

Specific Authority 394.930 FS. Law Implemented Ch. 394, Part V FS. History—New

65E-25.006 Notification of Examination.

Prior to conducting a personal interview of a potential sexually violent predator, the individual to be interviewed must be informed that he or she is the subject of a clinical evaluation which, together with review of pertinent records, will enable the State to formulate an opinion as to whether the individual meets statutory criteria as a sexually violent predator. The individual must be informed that he may decline to be interviewed, and that if he does, the clinical evaluation will consist of a record review only. The individual must be informed that the evaluation will result in a written report that will be considered by the State in reaching its determination as to whether to recommend to the state attorney that an involuntary commitment petition be filed. This information must be orally explained to the individual and should, if practicable, be provided to the individual in writing. If the individual refuses to sign the written statement, the evaluator should so indicate on the written statement and sign and date it. In the event that it is not practicable to provide the individual a written statement and obtain a signature, the evaluator should so indicate on the written statement with a brief explanation of why the written statement could not be provided to the individual and sign and date it.

Specific Authority 394.930 FS. Law Implemented Ch. 394, Part V FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory Venz
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Celeste Putnam
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 17, 2001
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 1999

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF INSURANCE

Division of State Fire Marshal

RULE NO.: 4A-38.028
RULE TITLE: Standards of the National Fire Protection Association Adopted
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., Florida Statutes, published in Vol. 27, No. 12, March 23, 2001, of the Florida Administrative Weekly:

4A-38.028 – will be changed to read as follows.

The standards of the National Fire Protection Association for life safety from fire, as provided in NFPA 101, Life Safety Code, Chapter 32 for New and Chapter 33 for Existing Facilities 1988 Edition, in the edition adopted in Section 4A-3.012, Florida Administrative Code which is hereby adopted and incorporated by reference, shall be the uniform fire safety standards required for this state with respect to intermediate care facilities for persons with developmental disabilities. Chapter 21, "Residential Board and Care Occupancies", shall be the uniform standard.

The remainder of the rule reads as previously published.

DEPARTMENT OF REVENUE

NOTICE OF CABINET AGENDA ON MAY 15, 2001

The Governor and Cabinet, on May 15, 2001, sitting as head of the Department of Revenue, will consider the proposed amendments to Rule 12C-1.051, F.A.C. (Forms). The proposed rule was noticed for a Rule Development Workshop in the Florida Administrative Weekly on November 9, 2000 (Vol. 26, No. 45, p. 5269). The workshop was held on November 28, 2000. No one provided comments at the workshop and no written comments were received by the Department.

The proposed amendments were noticed for a rule hearing in the Florida Administrative Weekly on February 16, 2001 (Vol. 27, No. 7, pp. 710-711). A rule hearing was held on March 13, 2001. No one attended the hearing regarding these proposed rule changes. In response to written comments received from the Joint Administrative Procedures Committee, a technical change to the law implemented section of Rule 12C-1.051, F.A.C., has been made.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-602.210
RULE TITLE: Use of Force

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 27, No. 5, February 2, 2001, Florida Administrative Weekly have been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.033
RULE TITLE: Open Heart Surgery Program

NOTICE OF CHANGE

Proposed amendments to Rule 59C-1.033, open heart surgery, were published December 22, 2000, in Vol. 26, No. 51 of the FAW. The agency is revising the proposed language in paragraphs (7)(a) and (7)(b) of those amendments to clarify that review of any application to establish an open heart surgery program will consider the impact of such an approval on existing open heart surgery programs in the applicant's district. Accordingly, when adopted, the amended rule paragraphs will read as follows:

(7)(b) Provided that the provisions of paragraphs (7)(a) and (7)(c) do not apply, the agency shall determine the net need for additional adult open heart surgery programs in a district based on the following formula:

$NN = (POH/500) - OP$, with the result rounded up or down to the nearest whole integer where:

1. $NN =$ The need for additional adult open heart surgery programs in the district projected for the applicable planning horizon. Additional adult open heart surgery programs may be approved when NN is 0.5 or greater, but will not normally be approved if the approval would reduce the 12 month total at an existing adult open heart surgery program in the district below 250 open heart surgery operations.

2. No change.

(7)(c) Regardless of whether need for additional adult open heart surgery programs is shown in paragraph (b) above, need for one adult open heart surgery program is demonstrated for a county that meets the following criteria:

1. None of the hospitals in the county has an existing or approved open heart surgery program;

2. Residents of the county are projected to generate at least 1200 annual hospital discharges with a principal diagnosis of ischemic heart disease, as defined by ICD-9-CM codes 410.0 through 414.9. The projected number of county residents who will be discharged with a principal diagnosis of ischemic heart disease will be determined as follows:

$$PIHD = (CIHD/CoCPOP \times CoPPOP)$$

where

PIHD = the projected 12-month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over;

CIHD = the most recent 12-month total of discharges with a principal diagnosis of ischemic heart disease for residents of the county age 15 and over, as available in the agency's hospital discharge data base;

CoCPOP = the current estimated population age 15 and over for the county, included as a component of CPOP in subparagraph 7(b)2.;

CoPPOP = the planning horizon estimated population age 15 and over for the county, included as a component of PPOP in subparagraph 7(b)2.

If the result is 1200 or more, need for one adult open heart surgery program is demonstrated for the county. The additional adult open heart surgery program will not normally be approved if the approval would reduce the 12 month total at an existing adult open heart surgery program in the district below 250 open heart surgery operations.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-3.010

RULE TITLE:
Medicaid Services Complementing Medicare

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule as noticed in Vol. 24, No. 7, February 13, 1998, Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-4.070

RULE TITLE:
Durable Medical Equipment and Supplies

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. 27, No. 6, February 9, 2001 issue of the Florida Administrative Weekly.

The Florida Medicaid Durable Medical Equipment and Supplies Handbook January 2000 contains a notice stating "the Agency for Health Care Administration hereby gives notice under Section 120.56(3), Florida Statutes, that on November 14, 2000, Florida Administrative Code Rule 59G-4.070 was held to be invalid."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Barbers'

RULE NO.:
61G3-16.0092

RULE TITLE:
Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) Education Provider Requirements

NOTICE OF CHANGE

The Board of Barbers' gives Notice of Change to the above-referenced rule based upon comments expressed by the staff attorney for the Joint Administrative Procedures Committee. The rule was originally published in Vol. 27, No. 11, March 16, 2001, issue of the Florida Administrative Weekly. In subsection (1), last sentence, between the words "licensure" and "must" add the word "providership". In subsection (2), last sentence, between words "education" and "must" add the word "providership." Subsection (4)(a), first sentence, between the words "number" and "fax" add the phrase "and if available". Subsection (6), delete language "No provider may reapply for continuing education provider status until at least two (2) years have elapsed since the entry of the final order against the provider." In the law implemented, add cite "455.2179".

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julia Baker, Executive Director, Barbers' Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-12.019	Exemption from Renewal Requirements for Spouses of Members of the Armed Forces of the United States

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 27, No. 8, February 23, 2001, issue of the Florida Administrative Weekly. These changes are in response to comments received from the Joint Administrative Procedures Committee and from the Board meeting held April 12, 2001 in Orlando, Florida.

The rule shall now read as follows:

Spouses of members of the Armed Forces of the United States are exempt from licensure renewal provisions, but only in cases of absence from the state because of their spouses' duties with the Armed Forces. Copies of the military orders requiring the change in duty station must be sent to the Board office within 30 days of receipt of the orders in order to qualify for the exemption. Failure to do so shall result in the spouse's license not being renewed and the licensee shall be subject to disciplinary action. Upon receipt of the military orders submitted in the required timeframe, the spouse's license will be placed on inactive status with no fee required. Reactivation of the inactive license will not be require payment of the fee set forth in Rule 61G4-12.009(6), FAC. The license will remain in inactive status for up to two renewal cycles at which time the licensee must either renew this exemption, before expiration, by submitting a current set of orders or reactivate the license. The licensee may reactivate the license by submitting an application for change of status from inactive to active and will not be required to pay the fee set forth in Rule 61G4-12.009(12)(a), FAC. If a license is not reactivated nor the exemption renewed by the expiration date, the license shall become delinquent. Reactivation of a delinquent license will require payment of any delinquent fees set forth in Rule 61G4-12.009, FAC.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cathleen O'Dowd, Executive Director, Construction Industry Licensing Board, 7960 Arlington Expressway, Suite 300, Jacksonville, Florida 32211-7467

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NOS.:	RULE TITLES:
61G19-7.0010	Training Program Provider Fees
61G19-7.002	Training Program Providers

NOTICE OF ADDITIONAL PUBLIC HEARING

The Construction Industry Licensing Board hereby gives notice of an additional public hearing on the above-referenced rules to be held on May 17, 2001 at 8:00 a.m. at the World Golf Village Renaissance Resort, 500 South Legacy Trail, St. Augustine, Florida 32092, (904)940-8000. The rules were originally published in Vol. 26, No. 41, of the October 13, 2000, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:	RULE TITLE:
61G19-7.004	Approval of Training Programs

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

The rule shall read as follows:

(1) Each registered training program provider, and each training program provider exempted from registration by Rule 61G19-7.002, shall apply for approval of a training program. The application must be submitted on a Board-approved form, (number), which is hereby incorporated by reference and will be effective (date), copies of which may be obtained from the Board office. The application for approval shall indicate the length of the program in hours, and shall include a copy of the program syllabus.

(2) A training program for certification in categories other than one and two family dwelling inspector shall include a minimum of 200 combined classroom and on-the-job training (OJT) hours, of which no fewer than 20 hours shall be OJT and

no fewer than 20 hours shall be Board-approved classroom hours related to the category of certification sought. A training program for one and two family dwelling inspector shall include a total of 500 combined hours, of which no fewer than 50 hours shall be OJT and no fewer than 50 hours shall be Board-approved classroom hours related to the category of certification sought.

(3) The Board shall approve training programs which have educational and OJT content sufficient to bring the certificate-holder's inspection or plans examiner skills and technical skills to qualify the individual for examination in the category sought. Training programs shall be instructed by individuals meeting the requirements of 61G19-9.005.

(4) The Board shall approve or deny any application for program approval at the first Board meeting held more than thirty days after the date the application is received by the Board.

(5) A training program which has been rejected by the Board may be resubmitted with modifications.

(6) The Board shall not deny or withdraw approval of a training program on the basis that another program provider is conducting the same or a similar Board-approved training program.

(7) If a training program is approved, the Board shall assign the program a number. The Board-assigned number shall be printed on the program syllabus, on all printed material used in connection with the program, and in all written advertising used in connection with the program.

(8) After a training program has been approved by the Board, any substantive changes in the program content must be submitted to and approved by the Board, prior to the implementation of the change.

(9) Individuals completing an approved training course may count up to twelve (12) hours toward their continuing education requirements for the biennium within which the training program is completed.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-7.008
 RULE TITLE: Certificates of Satisfactory Completion

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee. The rule shall now read as follows:

(1) Providers of approved training programs shall submit a Certificate of Satisfactory Completion to each individual who satisfactorily completes an approved training program.

(2) A Certificate of Satisfactory Completion submitted by a provider of an approved training program shall constitute evidence that the applicant has successfully completed the training program within a period of thirty-six (36) calendar months, and that the individual meets the requirements in 61G19-7.001.

(3) A Certificate of Satisfactory Completion shall qualify the applicant for examination in the category sought, pursuant to 468.609(2)(c)4., F.S.

Specific Authority 468.606 FS. Law Implemented 468.606 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-7.009
 RULE TITLE: Advertising of Training Programs

NOTICE OF CHANGE

Pursuant to subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following changes have been made to the proposed rule, as published in Vol. 26, No. 41, October 13, 2000 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

The rule shall now read as follows:

61G19-7.009 Advertising of Training Programs.

(1) A training program shall not be advertised as one approved by the Board until such approval is officially granted by the Board and a program number is assigned.

(2) Training program providers shall not include any false or misleading information regarding any training program approved under this chapter.

Specific Authority 468.606 FS. Law Implemented 455.227(1)(a), 468.606 FS. History--New _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE NO.: 61H1-29.003
 RULE TITLE: Experience for Licensure by Endorsement

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 26, No. 28, July 14, 2001, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-4.009
 RULE TITLE: Function of the Advanced Registered Nurse

NOTICE OF WITHDRAWAL

The Board of Nursing hereby withdraws the above-proposed rule, which originally was noticed in Vol. 25, No. 29, of the Florida Administrative Weekly on July 23, 1999.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE NOS.: 65C-19.002, 65C-19.003, 65C-19.007
 RULE TITLES: Claiming Allowable Expenditures, Title IV-E Eligibility Criteria, Allowable Maintenance Costs

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. 26, No. 40, October 6, 2000, issue of the Florida Administrative Weekly:

65C-19.002 Claiming Allowable Expenditures.

In order for a local agency to claim Title IV-E reimbursement for an allowable expenditure related to the maintenance and administrative costs for the care of eligible Title IV-E children, the agency must:

(1) Enter into an interagency agreement with the Department of Children and Families by executing the Interagency Agreement with the Florida Department of Children and Families, CF-FSP 5251, ~~Apr Dec, 2001 2000~~, which is incorporated by reference. This agreement must be executed prior to submission of any Title IV-E claims. Copies of the documents incorporated by reference can be obtained

from the Department of Children and Families, Family Safety Program Office, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700.

65C-19.003 Title IV-E Eligibility Criteria.

(3) Placement Requirements. To satisfy Title IV-E requirements, an out-of-home placement must be a licensed emergency shelter home, licensed foster home, a licensed private not-for-profit or for profit child caring agency; or a public facility with 25 beds or less. If the child is placed in an unlicensed placement or a public facility with over 25 beds, Title IV-E maintenance expenditures cannot be claimed for that child during the period the child is in that placement. ~~However, administrative costs may still be claimed for the Title IV-E eligible expenditures.~~ Youth in detention facilities, training schools, youth camps, or who are in Subsidized Independent Living status are not eligible for Title IV-E reimbursement.

65C-19.007 Allowable Maintenance Costs.

Title IV-E maintenance costs are those costs associated with the support of a child while removed from his/her home. In order for a maintenance cost to be reimbursable, it must meet the following criteria:

(3) Costs must be for allowable maintenance activities or services that are eligible for Title IV-E reimbursement. The following are examples of the types of maintenance costs that are reimbursable:

- (a) ~~Food~~ Out of home care.
- (b) ~~Clothing, shoes, athletic uniforms, band uniforms.~~
- (c) ~~Shelter Extraneous school expenses other than tuition and transportation, including such expenses as tutoring, yearbooks, graduation, band instruments.~~
- (d) ~~Daily supervision Travel from the foster home to the parent's home.~~
- (e) ~~School supplies~~ Holiday and birthday gifts.
- (f) ~~Child's personal incidentals~~ Summer camp.
- (g) ~~Liability insurance with respect to a child~~ Baby diapers, formula.
- (h) ~~Reasonable travel to the child's home for visitation~~ Child car seat restraint, bicycle helmet.
- (i) In the case of institutional care, such term shall include the reasonable costs of administration and operation of such institution as are necessarily required to provide the above items.

**Section IV
 Emergency Rules**

NONE