

65B-11.005 Selection of Housing.

(1) The individual shall select a home available for lease or sale to any member of the community based on the individual's own choice and personal financial resources with assistance from the supported living coaching provider as needed.

(2) The following criteria identify an eligible supported living setting:

~~(a) No more than three (3) persons who have developmental disabilities live together in a single housing unit;~~

~~(a)(b)~~ The name of the individual appears on the lease or mortgage either singularly, with a roommate(s), or with a guarantor;

~~(b)(c)~~ Neither the supported living provider nor the immediate family of the supported living provider shall serve as landlord or have any interest in the ownership of the housing unit; and

~~(d) The homes of individuals receiving supported living services shall account for no more than ten (10) percent of the housing in the smallest identifiable geographical area in which the homes are located, which may be a city block, subdivision, neighborhood, apartment complex, or mobile home park. The individuals' homes shall be scattered, noncontiguous, and dispersed throughout that area.~~

(3) Waivers of item (d) above shall be granted by the district developmental services program administrator when the waiver is desired by the individuals involved in order to live more closely together.

(4) As part of the housing search, the supported living coaching provider shall assist the individual to complete a survey of the housing being considered. This survey shall be based on the Housing and Urban Development housing quality standards found in 24 C.F.R., Chapter VIII, Subpart F, Section 887.251. The supported living coaching provider shall also assist the individual in a quarterly update of the housing survey based upon the same standards as the initial survey.

(5) The supported living coaching provider shall forward a copy of the completed survey for the housing that was selected by the individual to the individual's support coordinator within ten (10) working days of the selection, and shall make a copy of the quarterly housing survey update available to the support coordinator at the time of the support coordinator's quarterly home visit provided for in subsection 65B-11.009(3), F.A.C.

(6) If the housing selected by the individual does not meet the housing quality standards identified in subsection 65B-11.005(4), F.A.C., a waiver shall be granted by the district developmental services program administrator when the selection is based on the individual's choice and the standard waived does not compromise the client's health and safety.

Specific Authority 393.501(1) FS. Law Implemented 393.066, 393.063(50) FS., 42 USC 1396u. History--New 1-18-95, Formerly 10F-11.005, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Ed Rousseau

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Shelly Brantley, Director, Developmental Disability Program

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 18, 2003

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

#### DEPARTMENT OF EDUCATION

##### Commission for Independent Education

RULE NO.: 6F-1.001  
RULE TITLE: General Requirements

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 44, November 1, 2002, Florida Administrative Weekly has been withdrawn.

#### DEPARTMENT OF EDUCATION

##### Commission for Independent Education

RULE NOS.:	RULE TITLES:
6F-2.001	Certificate of License for Schools
6F-2.0015	Change in Ownership
6F-2.0016	Change in Control
6F-2.0017	Student Protection Fund
6F-2.002	Minimum Standards for Licensure of Schools
6F-2.0024	Fair Consumer Practices
6F-2.0026	Fee Schedule
6F-2.003	School Descriptive Inventory
6F-2.004	Advertising

#### NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 28, No. 44, November 1, 2002, Florida Administrative Weekly have been withdrawn.

#### DEPARTMENT OF EDUCATION

##### Commission for Independent Education

RULE NOS.:	RULE TITLES:
6F-3.001	Agents; License Required
6F-3.002	Agents; Qualifications, Training, Limitation of Authority, Responsibilities of Schools, Agents, and Applicants

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rules, as noticed in Vol. 28, No. 44, November 1, 2002, Florida Administrative Weekly have been withdrawn.

**DEPARTMENT OF EDUCATION****Commission for Independent Education**

RULE NO.:                      RULE TITLE:  
6F-4.001                      License Application Package

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 28, No. 44, November 1, 2002, Florida Administrative Weekly has been withdrawn.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**WATER MANAGEMENT DISTRICTS****Southwest Florida Water Management District**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-22	Year-Round Water Conservation Measures
RULE NOS.:	RULE TITLES:
40D-22.011	Policy and Purpose
40D-22.101	Definitions
40D-22.201	Year-Round Water Conservation Measures
40D-22.302	Goal-Based Alternative Community Conservation Program
40D-22.303	Variance and Waivers
40D-22.401	Enforcement

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the proposed rules and changes to the rules, listed above, as noticed in Vol. 28, No. 47, pages 5207 through 5211 on November 22, 2002 of the Florida Administrative Weekly have been withdrawn.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

**DEPARTMENT OF HEALTH****Board of Nursing**

RULE NO.:                      RULE TITLE:  
64B9-15.001                      Definitions

**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. 29, No. 1, January 3, 2003, issue of the Florida Administrative Weekly. The changes are being made in response to comments from the Joint Administrative Procedures Committee. The changes are as follows:

1. Proposed subsection (6) shall be deleted in its entirety.
2. Proposed subsection (7) shall be deleted in its entirety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

**DEPARTMENT OF HEALTH****Board of Nursing**

RULE NO.:                      RULE TITLE:  
64B9-15.002                      Certified Nursing Assistant  
   Authorized Duties

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 29, No. 1, January 3, 2003, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH****Board of Nursing**

RULE NO.:                      RULE TITLE:  
64B9-15.007                      Approval of New Certified Nursing  
   Assistant Training Programs

**SECOND NOTICE OF CHANGE**

Notice is hereby given that a second change has been made to the proposed rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 1, January 3, 2003, issue of the Florida Administrative Weekly. The initial changes, published in Vol. 29, No. 15, April 11, 2003, Florida Administrative Weekly shall remain in effect with the exception of the following second change, being made in response to comments from the Joint Administrative Procedures Committee. The change is as follows:

1. Proposed subsection (4) shall be deleted in its entirety.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Coble, Executive Director, Board of Nursing/MQA, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399-3252

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES****Family Safety and Preservation Program**

RULE NOS.:                      RULE TITLES:  
65C-25.002                      Admission and Assessment  
65C-25.005                      Personnel Requirements

NOTICE OF WITHDRAWAL

These two rules as published in the February 28, 2003, Vol. 29, No. 9, issue of the Florida Administrative Weekly, is hereby withdrawn.

## Section IV Emergency Rules

### DEPARTMENT OF THE LOTTERY

RULE TITLE: Code of Ethics

RULE NO.: 53ER03-33

SUMMARY OF THE RULE: This emergency rule sets forth the ethics rules governing employees of the Florida Lottery.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Diane D. Schmidt, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

#### 53ER03-33 Code of Ethics.

(1) All employees of the Florida Lottery are subject to the provisions of Chapter 112, Part III, F.S., Chapter 24, F.S., and rules promulgated thereunder. Where there are differences between this rule and the statute, the stricter provisions will apply.

#### (2) Gifts.

(a) Employees shall not solicit or accept gifts, loans, rewards, promises of future employment, favors, or services of any value that are given in order to influence the employee's official action or judgment.

(b) No employee shall knowingly accept any gift, gratuity, favor, entertainment, lodging, transportation, loan or any other thing of monetary value that is valued at over \$25.00. There are four limited exceptions:

1. Gifts from relatives (gifts can be accepted from relatives, as defined by Chapter 112, F.S., regardless of value).

2. Gifts (including but not limited to birthday and/or anniversary gifts and gifts of hospitality) received from personal friends in the ordinary course of friendship, regardless of value, can be accepted, provided that any such personal friend is not:

a. A lobbyist of the Lottery; or

b. The partner, firm member, employer, employee or principal of a lobbyist of the Lottery; or

c. A person having a special pecuniary interest (either individually or through a corporation or organization) in a matter pending before the Lottery; or

d. A person who (either individually or through a corporation or organization) provides goods or services to the Lottery under contract or agreement; or

e. A person who (either individually or through a corporation or organization) is seeking such business with the Lottery.

3. On-site consumption of food and refreshment at receptions and/or other events (even if valued at over \$25.00), provided the employee's attendance at such event is an appropriate exercise of the employee's official duties.

4. Gifts (regardless of value) accepted on behalf of a governmental entity or charitable organization, or for which a public purpose can be shown, provided the Lottery ethics officer has approved such acceptance.

The above four limited exceptions do not authorize the acceptance of any gift that is otherwise prohibited by Chapter 112, F.S.

(c) All employees shall file with the Secretary of State on the last day of each calendar quarter, for the previous calendar quarter, a list of permissible gifts accepted by the employee that he or she believes to be in excess of \$25 in value (excluding gifts from relatives and gifts from friends received on special occasions, lodging in friends' homes, and meals from friends in their home or at a restaurant) and gifts of \$25 or less received from any of the following persons:

1. A lobbyist of the Lottery; or

2. The partner, firm member, employer, employee or principal of a lobbyist of the Lottery; or

3. A person having a special pecuniary interest (either individually or through a corporation or organization) in a matter pending before the Lottery; or

4. A person who (either individually or through a corporation or organization) provides goods or services to the Lottery under contract or agreement; or

5. A person who (either individually or through a corporation or organization) is seeking such business with the Lottery.

An employee need not file a statement if no gifts have been received during the applicable calendar quarter.

(d) All "reporting individuals" and "procurement employees," as defined in Section 112.3148, F.S., continue to be subject to the reporting requirement for gifts in excess of \$100 contained in that section.

(e) For purposes of this rule, "gift" means anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit and for which no payment is made including:

1. Real property or the use thereof; or

2. Tangible or intangible personal property or the use thereof; or

3. Preferential rate or terms on a transaction not available to others similarly situated; or

4. Forgiveness of a debt; or

5. Transportation, lodging or parking; or

6. Food or beverage; or