

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

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.”

STATE BOARD OF ADMINISTRATION

RULE TITLES:	RULE NOS.:
Reimbursement Contract	19-8.010
Insurer Reporting Requirements	19-8.029

PURPOSE AND EFFECT: The 2004 Legislature passed CS/CS/CS/CS for SB 2488 on Friday, April 30, 2004. Due to this legislation, emergency rules were necessary. On May 11, 2004, Emergency Rules 19ER04-1 (19-8.010) and 19ER04-2 (19-8.029), F.A.C., were filed and became effective. Pursuant to Section 120.54(4), Florida Statutes, these emergency rules are effective for only 90 days. Thus, the Florida Hurricane Catastrophe Fund (FHCF) is now entering into the rulemaking process to incorporate the changes made by the emergency rules into permanent rules.

SUBJECT AREA TO BE ADDRESSED: Contract requirements and insurer reporting requirements for the 2004-2005 contract year.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300, (850)413-1340, available on the FHCF website www.sbafla.com/fhcf

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM: Patti Elsbernd, Management Assistant, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1346

DEPARTMENT OF CORRECTIONS

RULE TITLE:	RULE NO.:
Offender Grievance Procedure	33-302.101

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule.

SUBJECT AREA TO BE ADDRESSED: Offender grievance procedure.

SPECIFIC AUTHORITY: 944.09 FS., 45 CFR 164.530

LAW IMPLEMENTED: 944.09 FS., 45 CFR Part 160, 164

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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.101 Offender Grievance Procedures.

(1) No change.

(2) The following procedures outline the steps to be taken by an offender under field supervision, including an offender in pretrial intervention who has a complaint concerning actions on supervision. Steps for filing complaints, except in those complaints addressed in subsection (5) below, are:

(a) No change.

(b) If the offender is dissatisfied with the outcome of the verbal discussion with the officer, and the officer’s supervisor if the offender chooses to discuss the complaint verbally with the supervisor, the offender may submit a written grievance outlining the problem to the officer’s immediate supervisor for further review. The supervisor shall respond, in writing, with a response that attempts to resolve the issue, ~~within 20 calendar days of the receipt of the grievance. A copy of both the grievance and the supervisor’s response shall be forwarded to the circuit administrator for informational purposes. A copy of the grievance and all responses to the grievance shall be maintained in the offender file.~~

(c) In the event the issue is not resolved with the supervisor, the offender may forward her or his grievance, along with the supervisor’s response, to the circuit administrator for review. The circuit administrator shall respond to the offender in writing, with a response that attempts to resolve the issue, ~~within 20 calendar days of receipt of the grievance.~~

(d) In the event the issue is not resolved with the circuit administrator, the offender may forward her or his grievance, along with the circuit administrator’s response to the regional director of probation and parole for review. The regional director of probation and parole shall provide a written response, which attempts to resolve the issue, ~~within 20 calendar days of receipt of the grievance.~~

(e) In the event the issue is not resolved with the regional director of probation and parole, the offender may forward her or his grievance, along with the regional director of probation and parole's response, to the assistant secretary of probation and parole. The assistant secretary of probation and parole shall respond to the grievance ~~within 30 days of receipt of the grievance.~~

(3) through (6) No change.

Specific Authority 944.09 FS., 45 CFR 164.530. Law Implemented 944.09 FS., 45 CFR Part 160, 164. History--New 5-28-86, Amended 10-1-89, 9-30-91, 2-15-98, Formerly 33-24.005, Amended 3-4-01, 7-30-01, 2-4-02, 5-12-02, 7-30-03,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Offender Orientation
 RULE NO.: 33-302.109

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to delete unnecessary language from the rule.

SUBJECT AREA TO BE ADDRESSED: offender orientation.

SPECIFIC AUTHORITY: 944.09 FS., 45 CFR 164.520

LAW IMPLEMENTED: 944.09 FS., 45 CFR Part 160, 164

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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.109 Offender Orientation.

(1) Correctional probation officers shall meet with an offender within two working days of offender assignment or the onset of supervision to provide orientation to the offender as to the conditions of supervision and instructions regarding supervision.

~~(a)~~ Orientation shall be in a language understood by the offender and accommodations shall be made in the event an offender has a documented disability or language barrier.

~~(b)~~ Upon receipt of the offender file with the order of supervision, the correctional probation officer shall verify the information contained therein.

(2) Orientation topics shall include:

(a) An introduction explaining the role of the correctional probation officer in supervising the offender;

(b) A review of the offender's disposition or commitment information and supervision status;

~~(c)~~ Instructions and review of all conditions of supervision, including:

~~1. Standard conditions of supervision established by statute including the following:~~

~~a. Reporting requirements;~~

~~b. Residence and employment;~~

~~c. Statutory employment restrictions;~~

~~d. Travel restrictions;~~

~~e. Violations of the law;~~

~~f. Supporting legal dependents;~~

~~g. Association with persons engaged in criminal activity;~~

~~h. Random substance abuse testing;~~

~~i. Possessing, carrying, or owning a firearm or weapon;~~

~~j. Use of intoxicants to excess or possessing non-prescription narcotics;~~

~~k. Cost of supervision;~~

~~l. Following instructions;~~

~~m. Answering inquiries truthfully; and,~~

~~n. Visits by the correctional probation officer to the offender's residence or other location within the community.~~

~~2. Instruction and review of any special conditions imposed by the court or releasing authority including:~~

~~a. Restitution;~~

~~b. Court costs, fines, or other financial obligations;~~

~~c. Public service work requirements;~~

~~d. Evaluation and treatment requirements;~~

~~e. Prohibitions against contact with the victim or victims;~~

~~f. Participation in education or self-improvement programs;~~

~~g. Participation in HIV or AIDS awareness programs;~~

~~h. Incarceration required as a condition of supervision;~~

~~i. Victim related special conditions; and,~~

~~j. Any other special conditions imposed by the court or releasing authority.~~

~~(2)(3)~~ Offenders shall be provided an opportunity to ask questions or request clarification of any or all of the conditions of his or her supervision.

(a) After acknowledging an understanding of the conditions of supervision, the offender shall sign and date the orders of supervision. ~~If an offender refuses to sign and date the conditions of probation, the correctional probation officer shall make note of this on the orders of supervision.~~

(b) The offender shall be provided with a copy of the orders of supervision.

(4) Restoration of Civil Rights

(a) If the offender is convicted of a felony offense, the officer shall advise the offender that statutory employment restrictions may apply during the supervision period until the offender's rights are restored.

(b) If the offender was adjudicated guilty, the officer shall advise the offender that more information regarding the restoration of civil rights process shall be provided within 60 to 90 days of the offender's scheduled termination date. Within

~~60 to 90 days of the scheduled termination date, the officer shall utilize Form NII-027, Notification of Civil Rights Review Process, to review this process. Form NII-027 is incorporated by reference in Rule 33-302.111, F.A.C.~~

~~(e) The officer shall direct further questions regarding the civil rights review process to the Office of Executive Clemency.~~

~~(5) The correctional probation officer shall instruct on and review the information contained in Section 944.512, F.S., which prohibits all felons convicted in Florida or their assignees, from receiving any financial benefits from literary or cinematic accounts of crimes for which the offender was convicted and which empowers and sets guidelines for the courts to place liens upon proceeds payable or accruing to offenders, or their assignees.~~

~~(a) The correctional probation officer and offender shall sign and date an Acknowledgment of Understanding of Responsibilities for Notification of Involvement in Crimes Accounts, Form DC1-204, certifying that the offender has received instructions regarding requirements stated in Section 944.512, F.S. Form DC1-204 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is July 19, 2001.~~

~~(b) The correctional probation officer shall provide the offender with a copy of the executed Form DC1-204 and place the original in the offender file.~~

~~(6) The correctional probation officer shall instruct on and review the information contained in the Instructions to the Offender, Form DC3-246. Form DC3-246 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is January 6, 2004.~~

~~(a) The contents of Form DC3-246 include:~~

- ~~1. The offender grievance procedure;~~
- ~~2. The means whereby the offender may obtain twenty-four hour emergency access to the correctional probation office or officer;~~
- ~~3. Drug testing procedures;~~
- ~~4. Criminal registration requirements;~~
- ~~5. Firearms prohibition instructions; and,~~
- ~~6. Employer notification instructions.~~

~~(b) The correctional probation officer and offender shall sign and date Form DC3-246, Instructions to the Offender, certifying that the offender has received orientation regarding the topics listed in section (6)(a).~~

~~(c) The original executed Form DC3-246 shall be placed in the offender file and a copy shall be provided to the offender.~~

~~(3)(7) No change.~~

Specific Authority 944.09 FS., 45 CFR 164.520 Law Implemented 20.315, 944.09 FS., 45 CFR Part 160, 164. History—New 7-19-01, Amended 9-15-02, 7-30-03, 1-6-04.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Written Monthly Reports
 RULE NO.: 33-302.110

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: delete obsolete and unnecessary language; emphasize offender reporting responsibilities; and require provision of additional information on each monthly report to the supervising officer.

SUBJECT AREA TO BE ADDRESSED: Monthly supervision reports.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.110 Written Monthly Reports.

(1) ~~The offender~~ Correctional probation officers shall inform the offender, at the time orientation is provided, that she or he is required to submit a full and truthful report to the officer on a monthly basis, unless otherwise specified by the supervision order.

(a) ~~Form DC3-268, Written Monthly Report, is the form offenders shall submit on a monthly basis to their correctional probation officer. Form DC3-268 is hereby incorporated by reference. A copy of this form may be obtained from the Forms Control Administrator, Office of General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is August 1, 2001.~~

(b) ~~The Written Monthly Report, Form DC3-268, requires~~ The offender shall provide information relating to activities for the previous month, including:

- ~~(a)1.~~ The offender's place of residence;
- ~~(b)2.~~ The offender's place of employment;
- ~~(c)3.~~ The offender's gross income earned monthly;
- ~~(d)~~ The offender's effective date of unemployment (if applicable), reason for unemployment, and source of income during the unemployed period;
- ~~(e)~~ The offender's number of dependents;
- ~~(f)~~ Information regarding offender's second job (if applicable);

~~(g)4. Payments made by the offender including restitution, court costs, cost of supervision, or other monetary obligations imposed by the court or releasing authority;~~

~~(h) If monthly monetary obligation payment was not met, reason monetary obligation was not paid;~~

~~(i)5- Problems experienced by the offender; and,~~

~~(j)6. Other information that needs to be discussed with the correctional probation officer during the required office visit.~~

~~(2) Upon receipt, the correctional probation officer shall review the report, discuss changes or concerns, and document receipt of the report in case notes. Written Monthly Report, Form DC3-268, submitted by the offender under his or her supervision to:~~

~~(a) Ensure the report is complete;~~

~~(b) Identify status changes not reported previously in employment, residence, or arrest activity;~~

~~(c) Identify problems occurring during the month that the offender wishes to discuss further;~~

~~(d) Review any difficulties or irregularities;~~

~~(e) Determine necessary action to rectify any difficulties or irregularities; and,~~

~~(f) Make referrals in order to assist the offender with community resources and services available, as necessary.~~

~~(3) The correctional probation officer shall sign and date Form DC3-268 to acknowledge the report was reviewed. He or she shall also document receipt of Form DC3-268 in the electronic case notes, including any additional instructions given to the offender or information obtained during the office visit.~~

~~(4) The original copies of all of the Written Monthly Reports submitted by an offender will be maintained by the correctional probation officer in the offender's file.~~

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 8-1-01, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE TITLE: Florida Hospital Uniform Reporting System
 PURPOSE AND EFFECT: The Agency intends to begin rule development to implement changes to the Florida Hospital Uniform Reporting System (FHURS) regarding the reporting of Medicaid Disproportionate Share payments, paid to hospitals in accordance with Sections 409.911-.9119, F.S., as amended by the 2002 session of the legislature, and of all types of Special Medicaid Payments as enacted in the annual state budget. The purpose of this notice is to present the Agency's proposed changes to the FHURS manual for discussion and comment.

RULE NO.: 59E-5.102

SUBJECT AREA TO BE ADDRESSED: Changes to the FHURS manual Chapter III, Description of Accounts, "Deductions from Revenue" pages 3.8 & 3.8a and Chapter IV, Glossary of Health Care Terminology-Definitions. Changes to FHURS Reporting Form C-3a (rev.).

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 408.061(4) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m. – 5:00 p.m., July 14, 2004

PLACE: Conference Room D, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Douglas E. Pierce, Health Facility Regulation/Financial Analysis Office, MS 28, Building 1, 2727 Mahan Drive, Tallahassee, Florida 32308, (850)922-7858, e-mail: pierced@fdhc.state.fl.us

THE PRELIMINARY DRAFT OF THE PROPOSED RULE DEVELOPMENT IF NOT AVAILABLE.

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 Chiropractic Medicine

RULE TITLE: Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions
 RULE NO.: 64B2-13.005

PURPOSE AND EFFECT: The Board proposes to promulgate a new rule pursuant to Section 456.024(2), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Exemption of spouses of members of Armed Forces from licensure renewal provisions.

SPECIFIC AUTHORITY: 456.024(2) FS.

LAW IMPLEMENTED: 456.024(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-13.005 Exemption of Spouses of Members of Armed Forces from Licensure Renewal Provisions.

A licensee who is the spouse of a member of the Armed Forces of the United States shall be exempt from all licensure renewal provisions for any period of time which the licensee is absent from the State of Florida due to the spouse's duties with the Armed Forces. The licensee must document the absence and the spouse's military status to the Board. The licensee is required to notify the Board of a change in status within six months of the licensee's return to the State of Florida or the spouse's discharge from active duty. If the change of status occurs within the second half of the biennium, the licensee is exempt from the continuing education requirement for that biennium.

Specific Authority 456.024(2) F.S. Law Implemented 456.024(2) F.S. History—New_____.

DEPARTMENT OF HEALTH

Board of Chiropractic Medicine

RULE TITLES: Citations 64B2-16.0075
 Mediation 64B2-16.010
 Notice of Noncompliance 64B2-16.011

PURPOSE AND EFFECT: The Board proposes to update the existing language in Rules 64B2-16.010 and 64B2-16.0075, F.A.C., and promulgate new Rule 64B2-16.011, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Citations, mediation and notice of noncompliance.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 456.077, 456.078, 460.405 FS.

LAW IMPLEMENTED: 120.695, 456.035, 456.072(3), 456.073, 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-16.0075 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee, an applicant, a candidate trainee, or any other person within the jurisdiction of this Board, for the

purpose of assessing a penalty in an amount established by this rule. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of time not to exceed 60 days, and impose whatever obligations will remedy the offense, except that up to six months shall be permitted with regard to the completion of continuing education credit hours.

(2) In lieu of the disciplinary procedures contained in Section ~~456.073~~ ~~456.077~~, F.S., the Department is hereby authorized to dispose of any violation designated herein by issuing a citation to the subject within six months after the filing of the complaint which is the basis for the citation.

(3) The Board designates the following as citation violations, which shall result in a penalty of ~~\$500~~ ~~five hundred dollars~~ (~~\$500.00~~) if the citation is accepted by the licensee:

~~(a) Causing to be advertised an advertisement which does not identify the physician or institution as being chiropractic, Section 460.413(1)(e), F.S.~~

~~(a)(b) Failure to notify the Department of change of address, Rule 64B2-10.0055, F.A.C. Section 455.717(1), F.S.~~

~~(b)(e) Failure to review and correct any factual inaccuracies in the practitioner profile within 15~~ ~~30~~ days of when furnished based upon any information provided by the practitioner, Sections 460.413(1)(i), 456.041(7), 456.042, F.S.

(d) and (e) renumbered as (c) and (d) No change.

~~(f) Advertising any reduced or discounted fees for services or treatments, or advertising any free services or treatments, without prominently stating in the advertisement the usual fees, Section 460.413(1)(ee), F.S.~~

~~(e)(g) No change.~~

~~(f) Failing to maintain financial responsibility for a period of not more than 90 days, Rule 64B2-17.009, F.A.C.~~

(4) ~~Failure of chiropractic physicians~~ ~~First time failure~~ to complete the required continuing education during the biennial license period; Section 456.072(3), F.S.

(a) through (b) No change.

(5) ~~Failure of certified chiropractic physicians assistants to complete the required continuing education during the biennial license period; Section 456.072(3), F.S.~~

~~(a) Failure to complete less than 10 hours shall result in a penalty of \$100;~~

~~(b) Failure to complete 10 or more hours will result in a penalty of \$200. In addition, licensees shall make up all continuing education hours in deficiency, and shall take one additional hour of continuing education for each hour of continuing education deficiency. Said hours shall not count toward the licensee's continuing education renewal requirements for the next biennium.~~

~~(6)(5) No change.~~

~~(6) Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected.~~

(7) Once the citation becomes a final order, the citation and complaint become a public record pursuant to Chapter 119, F.S., unless otherwise exempt from the provisions of Chapter 119, F.S. ~~The citation and complaint may be considered as aggravating circumstances in future disciplinary actions pursuant to Rule 64B2-16.003, F.A.C.~~

~~(8) The procedures described herein apply only for an initial offense of the alleged violation. Subsequent violation(s) of the same rule or statute shall require the procedure of Section 456.073, F.S., to be followed. In addition, should an initial offense for which a citation could be issued occur in conjunction with violations not described herein, then the procedures of Section 456.073, F.S., shall apply.~~

~~(8)(9) The Department shall report to the Board regarding the number of citations issued and the nature of the offenses for which they were issued provide to the Board a list of the names, license numbers, and violations for those persons issued a citation.~~

Specific Authority 456.077, 460.405 FS. Law Implemented 456.035, 456.072(3), 456.073 FS. History—New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02,_____.

64B2-16.010 Mediation.

RULE TEXT IS NOT AVAILABLE AT THIS TIME.

64B2-16.011 Notice of Noncompliance.

In accordance with Section 456.073, F.S. and Section 120.695, F.S., the Board shall issue a notice of noncompliance as a first response to a minor violation of a rule. Failure of a licensee to take action to correct the violation within 15 days shall result in either the issuance of a citation when appropriate or the initiation of regular disciplinary proceedings. The minor violations which shall result in a notice of noncompliance are:

(1) Failure to notify of a change of address within 60 days as required by Rule 64B2-10.0055, F.A.C.

(2) Issuance of a bad check to the Department, Section 460.413(1)(i), Florida Statutes.

Specific Authority 120.695, 456.073(3), 460.405 FS. Law Implemented 120.695, 456.073(3) FS. History—New_____.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE TITLES:

Licensing, Application, Permitting
Fees

RULE NOS.:
64F-12.015
64F-12.018

PURPOSE AND EFFECT: To implement SB 1824 (2004) relating to the permitting of a person that engages in the wholesale distribution of veterinary prescription drugs only, as opposed to persons engaging in the wholesale distribution of any prescription drugs intended for human use, in or into Florida. This new class of prescription drug wholesaler will be subject to less onerous application and permitting requirements due to the limited nature of the prescription drug products they

wholesale. Although SB 1824 has not become law yet, it has an effective date of July 1, 2004, and this proposed rule development is predicated on that bill becoming law.

SUBJECT AREA TO BE ADDRESSED: The proposed rule will provide for the application process, form, and fees associated with the Veterinary Prescription Drug Wholesaler permit.

SPECIFIC AUTHORITY: 499.01, 499.05 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.041 FS.

A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE AGENCY HEAD HAS DETERMINED THAT A RULE DEVELOPMENT WORKSHOP IS UNNECESSARY DUE TO THE USE OF AN EXISTING APPLICATION FORM AND PROCESS THAT HAS ALREADY BEEN THROUGH RULEMAKING.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sandra Stovall, Compliance Officer, 2818-A Mahan Drive, Tallahassee, Florida 32308; (850)487-1257 ext. 210; sandra_stovall@doh.state.fl.us.fl.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-12.015 Licensing, Application, Permitting.

This section addresses the application and permitting requirements of persons regulated under Part I of Chapter 499, F.S.

(1) through (2) No change.

(3) ON-SITE INSPECTIONS. Passing an on-site inspection is a prerequisite to issuance of a new permit for the following permit types: Prescription Drug Manufacturer, Device Manufacturer, Compressed Medical Gases Manufacturer, Over-the-Counter Drug Manufacturer, Cosmetic Manufacturer, Prescription Drug Wholesaler, Compressed Medical Gases Wholesaler, Freight Forwarder, Veterinary Prescription Drug Wholesaler located in Florida, Veterinary Legend Drug Retailer, Medical Oxygen Retailer, and Restricted Rx Drug Distributor permits for the Health Care Entity, Reverse Distributor, and Destruction facilities. However, the department may elect to perform an inspection of the Restricted Rx Distributor – Charitable Organization, Government Program, or Institutional Research as a condition of permitting but an on-site inspection fee will not be assessed.

(4) through (6) No change.

(7) WHOLESALER PERMITS.

(a) A person applying for or renewing a permit as a prescription drug wholesaler or veterinary prescription drug wholesaler located in Florida, must have an area for the storage of prescription drugs under controlled room temperature and refrigeration, as required by paragraph 64F-12.013(3)(d), F.A.C., whether or not the person intends to wholesale prescription drugs requiring storage under controlled room

temperature conditions or refrigeration; except that a person who will act as a broker only of prescription drugs may apply for a “broker only” designation on the Prescription Drug Wholesaler permit and then the requirement that the permitted address provide for “controlled room temperature” and refrigeration is waived. A “broker only” cannot take possession of prescription drugs under any circumstances.

(b) through (g) No change.

(h) Application requirements for Veterinary Prescription Drug Wholesalers include:

1. Contact the department's Bureau of Statewide Pharmaceutical Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original Form DH 1033, “Application for Permit Under Chapter 499, F.S.,” effective January 2004, and the attachment for the Veterinary Prescription Drug Wholesaler permit, effective July 2004.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018, F.A.C.

4. Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

Specific Authority 499.01, 499.012, 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028, 499.04, 499.041, 499.05, 499.06, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85. Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01, 10-29-02, 7-6-03, 1-1-04, _____.

64F-12.018 Fees.

(1) No change.

(2)(a) Biennial fees for a wholesaler’s permit that is issued on a biennial basis are as follows:

Permit	Biennial Fee
Compressed Medical Gas Wholesaler	\$500
Retail Pharmacy Wholesaler	\$100
Freight Forwarder	\$250
<u>Veterinary Prescription Drug Wholesaler</u>	<u>\$1,000</u>

(b) No change.

(3) through (5) No change.

Specific Authority 499.01, 499.012, 499.015, 499.04, 499.041, 499.05 FS. Law Implemented 499.01, 499.012, 499.015, 499.04, 499.041 FS. History—New 7-1-96, Formerly 10D-45.0544, Amended 4-17-01, 7-6-03, 1-1-04, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Public Assistance Programs	65A-1
RULE TITLES:	RULE NOS.:
Assets	65A-1.303
Food Stamp Program Income and Expenses	65A-1.603

Family-Related Medicaid Eligibility

Determination Process 65A-1.704

Family-Related Medicaid Income

and Resource Criteria 65A-1.707

PURPOSE AND EFFECT: The proposed rule amendments align the Department’s assets, income, and expense verification requirements for the determination of eligibility with federal regulations applicable to each specific program.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments align procedures for the verification of assets, income, and expenses necessary to determine public assistance eligibility with federal regulations applicable to each specific program.

SPECIFIC AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 409.904, 409.903, 409.904, 409.9191, 410.033, 414.075, 414.31 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., July 1, 2004

PLACE: 1317 Winewood Boulevard, Building 3, Room 470, Tallahassee, FL 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Eileen Schilling, Program Administrator, 1317 Winewood Boulevard, Building 3, Room 414, Tallahassee, Florida 32399-0700, (850)414-5643 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLE: RULE NO.:

Special Provisions 65A-1.702

PURPOSE AND EFFECT: The amendment to Rule 65A-1.702, F.A.C., repeals the Qualified Medicare Reimbursement Only (QI2) program that ended December 31, 2002. This amendment also implements the Statewide Inpatient Psychiatric Program (SIPP) waiver for individuals under age 18 who are at high risk of inpatient mental health services.

SUBJECT AREA TO BE ADDRESSED: The proposed amendment repeals the Qualified Medicare Reimbursement Only (QI2) program that ended December 31, 2002. This rule amendment also implements the Statewide Inpatient Psychiatric Program (SIPP) waiver for individuals under age 18 who are at high risk of inpatient mental health services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.903, 409.904, 409.906, 409.919 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 10:00 a.m., July 7, 2004
 PLACE: Building 3, Room 439, 1317 Winewood Boulevard, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Robi Olmstead, Government Operations Consultant II, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)414-2908

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65A-1.702 Special Provisions.

(1) through (12)(d) No change.

~~(e) Qualified Medicare Reimbursement Only (QI2). Under QI2 coverage, individuals are only entitled to a one-time, annual payment of a small part of their Medicare premium. (This is a federally funded program and funding is limited to the amount of an annual allocation.)~~

(13) Determining Share of Cost (SOC). The SOC is determined by deducting the Medically Needy income level from ~~the an~~ individual's or family's income.

(14) through (15) No change.

(16) Statewide Inpatient Psychiatric Program (SIPP) waiver. This program provides inpatient mental health treatment and comprehensive case management planning to enable discharge to less restrictive settings in the community for children under the age of 18 who are placed in an inpatient psychiatric program. Those who are Medically Needy and those who are Medicare recipients are excluded from this program. Services must be received from a designated provider selected by AHCA. This program provides an exception to provisions that residents of an institution for mental disease (IMD) are not eligible for Medicaid.

Specific Authority 409.919 FS. Law Implemented 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, Amended 4-22-98, 2-15-01, 9-24-01, _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety and Preservation Program

RULE CHAPTER TITLE: Home Care for Disabled Adults and the Elderly

RULE CHAPTER NOS.: 65C-1

RULE TITLES: Purpose of the Home Care Program

RULE NOS.: 65C-1.001

Definitions 65C-1.002

Screening and Application 65C-1.003

Eligibility 65C-1.004

Financial Determination 65C-1.005

Provider Requirements 65C-1.006

Home Study Standards 65C-1.007

Petition Proceedings 65C-1.009

PURPOSE AND EFFECT: To amend current rule to reflect Florida Statute intention and revisions and revised national standards to allow for necessary programmatic changes. Current rule is also amended to reflect grammatical revisions and revisions in Florida Administrative Code requirements.

SUBJECT AREAS TO BE ADDRESSED: Title, Purpose of the Home Care Program, Definitions, Application, Eligibility, Financial Determination, Provider Requirements, Home Study Standards, Petition Proceedings.

SPECIFIC AUTHORITY: 410.033 FS.

LAW IMPLEMENTED: 410.031, 410.033, 410.036, 410.035, 410.034 FS.

RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., June 28, 2004

PLACE: Department of Children and Families, Adult Services, Room 355, Building 6, 1317 Winewood Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Patsy Paschal, Operations and Management Consultant Manager, Adult Services, Department of Children and Families, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)922-6805; email patsy_paschal@dcf.state.fl.us; Fax (850)922-4193

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

HOME CARE FOR DISABLED ADULTS AND THE ELDERLY

65C-1.001 Purpose of the Home Care Program.

The Home Care for Disabled Adults Act and Rules encourage the provision of care for disabled adults in family-type living arrangements in private homes as an alternative to institutional or nursing home care for such persons. These rules establish the minimum standards and procedures for the provision of home care; for the approval of persons wishing to provide home care; and for subsidy payments authorized for such care. Priority shall be given to disabled adults who are not eligible for comparable services and programs of and funded by the department or other departments and agencies which were included in the Department of Children and Families when the revisions to Section 410.032, F.S., became effective on January 1, 1997.

Specific Authority 410.033 FS. Law Implemented 410.031, 410.033 FS. History--New 5-3-81, Amended 10-17-84, Formerly 10A-9.01, Amended 6-11-91, Formerly 10A-9.001, Amended 8-13-00, _____.

65C-1.002 Definitions.

In addition to the definitions used in Sections 410.031-.036, F.S., the following definitions shall apply to this rule:

(1) “Activities of Daily Living (ADL)” means functions and tasks for self care, which shall include ambulation, mobility, bathing, dressing, eating, grooming, and other personal hygiene activities.

(2) “Basic Subsidy” means a support and maintenance element, to include costs of housing, food, clothing, and incidentals, in an amount determined by the financial status of the home care client.

(3) “Case Management” means the planning, arrangement for, and coordination of appropriate community based services for an eligible home care client. Case management includes assessment of needs, the development of a service plan, arrangement for services, and on-going monitoring of the client’s situation to ensure that needed services are received.

(4) “Department” means Department of Children and Families.

~~(5)(4)~~ “Disabled Adult” means any person at least 18 years of age, but under 60 years of age, whose ability who has one or more permanent physical or mental limitations which restrict his ability to perform the normal activities of daily living and impede his capacity to live independently or with relatives or friends without provision of community based services, is impaired due to one or more permanent physical or mental limitations. Disabled adult also means a person who is currently a resident of this state and has an intent to remain in this state.

~~(6)(5)~~ “Home Care Client” means an individual who meets all eligibility requirements for this program, and who without home care supportive services could require placement in an institution or nursing home.

~~(7)(6)~~ “Medical Subsidy” means an individually determined amount of subsidy payment for medical, pharmaceutical and dental services which is not covered by Medicare, Medicaid, or any form of insurance and which is regarded as essential, as determined by a physician, dentist, or Adult Services staff, to the maintenance of the health of the home care client.

~~(8)(7)~~ “Provider” means an adult person(s) who applies and is approved to provide care to disabled adult client(s) on a non-profit basis.

~~(9)(8)~~ “Special Supplement” means a reimbursement for any specialized medical or health care services, supplies or equipment, pre-authorized by the department, and required to maintain the health and well-being of the disabled adult. This supplement is separate from and may be utilized in addition to the basic and medical subsidy and shall be provided based on the availability of funds. Reimbursement may be authorized for regularly purchased services and supplies or special, non-recurring services or equipment.

Specific Authority 410.033 FS. Law Implemented 410.033 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.02, Amended 6-11-91, Formerly 10A-9.002, Amended 8-13-00,_____.

65C-1.003 Screening and Application.

(1) Requests to make application for the Home Care for Disabled Adults Program may be initiated by the potential home care client or others, on behalf of the client, through District Adult Services Units.

(2) The ~~d~~Department shall not arrange for recruitment and matching of potential providers and recipients to facilitate application between two unrelated or unfamiliar parties.

(3) If funding is not available to move an interested individual into the Home Care for Disabled Adults Program, the individual is screened by departmental staff, unless otherwise authorized by the department, using the AS Screening for Consideration for Community-Based Programs (CF-AA 1022) and placed on the Home Care for Disabled Adults Waiting List or other Adult Services programmatic waiting list for the appropriate service that meets the need of the individual. The screening instrument is incorporated by reference and available, without cost, from the department.

~~(4)(3)~~ Once funding is available, tThe application process shall include:

- (a) Client assessment and determination of program and financial eligibility;
- (b) Provider assessment and determination of provider eligibility;
- (c) Home assessment and approval; and,
- (d) Applicant and provider notification of eligibility status.

~~(5)(4)~~ The application process must be completed before subsidy approval is granted.

Specific Authority 410.033 FS. Law Implemented 410.033 FS. History—New 5-3-81, Formerly 10A-9.03, Amended 6-11-91, Formerly 10A-9.003, Amended 8-13-00,_____.

65C-1.004 Eligibility.

To be eligible for the Home Care for Disabled Adults Program, an applicant must:

(1) Be a disabled adult, as defined in Rule 65C-1.002, F.A.C.;

(2) Complete, or have completed on his or her behalf, the an application for Home Care for Disabled Adults Program Application, CF-AA 1020, which is incorporated by reference and available, without cost, from the department services;

(3) Meet the same criteria used to determine eligibility assistance under Title XVI of the Social Security Act; or meet the same financial criteria used to determine eligibility for nursing home care as defined in Chapter 65A-1, F.A.C., Florida Medicaid Eligibility;

(4) Have an approved provider who shall will provide the Home Care for Disabled Adults services;

(5) Have a statement from a physician (or licensed registered nurse which states that the applicant could require institutional or nursing home placement should home care

services not be provided, and that the assistance provided by the Home Care for Disabled Adults Program is considered to be appropriate for the well-being of the applicant/ client;

(6) Have a priority need for home care services as determined through the administration and evaluation of a departmentally specified screening instrument and comprehensive client assessment. A copy of the AS Client Assessment (CF-AA 3019) is incorporated by reference and client assessment form shall be available, without cost, upon request from the Adult Services Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. The comprehensive client assessment shall be administered by departmental staff, unless otherwise authorized by the department, and shall address the following areas:

(a) Functional Status – a level of functional impairment as measured by individual ability to independently perform the tasks and activities of daily living;

(b) Provider and Caregiver Status – an appraisal of the provider and caregiver’s ability to provide supervision and care to the home care client issues;

(c) Client Support – a measure of the availability of service and social support relative to the needs of the individual;

(d) Health Status – a measure of the presence and degree of chronic disease and physical disability experienced relative to need for medical, health, and nutritional related services;-

(e) Environmental Status – an evaluation of the client’s physical environment for safety and accessibility for the individual requesting services.

Specific Authority 410.033 FS. Law Implemented 410.036 FS. History–New 5-3-81, Amended 2-11-82, Formerly 10A-9.04, Amended 6-11-91, Formerly 10A-9.004, Amended 8-13-00,_____.

65C-1.005 Financial Determination.

(1) An application as specified in Chapter 65C-1 65A-1, F.A.C., for determination of financial eligibility for the Home Care for Disabled Adults Program shall be completed in its entirety and shall be submitted to the Department of Children and Families;:

(2) Financial eligibility shall be determined as meeting Institutional Care Program (ICP) standards or MEDS-AD standards by designated dDepartmental staff or verified to meet Supplemental Social Security Income (SSI) standards by the Social Security Office;: Applicants whose income and asset levels appear to be close to SSI eligibility standards and who do not receive SSI benefits shall be referred to the Social Security Administration for SSI eligibility determination; and applicants shall pursue SSI through the final appeal.;

(3) Upon satisfaction of all criteria for program and financial eligibility the provider and client shall will be advised of client acceptance into the Home Care for Disabled Adults Program. Payment, as established by a schedule of subsidy payments, shall be based on the financial status of the person receiving care. A Provider Agreement shall be presented to the

provider for signature and shall specify the amount of monthly basic maintenance subsidy, maximum allowable medical subsidy and maximum allowable special supplemental subsidy for which the client has been determined eligible. The provider and client shall will be advised of the need to obtain prior approval from the Home Care Counselor for any expenditures which fall into the categories of medical or special supplemental subsidy. Paid receipts must be submitted to the Home Care Counselor, by the provider, in accordance with Home Care for Disabled Adults standards set forth in rule, manual and policy directive.

(4) The Provider Agreement shall be regarded as a binding agreement between the provider and the dDepartment. The Home Care for Disabled Adults Counselor shall will advise the provider of policy guidelines relating to the approval and receipt of all subsidy payments and shall will process all requests received from the provider in keeping with dDepartmental guidelines established by the state office and implemented at the district office.

(5) Applicants and clients shall be advised in writing upon completion of application review of the right to and the process of obtaining a hearing. Under the provisions of Chapter 120, F.S., applicant and client challenges may be initiated and presented to the dDepartment, provider agency, or Department of Administrative Hearings giving written or oral evidence in opposition to the action the dDepartment has chosen to justify its action or inaction.

Specific Authority 410.033 FS. Law Implemented 410.035 FS. History–New 5-3-81, Amended 2-11-82, Formerly 10A-9.05, Amended 6-11-91, Formerly 10A-9.005, Amended 8-13-00,_____.

65C-1.006 Provider Requirements.

A provider in the Home Care for Disabled Adults Program shall meet, at a minimum, the eligibility criteria outlined herein. Each provider shall be:

(1) A mature, responsible adult willing to and capable of accepting responsibility for the social, physical and emotional needs of the home care client in a family-type living arrangement;

(2) An individual, relative or non-relative who has a positive personal relationship with the client and who is accepted by the client as surrogate family; or a responsible adult who maintains a positive personal relationship with the client and is an individual with whom the client has made a financial arrangement for the provision of home care services;

(3) Residing in and pPhysically present in the home to provide services, supervision, and assistance with the arrangement of services for the client and shall be responsible; when temporarily absent from the home, for making alternative arrangements for care to be assumed by another responsible adult, when temporarily absent from the home, in keeping with the standards set forth for the Home Care for Disabled Adults Program;

(4) Responsible for maintaining the residential dwelling free of conditions that pose an ~~immediate~~ threat to the life, safety, health or well-being of the home care client;

(5) Willing to undergo a background check for abuse, neglect or exploitation of a vulnerable adult, as defined in Section 415.102, F.S., or child, as defined in Section 39.01, F.S., and shall:

~~(a) Be without record of criminal conviction of abuse, neglect or exploitation of a vulnerable adult an older person, adult or child;~~

~~(b) shall Not have been the perpetrator in a confirmed report of abuse, neglect or exploitation of a vulnerable adult, investigated or completed prior to September 1, 2000 by the Department of Children and Families and maintained in the department's central abuse hotline information system Florida Abuse Hotline Information System; and~~

~~(c) Not have been the perpetrator in a confirmed report of abuse, neglect or exploitation of a child, investigated or completed prior to October 1, 1995 by the Department of Children and Families and maintained in the department's central abuse hotline information system;~~

~~(d) Not have been a possible responsible person in a report with verified findings of abuse, neglect or exploitation of a vulnerable adult, investigated or completed on or after September 1, 2000 by the Department of Children and Families and maintained in the department's central abuse hotline information system;~~

~~(e) Not have been a possible responsible person in a report with verified findings of abuse, neglect or exploitation of a child, investigated or completed on or after October 1, 1995 by the Department of Children and Families and maintained in the department's central abuse hotline information system; and~~

~~(f) shall grant written authorization for a background check through the department's central abuse hotline information system. Florida Abuse Hotline System of the Department of Children and Families. The Department shall grant an exemption from any this disqualifying offense if the Department has clear and convincing evidence to support a reasonable belief that the individual is of good moral character as to justify the exemption; and~~

(6) Without evidence of holding themselves out to the public as a home or home-type facility, group living home, half-way house, assisted adult living facility, or other similar facility offering room, board, and personal services ~~but not including adult family care homes.~~

Specific Authority 410.033 FS, Law Implemented 410.033, 410.034 FS, History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.06, Amended 6-11-91, Formerly 10A-9.006, Amended 8-13-00, _____.

65C-1.007 Home Study Standards.

(1) The Home Care Counselor shall conduct a home study, an assessment of the home environment and physical surroundings in which the applicant currently resides or intends to reside, to determine the fitness of the private

residential home and of the home care service provider, in keeping with the assessed needs of the applicant or client and the standards as established for this Program. The Home Care Counselor shall formulate a written recommendation as to case approval or denial and shall submit this recommendation, with accompanying documentation, to the designated ~~d~~ District authority for final review and decision.

(2) Home study standards shall include:

(a) General.

1. The home shall be a family-type dwelling occupied as the primary residence of the home care provider and shall serve as ~~or~~ the primary residence of the home care client.

2. Floors and furnishings shall be free of unsanitary conditions that would attract rodents and insects.

3. The yard and area immediately surrounding the residence shall be free of litter and refuse that could serve as breeding areas for insects and rodents.

4. Windows shall be covered or screened to secure the residence from flies and insects.

5. The structure of the house and furnishings shall not appear to present any physical dangers to the home care client.

6. There shall be at least one telephone with 9-1-1 capability that is operational and that is hard-wired into the home; or a written emergency plan describing how an emergency will be handled without immediate telephone access, shall be developed by the home care provider. This emergency plan shall be approved by district Adult Services program office staff.

(b) Bedroom.

1. Bedding and linens shall be provided and shall be clean and changed as dictated by the physical condition of the client.

2. There shall be two means of egress from the bedroom occupied by the client. This may include a window which may be used by the home care client for exiting the bedroom in case of an emergency.

(c) Bathroom.

1. The primary bathroom that is used by the client shall have a toilet, lavatory, bathtub or shower, all in working order. Bathrooms shall include a commode and lavatory. For areas without city sewage service, the individual sewage disposal system shall comply with Chapter 64E-6, F.A.C., Individual Sewage Disposal. Where septic tanks are not in use, privies shall be located 75 feet or more from a private water supply and a minimum of 30 feet from the residence.

2. Portable toilets may be utilized provided waste is disposed of by a sanitary method.

3. There shall be arrangements for bathing the client, based on the client's physical condition and functional ability, including bathing facilities with hot and cold running water available for the client.

4. Soap, clean towels, and washcloths shall be provided.

(d) Food Preparation and Dining Areas.

1. Food preparation and food storage areas shall be clean, free of odors, free of insects and vermin, and dampness.

2. Homes shall have kitchen the facilities necessary for perishable food storage and meal preparation.

(e) Fire Protection.

1. An operating smoke detector shall be present in each dwelling.

2. Flammable materials such as gasoline, paint, lacquer and paint thinner, alcohol, oxygen, turpentine, contact cement, charcoal lighter fluid, and cleaning fluids shall be stored away from sources of heat, and shall be stored outside or and away from the kitchen and other inside living areas of the main residence. They shall not be stored in a garage if a fuel-burning appliance is located in the garage.

3. Combustible materials such as newspapers and rags shall not be stored near a furnace, hot water heater, space heater, or other sources of heat.

~~4.3.~~ Frayed, cracked, or broken electrical wiring and extension cords shall be removed and replaced. Extension cords shall not extend from one room to another. Multiple electric outlet adapters shall not be used for more than two extensions at one time.

~~5.4.~~ Electric space heating units shall bear the Underwriters Laboratories (UL) label. Kerosene heaters, unvented gas, and unvented oil heaters are prohibited. Only vented heaters, which shall be properly vented to the outside. Fuel burning space units shall be hooded or vented in accordance with Rule 4A 38.023, F.A.C. or shall be so constructed as to not require venting this, are permitted used. The use of a propane heater (liquefied petroleum – LP) which has a gas cylinder stored in the body of the heater or other type of self-contained fuel supply, is prohibited.

(f) Firearms. Firearms and ammunition shall be stored separately from each other in locked storage areas.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.07, Amended 6-11-91, Formerly 10A-9.007, Amended 8-13-00,_____.

65C-1.009 Petition Proceedings.

(1) The Home Care Counselor shall conduct an assessment of the home environment, physical structure and surroundings, to determine the fitness of the residential dwelling in keeping with the assessed needs of the applicant or/client and the established standards for the Home Care Program as found in Chapter 410, F.S., and Chapter 65C-1, F.A.C. A copy of Chapter 410, F.S., and Chapter 65C-1, F.A.C., shall be provided without cost upon request to the Adult Services Program Office, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700.

(2) When a home is determined not to be fit by the standards set forth from the Home Care Program:

(a) The applicant or/client and/or provider shall be notified in writing of determination of unfitness and shall be informed of the basis for such determination.

(b) The applicant or/client and/or provider is provided due process under Chapter 120, F.S., judicial review under s. 410.034, F.S., and may petition the Circuit Court for resolution of the question of fitness of home.

Specific Authority 410.033 FS. Law Implemented 410.034 FS. History—New 5-3-81, Amended 2-11-82, Formerly 10A-9.09, Amended 6-11-91, Formerly 10A-9.009,_____.

P.O. JE1983

Section II Proposed Rules

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Comprehensive Shellfish Control Code	5L-1
RULE TITLES:	RULE NOS.:
Shellfish Harvesting Area Standards	5L-1.003
Container Identification, Terminal Sale Date;	
Prohibitions	5L-1.007
Laboratory Procedures and Sample Testing	5L-1.019

PURPOSE AND EFFECT: These amendments propose to reclassify the Pensacola Bay System shellfish harvesting area in Escambia and Santa Rosa Counties, the North Bay shellfish harvesting area in Bay County, the Indian Lagoon shellfish harvesting area in Gulf County, the Ochlockonee Bay shellfish harvesting area in Franklin and Wakulla Counties, the Apalachicola Bay System shellfish harvesting area in Franklin County, and the Wakulla County shellfish harvesting area in Wakulla County. Sanitary surveys have been conducted that evaluate current information on pollution sources and bacteriological water quality, and recommend reclassification of the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County shellfish harvesting areas. Additionally, the four-digit area codes used on shellfish tags will be updated to identify the locations of where shellfish are harvested in the Pensacola Bay System, North Bay, Indian Lagoon, Ochlockonee, and Wakulla County shellfish harvesting areas. The four-digit harvest area codes are proposed to be updated to reflect the proposed classifications. These codes or the name of the harvest area must be recorded on harvester tags. This information provides for tracing shellfish that are implicated in illness outbreaks back to the harvest area. The reclassification of the Apalachicola Bay System is necessary to adjust the shellfish harvesting area maps and legal descriptions to reflect replacement of the Bryant Patton Bridge.

These amendments also propose to incorporate the option to analyze water samples using the membrane filter method as recently adopted by the ISSC and to require consumer information statement labeling for all shellfish species.