered and Threatened Species; and prohibitions, permits, and rewards associated with such species.

**RULEMAKING AUTHORITY:** Art. IV, Sec. 9, Florida Constitution; 379.1025 FS.

**LAW IMPLEMENTED:** Art. IV, Sec. 9, Florida Constitution; 379.2291, 379.2292 FS.

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

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 ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Yaun, Deputy General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
Proposed Rules**

**DEPARTMENT OF MANAGEMENT SERVICES**

**Division of Administrative Hearings**

RULE NO.: 60Q-6.123	RULE TITLE: Settlements Under Section 440.20(11), Florida Statutes
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**PURPOSE AND EFFECT:** Amendments to procedural rules for adjudication of workers' compensation claims were implemented on October 31, 2012, pursuant to the mandate in Section 440.45, Florida Statutes, that the Division of Administrative Hearings adopt procedural rules. It came to the Division's attention that the final draft neglected to strike language intended to be removed as not necessary to the adjudication of workers' compensation appeals.

**SUMMARY:** The procedural rule revision strikes the unnecessary language concerning producing a certificate from claimant's counsel concerning efforts made to identify any liens since the rule already requires that such liens be identified.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The language being struck was fully discussed during a six-city rule development workshop conducted via video

teleconference and telephone conference on January 4, 2013. The language was inadvertently left in the rule amendments that were adopted on October 31, 2012. The language being struck has no adverse economic impact on participants in the workers' compensation system.

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:** 61.14(8)(a), 440.45(1)(a), 440.45(4) FS.

**LAW IMPLEMENTED:** 61.14(8)(a), 440.105(3)(c), 440.20(11), 440.34, 440.345, 440.45(1)(a), 440.45(4), 440.45(5) FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

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

**PLACE:** (by telephone conference): The DeSoto Building, 2nd Floor Conference Room, 1230 Apalachee Parkway, Tallahassee, Florida. To participate by telephone, participants may dial 1(888)670-3525, follow the voice prompts, and enter the participant passcode (2492172867), followed by #.

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 five days before the workshop/meeting by contacting: Lisa Mustain, Administrative Services Director, (850)488-9675. 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: Robert S. Cohen, Director and Chief Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; (850)488-9675

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

60Q-6.123 Settlements Under Section 440.20(11), Florida Statutes.

(1) No change.

(a) No change.

1. through 8. No change.

9. Any other documents in the possession of the parties or their attorneys, including any prior attorney's fee lien, that is material to the disposition of the settlement; ~~and a certificate from claimant's counsel that diligent efforts have been made to identify any liens and the position of any lienholder(s) regarding settlement;~~

10. through 11. No change.

- (b) through (d) No change.
- (2) through (5) No change.

Rulemaking Authority 61.14(8)(a), 440.45(1)(a), (4) FS. Law Implemented 61.14(8)(a), 440.105(3)(c), 440.20(11), 440.34, 440.345, 440.45(1)(a), (4), (5) FS. History—New 2-23-03, Amended 11-1-06, 10-31-10, 10-31-12,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
David W. Langham, Deputy Chief Judge of Compensation Claims

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Robert S. Cohen, Director and Chief Judge

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 4, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 29, 2012

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Veterinary Medicine**

RULE NO.: 61G18-10.008  
RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The proposed rule amendment is intended to clarify the number of member on the Probable Cause Panel.

SUMMARY: The proposed rule amendment specifies that the Probable Cause Panel shall be composed of no less than 2 no more than 3 members of the Board of Veterinary Medicine.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 120.53(1), 455.225, 474.206 FS.

LAW IMPLEMENTED: 455.225 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Division of Professions, Board of Veterinary Medicine, 1940 N. Monroe Street, Tallahassee, FL 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G18-10.008 Probable Cause Panel.

(1) No change.

(2) The probable cause panel shall be composed of no less than two (2) nor more than three (3) members of the Board of Veterinary Medicine. Not more than one (1) member of the panel may be a lay member. The Chairman may appoint a former member of the board to serve on the probable cause panel in lieu of a current member of the Board of Veterinary Medicine.

(3) No change.

Rulemaking Specific Authority 120.53(1), 455.225, 474.206 FS. Law Implemented 455.225 FS. History—New 11-14-79, Formerly 21X-10.08, 21X10.008, Amended 2-6-95,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Veterinary Medicine

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 21, 2012

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Domestic Violence**

RULE NOS.:	RULE TITLES:
65H-2.001	Purpose
65H-2.002	Definitions
65H-2.003	Program Application Requirements
65H-2.004	Program Requirements
65H-2.005	Program Curriculum
65H-2.006	Facilitator Eligibility
65H-2.007	Assessor Application Requirements
65H-2.008	Assessment Requirements
65H-2.009	Assessor Eligibility
65H-2.010	Trainer Requirements
65H-2.011	Conflicts of Interest
65H-2.012	Monitoring

PURPOSE AND EFFECT: The proposed rule is a complete repeal of Chapter 65H-2, Florida Administrative Code. The repeal is required because Chapter 2012-147, section 13, Laws of Florida, repealed the Department of Children & Families' rulemaking authority for this chapter.

SUMMARY: The statutory authority for the rule has been repealed.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:**

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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:** Chapter 2012-147, section 13, Laws of Florida.

**LAW IMPLEMENTED:** Chapter 2012-147, section 13, Laws of Florida.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Renee Starrett, Office of Domestic Violence Program, (850)717-4073

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

65H-2.001 Purpose.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.002 Definitions.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.003 Program Application Requirements.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.004 Program Requirements.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.005 Program Curriculum.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.006 Facilitator Eligibility.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.007 Assessor Application Requirements.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.008 Assessment Requirements.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.009 Assessor Eligibility.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.010 Trainer Requirements.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.011 Conflicts of Interest.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

65H-2.012 Monitoring.

Rulemaking Specific Authority 741.32, 741.325 FS. Law Implemented 741.32, 741.325 FS. History–New 4-26-07, Repealed\_\_\_\_\_.

**NAME OF PERSON ORIGINATING PROPOSED RULE:** Renee Starrett, Office of Domestic Violence Program  
**NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE:** David E. Wilkins, Secretary  
**DATE PROPOSED RULE APPROVED BY AGENCY HEAD:** December 17, 2012

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

#### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Medicaid

RULE NO.:                   RULE TITLE:  
59G-13.081                Developmental Disabilities Waiver  
                                  Provider Rate Table  
                                  NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 29, July 20, 2012 issue of the Florida Administrative Register.

The following changes were made to the Notice of Proposed Rule.

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 15, 2011

59G-13.081 Developmental Disabilities Home and Community Based Medicaid Waiver Services Tiers 1 through 4 and Individual Budgeting Waivers Provider Rate Tables.

(2) All developmental disabilities home and community based services Tiers 1 through 4 providers and Individual Budgeting providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community Based Services Tiers 1 through 4 and Individual Budgeting Waivers Provider Rate Tables, July 1, 2011, which are is incorporated by reference. ~~In accordance with the Agency for Persons with Disabilities Cost Containment Plan, dated September 1, 2011, as required by the 2011/2012 General Appropriations Act, the following services were implemented on the dates specified herein: August 1, 2011 for Companion; September 1, 2011 for Transportation (trip); January 1, 2012 for Residential Habilitation Intensive Behavior in a Licensed Facility (Levels 1-6); and April 1, 2012 for Nursing Assessment Registered Nurse, Occupational Therapy Assessment, Physical Therapy Assessment, Private Duty Nursing Licensed Practical Nurse (LPN) and Registered Nurse (RN), Residential Nursing Services LPN and RN, Respiratory Therapy Assessment, Skilled Nursing LPN and RN, and Speech Therapy Assessment.~~ The rate tables are available from the Medicaid fiscal agent's Web site at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com). Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies of the rate tables reimbursement schedule may be obtained by calling the Provider Services Contact Center at 1(800)289-7799 and selecting Option 7.

Rulemaking Authority 409.919 FS. Law Implemented 393.0661, 409.902, 409.906, 409.908, 409.912, 409.913 FS. History--New 5-29-06, Amended 11-15-07, 10-13-08,\_\_\_\_\_.

The following changes have been made to the Developmental Disabilities Home and Community Based Waiver Services Tiers 1 through 4 and Individual Budget Waivers Provider Rate Tables.

Tier Waivers 1-4 Rate Table:

Adult Dental Services (Line 9): Added the following language to the Units and Frequencies column: "Adult cleanings are limited to two per year."

Durable Medical Equipment (Line 20): Added the following language to the Other Limitations column: "Requires prescription."

Nursing Assessment Registered Nurse (RN) Only (Line 29): Amended Procedure Code and added modifiers to read T1001U6TD in the Procedure Code column.

Occupational Therapy (Line 30): Added the following language to the Other Limitations column: "Prescription by a physician required."

Personal Emergency Response – Installation (Line 35):

Removed the following language from the Other Limitations column: "Person must live alone or alone for part of the day."

Removed the number "1" from the Max # Units Day column.

Personal Emergency Response System – Service (Line 36):

Changed the following language in the Other Limitations column: Added, "Person must live alone or alone for part of the day."

Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Physical Therapy (Line 37): Added the following language to the Other Limitations column: "Prescription by a physician required."

Private Duty Nursing – LPN (Line 39): Added the following language to the Other Limitations column: "Prescription by a physician required."

Private Duty Nursing – RN (Line 40): Added the following language to the Other Limitations column: "Prescription by a physician required."

Residential Habilitation Basic – Behavioral Focus – Day: Removed from the Rate Table.

Residential Habilitation Basic – Behavioral Focus – Month: Removed from the Rate Table.

Residential Habilitation Basic – Standard – Day (Line 41):

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequencies column to 23.

Removed the following language from the Other Limitations column: "24 days or less at daily rate. 25 days or more requires monthly rate."

Added the following language to the Other Limitations column: "23 days or less at daily rate. 24 days or more requires monthly rate."

Residential Habilitation Basic – Standard – Month (Line 42): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation Minimal – Behavioral Focus – Day (Line 43): Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequencies column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

Residential Habilitation Minimal – Behavioral Focus – Month (Line 44): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation Minimal – Standard – Day (Line 45): Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequencies column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

Residential Habilitation Minimal – Standard –Month (Line 46): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation Moderate – Behavioral Focus – Day (Line 47): Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequencies column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

Residential Habilitation Moderate – Behavioral Focus – Month (Line 48): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation Moderate – Standard – Day (Line 49): Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequencies column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

Residential Habilitation Moderate – Standard – Month (Line 50): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation Extensive 1 – Behavioral Focus – Day (Line 51): Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequencies column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

Residential Habilitation Extensive 1 – Behavioral Focus – Month (Line 52): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation Extensive 1 – Standard – Day (Line 53): Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequencies column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

Residential Habilitation Extensive 1 – Standard – Month (Line 54): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation Extensive 2 – Behavioral Focus – Day (Line 55): Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequencies column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

Residential Habilitation Extensive 2 – Behavioral Focus – Month (Line 56): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation Extensive 2 – Standard – Day (Line 57):

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequencies column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

Residential Habilitation Extensive 2 – Standard – Month (Line 58): Changed the number 25 to 24 in the Other Limitations column.

Residential Nursing Services – LPN (Line 77): Added the following language to the Other Limitations Column: “Prescription by a physician required.”

Residential Nursing Services – RN (Line 78): Added the following language to the Other Limitations column: “Prescription by a physician required.”

Respiratory Therapy (Line 79): Added the following language to the Other Limitations column: “Prescription by a physician required.”

Skilled Nursing – LPN (Line 87): Added the following language to the Other Limitations column: “Prescription by a physician required.”

Skilled Nursing – RN (Line 88): Added the following language to the Other Limitations column: “Prescription by a physician required.”

Changed the Monroe County, Solo Rates column from “21.04” to “31.04.”

Speech Therapy (Line 96): Added the following language to the Other Limitations column: “Prescription by a physician required.”

Support Coordination (Line 98): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Support Coordination Limited (Line 99): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Support Coordination – CDC/Consultant (Line 100): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Support Coordination Limited – CDC/Consultant (Line 101): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Support Coordination – Transitional (Line 102): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Transportation – Mile (Line 113): Added the following language to the Other Limitations column: “No duplication of public school transportation services to and from school.”

Transportation – Month (Line 114):

Added the following language to the Other Limitations column: “No duplication of public school transportation services to and from school.”

Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Transportation – Trip (Line 115):

Added the following language to the Other Limitations column: “No duplication of public school transportation services to and from school.”

Moved the number 80 from the Max # Units Day column to the Max # Units Week/Month column.

Legend – Other Limitations:

Added the following language to the Other Limitations definition: “Guidelines on limitations such as age, non-duplication of services between state agencies or other entities, and other restrictions or requirements can be found in the handbook.”

Legend – Billing Unit:

Added the following language to the Billing Unit’s definition: “Rounding instructions for services that may start or end within a billing unit’s specific time construct can be found in the handbook. This handbook can be found at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com).”

Individual Budget Rate Table:

Durable Medical Equipment (Line 9): Added the following language to the Other Limitations column: “Requires prescription.”

Environmental Accessibility Adaptations – Assessment (Line 11):

Added the following language to the Units and Frequency column: “1 Assessment a Year to own home or family home.”

Removed the following language: “1 assessment a year” from Other Limitations column.

Life Skills Development – Level 1 (Companion) (Line 13): Changed Service Description sub-title from “Community Inclusion” to “Companion.”

Life Skills Development – Level 1 (Companion) (Line 14): Changed Service Description sub-title from “Community Inclusion” to “Companion.”

Life Skills Development – Level 1 (Companion) (Line 15): Changed Service Description sub-title from “Community Inclusion” to “Companion.”

Occupational Therapy (Line 33): Added the following language to the Other Limitations column: “Prescription by a physician, ARNP, or physician assistant required.”

**Personal Emergency Response System – Service (Line 35):**

Changed the following language in the Other Limitations column: Added, “Person must live alone or alone for part of the day and require a limited degree of supervision. Does not cover cost of telephone line.”

Removed the following language from the Other Limitations column: “monthly monitoring service.”

Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

**Personal Emergency Response System – Install (Line 36):**

Removed the following language from the Other Limitations column: “Person must live alone or alone for part of the day.”

**Personal Supports – Quarter Hour (Line 43):** Changed Procedure Code to read S5130UCHA.

**Personal Supports – Day (Line 44):** Changed Procedure Code to read S5130UCHO.

**Physical Therapy (Line 45):** Added the following language to the Other Limitations column: “Prescription by a physician, ARNP, or physician assistant required.”

**Private Duty Nursing – LPN (Line 47):** Added the following language to the Other Limitations column: “Prescription by a physician, ARNP, or physician assistant required.”

**Private Duty Nursing – RN (Line 48):** Added the following language to the Other Limitations column: “Prescription by a physician, ARNP, or physician assistant required.”

**Residential Habilitation – Basic – Day (Line 50):**

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequency column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

**Residential Habilitation – Basic – Month (Line 51):** Changed the number 25 to 24 in the Other Limitations column.

**Residential Habilitation – Minimal–Day (Line 52):**

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequency column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

**Residential Habilitation – Minimal – Month (Line 53):** Changed the number 25 to 24 in the Other Limitations column.

**Residential Habilitation – Moderate – Day (Line 54):**

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequency column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

**Residential Habilitation – Moderate – Month (Line 55):** Changed the number 25 to 24 in the Other Limitations column.

**Residential Habilitation – Behavioral Focus – Extensive 1 – Day (Line 56):**

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequency column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

**Residential Habilitation – Behavioral Focus – Extensive 1 – Month (Line 57):** Changed the number 25 to 24 in the Other Limitations column.

**Residential Habilitation – Behavioral Focus – Extensive 2 – Day (Line 58):**

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequency column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”

Added the following language to the Other Limitations column: “23 days or less at daily rate. 24 days or more requires monthly rate.”

**Residential Habilitation – Behavioral Focus – Extensive 2 – Month (Line 59):** Changed the number 25 to 24 in the Other Limitations column.

**Residential Habilitation – Behavioral Focus – Minimal – Day (Line 60):**

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequency column to 23.

Removed the following language from the Other Limitations column: “24 days or less at daily rate. 25 days or more requires monthly rate.”



Added the following language to the Other Limitations column: "23 days or less at daily rate. 24 days or more requires monthly rate."

Residential Habilitation – Behavioral Focus – Minimal – Month (Line 61): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation – Behavioral Focus – Moderate – Day (Line 62):

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequency column to 23.

Removed the following language from the Other Limitations column: "24 days or less at daily rate. 25 days or more requires monthly rate."

Added the following language to the Other Limitations column: "23 days or less at daily rate. 24 days or more require monthly rate."

Residential Habilitation – Behavioral Focus – Moderate – Month (Line 63): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation – Extensive 1 – Day (Line 64):

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequency column to 23.

Removed the following language from the Other Limitations column: "24 days or less at daily rate. 25 days or more requires monthly rate."

Added the following language to the Other Limitations column: "23 days or less at daily rate. 24 days or more requires monthly rate."

Residential Habilitation – Extensive 1 – Month (Line 65): Changed the number 25 to 24 in the Other Limitations column.

Residential Habilitation – Extensive 2 – Day (Line 66):

Changed the number 24 in the Max # Units Week/Month column to 23.

Changed the number 24 in the Units and Frequency column to 23.

Removed the following language from the Other Limitations column: "24 days or less at daily rate. 25 days or more requires monthly rate."

Residential Habilitation – Extensive 2 – Month (Line 67): Changed the number 25 to 24 in the Other Limitations column. Added the following language to the Other Limitations column: "23 days or less at daily rate. 24 days or more requires monthly rate."

Residential Habilitation – Assisted Living Facility/Optional State Supplementation – Day (Line 83): Changed Procedure Code to include modifier HB to read T2020UCHB.

Residential Habilitation – Assisted Living Facility/Optional State Supplementation – Month (Line 84): Changed Procedure Code to include modifier HB to read T2032UCHB.

Residential Nursing – LPN (Line 85): Added the following language to the Other Limitations column: "Prescription by a physician, ARNP, or physician assistant required."

Residential Nursing – RN (Line 86): Added the following language to the Other Limitations column: "Prescription by a physician, ARNP, or physician assistant required."

Respiratory Therapy (Line 88): Added the following language to the Other Limitations column: "Prescription by a physician, ARNP, or physician assistant required."

Skilled Nursing – LPN (Line 96): Added the following language to the Other Limitations column: "Prescription by a physician, ARNP, or physician assistant required."

Skilled Nursing – RN (Line 97): Added the following language to the Other Limitations column: "Prescription by a physician, ARNP, or physician assistant required."

Speech Therapy (Line 106): Added the following language to the Other Limitations column: "Prescription by a physician, ARNP, or physician assistant required."

Support Coordination – Full (Line 108): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

CDC Consultant – Full (Line 109): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Support Coordination – Enhanced (Line 110): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

CDC Consultant – Enhanced (Line 111): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Changed Procedure Code to read T2041UCU5.

Support Coordination – Limited (Line 112): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

CDC Consultant – Limited (Line 113): Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Transportation – Mile (Line 115): Added the following language to the Other Limitations column: "No duplication of public school transportation services to and from school."

Transportation – Month (Line 116):

Added the following language to the Other Limitations column: "No duplication of public school transportation services to and from school."

Moved the number 1 from the Max # Units Day column to the Max # Units Week/Month column.

Transportation – Trip (Line 117):

Added the following language to the Other Limitations column: "No duplication of public school transportation services to and from school."

Moved the number 80 from the Max # Units Day column to the Max # Units Week/Month column.

Legend – Other Limitations: Added the following language to the Other Limitations definition: "Guidelines on limitations such as age, non-duplication of services between state agencies or other entities, and other restrictions or requirements can be found in the handbook."

Legend – Billing Unit:

Added the following language to the Billing Unit's definition: "Rounding instructions for services that may start or end within a billing unit's specific time construct can be found in the handbook. This handbook can be found at [www.mymedicaid-florida.com](http://www.mymedicaid-florida.com)."

The following change applies to both the Tier Waivers 1-4 Rate Table and the Individual Budget Rate Table.

The effective date of 7/1/2011 is added to the Tiers 1-4 Rate Table, the Individual Budget Rate Table, and the Residential Habilitation Descriptors.

The following changes were made following public comments: Residential Habilitation Rate Descriptors

Level of Supports: The following language was added: "These descriptors will be used for individuals who have been assessed using the Agency approved assessment tool and who have experienced a change in circumstance or condition, or who are being admitted to a licensed residential facility and must have a rate established. The level that best describes the individual and their primary area of support needs will be selected to establish or modify the Residential Habilitation level. No one descriptor (or statement) will be relied upon to establish the Residential level. Medical necessity must be established for any requested change to the Level of Support Rate."

Basic, Other: Added the following language: "Assisted Living Facilities may provide a higher level of support if approved by the Agency."

Tier Waivers 1-4 Rate Table:

Adult Day Training (ADT) – Facility Based (Lines 1-4 inclusive):

Removed the following language from the Other Limitations column: "The rate has been adjusted by 12.5% to meet local match for development training programs as required per the General Appropriations Act."

Added the following language to the Other Limitations column: "The General Appropriations Act requires a 12.5% match from local sources for developmental training programs. This requirement has been incorporated into the rate as established and does not represent a reduction in the rate."

Adult Day Training (ADT) – Off Site (Lines 5-8 inclusive):

Removed the following language from the Other Limitations column: "The rate has been adjusted by 12.5% to meet local match for development training programs as required per the General Appropriations Act."

Added the following language to the Other Limitations column: "The General Appropriations Act requires a 12.5% match from local sources for developmental training programs. This requirement has been incorporated into the rate as established and does not represent a reduction in the rate."

iBudget Rate Table:

Life Skills Development – Level 1 (Line 16 as published, indicating Negotiated Rates): Removed from the Rate Table.

Life Skills Development – Level 2 (Line 26 as published, indicating Negotiated Rates): Removed from the Rate Table.

Life Skills Development – Level 3 (ADT) – Facility Based – Hour (Line 25):

Removed the following language from the Other Limitations column: "The rate has been adjusted by 12.5% to meet local match for development training programs as required per the General Appropriations Act."

Added the following language to the Other Limitations column: "The General Appropriations Act requires a 12.5% match from local sources for developmental training programs. This requirement has been incorporated into the rate as established and does not represent a reduction in the rate."

Life Skills Development – Level 3 (ADT) – Facility Based – Hour (Line 26):

Removed the following language from the Other Limitations column: "The rate has been adjusted by 12.5% to meet local match for development training programs as required per the General Appropriations Act."

Added the following language to the Other Limitations column: "The General Appropriations Act requires a 12.5% match from local sources for developmental training programs. This requirement has been incorporated into the rate as established and does not represent a reduction in the rate."

Life Skills Development – Level 3 (ADT) – Facility Based – Hour (Line 27):

Removed the following language from the Other Limitations column: "The rate has been adjusted by 12.5% to meet local match for development training programs as required per the General Appropriations Act."

Added the following language to the Other Limitations column: "The General Appropriations Act requires a 12.5% match from local sources for developmental training programs. This requirement has been incorporated into the rate as established and does not represent a reduction in the rate."

Life Skills Development – Level 3 (ADT) – Facility Based – Hour (Line 28):

Removed the following language from the Other Limitations column: "The rate has been adjusted by 12.5% to meet local match for development training programs as required per the General Appropriations Act."

Added the following language to the Other Limitations column: “The General Appropriations Act requires a 12.5% match from local sources for developmental training programs. This requirement has been incorporated into the rate as established and does not represent a reduction in the rate.”

Life Skills Development – Level 3 (ADT) – Off Site – Hour (Line 29):

Removed the following language from the Other Limitations column: “The rate has been adjusted by 12.5% to meet local match for development training programs as required per the General Appropriations Act.”

Added the following language to the Other Limitations column: “The General Appropriations Act requires a 12.5% match from local sources for developmental training programs. This requirement has been incorporated into the rate as established and does not represent a reduction in the rate.”

Life Skills Development – Level 3 (ADT) – Off Site – Hour (Line 30):

Removed the following language from the Other Limitations column: “The rate has been adjusted by 12.5% to meet local match for development training programs as required per the General Appropriations Act.”

Added the following language to the Other Limitations column: “The General Appropriations Act requires a 12.5% match from local sources for developmental training programs. This requirement has been incorporated into the rate as established and does not represent a reduction in the rate.”

Life Skills Development – Level 3 (ADT) – Off Site – Hour (Line 31):

Removed the following language from the Other Limitations column: “The rate has been adjusted by 12.5% to meet local match for development training programs as required per the General Appropriations Act.”

Added the following language to the Other Limitations column: “The General Appropriations Act requires a 12.5% match from local sources for developmental training programs. This requirement has been incorporated into the rate as established and does not represent a reduction in the rate.”

Life Skills Development – Level 3 (ADT) – Off Site – Hour (Line 32):

Removed the following language from the Other Limitations column: “The rate has been adjusted by 12.5% to meet local match for development training programs as required per the General Appropriations Act.”

Added the following language to the Other Limitations column: “The General Appropriations Act requires a 12.5% match from local sources for developmental training programs. This requirement has been incorporated into the rate as established and does not represent a reduction in the rate.”

Life Skills Development – Level 3 (Line 35 as published, indicating Negotiated Rates): Removed from the Rate Table.

## DEPARTMENT OF HEALTH

### Division of Children’s Medical Services

RULE NO.: 64C-4.003  
 RULE TITLE: Diagnostic and Treatment Facilities or Services – Specific

#### NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 66, November 6, 2012 issue of the Florida Administrative Register.

In response to a letter received from the Joint Administrative Procedures Committee (JAPC) the Department has corrected in the following manner the SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The new rule standards require that each of the eight CMS Approved Pediatric Cardiac Facilities must actively participate in the Society of Thoracic Surgeons (STS) Congenital Heart Surgery Database and submit data every six months. Participation in the STS costs each of these facilities \$5,000.00 annually. Therefore, it is estimated that this new rule will have a Regulatory Cost Increase of \$40,000.00 annually and will not have an adverse impact or regulatory costs in excess of \$1 million within five years as established in Section 120.541(2) (a), F.S.

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

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## Section IV Emergency Rules

**NONE**

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

### DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-2.001: Definitions

The Board of Medicine hereby gives notice: that on December 18, 2012, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Vinu A. Patel, M.D., on September 25, 2012, seeking a waiver from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for the FLEX examination to be completed in one administration of the examination. The Notice was published in Volume 38, No. 40, of the Florida Administrative Register, on October 1, 2012. The Board, at its meeting held on November 30, 2012 voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.018: International Medical Graduates; Qualification Requirements

The Board of Medicine hereby gives notice: that on December 18, 2012, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Erin M. Werner, M.D., on September 25, 2012, seeking a waiver from Rule 64B8-4.018, F.A.C., with regard to core clerkships. The Notice was published in Vol. 38, No. 40, of the Florida Administrative Register, on October 1, 2012. The Board, at its meeting held on November 30, 2012 voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.004: Approved Residency or Fellowship; Definitions

The Board of Medicine hereby gives notice: that on December 18, 2012, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by Nathan Andrew Eberle, M.D., on October 22, 2012, seeking a waiver from Rule 64B8-4.004, F.A.C., with regard to the residency requirement that the medical doctor be assigned to one of the allocated positions or slots approved by the ACGME, CFPC, or RCPSC. The Notice was published in Vol. 38, No. 66, of the Florida Administrative Register, on November 6, 2012. The

Board, at its meeting held on November 30, 2012 voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on December 18, 2012, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed by Jose A. Lopez-Chevres, M.D., on October 23, 2012, seeking a waiver from subsection 64B8-4.009(1), F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. The Notice was published in Volume 38, No. 63, of the Florida Administrative Register, on November 1, 2012. The Board, at its meeting held on November 30, 2012 voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on December 18, 2012, an Order was filed on the Petition for Waiver or Variance. The Petition for Waiver was filed by William J. Conforti, M.D. on October 19, 2012, seeking a waiver from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education and transcripts directly from Petitioner's medical school. The Notice was published in Vol. 38, No. 57, of the Florida Administrative Register, on October 24, 2012. The Board, at its meeting held on November 30, 2012, voted to grant the Petition for Waiver or Variance finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that he has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-4.009: Applications

The Board of Medicine hereby gives notice: that on December 18, 2012, an Order was filed on the Petition for Waiver. The Petition for Waiver was filed on behalf of Elvira Perez, M.D., on September 5, 2012, seeking a waiver from Rule 64B8-4.009(1), F.A.C., with regard to the requirement for submission of the AMA Physician Profile Sheet for the licensure application. The Notice was published in Vol. 38, No. 38, of the Florida Administrative Weekly, on September 21, 2012. The Board, at its meeting held on November 30, 2012 voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship; that application of the rule would violate the principles of fairness; and that she has met the purpose of the underlying statute.

A copy of the Order or additional information may be obtained by contacting: the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

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DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:

64B8-9.0131: Training Requirements for Physicians Practicing in Pain Management Clinics

NOTICE IS HEREBY GIVEN that on January 7, 2013, the Board of Medicine, received a petition for variance filed by Konstantine Yankopolous, M.D., from Rule 64B8-9.0131, F.A.C., with regard to the pain management training requirement for CME courses. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

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

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## Section VI

### Notices of Meetings, Workshops and Public Hearings

DEPARTMENT OF STATE

Division of Historical Resources

The Friends of Mission San Luis announces a public meeting to which all persons are invited.

DATE AND TIME: January 17, 2013, 6:00 p.m.

PLACE: Mission San Luis, 2100 W Tennessee St, Tallahassee 32304

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will discuss fundraising, building maintenance, finances and other Friends business.

A copy of the agenda may be obtained by contacting: Cookie.Stevens@dos.myflorida.com or (850)245-6388.

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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

The Pesticide Registration Evaluation Committee announces a public meeting to which all persons are invited.

DATE AND TIME: February 7, 2013, 9:00 a.m.

PLACE: Florida Department of Agriculture and Consumer Services, Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399-1650; (850)617-7940

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: the Pesticide Registration Section, (850)617-7940 or from the PREC Web Site at: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section; 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650; (850)617-7940.

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REGIONAL PLANNING COUNCILS

West Florida Regional Planning Council

The Bay Area Resource Council announces public meetings to which all persons are invited.

DATES AND TIMES: BARC, Wednesday, January 23, 2013, 2:30 p.m.; BARC-TAC, Wednesday, January 23, 2013, 1:00 p.m.

PLACE: West Florida Regional Planning Council, 4081 E. Olive Road, Suite A, Pensacola Florida, 32514

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Bay Area Resource Council.

A copy of the agenda may be obtained by contacting: Mike Reistad, West Florida Regional Planning Council, (850)332-7976, x222, [michael.reistad@wfrpc.org](mailto:michael.reistad@wfrpc.org).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: (850)332-7976. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

For more information, you may contact: Mike Reistad, West Florida Regional Planning Council, (850)332-7976, x222, michael.reistad@wfrpc.org.

**WATER MANAGEMENT DISTRICTS**

Southwest Florida Water Management District

**RULE NO.: RULE TITLE:**

40D-4.091: Publications, Forms and Agreements Incorporated by Reference

The Southwest Florida Water Management District announces a hearing to which all persons are invited.

**DATE AND TIME:** January 22, 2013, 9:00 a.m.

**PLACE:** SWFWMD Governing Board Room, 7601 Highway 301 North, Tampa, FL 33637-6759

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The District proposes to adopt Applicant's Handbook Volume II which, together with an Applicant's Handbook Volume I that will be adopted by the Department of Environmental Protection (DEP), will provide guidance to applicants seeking environmental resource permits (ERPs) following DEP's adoption of proposed new statewide ERP rules mandated by Section 373.4131, F.S. DEP is currently undertaking rulemaking to amend Chapter 62-330, F.A.C., which will become the statewide ERP rules. Each water management district is expected to adopt an Applicant's Handbook Volume II that will contain the District-specific design and performance criteria relating to water quality, water quantity and any special basin criteria or other statutory requirements. Upon District adoption of the Applicant's Handbook Volume II, it will be incorporated by reference into DEP's statewide ERP rules, as well as Rule 40D-4.091, F.A.C.

A copy of the agenda may be obtained by contacting: Sonya White, 7601 Highway 301 North, Tampa, FL 33637-6759, (813)985-7481, (4660), e-mail: [sonya.white@swfwmd.state.fl.us](mailto:sonya.white@swfwmd.state.fl.us). (OGC #2012023)

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: SWFWMD Human Resources Director, (352)796-7211, ext. 4702, 1(800)423-1476 (FL only), ext. 4702; TDD (FL only) 1(800)231-6103; or [ADACoordinator@swfwmd.state.fl.us](mailto:ADACoordinator@swfwmd.state.fl.us). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**LAND AND WATER ADJUDICATORY COMMISSION**

Tuscany Community Development District

**RULE NO.: RULE TITLE:**

42GG-1.001: Establishment

42GG-1.002: Boundary

42GG-1.003: Supervisors

The Florida Land and Water Adjudicatory Commission announces a public meeting to which all persons are invited.

**DATE AND TIME:** January 23, 2013, 9:00 a.m.

**PLACE:** Cabinet Meeting Room, LL03, The Capitol, Tallahassee, Florida.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Commission will consider whether to authorize the publishing of a notice to repeal Rule Chapter 42GG-1 and associated rules in order to dissolve the District.

A copy of the agenda may be obtained by contacting: Barbara Leighty, Office of the Governor, Room 1801, The Capitol, Tallahassee, FL 32399-0001, telephone (850)717-9513.

**DEPARTMENT OF MANAGEMENT SERVICES**

Commission on Human Relations

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

**DATE AND TIME:** Thursday, February 7, 2013, 10:00 a.m.

**PLACE:** This is a telephonic meeting. Please contact Casey Snipes at (850)488-7082, x 1001 or [casey.snipes@fchr.myflorida.com](mailto:casey.snipes@fchr.myflorida.com) for the call-in information.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting will be held to discuss the daily functions and activities of the Commission.

A copy of the agenda may be obtained by contacting: Casey Snipes at (850)488-7082, x 1001 or [casey.snipes@fchr.myflorida.com](mailto:casey.snipes@fchr.myflorida.com). Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Casey Snipes at (850)488-7082, x 1001 or [casey.snipes@fchr.myflorida.com](mailto:casey.snipes@fchr.myflorida.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Casey Snipes at (850)488-7082, x 1001 or [casey.snipes@fchr.myflorida.com](mailto:casey.snipes@fchr.myflorida.com).

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

State Boxing Commission

The Florida State Boxing Commission announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** January 18, 2013, 10:00 a.m.

PLACE: Conference call number is (888)670-3525; passcode is 6744892830 then #.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To review and consider applications for licensure, statements of estimated regulatory costs for various proposed rules in Chapters 61K1-3 and 61K1-4, F.A.C., and general business meeting agenda items.

A copy of the agenda may be obtained by contacting: Lina Hurtado at (850)488-8500.

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: Lina Hurtado at (850)488-8500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

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

For more information, you may contact: Lina Hurtado at (850)488-8500.

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#### DEPARTMENT OF HEALTH

##### Board of Pharmacy

The Board of Pharmacy, Compounding Rules Committee announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Wednesday, January 16, 2013, 9:30 a.m. – 11:30 a.m.

**PLACE:** Conference call number (888)670-3525, conference code: 5134896685

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Compounding rules.

A copy of the agenda may be obtained by contacting: The Florida Board of Pharmacy at (850)245-4292.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: The Florida Board of Pharmacy at (850)245-4292.

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

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

For more information, you may contact: The Florida Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254 or (850)245-4292.

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**MOFFITT CANCER CENTER & RESEARCH INSTITUTE**  
The Florida Cancer Control & Research Advisory Council announces a telephone conference call to which all persons are invited.

**DATE AND TIME:** Wednesday, January 9, 2013, 4:00 p.m.

**PLACE:** Dial: (877)791-9829, pass code: 2120535

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Executive Committee Call.

A copy of the agenda may be obtained by contacting: Luke Ihnen, MS, luke.ihnen@gmail.com, (487)232-9623.

For more information, you may contact: Luke Ihnen, MS, luke.ihnen@gmail.com, (487)232-9623.

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#### SOIL AND WATER CONSERVATION DISTRICTS

The South Dade Soil & Water Conservation District announces a public meeting to which all persons are invited.

**DATE AND TIME:** Thursday, January 17, 2013, 9:30 a.m.

**PLACE:** USDA Florida City Service Center, 1450 N. Krome Ave #102, Florida City, FL 33034

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular Agenda Items for presentation to the Board of Supervisors, Ag Lab, MIL Lab & District projects and reports.

A copy of the agenda may be obtained by contacting: Wendy Lobos, (305) 242-1288.

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: Wendy Lobos, (305)242-1288. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (voice).

For more information, you may contact: Morgan Levy, (305)242-1288.

Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements

NONE

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

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

NONE

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

NONE

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

NONE

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

NONE

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

NONE

Section XII  
Miscellaneous

DEPARTMENT OF HEALTH  
Board of Nursing

Notice of Emergency Action

On January 4, 2013, State Surgeon General issued an Order of Emergency Suspension Order with regard to the license of Nicole A. Brown, C.N.A., License #CNA 270787. This Emergency Suspension Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2012). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs  
Notice of Availability of VOCA Grant Funds

Announcement: The Office of the Attorney General (OAG) is pleased to announce the availability of Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice. The purpose of VOCA grant funds is to support the provision of services to victims of crime. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after victimization, assist victims to understand and participate in the criminal justice system, and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida, or a combination thereof. The funding cycle for the VOCA grant funds under this notice is October 1, 2013 through September 30, 2014.

Application and Deadline: Organizations may participate in the annual competitive grant process which involves submission of an application followed by an application review. An application may be accessed at the Office of the Attorney General's website: <http://myfloridalegal.com>, under the heading of Programs, click on Crime Victims' Services, then select Advocacy and VOCA Grants. The deadline for applying for a VOCA grant under this notice is no later than 5:00 p.m. Eastern Standard Time on Friday, February 22, 2013. Required documents submitted by fax or e-mail will not be considered.



**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN December 31, 2012  
 and January 4, 2013

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**

**State Board of Education**

6A-6.020	1/3/13	1/23/13	38/69	
6A-6.0981	1/3/13	1/23/13	38/69	

**DEPARTMENT OF CORRECTIONS**

33-210.201	1/3/13	1/23/13	38/82	
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**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management Districts**

40D-2.322	1/3/13	1/23/13	38/76	
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**DEPARTMENT OF THE LOTTERY**

53ER13-1	1/4/13	1/4/13	39/4	
53ER13-2	1/4/13	1/4/13	39/4	
53ER13-3	1/4/13	1/4/13	39/4	
53ER13-4	1/4/13	1/4/13	39/4	
53ER13-5	1/4/13	1/4/13	39/4	

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid Program Office**

59G-4.020	12/31/12	1/20/13	38/54	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CHILDREN AND FAMILIES**

**Economic Self-Sufficiency Program**

65A-1.203	1/4/13	1/24/13	38/73	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Funeral, Cemetery and Consumer Service**

69K-1.005	1/4/13	1/24/13	38/46	
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LIST OF RULES AWAITING LEGISLATIVE APPROVAL  
 PURSUANT TO (CHAPTER 2010-279, LAWS OF  
 FLORIDA)

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-304.300	3/2/11	*****	38/3	
62-304.610	8/20/12	*****	35/31	38/23
62-304.900	11/21/12	*****	38/39	

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

69L-7.020	10/24/11	*****	37/24	37/3
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