

Rules 68A-2.009 and 68A-2.013, F.A.C., into a single rule in a new rule chapter clearly designated to apply to the entire agency and to incorporate into the rule due process procedures adopted by the Commission at its inception in 1999. This effort is being done in conjunction with the repeal of obsolete rules in Rule Chapter 68A-2, F.A.C., and the transfer of certain rules (Rules 68A-2.014 and 68A-2.015, F.A.C.) intact from that chapter to new Rule Chapter 68-1, F.A.C. The effect of this rulemaking will be to make procedural rules more readily available to the general public through the reorganization.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is the Commission’s procedural rules.

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

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68-1.001 Adoption of Uniform Rules of Procedure; Due Process Procedures; Subject Matter Index; Official Reporter.

(1) The Uniform Rules of Procedure, Chapter 28, Florida Administrative Code, shall be the procedural rules of the Fish and Wildlife Conservation Commission.

(2) The due process procedures adopted by the Commission on July 7, 1999, are incorporated herein by reference.

(3) The Commission designates Florida Administrative Law Reports (FALR) as its official reporter for purposes of publishing and indexing by subject matter all Commission orders rendered pursuant to exercise of authority granted to the Commission by state statute.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Public Records and Availability of Forms; Procedures for Inspecting and Copying Public Records and for Obtaining Office Forms **RULE NO.:** 69N-121.007

PURPOSE AND EFFECT: Puts record owners on notice of the effect of marking a record as confidential or as a trade secret, and makes clear the owner’s continuing responsibility toward those records

SUBJECT AREA TO BE ADDRESSED: Public Records requests for a record purportedly exempt from Chapter 119, F.S., as it contains a trade secret.

SPECIFIC AUTHORITY: 120.53, 624.308 FS.

LAW IMPLEMENTED: 119.01, 119.021, 119.07, 120.53, 624.307(1), 624.311, 624.501, 627.919 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: 9:30 a.m., November 14, 2005

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail bob.prentiss@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: Best Management Practices for Florida Vegetable and Agronomic Crops **RULE CHAPTER NO.:** 5M-8
RULE TITLES: Purpose 5M-8.001
Approved BMPS 5M-8.002

Presumption of Compliance 5M-8.003
 Notice of Intent to Implement 5M-8.004
 Record Keeping 5M-8.005

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUMMARY: The rule establishes a procedure for submitting a "Notice of Intent to Implement," that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices. Once filed with FDACS, the Notice of Intent shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(c)2., F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

TIME AND DATE: 1:00 p.m., November 21, 2005

PLACE: Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy Conference Room, 1203 Governor's Square Blvd., Suite 200, Tallahassee, FL 32301

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)488-6249, Fax (850)921-2153

THE FULL TEXT OF THE PROPOSED RULES IS:

5M-8.001 Purpose.

The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New _____.

5M-8.002 Approved BMPS.

The document titled *Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (Edition 2005)* is hereby incorporated and adopted by reference in this rule for participating vegetable and agronomic crop growers statewide. Copies of the document may be obtained from the local county University of Florida Cooperative Extension Service office or from the Florida Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New _____.

5M-8.003 Presumption of Compliance.

In order to obtain the presumption of compliance with applicable state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices the applicant must:

(1) Conduct a comprehensive assessment of the subject properties using the Decision Tree Flowchart and associated appendices incorporated in the document titled *Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (Edition 2005)*.

(2) Submit a Notice of Intent to Implement as outlined in Rule 5M-8.004, F.A.C.

(3) Implement all applicable BMPs in accordance with the timeline identified as a result of the assessment of the subject properties and listed in the Notice of Intent to Implement.

(4) Maintain documentation to verify the implementation and maintenance of the identified BMPs.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New _____.

5M-8.004 Notice of Intent to Implement.

A Notice of Intent to Implement the BMPs identified in the document titled *Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (Edition 2005)* shall be submitted to the FDACS, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301.

(1) Such notice shall identify practices the applicant will implement. The notice shall also include: the name of the property owner; the location of the property; the property tax ID number; a timeline for implementation; the acreage on

which each practice will be implemented; the name and contact information of an authorized representative; and the signature of the owner, lease holder, or an authorized agent.

(2) Once filed, the Notice of Intent to Implement shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(c)2., F.S.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New _____.

5M-8.005 Record Keeping.

All participants must preserve sufficient documentation to confirm implementation of the practices identified in the Notice of Intent to Implement. All documentation is subject to inspection.

Specific Authority 403.067(7)(c)2. FS. Law Implemented 403.067(7)(c)2. FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chuck Aller, Director, Office of Agricultural Water Policy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 13, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Incorporation by Reference	14-15
RULE TITLE:	RULE NO.:
Toll Facilities Description and Toll Rate Schedule	14-15.0081

PURPOSE AND EFFECT: The purpose of this notice of rulemaking is to allow the public an opportunity to provide input to changes in the Toll Facilities Description and Toll Rate Schedule resulting from a proposed toll rate increase for I-75/Alligator Alley in Collier and Broward Counties.

SUMMARY: The toll rate for two-axle vehicles has not changed along I-75/Alligator Alley since 1969. In 1999, the Florida Department of Transportation adopted a new one-directional tolling plan with two mainline toll plazas. In addition, the Department also adopted the conversion of 3-axle or more vehicles to the N minus 1 method of toll collection. The present two-axle rate along I-75/Alligator Alley is 1.9 cents per mile. The proposed increase will bring the average toll rate to 2.6 cents per mile for SunPass® customers and 3.2 cents per mile for cash customers. The proposed increase will enable additional revenues to be collected and used to fund various improvement projects. In addition, the SunPass® Electronic Toll Collection System Frequent User Toll Discount Pilot Project, pursuant to the amendment to Rule 14-15.0081,

F.A.C., on July 29, 1998, has been completed, and the toll discount program will be discontinued. The toll rate increase has a proposed effective date of January 8, 2006. The total additional revenue in Fiscal Year 2005-06 attributable to the proposed toll rate increase and the discontinuance of the toll discount program is estimated to be \$3.2 million.

The public will benefit from these additional revenues in that under the Florida Intrastate Highway System and Toll Facilities Law (Section 338.165, F.S.), the Department shall use these funds for repairing, maintaining, and operating the Department facilities in the counties they are located and for supporting the issuance of Revenue Bonds to pay the cost of other Department projects to the benefit of the motorist.

SPECIFIC AUTHORITY: 334.044(2), 338.155(1) FS.

LAW IMPLEMENTED: 338.165, 338.155 FS.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

A HEARING WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIMES: November 15, 2005, 6:00 p.m. – Informal Meeting; 6:30 p.m. – Formal Public Hearing

PLACE: City of Davie Police Station Public Meeting Room, 1230 South Nob Hill Road, Davie, Florida

DATE AND TIMES: November 22, 2005, 6:00 p.m. – Informal Meeting; 6:30 p.m. – Formal Public Hearing

PLACE: Naples Airport Conference Room, 200 Aviation Drive North, Naples, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, and May 20,

2004, and January 8, 2006, is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

PROPOSED EFFECTIVE DATE: January 8, 2006.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History—New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 1-8-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lowell Clary, Assistant Secretary of Finance and Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver Stutler, Jr., P.E., Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2005

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Contractors – Highway – Qualification to Bid	14-22
RULE TITLES:	RULE NOS.:
Current Capacity Rating	14-22.006
Over-Bidding	14-22.009
Forms	14-22.015

PURPOSE AND EFFECT: This amendment incorporates a revised version of Form 375-020-22, Certification of Current Capacity and deletes 375-020-21 Status of Contracts on Hand, which becomes page two of the revised version of Form 375-020-22.

SUMMARY: This amendment incorporates a revised version of Form 375-020-22, Certification of Current Capacity, which includes the Status of Contracts on Hand as page two instead of being a separate form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 334.044(2), 337.14(1), 337.167(2) FS.

LAW IMPLEMENTED: 337.14, 337.16, 337.164, 337.165, 337.167 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULES IS:

14-22.006 Current Capacity Rating.

(1) No change.

(2) In determining the Current Capacity of a prospective bidder, the deduction for uncompleted work shall include work subcontracted from others. The bidder will be given credit for work sublet to others; provided, for contracts with the Department, the request for authorization to sublet the work has been approved in writing. The Department, in determining the bidder's eligibility to be issued a bid proposal, will decrease a bidder's uncompleted work by deducting ten percent per month from the "Status of Contracts on Hand" report in the Certification of Current Capacity form submitted with the bidder's most recent bid or the uncompleted work listed in the bidders's Application for Qualification, whichever is most current, which will increase the Current Capacity accordingly.

(3) In order for the Department to have the information required to determine a bidder's Current Capacity, it is necessary that the bidder submit on the day of the letting, a Certification of Current Capacity, Form 375-020-22, Rev. 05/05 08/00, that shall be executed under oath ~~and be accompanied and supported by a Status of Contracts on Hand, Form 375-020-21, Rev. 10/93, report.~~ This form ~~These documents~~ must be included in at least one bid proposal for each letting bid upon that the bidder submits bids. Failure to submit this ~~these~~ documents may result in a determination that all bids submitted by the bidder for that letting are non-responsive or irregular and not to be considered. The Department shall include the Certification of Current Capacity, Form 375-020-22, Rev. 05/05 08/00, ~~and the Status of Contracts on Hand, Form 375-020-21, Rev. 10/93,~~ with the proposal documents issued to the bidder.

(4) In preparing the Certification of Current Capacity, Form 375-020-22, Rev. 05/05 08/00, ~~and Status of Contracts on Hand, Form 375-020-21, Rev. 10/93,~~ reports, the following shall apply:

(a) If the letting is not later than the 25th day of the month, the certification and report shall reflect the uncompleted work as of the 15th day of the month preceding the month of the letting.

(b) If the letting is after the 25th day of the month, the certificate and report shall reflect the uncompleted work in progress as of the 15th day of the month of the letting.

(c) In determining a bidder's Current Capacity, any projects in a prior letting pending award by the Department to such bidder also shall be debited against the bidder's Current

Capacity unless the award is to be delayed for an indefinite period of time. Further, no credit shall be given for proposed subcontracting of any work included in such proposal pending award.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.164 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 7-24-75, Formerly 14-22.01(8), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.06, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 7-2-95, _____.

14-22.009 Over-Bidding.

(1) through (2) No change.

(3) Before the Department takes action under the provisions of either of the preceding two paragraphs, the bidder shall be notified in writing of the Department’s action and, except for the AF provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., above, shall be allowed a period of 10 days from the date the bid was opened to submit a Certification of Current Capacity ~~current Status of Contracts on Hand~~ form.

(4) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.165 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.09, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, _____.

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-32	12/98	Application for Qualification
375-020-21	10/93	Status of Contracts on Hand
375-020-22	<u>05/05</u> 08/00	Certification of Current Capacity
700-010-25	03/01	Contractor Past Performance Report

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Moore, Manager, Contracts Administration Office
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 13, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

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

Florida Prepaid College Board

RULE TITLE: Application
 RULE NO.: 19B-4.001

PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form and the Master Covenant form by reference.

SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account application form and Master Covenant form.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98 FS.

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

TIME AND DATE: 2:00 p.m., November 21, 2005

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2005-10, is hereby incorporated by reference and may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 2005-02 ~~2004-2~~, is hereby incorporated by reference and may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98 FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2005
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Contract Prices
 RULE NO.: 19B-4.002
 PURPOSE AND EFFECT: To update the actuarial assumption utilized to calculate the rise in university tuition.
 SUMMARY: The actuarial assumption utilized to calculate the rise in university tuition.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.
 Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide for a lower costs regulatory alternative must do so within 21 days of this notice.
 SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.
 LAW IMPLEMENTED: 1009.98(2) FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 2:00 p.m., November 21, 2005
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-4.002 Contract Prices

The Board will evaluate prices for revision annually. All contract prices will be published annually in the Florida Administrative Weekly. Contract prices are based on the actuarial assumption that university tuition will rise at an average of ~~6.5~~ 7.5 percent per annum for two years, then ~~6.8 percent per annum~~, community college tuition will rise at an average of 6 percent per annum and dormitory fees will rise at an average of 6 percent per annum. Local fee contract prices are based on the actuarial assumption that university local fees

will rise at an average of 6 percent per annum and community college local fees will rise at an average of 6 percent per annum.

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98(2) FS. History—New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 5-31-95, 2-18-99, 2-8-00, 12-28-03, 12-28-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Prepaid College Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2004
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Application for Participation in the Program
 RULE NO.: 19B-16.002
 PURPOSE AND EFFECT: To update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form by reference.
 SUMMARY: This rule change is being made to update the Florida Prepaid College Plan and Florida College Investment Plan New Account Application form.
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.
 Any person who wishes to provide information regarding the statement of estimated regulatory costs or to provide for a lower costs regulatory alternative must do so within 21 days of this notice.
 SPECIFIC AUTHORITY: 1009.971(1),(4),(6) FS.
 LAW IMPLEMENTED: 1009.981 FS.
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 2:00 p.m., November 21, 2005
 PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.002 Application for Participation in the Program.
 (1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 2005-10, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

DEPARTMENT OF CORRECTIONS

RULE TITLE: Holding Cells RULE NO.: 33-602.224

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to eliminate unnecessary incorporation of a form.

SUMMARY: The rule is being amended to eliminate incorporation of Form DC6-208, Holding Cell Log. The form does not impose any requirement or solicit any information not specifically required by statute or an existing rule, thus it is not necessary to incorporate the form into the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Perri King Dale, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.224 Holding Cells.

(1) through (3) No change.

(4) A holding cell log will be maintained at the holding cell location. Each institution will be responsible for recording using the Holding Cell Log, Form DC6 208, to record the reasons for placement in the cell, the length of time held in cell,

and the record of frequent checks. ~~Form DC6-208 is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. Requests for forms to be mailed must be accompanied by a self-addressed stamped envelope. The effective date of this form is February 3, 2000.~~

(5) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09 FS. History--New 2-3-00, Amended 8-7-03, 10-24-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Drake, Deputy Assistant Secretary of Institutions - Operations

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 30, 2005

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

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

PURPOSE AND EFFECT: To incorporate by reference a Notice of Environmental Resource or Surface Water Management Permit form to be used for recording in the county's public records in order to satisfy the public noticing requirements of Rule 40E-4.101, F.A.C. The Notice will provide an alternative mechanism for providing notice of a standard general environmental resource or surface water management permit for homeowner or property owner associations and facilitate the processing of requests for conversion of surface water management and environmental resource permits to the operation phase.

The purpose of the Notice is to provide sellers and purchasers of real property containing a surface water management system with notice that there is a standard general permit and that the permit does not run with the land and therefore must be transferred. The notice shall not operate as an encumbrance.

SUMMARY: The Notice of Environmental Resource or Surface Water Management Permit Form No. 1189 will be incorporated by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared based on the District's determination that the proposed revisions will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, F.S.

LAW IMPLEMENTED: 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, F.S.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Wednesday, December 14, 2005

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anita Bain, Acting Division Director, Natural Resource Management, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone (800)432-2045, extension 6866 or (561)682-6866 (internet: abain@sfwmd.gov). For procedural issues – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone (800)432-2045, extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.

0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	4-95	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188-QMQ	8-03	Quarterly Report of Withdrawals
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells
0188-QMON	8-03	Quarterly Report of Monitoring Requirements
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)
0483	9-04	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer
0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)
0645-G60	8-03	Table A Descriptions of Wells
0645-G61-1	8-03	Table B Description of Surface Water Pumps
0645-G61-2	8-03	Table C Description of Culverts
0645-G65	8-03	Table D Crop Information
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities
0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)

0645-G71	8-03	Table I Water Treatment Method and Losses	0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit
0645-G72	8-03	Table J Aquifer Storage and Recovery	1019	9-04	Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance
0645-G73	8-03	Table K Water Supply System Interconnections	1020	9-04	Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance
0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit	1021	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
0830	4-94	Special Use Application and License	1022	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
0881A	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification	1023	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
0881B	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995	1024	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
0889	9-04	Certification of Waiver of Permit Application Processing Fee	1105	6-02	Performance Bond to Demonstrate Financial Assurance
0920	9-04	Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity	1106	6-02	Irrevocable Letter of Credit to Demonstrate Financial Assurance
0941	8-95	Environmental Resource Standard/Noticed General Permit No.	1109	8-03	Water Use General Permit
0942	8-95	Surface Water Management General Permit No.	<u>1189</u>	_____	<u>Notice of Environmental Resource or Surface Water Management Permit</u>
0960	9-04	Environmental Resource/Surface Water Management Permit Construction Commencement Notice			(2)(a) through (g) No change.
0961	9-04	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction			Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, <u>373.416</u> FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, <u>373.416</u> FS. History–New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04,_____.
0970	2-04	Applicant Transmittal Form for Requested Additional Information			<u>Return Recorded Document To:</u> <u>Environmental Resource Regulation</u> <u>South Florida Water Management District</u> <u>3301 Gun Club Road</u> <u>West Palm Beach, FL 33406</u>
0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit			<u>RE: South Florida Water Management District (SFWMD)</u> <u>Environmental Resource or Surface Water</u> <u>Management Permit No. (Permit)</u>
0972	8-95	Petition for a Formal Wetland and Surface Water Determination			
0973	8-95	Above Ground Impoundment Inspection/Certification Report			
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System			

Notice

Notice is hereby given that Environmental Resource or Surface Water Management Permit No. _____ has been issued to authorize the construction, modification, or operation of a surface water management system to serve the real-property described on Exhibit "A" attached hereto and made a part hereof ("Premises"). This property is subject to the requirements and restrictions set forth in Chapter 373, Florida Statutes and Title 40E, Florida Administrative Code. Within thirty (30) days of any transfer of interest or control of that portion of the premises containing the surface water management system (or any portion thereof), the permittee must notify the SFWMD in writing of the property transfer. Notification of the transfer does not by itself constitute a permit transfer. Therefore, purchasers of that portion of the premises containing the surface water management system (or any portion thereof) are notified that it is unlawful for any person to construct, alter, operate, maintain, remove or abandon any stormwater management system, dam, impoundment, reservoir, appurtenant work or works, or any combination thereof, including dredging or filling, without first having obtained an environmental resource permit from the SFWMD in the purchaser's name.

Within thirty (30) days of the completion of construction of the surface water management system, a signed and sealed construction completion certification must be submitted to SFWMD pursuant to the requirements of Rule 40E-4.361, Florida Administrative Code.

This notice is applicable to property containing the structural surface water management facilities. For purposes of this notice only, the structural surface water management facilities are limited to lakes, canals, swales, ditches, berms, dry detention areas, water control structures, pumps, culverts, inlets, roads, and wetland mitigation areas, buffers and upland compensation areas.

Conditions

The Permit is subject to the General Conditions set forth in Rule 40E-4.381, Florida Administrative Code. The Permit also contains additional Special Conditions. Accordingly, interested parties should closely examine the entire Permit, all associated applications, and any subsequent modifications.

Conflict Between Notice And Permit

This Notice of Permit is not a complete summary of the Permit. Provisions in this Notice of Permit shall not be used in interpreting the Permit provisions. In the event of conflict between this Notice of Permit and the Permit, the Permit shall control.

This Notice Is Not An Encumbrance

This Notice is for informational purposes only. It is not intended to be a lien, encumbrance, or cloud on the title of the premises.

Release

This Notice may not be released or removed from the public records without the prior written consent of the South Florida Water Management District.

This Notice of Permit is executed on this _____ day of _____, 20_____.

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____ by _____ . He/She is personally known to me or has produced _____ as identification.

Notary Public

(seal)

Print

My Commission Expires: _____

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anita Bain, Acting Division Director, Natural Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Publications, Rules and Interagency RULE NO.:

Agreements Incorporated by Reference 40E-4.091

PURPOSE AND EFFECT: To provide an alternative mechanism for providing notice of a standard general surface water management or environmental resource permit to homeowner or property owner associations and facilitate the processing of requests for conversion of surface water management and environmental resource permits to the operation phase; to make minor corrections to Appendix 6 of the Basis of Review for Environmental Resource Permits Within the South Florida Water Management District; and to add references to previously adopted financial assurance forms.

SUMMARY: The proposed amendments will provide an alternative for homeowner and property owner associations to record a notice of environmental resource or surface water management permit in the county's public records rather than attaching a permit to the recorded homeowner or property owner association documents as currently required by Section 9.2.4. In addition, minor corrections will be made to Appendix 6 and references to previously adopted financial assurance forms will be added to Sections 4.3.7.6 and 4.4.4.7.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared based on the District's determination that the proposed revisions will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413, 373.441 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.4137, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 373.441 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Wednesday, December 14, 2005
PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South

Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: For questions regarding the alternative noticing mechanism – Anita Bain, Acting Division Director, Natural Resource Management, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6866 or (561)682-6866 (internet: abain@sfwmd.gov). For all other questions – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE FULL TEXT OF THE PROPOSED RULE IS:

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

(1) The following publications, rules and interagency agreements are incorporated by reference into this chapter, Chapters 40E-40, 40E-41 and 40E-400, F.A.C.:

(a) “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – December 7, 2004”.

(b) through (k) No change.

(2) No change.

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

(The following represents proposed changes to the document entitled “Basis of Review for Environmental Resource Permit Applications within the South Florida Water Management District – December 7, 2004” incorporated by reference in Rule 40E-4.091, F.A.C.)

4.3.7.6 Financial Responsibility Mechanisms

Financial responsibility for the mitigation, monitoring and corrective action for the project may be established by any of the following methods, at the discretion of the applicant:

- (a) Performance bond Form No. 1105;
- (b) Irrevocable letter of credit Form No. 1106;
- (c) through (h) No change.

4.4.4.7 Draft documentation of financial responsibility meeting the requirements of section 4.4.10, and utilization of Mitigation Bank Financial Assurance Form Nos. 1019 through 1024.

9.2.4

- (a) through (f) No change.

(g) A Notice of Environmental Resource Permit or Surface Water Management Permit Form No. 1189 shall be attached to the rules and regulations as an exhibit or recorded in the public records of the County(s) where the property is located. ~~The environmental resource or surface water management permit and its conditions shall be attached to the rules and regulations as an exhibit.~~ The Registered Agent for the Association shall maintain copies of all ~~former~~ permitting actions for the benefit of the association.

(h) No change.

APPENDIX 6

ABOVE GROUND IMPOUNDMENTS

- 2.1.1.1 Dikes – shall be designed based on field test data of subsurface conditions and actual procedures and materials to be used in construction. Seepage and piping shall be considered and cutoff walls and toe drains included where necessary. Dimensions shall be such as to allow maintenance by normal equipment. Recommended side slopes for vegetated earth should be no steeper than 2 1/2:1 (horizontal to vertical) for external slopes and 3:1 (horizontal to vertical) for internal slopes. Top widths should be of sufficient width to allow safe vehicular access and no less than twelve feet. Dike toes should be continually accessible by vehicle by relatively level to berms of at least ten feet width. Dikes and toe berms should be widened at strategic points for vehicular turnaround or where necessary to load stockpiled material to be used for dike repair.
- 2.1.2.2 Design water depth – As determined by routing the project allowable discharge design event through the inflow and outflow structures with rainfall on the reservoir. The three day 25 year event should typically be used as a minimum.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anita Bain, Acting Division Director, Natural Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLE: Content of Permit Applications
PURPOSE AND EFFECT: To expand the noticing aspect of Rule 40E-4.101, F.A.C., to require recording of a Notice of Environmental Resource or Surface Water Management Permit for standard general permits in the public records of the county where the property is located. Currently, Rule 40E-4.101, F.A.C., requires the notice to be filed for individual permits only. The purpose of the Notice is to provide purchasers of real

property containing a surface water management system with notice that there is a standard general permit and that the permit does not run with the land and therefore must be transferred. Sellers are notified of the requirement to transfer the permit. The notice shall not operate as an encumbrance.

SUMMARY: Expanding the recording requirement to include standard general permits will increase the notice of the District permit pertaining to property that does not meet the thresholds for an individual permit.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared based on the District’s determination that the proposed revisions will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: 373.016, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.117, 373.413, 373.416, 373.426 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Wednesday, December 14, 2005

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anita Bain, Acting Division Director, Natural Resource Management, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6866 or (561)682-6866 (internet: abain@sfwmd.gov). For procedural issues – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov)

THE FULL TEXT OF THE PROPOSED RULE IS:

40E-4.101 Content of Permit Applications.

(1) No change.

(2) The application must be signed by the owner or the owner's authorized agent and include documentation of ownership. Applications signed by agents must contain a letter of authorization which is signed by the owner. Those having the right to exercise the power of eminent domain or having a contract to purchase real property may apply for a permit, however, the permit shall prohibit commencement of work until the permittee provides proof of ownership to the District. A permit shall only be issued to the record title holder, holder of a recorded easement conveying the right to utilize the property for a purpose consistent with the authorization requested in the permit application, those having the right to exercise the power of eminent domain or having a contract to purchase real property. A Notice of ~~Individual~~ Environmental Resource or Surface Water Management Permit Form No. 1189 shall be recorded filed in the public records of the county where the property is located. This notice shall not be considered an encumbrance upon the property.

(3) through (4) No change.

Specific Authority 373.016, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.117, 373.413, 373.416, 373.426 FS. History--New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.03(2), 16K-4.07(2), 16K-4.09(2), Amended 7-1-86, 11-21-89, 4-20-94, 10-3-95, 5-28-00, 4-14-03, 8-14-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anita Bain, Acting Division Director, Natural Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 12, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE TITLES:	RULE NOS.:
Purpose and General Provisions	40E-8.011
Definitions	40E-8.021
MFL Criteria for Lower West Coast Regional Planning Area, Mfl Criteria for Kissimmee Basin Regional Planning Area, and MFL Criteria for Upper East Coast Regional Planning Area	PART III
Minimum Levels: Surface Waters for Kissimmee Basin Regional Planning Area	40E-8.351
Prevention and Recovery Strategies	40E-8.421

PURPOSE AND EFFECT: To develop minimum level criteria for Lake Istokpoga. The minimum level criteria will provide an additional assurance of preventing significant harm caused

by severe low water events and will become an important tool for managing the Lake's water resources. Adopted criteria will also provide other related projects with minimum water level criteria for planning purposes.

SUMMARY: The proposed rule amendments will establish minimum level criteria for Lake Istokpoga.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared based on the District's determination that the proposed revisions will not result in a substantial increase in the costs to affected parties and there will not be significant adverse effects on competition, employment, investment or productivity.

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

SPECIFIC AUTHORITY: §§9, 10 P.L. 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

LAW IMPLEMENTED: 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., Wednesday, December 14, 2005

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, Florida 33406

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Zahina, Senior Environmental Scientist, Planning & Resource Evaluation, Water Supply Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 2824 or (561)682-2824 (internet: jzahina@sfwmd.gov). For procedural issues – Jan Sluth, Paralegal, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299 (internet: jsluth@sfwmd.gov).

THE FULL TEXT OF THE PROPOSED RULES IS:

- 40E-8.011 Purpose and General Provisions.
- (1) through (2) No change.

(3) The MFL's established herein are based on existing best available information, and will be periodically reviewed, at least every five years, based on new information and changing water resource conditions. Revisions to established MFLs will be peer reviewed as required by Section 373.042, F.S., prior to rule adoption. The minimum flow criteria for the Caloosahatchee River in subsection 40E-8.221(2), F.A.C., shall be reviewed within one year of the effective date of this rule, September 10, 2001, and amended, as necessary, based on best available information.

(4) The recovery and prevention strategies set forth in Rule 40E-8.421, F.A.C., the consumptive use permitting procedures described in paragraph 40E-2.301(1)(i), Rule 40E-8.431, F.A.C., and Section 3.9 of the "Basis of Review for Water Use Permit Applications within the South Florida Water Management District – September 10, 2001," and the water shortage plan implementation provisions specified in Rules 40E-8.441, 40E-21.531, and 40E-21.541, and Part III of Chapter 40E-22, F.A.C., September 10, 2001, are inseparable components of the minimum flows and levels established in Rules 40E-8.321 and 40E-8.331, F.A.C., September 10, 2001. The District would not have adopted the minimum flows and levels set forth in Rules 40E-8.321 and 40E-8.331, F.A.C., for Lake Okeechobee, the Everglades, the Biscayne Aquifer, the Lower West Coast Aquifers, and the Caloosahatchee River without simultaneously adopting their related implementation rules. If the rules cited above, as they pertain to a specified MFL water body, are found to be invalid, in whole or in part, such specified minimum flow(s) or level(s) in Rule 40E-8.321 or 40E-8.331, F.A.C., (including Lake Okeechobee, Everglades, Biscayne Aquifer, Lower West Coast Aquifers, Caloosahatchee River) (month, year) shall not be adopted, or if already in effect, shall not continue to be applied, until the District amends the applicable regional water supply plan(s), as necessary, and amends the subject rules, as necessary to address the reason for invalidity consistent with the requirements of Section 373.0421, F.S. This section shall be triggered after a rule is found to be invalid pursuant to a final order issued under Section 120.56, F.S., and after appellate review remedies have been exhausted.

(5) In concert with establishment of the MFL for the Northwest Fork of the Loxahatchee River in subsection 40E-8.221(5), F.A.C., the District commits to the following activities that are described in greater detail in the Recovery and Prevention Strategy section, subsection 40E-8.421(6), F.A.C.:

(a) through (e) No change.

Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History—New 9-10-01, Amended 4-1-03, _____.

40E-8.021 Definitions.

(1) through (9) No change.

(10) Lake Istokpoga – means the lands and waters contained within the Lake below 40.0 feet NGVD, the top of the U.S. Army Corps of Engineers' regulation schedule.

~~(11)(40)~~ Lake Okeechobee – means the lands and waters contained within the perimeter of the Hoover Dike.

~~(12)(41)~~ LEC Plan – means the Lower East Coast Regional Water Supply Plan – May 2000, including all three volumes.

~~(13)(42)~~ Lower West Coast Aquifers – means the lower Tamiami aquifer, sandstone aquifer and the mid-Hawthorn aquifer that occur within Charlotte, Hendry, Glades, Lee and Collier counties.

~~(14)(43)~~ LWC Plan – means the Lower West Coast Regional Water Supply Plan – April 2000, including all three volumes.

~~(15)(44)~~ Minimum Flow – means a flow established by the District pursuant to Sections 373.042 and 373.0421, F.S., for a given water body and set forth in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources or ecology of the area.

~~(16)(45)~~ Minimum Flow and Level Exceedance – means to fall below a minimum flow or level, which is established in Parts II and III of this chapter, for a duration greater than specified for the MFL water body.

~~(17)(46)~~ Minimum Flow and Level Violation – means to fall below a minimum flow or minimum level, which is established in Parts II and III of this chapter, for a duration and frequency greater than specified for the MFL water body. Unless otherwise specified herein, in determining the frequency with which water flows and levels fall below an established MFL for purposes of determining a MFL violation, a "year" means 365 days from the last day of the previous MFL exceedance.

~~(18)(47)~~ Minimum Level – means the level of groundwater in an aquifer or the level of surface water established by the District pursuant to Sections 373.042 and 373.0421, F.S., in Parts II and III of this chapter, at which further withdrawals would be significantly harmful to the water resources of the area.

~~(19)(48)~~ MFL Water Body – means any surface water, watercourse, or aquifer for which an MFL is established in Part II or III of this chapter.

~~(20)(49)~~ Northwest Fork of the Loxahatchee River: Means those areas defined below:

(a) through (d) No change.

~~(21)(20)~~ Operations – means activities taken by the District for the movement of surface water through works of the District pursuant to Chapter 373, F.S.

~~(22)(21)~~ Prevention Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently not violated, but are

projected to be violated within twenty (20) years of the establishment of the minimum flow or level, if said prevention strategies are not implemented.

~~(23)~~(22) Recovery Strategy(ies) – means the structural and non-structural actions approved by the District in regional water supply plans, pursuant to Section 373.0421, F.S., or by rule, for areas where MFLs are currently violated.

~~(24)~~(23) Regional Water Supply Plan – means a plan approved by the District pursuant to Section 373.0361, F.S.

~~(25)~~(24) St. Lucie River North Fork – means the surface waters that extend from the Gordy Road Bridge structure (state plane coordinates, x851212.831, y1116105.7470), combined with tributary contributions below Gordy Road and collectively flow south to the confluence with the C-24 canal (state plane coordinates, x873,712.20, y1064,390.41).

~~(26)~~(25) St. Lucie River South Fork – means the surface waters that extend from the culverts located at state plane coordinates x902,512.67, y1,001,799.91, north to the confluence of the river and the St. Lucie Canal (C-44).

~~(27)~~(26) St. Lucie Estuary – means the surface water body south of the confluence of the St. Lucie River North Fork and C-24, north of the confluence of the St. Lucie River South Fork and C-44, and west of the western boundary of the Intracoastal Waterway, exclusive of canals.

~~(28)~~(27) Serious Harm – means the long-term loss of water resource functions, as addressed in Chapters 40E-21 and 40E-22, F.A.C., resulting from a change in surface or ground water hydrology.

~~(29)~~(28) Significant Harm – means the temporary loss of water resource functions, which result from a change in surface or ground water hydrology, that takes more than two years to recover, but which is considered less severe than serious harm. The specific water resource functions addressed by a MFL and the duration of the recovery period associated with significant harm are defined for each priority water body based on the MFL technical support document.

Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01, Amended 11-11-02, 4-1-03,_____.

PART III MFL CRITERIA FOR LOWER WEST COAST REGIONAL PLANNING AREA, MFL CRITERIA FOR KISSIMMEE BASIN REGIONAL PLANNING AREA, AND MFL CRITERIA FOR UPPER EAST COAST REGIONAL PLANNING AREA

40E-8.351 Minimum Levels: Surface Waters for Kissimmee Basin Regional Planning Area.

Lake Istokpoga – An MFL violation occurs in Lake Istokpoga when surface water levels fall below 36.5 feet NGVD for 20 or more weeks, within a calendar year, more often than once every four years.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421 FS. History–New _____.

40E-8.421 Prevention and Recovery Strategies.

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

(e) Upon completion of each project or project phase of a recovery or prevention plan the District will certify the availability of water, as defined in subsection 40E-8.021(5), F.A.C.

(f) No change.

(2) through (7) No change.

(8) Lake Istokpoga. The water levels in Lake Istokpoga are controlled by operation of water control structures (G-85 and, primarily, S-68) as guided by a regulation schedule adopted by the U. S. Army Corps of Engineers and implemented by the District. The existing regulation schedule, typical regional weather patterns, and present levels of inflows from area creeks make violation of the Lake’s minimum level unlikely; no such events have occurred since implementation of the Lake regulation schedule. Analysis of the current regulation schedule and operational policies for the Lake indicate the proposed Lake Istokpoga minimum level will be met for the foreseeable future. Therefore, the prevention strategy for Lake Istokpoga consists of continuation of the current operational plan and regulation schedule. The District, in coordination with other appropriate agencies, should also plan and operate extreme Lake drawdowns for environmental purposes in a manner that, to the greatest extent possible, avoids a MFL violation. If significant changes to the Lake’s water level management occurs due to new information, altered operational plans, or regulation schedule, a re-evaluation of the minimum level criteria will be conducted. This re-evaluation will occur as part of the next Lake Istokpoga MFL update which is scheduled to occur in 2010, or sooner, if significant changes to Lake management are proposed.

Specific Authority §§ 9, 10 P.L. 83-358, 373.044, 373.113, 373.171 FS. Law Implemented 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS. History–New 9-10-01, Amended 11-11-02, 4-1-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Mulliken, Division Director, Planning & Resource Evaluation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: South Florida Water Management District Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION**Division of Health Quality Assurance**

RULE TITLE: Departments and Services

RULE NO.: 59A-3.2085

PURPOSE AND EFFECT: The Agency proposes to amend Rule 59A-3.2085, Florida Administrative Code, consistent with provisions of Chapter 2004-325, Laws of Florida. The law provides for adoption of rules regarding specific criteria to be met in order for those hospital programs providing primary stroke treatment and comprehensive stroke treatment to be included on the listing of such centers. The proposed amendment specifies the criteria to be met by these centers.

SUMMARY: The proposed amendments to this rule establish criteria for primary stroke centers and comprehensive stroke centers to meet in order to be designated by the Agency for Health Care Administration as a stroke center and to be included on the listing of such centers maintained by the Agency and provided to the Department of Health for subsequent distribution to local emergency medical services providers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

SPECIFIC AUTHORITY: Chapter 2004-325, Laws of Florida.

LAW IMPLEMENTED: Chapter 2004-325, Laws of Florida.

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

TIME AND DATE: 10:00 a.m., November 14, 2005

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, or call (850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.2085 Departments and Services.

(1) through (14) No change.

(15) Stroke centers.

(a) Primary Stroke Centers. A hospital program will be designated as a primary stroke center on the basis of that hospital providing to the Agency for Health Care Administration an affidavit signed by the Chief Executive Officer of the hospital that the program has been certified by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) as a primary stroke center, or that the

program meets the criteria applicable to primary stroke centers contained in this rule. Hospitals shall insure that programs established to serve as primary stroke centers maintain standards in this rule which are substantially similar to the standards adopted by JCAHO for Primary Stroke Centers. Hospitals shall insure that stroke centers establish specific procedures for screening patients that recognize that numerous conditions, including cardiac disorders, often mimic stroke in children. Stroke centers should insure that transfer to an appropriate facility for specialized care is provided to children and young adults with known childhood diagnoses. The criteria that must be met to qualify for designation as a primary stroke centers are:

1. Delivering or Facilitating Clinical Care. These activities require an interdisciplinary approach and each hospital operating a primary stroke center shall insure that each practitioner's role and responsibilities are determined by his or her professional skills, competence, and credentials. Hospitals shall insure that the program's policies include criteria to address the following standards:

a. Practitioners are qualified and competent. Criteria for compliance with this requirement, which shall apply to all practitioners, including licensed independent practitioners, are:

(I) Practitioners have educational backgrounds, experience, training, and/or certification consistent with the program's mission, goals, and objectives.

(II) Core criteria for hiring practitioners in the program include, at a minimum, current licensure, relevant education, training and experience, and current competence.

(III) Criteria for evaluating practitioners in the program include, at a minimum, current licensure and current competence.

(IV) Current licensure is verified from primary sources.

(V) Orientation provides information and necessary training appropriate to program responsibilities.

(VI) The competence of all practitioners is assessed when new techniques or responsibilities are introduced and periodically within the time frames defined by the program.

(VII) Ongoing in-service and other education and training activities are relevant to the program's needs.

(VIII) Practice, care, and/or services are analyzed for negative patterns and trends to provide feedback to practitioners and to identify and respond to their learning needs.

b. A standardized process originating in clinical practice guidelines (CPG) or evidence-based practice is used to deliver or facilitate the delivery of clinical care. Criteria for compliance with this requirement are:

(I) The CPGs used are based on evidence that has been evaluated as current by the clinical leaders.

(II) The CPGs used have been evaluated as appropriate for the target population.

(III) When the CPGs are selected by a sponsoring organization (for example, a disease management service provider uses a CPG chosen by the health plan with which it contracts), the program evaluates the CPGs to ensure that they are appropriate for their intended use.

(IV) Assessment activities are consistent with CPGs.

(V) Intervention activities are consistent with CPGs.

(VI) Adapted or adopted CPGs are reviewed annually or when significant changes in the field occur, to ensure their appropriateness for the program.

(VII) Modifications made to CPGs are implemented.

(VIII) Appropriate leaders and practitioners in the program review and approve CPGs selected for implementation.

(IX) Practitioners have been educated about CPGs and their use.

c. The standardized process is tailored to meet the participant's needs.

Criteria for compliance with this requirement are:

(I) The program defines the patient assessment process.

(II) An assessment is completed for all participants within the time frame determined by the program.

(III) The assessment is used to develop a plan of care.

(IV) An explicit method of stratification, or assigning a rank or order to a level of perceived need based on risk factors, exists.

(V) Stratification methods direct interventions.

(VI) The standardized method or process is tailored to meet the targeted population's age and developmental needs.

(VII) The plan of care is updated to meet the participant's ongoing needs.

d. Concurrently occurring conditions are managed, or the information necessary for their management is communicated to the appropriate practitioner(s). Criteria for compliance with this requirement are:

(I) Care is coordinated for participants with multiple diseases and/or whom multiple disease specific care programs manage.

(II) When concurrently occurring conditions are identified, important information is communicated to the appropriate practitioners treating or managing the condition(s).

(III) When a concurrently occurring condition needs medical intervention, the patient is either treated by the practitioners in the program or referred to an appropriate practitioner.

(IV) The program has a mechanism for managing urgent health issues.

e. The standardized process is revised or improved through the ongoing collection and evaluation of data regarding variance from the clinical practice guidelines. Criteria for compliance with this requirement are:

(I) Variances are tracked at the individual participant level.

(II) Use of the CPGs is/are modified based on the analysis of outcomes.

(III) Information related to the changes made within the standardized process is communicated to all appropriate individuals.

(IV) Changes in the standardized process are evaluated.

2. Performance Measurement and Improvement. Performance improvement (PI) is a continuous process and is dependent on measuring the functioning of important processes and services, as well as measuring the final outcomes of the care rendered. Performance improvement activities should help identify and evaluate changes that the program must make to enhance performance. Hospitals shall insure that the program's policies include criteria to address the following standards:

a. The program has an organized, comprehensive approach to performance improvement. Criteria for compliance with this requirement are:

(I) The PI program is well designed and planned.

(II) The PI program collects relevant data.

(III) The PI program analyzes current performance.

(IV) The PI program improves and sustains performance.

(V) PI activities are planned across practitioners, disciplines, and/or settings.

(VI) PI activities include input from participants.

b. The program uses measurement data to evaluate processes and outcomes. Criteria for compliance with this requirement are:

(I) The program selects performance measures that are the following:

(II) Based on the clinical practice guideline or other evidence.

(III) Relevant to the management of the disease.

(IV) Valid.

(V) Reliable.

(VI) Data related to processes and/or outcomes of care are collected at the level of the individual participant.

(VII) The program reports data aggregated at the program level to the Agency for Health Care Administration as a part of the hospitals annual reporting requirement.

(VIII) Measurement data are analyzed.

(IX) Measurement data are used to improve processes and outcomes.

c. Participant perception of care quality is evaluated. Criteria for compliance with this requirement are:

(I) The program evaluates participant perception of care quality.

(II) The program makes improvements based on the analysis of the feedback from participants about the perception of care quality.

d. Data quality and integrity are maintained. Criteria for compliance with this requirement are:

(I) Minimum data sets, data definitions, codes, classifications, and terminology are standardized throughout the program.

(II) Data collection is timely, accurate, complete, and sufficiently discriminating for its intended use throughout the program.

(III) The program monitors data reliability (including accuracy and completeness) and validity on an ongoing basis and verifies that data bias is minimized.

(IV) Sampling methodology is based on measurement principles.

(V) Appropriate data analysis tools are used.

(VI) Factors (participant and/or practitioner) that might affect the outcome(s) of the process(es) being measured have been evaluated.

3. Supporting Self-Management. A basic principle of disease management is that the participant must be actively involved in managing the disease. Hospitals shall insure that the program's policies include criteria to address the following standards:

a. The program involves participants in making decisions about managing their disease or condition. Criteria for compliance with this requirement are:

(I) Participants are involved in decisions about their clinical care.

(II) Participants and practitioners mutually agree upon goals.

(III) Participants are informed of their responsibilities to provide information to facilitate treatment and cooperate with health care practitioners.

(IV) Participants are informed about potential consequences of not complying with a recommended treatment.

(V) The patient's readiness, willingness, and ability to provide or support self-management activities are assessed.

(VI) As appropriate, the family's readiness, willingness, and ability to provide or support self-management activities are assessed.

b. The program addresses lifestyle changes that support self-management regimens. Criteria for compliance with this requirement are:

(I) Lifestyle changes that support self-management regimens are promoted as necessary.

(II) Support structures (family and community) are involved as necessary.

(III) Barriers to change are evaluated as necessary.

(IV) The participant's response to making the recommended lifestyle changes is assessed and documented.

(V) The effectiveness of efforts to help the participant in making lifestyle changes is assessed.

c. The program addresses participants' education needs. Criteria for compliance with this requirement are:

(I) Materials comply with generally recommended elements of intervention in the literature or promoted through the CPGs.

(II) Content is presented in an understandable and culturally sensitive manner.

(III) The participant's comprehension is assessed initially and on an ongoing basis.

(IV) Education needs related to lifestyle changes that support self-management regimens are addressed.

(V) Education needs related to health promotion and disease prevention are addressed.

(VI) Education needs related to information about the participant's illnesses and treatments are addressed.

(VII) When appropriate, participants are notified about screening recommendations or lifestyle changes related to preventing the disease for their family members, that the participant could then present to the family member.

4. Program Management. Providing high-quality care requires an infrastructure capable of supporting the activities of the participant and practitioner. Each hospital must commit the resources to support, evaluate, and improve the services. Hospitals shall insure that the program's policies include criteria to address the following standards:

a. Leadership roles in the program are clearly defined. Criteria for compliance with this requirement are:

(I) The leaders involved in program development and oversight have educational backgrounds, experience, training, and/or certification consistent with the program's mission, goals, and objectives.

(II) The leaders' accountability is clearly defined.

(III) The leaders participate in designing, implementing, and evaluating care, treatment, and services.

(IV) The leaders provide for the uniform performance of patient care, treatment, and services.

(V) The leaders confirm that practitioners practice only within their licensure, training, and current competency.

(VI) The leaders set expectations, develop plans, and manage processes to measure, assess, and improve the quality of their leadership and the program's management, clinical, and support activities.

b. The program is relevant for the targeted population and/or health care service areas. Criteria for compliance with this requirement are:

(I) The program's mission and scope of services are defined in writing and approved by the appropriate leaders.

(II) The program identifies its target population.

(III) The program ensures that the services available are relevant for its targeted population.

c. The scope and level of care, treatment, and services offered by the program are provided to participants. Criteria for compliance with this requirement are:

(I) Care, treatment, and services offered are provided to the participants as planned and in a timely manner.

(II) Participants are informed of how to access care, treatment, and services, including after hours (if applicable).

(III) Adequate numbers and types of practitioners are available to deliver or facilitate the delivery of care, treatment, and services.

(IV) The program evaluates services provided through contractual arrangement to ensure that the scope and level of care, treatment, and services are consistently provided.

(V) Documented policies, processes, and procedures support the care, treatment, and services provided.

d. Eligible patients have access to the care, treatment, and services provided by the program. Criteria for compliance with this requirement are:

(I) Enrollment and/or participation requirements are well defined.

(II) For programs that do not rely solely on direct referrals, a systematic method based on perceived need is used to identify potential participants.

(III) For programs that do not rely solely on direct referrals, individuals are given multiple opportunities to participate in the program.

e. The scope and level of care, treatment, and services provided are comparable for individuals with the same acuity and type of condition. Criterion for compliance with this standard is:

Individuals have access to an adequate level of resources required to meet the health care needs for the disease(s) being managed.

f. The program's leaders and, as appropriate, participants, practitioners, and community leaders collaborate to design, implement, and evaluate services. Criteria for compliance with this requirement are:

(I) All relevant individuals and/or disciplines participate in designing the program.

(II) All relevant individuals and/or disciplines participate in implementing the program.

(III) All relevant individuals and/or disciplines participate in evaluating the program.

g. The program complies with applicable laws and regulations. Criterion for compliance with this standard is: The program complies with applicable laws and regulations.

h. The program follows a code of ethics. Criteria for compliance with this requirement are:

(I) The program protects the integrity of clinical decision making, regardless of how the program compensates or shares financial risk with leaders, managers, and practitioners.

(II) The program respects the participant's right to decline participation in the program.

(III) The program provides for receiving and resolving complaints and grievances in a timely way.

i. Facilities where participants receive care are safe and physically accessible. Criteria for compliance with this requirement are:

(I) The program has evaluated security and implemented strategies to minimize security risks.

(II) The program has developed an emergency plan and implemented strategies to minimize the risk of disruption of care due to an environmentally related emergency.

(III) The program has evaluated risk points in fire safety and implemented strategies to minimize the risk of fire and fire safety-related issues.

(IV) The program has developed and implemented a medical equipment management plan.

(V) The program has evaluated risk points in power, gas, and communication services and implemented strategies to minimize those risks.

(VI) Staff has learned environment of care risk-reduction strategies.

(VII) The program tracks incidents related to the environment of care and makes changes accordingly.

j. The program has reference and resource materials readily available. Criteria for compliance with this requirement are:

(I) Reference materials (hard copy or electronic) are easily accessible to practitioners.

(II) Resources are authoritative and current.

k. The process for identifying, reporting, managing, and tracking sentinel events is defined and implemented. Criteria for compliance with this requirement are:

(I) A process exists for identifying these events if and when they occur.

(II) A process exists for internally tracking these events if and when they occur.

(III) A process exists for analyzing these events if and when they occur.

(IV) Changes are made accordingly.

Clinical Information Management. Hospitals shall insure that the program's policies include criteria to insure that the principles of good information management apply to all processes, whether paper based or electronic. Those principles of good information management shall include the following requirements:

a. The confidentiality and security of participant information are preserved. Criteria for compliance with this requirement are:

(I) Participant confidentiality is preserved.

(II) Records and information are safeguarded against loss, destruction, tampering, and unauthorized access or use.

(III) Participants and practitioners about whom data and information may be collected are made aware of how the information will be used.

(IV) Methods for adding comments in the form of statements or addenda into the formal records are defined.

(V) Individuals and/or positions that have access to information and measures compliance with access limitations are defined.

(VI) How and when consent for release of information is required and defined.

(VII) Process followed when confidentiality and security are violated is defined.

b. The program gathers information about the participant's disease or condition from practitioners and settings across the continuum of care. Criteria for compliance with this requirement are:

(I) Information is gathered directly from the participant and/or family.

(II) Information is gathered from all relevant practitioners or health care organizations.

c. The program shares information about the participant's disease or condition across the entire continuum of care to any relevant setting or practitioner. Criteria for compliance with this requirement are:

(I) The program shares information directly with the participant and/or family.

(II) The program shares information with other relevant practitioners or health care organizations as needed.

d. Information management processes meet the program's internal and external information needs. Criteria for compliance with this requirement are:

(I) Data are easily retrieved in a timely manner without compromising security and confidentiality.

(II) The program has determined how long health records and other data and information are retained in accordance with applicable law and patient need.

(III) The program defines, captures, analyzes, transmits, and reports aggregate data and information that support managerial decisions, operations, PI activities, and participant care.

e. The program initiates, maintains, and makes accessible a health or medical record for every participant. Criteria for compliance with this requirement are:

(I) Practitioners have access to all needed participant information as necessary.

(II) The record contains sufficient information to identify the patient or the participant (if other than the patient); support the diagnosis; justify care, treatment, and services; and document the course and results of care, treatment, and services.

(III) The record contains sufficient information to track the patient's movement through the care system and facilitate continuity of care both internally and externally to the program.

(IV) Records are periodically reviewed for completeness, accuracy, and timely completion of all necessary information.

(b) Comprehensive Stroke Center (CSC). Hospitals shall ensure that stroke centers establish specific procedures for screening patients that recognize that numerous conditions, including cardiac disorders, often mimic stroke in children. Stroke centers should ensure that transfer to an appropriate facility for specialized care is provided to children and young adults with known childhood diagnoses. A hospital's program may be designated as a Comprehensive Stroke Center on the basis of that hospital providing to the Agency for Health Care Administration an affidavit signed by the Chief Executive Officer of the hospital that the program has received initial Primary Stroke Center designation as provided in paragraph 59A-3.2085(16)(a), F.A.C., and that the program meets the following criteria:

1. A comprehensive stroke center shall have health care personnel with clinical expertise in a number of disciplines available.

a. Health care personnel disciplines in a CSC shall include:

(I) A designated comprehensive stroke center medical director.

(II) Neurologists, neurosurgeons, surgeons with expertise performing carotid endarterectomy, diagnostic neuroradiologist(s), and physician(s) with expertise in endovascular neuroInterventional procedures and other pertinent physicians.

(III) Emergency department (ED) Physician(s) and nurses trained in the care of stroke patients.

(IV) Nursing staff in the stroke unit with particular neurologic expertise who are trained in the overall care of stroke patients.

(V) Nursing staff in intensive care unit (ICU) with specialized training in care of patients with complex and/or severe neurological/neurosurgical conditions.

(VI) Advanced Practice Nurse(s) with particular expertise in neurological and/or neurosurgical evaluation and treatment, Physician(s) with specialized expertise in critical care for patients with severe and/or complex neurological/neurosurgical conditions.

(VII) Physician(s) with specialized expertise in critical care for patients with severe and/or complex neurological/neurosurgical conditions.

(VIII) Physician(s) with expertise in performing and interpreting trans-thoracic echocardiography, transesophageal echocardiography, carotid duplex ultrasound and transcranial Doppler.

(IX) Physician(s) and therapist(s) with training in rehabilitation, including physical, occupational and speech therapy.

(X) A multidisciplinary team of health care professionals with expertise or experience in stroke, representing clinical or neuropsychology, nutrition services, pharmacy (including a Pharmacy Doctorate (Pharm D) with stroke expertise), case management and social workers.

(b) Availability of medical personnel:

(I) Neurosurgical expertise must be available in a CSC on a 24 hour per day, 7 days per week basis and in-house within 2 hours. The attending neurosurgeon(s) at a CSC should have expertise in cerebrovascular surgery.

(II) Neurologist(s) with special expertise in the management of stroke patients should be available 24 hour per day, 7 days per week.

(III) Endovascular/Neurointerventionist(s) should be on active full-time staff. However when this service is temporarily unavailable, pre-arranged transfer agreements must be in place for the rapid transfer of patients needing these treatments to an appropriate facility.

(2) Advanced Diagnostic Capabilities.

a. Magnetic resonance imaging (MRI) and related technologies

b. Catheter angiography.

c. Coaxial Tomography (CT) angiography.

d. Extracranial ultrasonography.

e. Carotid duplex.

f. Transcranial Doppler.

g. Transthoracic and trans-esophageal echocardiography.

h. Tests of cerebral blood flow and metabolism.

i. Comprehensive hematological and hypercoagulability profile testing.

3. Neurological Surgery and Endovascular Interventions.

a. Angioplasty and stenting of intracranial and extracranial arterial stenosis.

b. Endovascular therapy of acute stroke.

c. Endovascular treatment (coiling) of intracranial aneurysms.

d. Endovascular and surgical repair of arteriovenous malformations (AVM) and arteriovenous fistulae (AVF).

e. Surgical clipping of intracranial aneurysms.

f. Intracranial angioplasty for vasospasm.

g. Surgical resection of AVMs and AVFs.

h. Placement of ventriculostomies and ventriculoperitoneal shunts.

i. Evacuation of intracranial hematomas.

j. Carotid endarterectomy.

k. Decompressive craniectomy.

4. Specialized Infrastructure.

(a) Emergency Medical Services (EMS) Link – The CSC collaborates with EMS leadership:

(I) To ensure that EMS assessment and management at the scene includes the use of a stroke triage assessment tool (consistent with the Florida Department of Health sample).

(II) To ensure that EMS assessment/management at the scene is consistent with evidence-based practice.

(III) To facilitate inter-facility transfers.

(IV) Maintain an on-going communication system with EMS providers regarding availability of services.

b. Referral and Triage – A CSC shall maintain:

(I) An acute stroke team available 24 hour per day, 7 days per week, including: ED physician(s), nurses for ED patients, neurologist, neurospecialist RNs, radiologist with additional staffing/technology including: 24 hour per day, 7 days per week CT availability, STAT lab testing/pharmacy and registration.

(II) A system for facilitating inter-facility transfers.

(III) Defined access telephone numbers in a system for accepting appropriate transfer.

c. Inpatient Units – These specialized units should have a subspecialty Medical Director with particular expertise in stroke- (intensivist, pulmonologist, neurologist, neurosurgeon or neuro-intensivist) who demonstrates ongoing professional growth by obtaining at least 6 CME credits in cerebrovascular care annually.

(I) ICU with medical and nursing personnel who have special training, skills and knowledge in the management of patients with all forms of neurological/neurosurgical conditions that require intensive care.

(II) Acute Stroke Unit with medical and nursing personnel who have training, skills and knowledge sufficient to care for patients with neurological conditions, particularly acute stroke patients, and who are appropriately trained in neurological assessment and management.

d. Rehabilitation and Post Stroke Continuum of Care –

(I) A CSC shall provide inpatient post-stroke rehabilitation.

(II) A CSC shall utilize healthcare professionals that can assess and treat cognitive, behavioral, and emotional changes related to stroke (i.e., clinical psychologists or clinical neuropsychologists).

(III) A CSC shall ensure discharge planning that is appropriate to the level of post-acute care required.

(IV) A CSC shall ensure continuing arrangements post-discharge for rehabilitation needs and medical management.

(V) A CSC shall ensure that patients' meeting acute care rehabilitation admission criteria are transferred to a CARF/JCAHO accredited acute rehabilitation facility.

e. Education –

(I) The CSC shall fulfill the educational needs of its medical and paramedical professionals by offering ongoing professional education for all disciplines.

(II) The CSC shall provide education to the public as well as to inpatients and families on risk factor reduction/management, primary and secondary prevention of stroke, the warning signs and symptoms of stroke, and the medical management and rehabilitation for stroke patients.

(III) The CSC shall supplement community resources for stroke and stroke support groups.

f. Professional standards for nursing – The CSC shall provide a career development track to develop neuroscience nursing particularly in the area of cerebrovascular disease.

(I) ICU and neuroscience/stroke unit nursing staff will be familiar with stroke specific neurological assessment tools such as the National Institute for Health (NIH) Stroke Scale, incorporated by reference and available at <http://www.ninds.nih.gov/doctors/>.

(II) ICU nursing staff must be trained to assess neurologic function and be trained to provide all aspects of neuro critical care.

(III) Nurses in the ICU caring for stroke patients, and nurses in neuroscience units obtain at least 8 hours of continuing education credits (4 hours continuing education in the formalized CEU credits and 4 hours of continuing education related to their specialty that can be verified through documentation of participation).

g. Research – A CSC shall have the professional and administrative infrastructure necessary to conduct clinical trials and should have participated in stroke clinical trials within the last year and actively participate in ongoing clinical stroke trials.

5. Quality Improvement and Clinical Outcomes Measurement.

a. The purpose of a quality improvement program is analysis of data, correction of errors, systems improvements, and ongoing improvement in patient care and delivery of services.

b. A multidisciplinary institutional Quality Improvement Committee should meet on a regular basis to monitor quality benchmarks and review clinical complications.

c. Specific benchmarks, outcomes, and indicators should be defined, monitored, and reviewed on a regular basis for quality assurance purposes. Outcomes for procedures such as carotid endarterectomy, carotid stenting, IVtPA, endovascular/interventional stroke therapy, intracerebral aneurysm coiling, and intracerebral aneurysm clipping should be monitored.

d. A database and/or registry should be established that allows for tracking of parameters such as length of stay, treatments received, discharge destination and status, incidence of complications (such as aspiration pneumonia, urinary tract infection, deep venous thrombosis), and discharge medications and comparing to institutions across the United States.

e. A CSC shall participate in a national and/or state registry (or registries) for acute stroke therapy clinical outcomes, including IV tPA and endovascular/interventional stroke therapy.

Specific Authority Section 3., 2004-325, Laws of Florida. Law Implemented 2004-325, Laws of Florida. History--New 4-17-97, Amended 3-29-98, 8-23-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill McCort, Bureau of Health Facility Regulation, Division of Health Quality Assurance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary, Agency for Health Care Administration

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 11, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 11, 2005

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 Clinical Laboratory Personnel

RULE TITLE: Technologist RULE NO.: 64B3-5.003

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule.

SUMMARY: The proposed rule amendment updates the existing language in this rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 483.805(4), 483.811(2), 483.823 FS.

LAW IMPLEMENTED: 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.003 Technologist.

(1) Technologist Qualifications. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or, if foreign education, equated pursuant to subsection 64B3-6.002(6), F.A.C. All associate degrees used to qualify shall have, at a minimum, at least 60 semester hours that include 24 semester hours of science courses that include (i) six semester hours of chemistry; (ii) six semester hours of biology; and (iii) twelve semester hours of chemistry, biology, or medical laboratory technology in any combination. Applicants for technologist licensure in the categories of microbiology, serology/immunology, chemistry, hematology, immunohematology, radioassay, histocompatibility, blood banking and blood gas analysis, cytology, cytogenetics, ~~molecular genetics~~, histology, molecular pathology, andrology and embryology shall have one hour of Board approved HIV/AIDS continuing education, a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, and patient safety and at a minimum have one of the following:

(a) through (e) No change.

(f) An associate degree, ~~a Florida technician license~~ and have successfully completed a technician level, accredited medical laboratory technology program which may be part of the degree.

(g) An associate degree, ~~a Florida technician license~~ and have successfully completed a military clinical laboratory training program of at least 1500 clock hours.

(h) through (o) No change.

(p) Qualifications for Molecular Pathology Genetics Technologist. For the specialty of molecular pathology genetics, applicants for technologist licensure shall have a minimum of a baccalaureate degree, which shall include 16 semester hours of academic science, successfully passed the molecular biology examination given by NCA or the ASCP molecular pathology examination ~~and successfully completed a technologist level accredited or Board approved program in molecular genetics~~.

(q) through (r) No change.

(2) Approved examinations for licensure as a technologist:

(a) An examination in one or more of the following specialties: microbiology, serology/immunology, clinical chemistry, hematology, immunohematology, blood banking/immunohematology, histology or molecular pathology prepared by the ASCP, the American Medical Technologists (AMT), the NCA, or the American Association of Bioanalysis (AAB); or

(b) through (h) No change.

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented 381.0034, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History--New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 59O-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, 10-29-02, 8-16-04, 5-15-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Clinical Laboratory Personnel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 23, 2005

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLES: RULE NOS.:

Wall Certificate and Duplicate License Fee 64B6-4.007

Inactive and Delinquent Status Fees 64B6-4.009

PURPOSE AND EFFECT: The proposed rule amendments intend to delete obsolete language and to add fees for the retirement status of licenses.

SUMMARY: The proposed rule amendments will delete obsolete language with regard to duplicate wall certificates and duplicate wall certificate fees, and add a fee for the active or inactive retirement status of licenses.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.025(2),(7), 484.044, 456.036(3),(4),(8) FS.

LAW IMPLEMENTED: 456.013(2), 456.025(7), 456.036(3),(4),(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-4.007 Wall Certificate and Duplicate License Fee.

~~(1) Licensees licensed prior to July 1, 1998, may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.~~

~~(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.~~

(3) The fee for issuance of a duplicate license shall be \$25.00.

Specific Authority 456.025(2), (7), 484.044 FS. Law Implemented 456.013(2), 456.025(7) FS. History—New 10-21-91, Formerly 21JJ-4.015, 61G9-4.015, Amended 4-30-00,_____.

64B6-4.009 Inactive and Delinquent Status Fees.

The fees for individuals holding a license pursuant to Section 484.045, F.S., shall be as follows:

(1) through (4) No change.

(5) The fee for retirement status of an active or inactive license shall be \$50.00.

Specific Authority 456.036(3),(4),(7),(8) FS. Law Implemented 456.036(3),(4),(7),(8) FS. History—New 12-6-94, Formerly 61G9-4.017, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2005
DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

**DEPARTMENT OF HEALTH
Board of Hearing Aid Specialists**

RULE TITLE: Minor Violations; Notices of Noncompliance
RULE NO.: 64B6-7.006

PURPOSE AND EFFECT: The proposed rule amendment is intended to provide an additional subsection to address advertisements which do not include the required statements, “for free” or “discounted services.”

SUMMARY: The proposed rule amendments will cite advertisements, which do not include the required statements “for free” or “discounted services,” as minor violations.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 120.695, 456.073(3), 484.044 FS.

LAW IMPLEMENTED: 120.695, 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-7.006 Minor Violations; Notices of Noncompliance.
(1) through (6)(k) No change.

(l) Advertising in a manner that does not include the required statement regarding free or discounted services, pursuant to Section 456.062, F.S.

Specific Authority 120.695, 456.073(3), 484.044 FS. Law Implemented 120.695, 456.073(3) FS. History—New 10-15-90, Amended 3-5-91, Formerly 21JJ-7.009, 61G9-7.009, Amended 9-24-97, 10-29-98,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Hearing Aid Specialists
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialists
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 15, 2005
DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Family Safety Program

RULE TITLES:	RULE NOS.:
Definitions	65C-31.001
Implementation Plan	65C-31.002
Young Adult Services Documentation Requirements	65C-31.003
Eligibility for Services for Young Adults Formerly in Foster Care	65C-31.004
Instructions for Completing the High School Needs Assessment	65C-31.005
Guidelines to Assist Students in Obtaining Financial Assistance	65C-31.006
Instructions for Completing the Post Secondary Needs Assessment	65C-31.007
Independent Living Benefits – Policy Clarification on Due Process Notification	65C-31.008
Implementation Guidelines, (2005 Statutory Revisions Affecting Young Adult Services)	65C-31.009

PURPOSE AND EFFECT: To provide guidelines for the provision of Independent Living Benefits for young adults who were previously in foster care.

SUMMARY: The proposed Rule clarifies all procedures for young adults who were former foster children to obtain and retain Independent Living Benefits.

SUMMARY OF THE STATEMENT OF ESTIMATED REGULATORY COST: An estimate of the regulatory cost was not prepared for this rule.

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

SPECIFIC AUTHORITY: 409.1451(9) FS.

LAW IMPLEMENTED: 409.1451 FS.

IF REQUESTED WITHIN 21 DAYS OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m. – 3:00 p.m., November 21, 2005

PLACE: Building 4, 1317 Winewood Blvd., Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joel Atkinson, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)921-4118

THE FULL TEXT OF THE PROPOSED RULES IS:

SERVICES TO YOUNG ADULTS FORMERLY IN THE CUSTODY OF THE DEPARTMENT

65C-31.001 Definitions.

(1) “Aftercare Support Services” means services intended to assist young adults in developing “the skills and abilities necessary for independent living”. These services specifically include temporary financial assistance, mentoring and tutoring, mental health services and substance abuse counseling, life skills classes, including credit management and preventive health activities, parenting classes, job skills training, and counselor consultations. Temporary assistance to prevent homelessness should be considered emergency assistance.

(2) “Approval Authority” means the staff member(s) designated by the district/region/Community-based care with fiscal authority to approve cash payments. (Note: reviewing and approval authorities may be the same person(s).)

(3) “Denial” means full denial or partial denial, in cases where the CBC does not approve the full amount of funding or services requested.

(4) “Designated staff” – those staff assigned by the district/region or community-based care agency to work with youth age 13 up to the 23rd birthday to implement and conduct a program for independent living as mandated by Section 409.1451, F.S.

(5) “Education and Training Vouchers” (ETV) means federal funds provided to young adults formerly in foster care eligible to receive independent living services and youth who were adopted from foster care at age 16 or 17. Students receiving ETV funds must be attending an institution of higher education. ETV funds provide financial assistance to young adults to promote educational and vocational training opportunities.

(6) “Fair Hearings” means the appeals process federally mandated for the title IV-E independent living program by 45 C.F.R. 1356.10 and 45 C.F.R. 1355.30. The required details of this appeals process are provided in 45 C.F.R. 205.10. The

Department of Children and Families has already incorporated this appeals process, in Chapter 65-2, F.A.C., for other federal public assistance programs. However, certain provisions for Independent Living Fair Hearings which differ from those for other programs will be listed in the [next] draft of Rule 65C-28.0200, F.A.C.

(7) “Independent Living benefit” means any type of financial aid or service provided to eligible young adults pursuant to Florida Statute Section 409.1451(5), F.S. These benefits are categorized as either aftercare support services, transitional services, or the Road to Independence Scholarship.

(8) “Initial Application” means the “Road to Independence Scholarship and ETV Funds Application” CF-FSP 5295, September 2005, incorporated by reference, is required for the initial Road to Independence Scholarship, which can be made anytime prior to the young adult’s 21st birthday.

(9) “Institution of Higher Education” means a school that awards a bachelor’s degree or not less than a two year program that provides credit towards a degree or, provides not less than one year of training towards gainful employment or, is a vocational program that provides training for gainful employment and has been in existence for at least two years. The school must be accredited or preaccredited and is authorized to operate in that state.

(10) “Reinstatement Application” means the “Road to Independence Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application” CF-FSP 5297, September 2005, incorporated by reference, that must be submitted by a former recipient of the Road to Independence scholarship prior to his/her 23rd birthday in order to reinstate their scholarship award after an interruption of benefits.

(11) “Renewal Application” means the “Road to Independence Scholarship and/or ETV Funds Renewal Checklist” CF-FSP 5296, September 2005, incorporated by reference, means the application that must be submitted by Road to Independence scholarship recipients on an annual basis in order to continue his/her scholarship award.

(12) “Reviewing Authority” means the staff member(s) or committee head(s) designated by the district/region or community-based care to review the applications associated with Section 409.1451 F.S., and determine eligibility.

(13) “Road to Independence Scholarship Program” means the financial educational assistance available to qualifying young adults under the eligibility requirements contained in Section 409.1451(5)(b), F.S.

(14) “Transition Plan”, CF-FSP 5293, September 2005, incorporated by reference means the required written plan that contains specific strategies to assist the young adult with achieving self-sufficiency and developing a personal support system. This plan is created by the young adult with the assistance of Child Welfare/Community-based care staff.

(15) “Transition Staffing” means meetings similar to Permanency Staffings to discuss the progress of young adults toward achieving his/her plan for transition to adulthood and self-sufficiency.

(16) “Transitional Support Services” means “other appropriate short-term services” to be provided if the young adult demonstrates that the services are critical to the young adult’s own efforts to achieve self-sufficiency and to develop a personal support system. These may include financial, housing, counseling, employment, education, mental health, disability, and other services. Financial transitional support services may be provided in increments of up to 3 months. The young adult must apply again to obtain further transitional funds.

Specific Authority 409.1451(9) FS. Law Implemented 409.1451 FS. History—New _____.

65C-31.002 Implementation Plan.

(1) The Services Worker shall use the Implementation Plan that follows for Independent Living Benefits for Young Adults (age 18 up to the 23rd birthday). Careful review of this policy should answer many of their questions. Any further questions shall be addressed to the Department’s Family Safety Program Office or the District Legal Counsel.

(a) Case Management/Contact with Young Adults Formerly in Foster Care/Support by Caseworker.

1. The law does not prohibit and the Implementation Plan does not prohibit caseworker contact with the young adult requesting or receiving services under the Road to Independence Act. It is consistent with the law and with best practice to provide information, consultation, and individualized coaching. This is true for all 3 major types of services being provided – aftercare support, scholarship and transitional support. Depending upon the stated wishes and needs of the young adult formerly in foster care, caseworker support through home visits, office visits, and other types of contact may occur.

2. A shift in thinking is required. Young adults formerly in foster care choose or volunteer to receive services when they become 18. These young people are no longer children by definition. Case planning, permanency goal setting and judicial review are no longer applicable. However, a plan for transition is required for all recipients of scholarship and/or transitional support funds.

3. Services are available to support young adults formerly in foster care between the ages of 18 and up to his/her 23rd birthday. An important aspect of service delivery to this population is acknowledgement of the young adult’s “adult” status and engagement of him/her in the process. It is expected that young adults formerly in foster care will be prepared prior to his/her 18th birthday for transition to adulthood, informed of the benefits available after he/she becomes age 18, and assessed for need for services based on individual needs. As with any young adult in society, the need for support will differ depending upon the circumstances of that young person.

Young adults formerly in foster care with developmental disabilities, mental health needs, and/or other special needs may require more contact early on and less as he/she ages.

4. Client contact can most certainly be a part of the plan to provide services to the young adult formerly in foster care. The frequency of contact should be determined by the young adult in consultation with the staff assigned to provide these services.

(b) Differing between the types of Independent Living services – Aftercare Support, Road to Independence Scholarship and Transitional Support Services.

1. The Road to Independence Act, Section 409.1451, F.S., provides 3 different categories of services for young adults formerly in foster care. Below are some broad distinctions.

a. Aftercare Support – referrals to community resources for a wide variety of needs and emergency cash assistance specifically to prevent homelessness.

b. Road to Independence Scholarship – financial assistance to eligible young adults formerly in foster care for educational and vocational training to achieve independence. The law provides criteria for eligibility to receive these funds. The amount of the award is based on the living and educational needs of the student but can be no higher than the amount of earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job and no lower than \$25 per month.

c. Transitional Support – a variety of support services to young adults formerly in foster care. In order to be eligible, the young adult does not have to meet the eligibility criteria required for the Road to Independence Scholarship. However, the young adult must demonstrate that services are critical to his/her own efforts to achieve self-sufficiency and to develop a person support system.

2. Staff assigned to help prepare a child/youth age 16-17 to transition to independence should be knowledgeable of each of the 3 options available to young adults formerly in foster care. The staff assigned to provide support services to young adults formerly in foster care should also be aware of all 3 options and help the young adult make the best decision about meeting his/her needs. There is no prohibition to a young adult receiving services from all three programs based on the young adult’s needs and the transition plan.

(c) Role of Direct Service Staff and Independent Living Coordinator in the District/Region. The specific roles of district/region staff will not be defined by the central office. It is recommended that Independent Living Coordinators and staff familiar with Independent Living Services play a major role in implementing and planning for this program. Community based care agencies and district/region program offices will work with their own staff to negotiate contracts and to assign responsibility to staff for delivery of these services.

As the Road to Independence Act is implemented, the central office staff will be available to provide technical assistance to assist in making these decisions.

(d) Preparation and Education of the Child/Youth Age 16-17 in Foster Care.

1. This is a critical component of helping young adults formerly in foster care achieve independence. The Implementation Plan addresses some of the elements necessary to ensure that preparation/education occurs.

2. The subsidized independent living program provided through Chapter 39, Florida Statutes, is separate and distinct from the Independent Living benefits for young adults provided through Section 409.1451, F.S.

(e) Initial Application, Renewal and Reinstatement for the Road to Independence Scholarship The Road to Independence Act provides specific direction for young adults formerly in foster care to renew (continue receiving benefits) and to reinstate (for youth whose scholarship benefits were interrupted and wishes to begin receiving benefits again). Applications and checklists are provided in the Implementation Plan to assist.

(f) Selecting the Appropriate Funding Source for Young Adult Services (Chafee or ETV).

1. Two major types of federal funding sources are available to support the program for young adults formerly in foster care: Chafee funds and Education and Training Voucher (ETV) funds. It is important to select the appropriate fund in order to comply with federal regulations and also to maximize available funding.

2. A determination must be made if ETV funds may be used to cover the costs of services for young adults formerly in foster care. ETV funds have more restrictions than Chafee funds and should be used for eligible students as the first option. The major distinctions are: ETV may be used only for eligible students attending postsecondary (college, university or vocational) school either part-time or full-time. Chafee funds may be used for any of the young adult services identified in Florida Statutes. State funds must be used for young adults age 21 and 22 not eligible for ETV funds.

(g) Maintenance of HomeSafenet and Hard Copy Case Files A memo regarding HS_n data entry was disseminated on March 21, 2003. The HS_n Workbook contains specific instructions regarding appropriate coding for young adults formerly in foster care.

(h) Medicaid Eligibility. Section 409.903(4), F.S., pertains to Medicaid eligibility for Road to Independence Scholarship recipients. For additional information, see Economic Self Sufficiency Transmittal C-03-10-0031, Children In Care Participating in the Road to Independence Act Program, disseminated October 16, 2003.

(i) Young Adults Formerly in Foster Care with Children of Their Own.

1. The Road to Independence Act does not change the current services available for this population or funding for services for children of young adults formerly in foster care. In most cases, Chafee funds cannot be used for children of minor parents in foster care or for children whose parents are young adults formerly in foster care. The best way to determine if a service may be funded is to check the Chart 8 for the OCA.

2. If the parent of a child in a dependency case is a child in foster care himself/herself or the parent is a young adult formerly in foster care, the processes required in Chapter 39, F.S., for any parent still apply. Case planning, case management and required contacts would continue as with any other dependency case.

(j) Types of Placements Available for Young Adults Formerly in Foster Care. Keeping in mind that decisions regarding where a child will live upon his or her 18th birthday must be made before that birthday, young adults formerly in foster care may choose the placement that best suits his/her needs. Staff assigned to work with these young adults should provide information so as to assist in the best decision making. As per Section 409.1451(5)(b)5.e., F.S. "[a] young adult who is eligible for the Road-to-Independence Program and who so desires shall be allowed to reside with the licensed foster family or group care provider with whom he or she was residing at the time of attaining his or her 18th birthday or to reside in another licensed foster home or with a group care provider arranged by the department." Service agreements are no longer part of the law. The staff assigned to work with the young adult should assist in helping both the placement provider and the young adult understand the roles and the responsibilities of continuing this placement after the young adult's eighteenth birthday. The young adult who continues with the foster family shall not be included as a child in calculating any licensing restriction on the number of children in the foster home."

(2) Implementation Plan, Steps for Effective Implementation.

(a) Program for Young Adults Formerly in Foster Care. This plan shall be used in order to develop each district/region or community-based care agency specific implementation plan.

(b) Steps for Effective Implementation.

1. District/region and community-based care agencies shall designate staff responsible for receiving inquiries about services available to young adults formerly in foster care. The district/region and community-based care agencies shall also develop methods to inform youth adopted from foster care at ages 16 & 17 about ETV, prior to his/her 18th birthday and outreach for those adopted since 07/1/99.

2. District/region and community-based care agencies shall obtain or develop a community resource directory pertinent to the needs of this population. The directory shall, at

a minimum, include employment, housing, economic assistance, medical information, educational and vocational resources and emergency aid services.

3. District/region and community-based care agencies shall develop a process with fiscal/budget staff to ensure expedited and/or emergency assistance may be provided. (An example is to provide access to revolving funds for immediate cash assistance, agreements with vendors to provide products or services to be billed later, acquiring vouchers for lodging, transportation, food, etc. or contracting with providers.) District/region staff should be able to provide emergency assistance within 24 hours of request to prevent homelessness.

4. District/region and community-based care agencies shall develop a tracking system for approved cash assistance payments until such time as HSn can capture this information. (A suggestion is to use ICWSIS system to track payments and amounts similar to flex fund requests.)

5. Pursuant to Chapter 39 and Section 409.1451, F.S., District/region and community-based care agencies must inform all youth aging out of foster care, prior to age 18, of these benefits.

(3) Education and Training Voucher Funds. This is a new federal funding source for providing assistance to young adults formerly in foster care and young adults adopted at age 16 or 17 through the Florida foster care system that are attending postsecondary schools.

(a) ETV Program Requirements.

1. Young adult must have been:

a. Adjudicated dependent, pursuant to Chapter 39, F.S., have been in the custody of the State of Florida on his/her 18th birthday and have spent at least 6 months in foster care prior to reaching his/her 18th birthday; or

b. Adopted from the Florida foster care system at age 16 or 17 as of July 1, 1999;

2. Young adults are potentially eligible for services from age 18 through age 22.

3. Initial application must be completed before 21st birthday.

4. Benefits from this and other federal sources may not exceed the "cost of attendance" at an "institution of higher education".

5. Must be attending an "institution of higher education".

6. A maximum of \$5000 per year towards the payment RTI Scholarship awards.

7. ETV funds of up to \$5000 per year may also be used to pay for Transitional Support Services for students attending an institution of higher education on a part-time basis.

8. Must provide proof of enrollment and satisfactory progress (similar to Road to Independence Scholarship requirements).

(b) Application for ETV Funds.

1. Students applying for the Road to Independence (RTI) Scholarship will use the appropriate application form. If determined eligible for ETV, a portion of the student's RTI scholarship award will be covered by ETV funds. The maximum per student per year is \$5000. Note: the RTI scholarship requires students to attend school full-time.

2. Students attending school at least part-time may receive ETV funds. These students need to complete the "Transitional Support Eligibility and/or Education Training Vouchers (ETV) Funds Application" CF-FSP 5292, September 2005, incorporated by reference, and can receive up to \$5000 per year, which may be funded by ETV.

3. There is no separate ETV scholarship in Florida. Florida Statutes provided authority for a scholarship program many years prior to this federal funding source. ETV funds are being used for educational assistance currently authorized in Florida Statutes. The only new eligible group is young adults formerly in foster care adopted at age 16 or 17.

4. Chafee funds must be used to cover the costs of Road to Independence Scholarships for high school/GED students, for those students attending institutions not meeting the federal definition of higher education, for transitional support services (exclusive of support for attendance at institutions of higher education), and for aftercare services.

5. Upon application for any independent living services, youth must be provided with information regarding the appeal process, as well as the "Independent Living Benefits Due Process Rights" brochure, CF/PI 175-11, September 2005, incorporated by reference. This includes applications for services made in anticipation of the youth's 18th birthday.

(4) Aftercare Support Services for Young Adults Formerly in Foster Care. This is support to young adults formerly in foster care through making of service referrals in the community or through cash assistance to prevent homelessness.

(a) Eligibility for Aftercare Support. A young adult who leaves foster care at age 18 years of age but requests services prior to his/her 23rd birthday.

(b) Application Process to Receive Aftercare Support Service Referrals. No formal written application is necessary.

(c) Application Process for Aftercare Support Cash Assistance to Prevent Homelessness.

1. Assistance may be provided for housing, electric, water, gas, sewer service and emergency food. It should be noted that, in preventing homelessness, providing cash assistance is not the only option and agreements with community providers to waive fees, contacting relatives and other such options must be explored as well.

a. Complete the "Aftercare Support Service Cash Assistance Application", CF-FSP, September 2005, incorporated by reference.

b. Ensure amount does not exceed \$1000 for the fiscal year.

c. A District/Region Administrator, CBC Chief Executive Officer or designee may approve additional financial assistance above the \$1000 cap during the fiscal year based on the special needs of the individual young adult.

d. Determine need for additional services. If young adult requests further services, see Transitional Support Services section.

2. Documentation Requirements for Staff for Aftercare Support Services (Both referrals and cash assistance).

a. Requests for Aftercare Support service referrals shall be recorded in the chronological section of the young adult's HSsn case.

b. Requests for Aftercare support cash assistance to prevent homelessness shall be recorded in the chronological section of the young adult's HSsn case. The application must be kept in a hard copy file.

c. Proof that the young adult is in need of services may be in the form of an eviction notice, utility cut-off notice, etc. or by assessing the situation through an interview with the young adult conducted by the designated staff.

3. Payment Requirements for Aftercare Support Services Recipients. Payments may be made directly to the young adult formerly in foster care or the young adult may request all or a portion of the funds be paid to a service provider. This request must be made in writing.

(5) Road to Independence Scholarship. This is financial assistance for eligible young adults formerly in foster care. The same application may be used for children adopted at age 16 and 17 applying for ETV funds. (Note: These funds are intended to assist in meeting the student's living expenses or provide for basic personal needs.)

(a) Initial Application for Scholarship Eligibility.

1. For the initial award, the young adult must be age 18, 19 or 20.

2. Is/was a dependent child pursuant to Chapter 39, F.S..

3. Is/was in the legal and/or physical custody of the Department of Children and Families at the time of his/her 18th birthday. (The youth may be placed in a foster home, group home, independent living setting, DJJ facility, hospital or on runaway status).

4. Has spent at least 6 months in foster care before reaching his/her 18th birthday (Note: The 6 months in foster care period may include the time the youth spent in shelter status in state custody).

5. Is a resident of Florida per Section 1009.40, F.S.

6. Meets ONE of the following:

a. Has earned a standard high school diploma or its equivalent as described in Section 1003.43 or Section 1003.435, F.S., or has earned a special diploma or special certificate of completion as described in Section 1003.438,

F.S., and has been admitted for full-time enrollment in an eligible postsecondary education institution as defined in Section 1009.533, F.S.;

b. Is enrolled full time in an accredited high school; or

c. Is enrolled full time in an accredited adult education program designed to provide the student with a high school diploma or its equivalent.

d. Those persons with a documented disability will provide documentation that part-time attendance is a necessary accommodation.

7. In addition, young adults (18 up to their 23rd birthday) who were adopted from foster care (at ages 16 & 17) and are attending an institution of higher education (either full or part time basis) and meets the other criteria set forth for scholarship eligibility.

(b) Application Process for Scholarship.

1. Staff must assist each youth between the ages 17 years, 6 months and 18 years of age to apply for the Road to Independence Scholarship:

a. Complete the application.

b. Obtain document of proof of enrollment.

2. Each district/region or community-based care (community-based care) provider shall designate a case manager to accept and review each application. The young adult shall submit his/her application to the Independent Living case manager designated by the district/region or community-based care. The case manager shall have 10 working days to review the application and approve or deny the scholarship award or, if not the approval authority, must forward the request to the approval authority early enough to have it approved within the ten day period.

3. If approved, the youth shall be notified in writing within 10 working days of the determination. The monthly scholarship award shall be distributed at the beginning of the month that the recipient turns 18 years of age or at the beginning of the next month following approval of the application, whichever is applicable. The benefit award shall not be prorated during even if the recipient turns 18 years of age during the middle or latter part of the month.

4. If the application is denied, the applicant shall be notified in writing within 10 working days of the determination and again provided the procedure for filing an appeal and the Independent Living "Your Rights to Due Process" brochure, and notified of other available benefits (transitional support services or aftercare support).

5. If a young adult formerly in foster care did not complete the application process PRIOR to his 18th birthday, or if the application was not approved, the young adult may apply once prior to his 21st birthday. The same eligibility requirements apply. No retroactive benefits are available.

(c) Documentation Requirements for Scholarship Recipients. Young adults requesting or receiving the Road to Independence Scholarship are required to provide documentation of enrollment at the following times:

1. Initial application.
2. At the end of each semester or grading period.
3. Renewal of award.
4. Reinstatement.
5. At any other time requested in writing by the department or community based care provider when continued eligibility is in question, or
6. "Transition Plan", CF-FSP 5293, September 2005, incorporated by reference.

(d) Documentation Requirements for Staff. Staff are required to maintain the following documentation for each youth receiving the Road to Independence Scholarship in the HSn and the hard copy case file as appropriate.

(e) Documentation of application(s) including Initial Case and Reinstatement applications:

1. Renewal checklists.
2. Any other pertinent supporting documentation.
3. Chronological entries of contacts made, or
4. "Transition Plan", CF-FSP 5293, September 2005, incorporated by reference.

(f) Contact Requirements for Scholarship Recipients. Staff are not required to make a minimum number of home visits (such as monthly) with young adults formerly in foster care who are recipients of the Road to Independence Scholarship. However, scholarship recipients may request that contact and additional services as described in the Transitional Support Services section of this document be provided. As part of an assessment process with the involvement of the young adult and other persons important to the young adult, service needs, support needs and regular contacts by department or other staff may be determined to be necessary. Contact with young adults are not prohibited, state law does not mandate any minimum contact between staff and the scholarship recipient. Many of the young adults will require a variety of supports and the frequency of contact may be decided with the young adult's input. The young adult must complete a transition plan with designated staff. Pursuant to Chapter 39, F.S., the completion of life skills assessments and subsequent implementation of individualized case planning tasks must be implemented early on with foster youth prior to their 18th birthday in order to best assist young adults in becoming self-sufficient.

(g) Payment Requirements for Scholarship Recipients.

1. Eligible recipients may choose to obtain their scholarships as follows:
 - a. Receive a payment directly.
 - b. Request of a portion of the scholarship to be paid to a service provider. This request must be in writing.

2. ETV funds are also available to provide financial assistance to children adopted at age 16 or 17 from foster care. The application and documentation processes are the same. The eligibility requirements are different from the Road-to-Independence Scholarship. These differences include:

- a. ETV funds may only be used for students attending an institution of higher education, college or vocational (high school or GED attendance does not qualify).
- b. Children adopted at age 16 or 17 from foster care.
- c. Part-time attendance at an institution of higher education may qualify young adults under Florida's Transitional support services component.

(h) Renewal of Road to Independence Scholarships.

1. Young adults formerly in foster care are required to renew their scholarships on an annual basis.

2. District/region and community-based care agencies shall develop a plan for renewal of scholarships. At a minimum, the plan shall address the tracking and scheduling of scholarship renewals and those staff responsible for notifying for these activities as well as notifying the scholarship recipient of his/her obligations during the renewal period.

3. Each approved award shall be evaluated and renewed during the 90-day period prior to the young adult's birthday.

4. If the young adult is awarded a scholarship within 90 days of his/her next birthday, he/she is not required to file for renewal until the following birthday. (For example, a young adult is either awarded an initial scholarship or has his/her scholarship reinstated on 11/1/02, his/her next birthday is 1/15/03, he/she will not need to file for renewal until 1/15/04.)

5. The same procedures established in this section (above) must be followed by young adults who were adopted from foster care (at ages 16 & 17) when renewing their ETV funds.

(i) Eligibility to Renew Road to Independence Scholarships.

1. Must make one application for the initial award prior to the young adult's 21st birthday.

2. Complete the number of hours, or the equivalent considered full time by the educational institution, in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of Section 1009.42, F.S.

3. Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the scholarship at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

4. The young adult must complete a transition plan with designated staff.

(j) Documentation Requirements for Scholarship Recipients.

1. All eligible recipients must provide documentation of enrollment in a high school or institution of higher education.

2. All eligible recipients must provide documentation of progress made in his/her course of study during the most recently completed school term.

3. All eligible recipients must be in compliance with his/her transition plan.

(k) Documentation Requirements for Staff. Staff are required to maintain the following documentation in the HSn case and the hard copy file.

1. Renewal checklists,

2. Any other pertinent supporting documentation,

3. Chronological entries of contacts made,

4. "Transition Plan", CF-FSP 5293, September 2005, incorporated by reference.

(l) Reinstatement of Scholarship. Young adults formerly in foster care who do not qualify for a renewal award or who choose not to renew the award may apply for reinstatement ONCE prior to reaching his/her 23rd birthday.

(m) Eligibility for Reinstatement of Road to Independence Scholarship. In order to be eligible for reinstatement, the young adult must meet the eligibility criteria and the criteria for award renewal for the scholarship program. The young adult must complete a transition plan with designated staff.

(6) Transitional Support Services for Young Adults Formerly in Foster Care.

(a) Young adults formerly in foster care may request Transitional Support Services in addition to aftercare referrals, cash assistance to prevent homelessness or the Road to Independence Scholarship.

(b) This is a broad array of short-term services including but not limited to financial assistance, housing, counseling, employment, education, and other support services.

(c) A maximum of \$5000 may be provided in cash assistance for financial assistance and housing services each fiscal year.

(d) A District/Region Administrator, CBC Chief Executive Officer or designee may approve additional financial assistance above the \$5000 cap during the fiscal year based on the special needs of the individual young adult.

(e) Eligibility/Assessment for Transitional Support.

1. Age 18, 19, 20, 21 and 22.

2. Was a dependent child pursuant to Chapter 39, F.S.

3. Is/was in the legal and/or physical custody of the Department of Children and Families at the time of his/her 18th birthday. (The youth may be placed in a foster home, group home, independent living setting, DJJ facility, hospital or runaway status).

4. Had spent at least 6 months in foster care before his/her 18th birthday.

5. Must demonstrate that the services are critical to his/her own efforts to achieve self-sufficiency and to develop a personal support system. The young adult must complete a transition plan with designated staff (see sample attached). The following are areas in which young people demonstrate these efforts: (Note: The youth does NOT have to be involved in ALL of these activities. The list is meant as a guide).

a. Attending an institution of higher education part-time,

b. Attending or seeking to attend educational institutions,

c. Being employed or seeking to become employed,

d. Seeking self-help or completing self help activities,

e. Seeking treatment or completing treatment for mental/emotional needs,

f. Documenting planning, budgeting, and self sufficiency planning activities,

g. Documenting volunteering or mentoring activities,

h. Documenting attempts to establish or establishment of a personal support network,

i. Attending or seeking vocational trainings, apprenticeships, etc.

(f) Application Process to Receive Transitional Support Services.

1. A Transitional Support Services application must be completed by the young adult with assistance from department or CBC staff. Florida law requires that the young adult must demonstrate that the services are critical to his/her own efforts to achieve self-sufficiency and to develop a personal support system.

2. An application for short-term services under Transitional Support Services is limited to maximum three-month benefit period. A young adult may re-apply for Transitional Support Services after the three-month period but must demonstrate that the services are vital for achieving self-sufficiency.

(g) Documentation Requirements for Transitional Support Recipients. In order to remain eligible for funding the youth must report any changes in circumstance (housing, job, and school) to the counselor and also report any changes in the young adult's transition plan.

(h) Documentation Requirements for Staff. A HSn case must be open and a hard copy case file is required. Staff are required to maintain the following documentation in the youth's hard copy case file and HSn case: chronological entries to document face to face contacts, phone calls, etc., documentation of referrals for services, documentation of young adults progress in attaining his/her transition plan.

1. Completing the attached application,

2. Obtaining a copy of documentation of grade point average,

3. Obtaining document of proof of enrollment,

4. Documenting any other specific tasks identifying in transition plan.

(i) Contact Requirements.

1. Staff will work with the young adult formerly in foster care to determine the need for contact. The frequency of contact will be determined with the young person's input in order to assist them in attaining their specific self-sufficiency plan (i.e. RTI Scholarship, move to adult system, move to independence from system), develop support systems (i.e. former foster parents, mentors, etc.) and refer for needed services. These services are voluntary and there are no minimum contact requirements.

2. Each district/region or community-based care must designate staff to conduct Transitional Living Staffings for youth in this program. Transitional Living Staffings must be conducted to monitor progress, examine transition plan, discuss deadlines and determine the need for on-going services.

(j) Payment Requirements for Transitional Support Services Recipients. Payments may be made directly to the young adult formerly in foster care or the young adult may request all or a portion of the funds be paid to a service provider. This request must be made in writing.

(7) Confidentiality. The youth's status as a former foster youth and recipient of public benefits is confidential and cannot be revealed to anyone without the youth's permission. Staff are not to have direct contact with the youth's landlords or third parties, unless the youth provides permission.

(8) Mandatory Access to Application for Services.

(a) Caseworkers must process a young adult's request for assistance. If a young adult verbally requests assistance, then the caseworker must assist the young adult with completing a written application. The caseworker must help the young adult complete an application, even if the caseworker believes that the young adult is ineligible to receive the assistance being requested. The reviewing authority must process the application and provide the young adult with a written approval or denial, along with the youth's appeal rights. Under no circumstances may a department or CBC staff member verbally deny a young adult's request for services or discourage a young adult from applying for services and exercising his or her appeal rights.

(b) Each department or CBC office shall maintain application forms for the Road to Independence Scholarship, Transitional Support Services and Aftercare Support Services in a visible area and shall assist the youth with completing the application forms.

(9) Youth with Disabilities. Youth who have disabilities shall be provided with an equal opportunity to participate in the continuum of independent living services. Though a youth who has a physical, emotional, or learning disability may need additional support, he or she still is eligible for all independent living and post-18 services. Each department or CBC office shall provide youth with disabilities with reasonable

accommodations and appropriate services to ensure the equal opportunities and participation of these youth. (See 65C-30, F.A.C., General Child Welfare Provisions.)

(10) Youth who are Pregnant or Parenting. Youth who are pregnant or parenting shall be provided with an equal opportunity to participate in the continuum of independent living and post-18 services. The caseworker shall assist these youth with accessing needed services, such as prenatal care, daycare, other public benefits, and appropriate housing.

(11) Local Resource Development. Each department or CBC office shall develop a list of community resources needed by young adults leaving the care of the department. The list must, when available and/or needed, include contact information, application process and eligibility criteria. At a minimum the resource list must include information regarding local programs and resources for the following:

(a) Affordable housing in areas near schools, employment and transportation routes. Information regarding Section 8 housing and other low income housing options, as well as, information regarding homeless programs.

(b) Mental health, substance abuse and developmental disabilities services.

(c) Access to the Economic Self-Sufficiency system.

(d) Job training programs.

(e) Vocational Rehabilitation Services.

(f) Access and navigation of Social Security Administration system.

(g) Special education services.

(h) Tutoring services.

(i) Childcare services.

(j) Resources to obtain free or low cost furniture and housewares.

(k) Community resources that assist with evictions and/or electricity cutoffs.

(l) Medical services.

Specific Authority 409.1451(9) FS. Law Implemented 409.1451 FS. History—New _____.

65C-31.003 Young Adult Services Documentation Requirements.(1) Services for Young Adults.

(a) For each young adult receiving funding from the Road to Independence Scholarship, transitional support services and/or aftercare support services the department or CBC agency must have an open HomeSafenet case and a case file containing at minimum:

1. A face sheet or some other document which contains current demographic information on the student such as, name, address, DOB, social security number, school attending, etc.

2. Completed applications signed by the young adult and review and approval authorities.

3. Follow up renewal applications or evidence of review of transitional support services cases.

4. Transitional Plans.5. Completed Needs Assessments for RTI cases.6. Documentation to support eligibility requirements for the services provided.

(b) When requesting documentation from the young adult, the Services Worker shall use "Request for Road to Independence Scholarship Documentation" CF-FSP5302, September 2005, incorporated by reference.

(c) The following paragraphs list the requirements for eligibility and examples of supporting documentation.

(2) Road to Independence Scholarship:

(a) Initial Scholarship Approval. In order for a student to be eligible for the Road to Independence Scholarship, staff must verify several eligibility criteria for the initial application, ongoing eligibility and at renewal.

1. Eligibility Requirements. A young adult who has reached 18 years of age but is not yet 21 years of age is eligible for the initial award, and a young adult under 23 years of age is eligible for renewal awards, if he or she:

a. Was a dependent child, pursuant to Chapter 39, F.S., and was living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday;

b. Spent at least 6 months living in foster care before reaching his or her 18th birthday;

c. Is a resident of this state as defined in Section 1009.40, F.S.; and

2. Examples of Acceptable Documentation for Eligibility Requirements. Application – Each student, with the assistance of department or CBC staff, must complete an RTI Scholarship Application. This "application" must be completed and signed by the student, reviewing authority and approval authority and a copy must be placed in the case file. In addition to the application, other examples of acceptable documentation include:

a. Adjudication of Dependency:

1) Adjudicatory Order – is acceptable if there is follow up documentation indicating that the student was placed in foster care.

2) Dispositional Order – is acceptable if the order placed the student in foster care or if there is follow up documentation indication that the student was placed in foster care.

3) Judicial Review Order – is acceptable if the order indicates that the student was adjudicated dependent and placed in foster care. The Judicial Review Social Study Report may provide supporting documentation if information regarding adjudication if dependency and status in foster care are mentioned in the report.

4) Criminal Justice Information System (CJIS) printout – is acceptable if it is a complete report that includes adjudication date and date placed in foster care.

b. Student was living in licensed foster care at age 18:

1) Judicial Review Order or other Court Order – is acceptable if the order indicates that the student was living in foster care on his or her 18th birthday. The order may contain language releasing child from foster care on 18th birthday. The Judicial Review Social Study Report may provide supporting documentation if information regarding adjudication if dependency and status in foster care are mentioned in the report.

2) Integrated Child Welfare Services Information System (ICWSIS) printout showing child in placement on 18th birthday – is acceptable if other supporting documentation such as orders are in the file verifying that the child was in custody of the department.

c. Student spent at least 6 months in foster care before reaching his or her 18th birthday:

1) Integrated Child Welfare Services Information System (ICWSIS) printout providing at least six months of residing in licensed care prior to the students 18th birthday – is acceptable if other supporting documentation such as orders are in the file verifying that the child was in custody of the department.

2) HomeSafenet printout showing six months of licensed placement.

d. Student is a Florida resident:

1) Driver's license or Florida Identification card.

2) Document proving Florida residence – copy of RTI check, electric bill, lease, current school enrollment form, etc.

3. Educational Requirements. The student must meet one of the following qualifications:

a. Has earned a standard high school diploma or its equivalent as described in Section 1003.43 or Section 1003.435, F.S., or has earned a special diploma or special certificate of completion as described in Section 1003.438, F.S., and has been admitted for full-time enrollment in an eligible postsecondary education institution as defined in Section 1009.533, F.S.;

b. Is enrolled full time in an accredited high school; or

c. Is enrolled full time in an accredited adult education program designed to provide the student with a high school diploma or its equivalent.

4. Examples of Acceptable Documentation for Educational Requirements.

a. Evidence of full-time enrollment:

1) Students in university, college or community college must be enrolled for at least 12 credit hours, unless it can be documented that less than 12 hours is considered full-time.

a) Current enrollment form or letter from the institution clearly showing the student enrolled for at least 12 credit hours.

b) Current enrollment form or letter from the institution stating that the student is enrolled full-time.

2) Students in vocational school, high school or GED must have a current enrollment form or letter from the school that states that he or she is a full-time student.

b. Evidence of continued full-time attendance/enrollment:

1) Students must be able to periodically prove that they continue to be enrolled and attending school full-time.

a) Obtain progress reports from the school.

b) Call the school registrar or other official to verify continued full-time enrollment – document in case notes the name, title, school and phone number for the school official.

2) At the end of each semester the student must provide:

a) Report card showing completion of classes registered for previously; and

b) Enrollment form or letter showing full-time enrollment for the following semester.

(b) Scholarship Renewal. The department is required to evaluate for renewal each scholarship award annually during the 90-day period before the student's birthday. In order to be eligible for a renewal award for the subsequent year the student must:

1. Complete the number of hours, or the equivalent considered full time by the educational institution, in the last academic year in which the young adult earned a scholarship, except for a young adult who meets the requirements of Section 1009.41, F.S.

2. Maintain appropriate progress as required by the educational institution, except that, if the young adult's progress is insufficient to renew the scholarship at any time during the eligibility period, the young adult may restore eligibility by improving his or her progress to the required level.

3. Note: In most cases an "academic year" constitutes two semesters or the equivalent if on a quarterly schedule. Normally the academic year is 9 months in duration.

4. Examples of Acceptable Documentation. Checklist – For each student the department or CBC agency must complete an RTI Scholarship Renewal Checklist. This "checklist" must be completed by the department or CBC staff and signed by the student, reviewing authority and approval authority and a copy must be placed in the case file. In addition to the checklist, other examples of acceptable documentation include:

a. Report card – is acceptable if it is obvious from the student's grades and classes attended that he or she has met the requirements above. (Example: A student completed 24 hours of college study or earned 6 credits in high school during the academic year while maintaining a grade point average of at least 2.0) If a student has less than a 2.0 grade point average or has not completed the number of hours or credits mentioned above, additional documentation is needed such as a statement from the school verifying that the student is making appropriate progress.; or

b. Letter from a school official – a letter from the school or a form letter created by the local Independent Living program is acceptable if the school official signs the document and provides his or her title, school name and contact number on the letter.

c. Clearly documented chronological case note is acceptable if the entry or note states the school official's name, title, school represented and contact information. In addition, the case note must document that the student has met the statutory requirements stated in the paragraph above.

(c) Scholarship Reinstatement:

1. A student who has lost eligibility for the RTI scholarship may apply for reinstatement one time before his or her 23rd birthday. In order to be eligible for reinstatement the student must meet the eligibility criteria and the criteria for award renewal listed above.

2. Examples of Acceptable Documentation. Application – Each student who wishes to apply for reinstatement must complete a "Road to Independence Scholarship and/or Education Training Vouchers (ETV) Funds Reinstatement Application" CF-FSP 5297, September 2005, incorporated by reference. This "application" must be completed and signed by the student, reviewing authority and approval authority and a copy must be placed in the case file. In addition to the checklist, other examples of acceptable documentation include:

a. See requirements and acceptable documentation under "Initial Scholarship Approvals."

b. See requirements and acceptable documentation under "Scholarship Renewals."

(d) RTI Scholarship Needs Assessment. An RTI Needs Assessment must be completed on each student who has been awarded the RTI scholarship.

1. State: The amount of the award, whether it is being used by a young adult working toward completion of a high school diploma or its equivalent or working toward completion of a postsecondary education program, shall be determined based on an assessment of the funding needs of the young adult. This assessment shall consider the young adult's living and educational costs and other grants, scholarships, waivers, earnings, and other income to be received by the young adult.

2. Federal: The total amount of educational assistance to a youth under this section and under other Federal and Federally supported programs shall not exceed the total cost of attendance, as defined in Section 472, F.S., of the Higher Education Act of 1965, and except that the State agency shall take appropriate steps to prevent duplication of benefits under this and other Federal and Federally supported programs.

3. See "Guidelines for Assisting Students in Obtaining Financial Assistance," "Instructions for Completing the Postsecondary Needs Assessment" and "Instructions for Completing the High School Needs Assessment" documents.

(3) Transitional Support Services. A young adult formerly in foster care may receive short-term services if the young adult demonstrates that the services are critical to his/her own efforts to achieve self-sufficiency and develop a personal support system.

(a) Other eligibility requirements include:

1. A young adult formerly in foster care is eligible to apply for transitional support services if he or she has reached 18 years of age but is not yet 23 years of age, was a dependent child pursuant to Chapter 39, F.S., was living in licensed foster care or in subsidized independent living at the time of his or her 18th birthday, and had spent at least 6 months living in foster care before that date.

2. If at any time the services are no longer critical to the young adult's own efforts to achieve self-sufficiency and to develop a personal support system, they shall be terminated.

(b) Examples of Acceptable Documentation for Transitional Support Services. Application – Each young adult must complete a Transitional Support Services Application. This “application” must be completed and signed by the student, reviewing authority and approval authority and a copy must be placed in the case file. In addition to the checklist, other examples of acceptable documentation include:

1. Transitional Plan – Each young adult must have a transitional plan in the case file. This plan must outline the types of services being provided by the department and the types of activities that the young adult will complete in order to achieve self-sufficiency. These plans must be reviewed a minimum of every three months, if the young adult intends to re-apply for services, and adjusted according to the young adult's needs at the time of review and reapplication. In situations where the services provided are no longer critical to the young adult's self-sufficiency or the young adult is not providing appropriate efforts to achieve self-sufficiency, the services must be terminated or reapplication denied.

2. See “Examples of Acceptable Documentation” for “Adjudication of Dependency.” “Student was living in licensed foster care at age 18” and “Student spent at least 6 months in foster care before reaching his or her 18th birthday” in the Road to Independence Scholarship section above.

(c) Field Practices:

1. Transitional Support Services are not intended to simply consist of a monthly check delivered to a young adult. In many cases, agencies are simply placing young adults on Transitional Support Services if they do not qualify for the RTI scholarship and paying he/she a monthly stipend of \$416 (which would equal \$5000 at the end of a year).

2. Transitional Support Services are intended to be short-term services, which assist the young adult in becoming self-sufficient. These services can and do include financial assistance but services must be tailored for each individual young adult. The expectation is that financial assistance would decrease over time, as the young adult is able to find

employment and then meaningful employment and become self-sufficient. An application for short-term services under Transitional Support Services is limited to maximum three month benefit period. A young adult may re-apply for Transitional Support Services after the three month period but must ensure that goals are being met and demonstrate that the services are vital for achieving self-sufficiency.

3. Transitional Support Services funds are also being used to provide move-in costs such as first and last month's rent, deposits and furniture (See: “Move-in costs” in Aftercare Support Service below). While these costs can be an appropriate use of Transitional Support Services, spending large amounts of money on these services may be avoided by exploring and developing community resources.

(4) Aftercare Support Services. Aftercare Support Services are available to assist young adults who were formerly in foster care in their efforts to develop skills necessary for independent living. Virtually any service that would promote the young adult's efforts to develop independent living skills can be provided or arranged for by the department or CBC agency.

(a) Temporary financial assistance may be provided in order to prevent or intervene in a homeless situation. A young adult who has reached 18 years of age but is not yet 23 years of age who leaves foster care at 18 years of age but who requests services prior to reaching 23 years of age is eligible for such services.

(b) Examples of Acceptable Documentation. Application – For each young adult requesting financial assistance through Aftercare support Services the department or CBC agency must complete an Aftercare Support Services Application. This “application” must be completed by the department or CBC staff and signed by the student, reviewing authority and approval authority and a copy must be placed in the case file. The young adult must present a need for emergency housing funds and the staff must explore other community resources before approving the request.

1. In addition to the application, other examples of acceptable documentation include:

a. See “Examples of Acceptable Documentation” for “Student was living in licensed foster care at age 18” in the Road to Independence Scholarship section above.

b. Homelessness – Eviction notice from the landlord, statement from the young adult documenting his/her whereabouts for the previous week (caseworker must detail this statement in the case file notes).

c. Electric cut off – A cut off notice from the electric company must be presented by the young adult.

d. Community resources – the caseworker must assist the young adult in exploring other community resources that assist in evictions and electric cut offs before providing funds.

e. Move-in costs – Before providing move-in costs the caseworker must obtain documentation of funding needs for the move. A determination must be made as whether the young adult’s financial situation is sufficient to pay ongoing monthly rent payments and if it is the most cost efficient option for the young adult. A contribution by the young adult for payment of a portion of the costs must also be addressed. Security deposits that are returnable should be evaluated as part of the young adult’s responsibility.

2. As discussed in “Transitional Support Services” above the need to explore and develop community resources for housing options is crucial to help manage the department and CBC agency budget as well as assisting the young adult in finding affordable housing. Ensuring that each young adult has a roommate, especially during his/her initial experience of living without adult supervision and care, will help keep costs down and make maintaining an individual budget more manageable. This will also help limit the “move-in” costs paid by the department/CBC agency and emergency interventions needed.

Specific Authority 409.1451(9) FS. Law Implemented 409.1451 FS. History–New_____.

65C-31.004 Eligibility for Services for Young Adults Formerly in Foster Care.

(1) Resources for each of the 3 types of young adult services:

<u>Eligibility requirement in state law (or federal requirement)</u>	<u>• Examples of supporting documentation. One document may provide proof of eligibility for multiple items.</u>
<u>Living in licensed foster care or subsidized independent living at age 18</u>	<u>• See RTI on page 2.</u>
<u>Prevent Homelessness, loss of or lack of utilities, and moving and setting up home costs</u>	<u>• Eviction notice, statement from young adult documenting his/her whereabouts the previous week</u> <u>• Notice from the utility company</u> <u>• Indication that youth has utilized community resources to obtain resources</u>

(a) Limited funds for all independent living services may be stretched through the use of community resources. Child welfare staff are encouraged to explore use of free or less costly services in the community PRIOR to accessing aftercare support funds. The caseworker must assist the young adult in exploring other community resources that assist in evictions and electric cut offs before providing funds. Often county agencies and churches will provide some assistance that will supplement the assistance provided by the department or CBC agency.

(b) Before providing move-in costs the caseworker must obtain documentation of funding needs for the move. Documentation does not always have to be in writing, a call to the proposed landlord or service provider may suffice in obtaining proper documentation. A determination must be

(a) Section 409.1451(5), F.S.

(b) Program for Young Adults Formerly in Foster Care – Section 409.1451, Florida Statutes – Implementation Plan.

(c) Needs Assessment and updated application forms for Road to Independence Scholarship.

(2) A case file for each young adult receiving services must contain:

(a) Face sheet with demographic information.

(b) Completed, signed, and approved/denied application(s) for services.

(c) Renewal application(s) for services (completed, signed, and approved/denied).

(d) Completed and reviewed needs assessments documents.

(e) Completed and reviewed Transitional Plans (if required).

(f) Log of financial disbursements (if any).

(g) Indication that HomeSafenet was updated.

(h) Supporting documentation (see examples below).

(3) Aftercare Support Services (Section 409.1451(5)(a), F.S.).

made as whether the young adult’s financial situation is sufficient to pay ongoing monthly rent payments and if it is the most cost efficient option for the young adult. A contribution by the young adult for payment of a portion of the costs must also be addressed. Security deposits that are refundable should be evaluated as part of the young adult’s responsibility.

(c) Ensuring that each young adult has a roommate, especially during his/her initial experience of living without adult supervision and care, will help keep costs down and make maintaining an individual budget more manageable. This will also help limit the “move-in” costs paid by the department/CBC agency and emergency interventions needed.

(4) Road to Independence Scholarship (Section 409.1451(5)(b), F.S.)

<u>Eligibility requirement in state law</u>	<ul style="list-style-type: none"> • <u>Examples of supporting documentation. One document may provide proof of eligibility for multiple items.</u>
<u>Dependent pursuant to Chapter 39, F.S.</u>	<ul style="list-style-type: none"> • <u>Any court order that includes adjudicatory language</u> • <u>Judicial Review Social Study Report</u> • <u>Criminal Justice Information System print-out</u>
<u>Living in licensed care or in subsidized independent living at 18th birthday</u>	<ul style="list-style-type: none"> • <u>Any court order that indicates child remained in care until age 18</u> • <u>Judicial Review Social Study Report indicating discharge at age 18</u> • <u>Integrated Child Welfare Services Information System print-out showing placement until 18th birthday</u>
<u>Spent at least 6 months in foster care</u>	<ul style="list-style-type: none"> • <u>Integrated Child Welfare Services Information System print-out showing 6 months of placement</u> • <u>HomeSafenet print-out showing 6 months of placement</u>
<u>Resident of Florida as defined by Section 1009.40, F.S.</u>	<ul style="list-style-type: none"> • <u>Driver's license or Florida Identification care</u> • <u>Document proving residency – copy of RTI check, electric bill, lease, current school enrollment form</u>
<u>Enrollment requirements</u>	<ul style="list-style-type: none"> • <u>Current enrollment form from educational institution with full time status</u> • <u>Letter from educational institution indicating full time status</u>
<u>Continued enrollment/attendance requirements</u>	<ul style="list-style-type: none"> • <u>Progress reports or report card</u> • <u>Call to educational institution registrar to verify – obtain name, phone number, date, etc.</u>
<u>RTI Scholarship renewal – complete # of hours deemed full-time and appropriate progress as required by educational institution</u>	<ul style="list-style-type: none"> • <u>Renewal checklist AND</u> • <u>Report card</u> • <u>Letter from school official</u> • <u>Call to school official – obtain name, phone number, date, etc.</u>
<u>RTI Scholarship reinstatement</u>	<ul style="list-style-type: none"> • <u>See applicable initial and renewal requirements</u>
<u>RTI Scholarship needs assessment</u>	

(5) Transitional Support Services (Section 409.1451(5)(c), F.S.)

(a) Transitional Support Services are not intended to simply consist of a monthly check delivered to a young adult. In some cases, youth are receiving Transitional Support Services if he/she does not qualify for the RTI scholarship and are being paid a monthly stipend of \$416 (which would equal \$5000 at the end of a year).

(b) Transitional Support Services are intended to be short-term services, which assist the young adult in becoming self-sufficient. These services can and do include financial assistance but services must be tailored for each individual young adult. The expectation is that financial assistance decrease over time, as the young adult is able to find employment and then meaningful employment and become self-sufficient. An application for short-term services under Transitional Support Services is limited to maximum three month benefit period. A young adult may re-apply for Transitional Support Services after the three month period but must demonstrate that ensure that goals are being met and the services are vital for achieving self-sufficiency.

(c) Transitional Support Services funds may be used to provide move-in costs such as first and last month's rent, deposits and furniture. While these costs may be an appropriate use of Transitional Support Services, spending large amounts of money on these services may be avoided by exploring and developing community resources. Instead of buying new furniture for the young adult, provide referrals to Goodwill, Salvation Army and thrift shops. Develop community alliances with service groups (Kiwanis, Elks, etc.), church groups, young lawyers associations, the business community and others to receive furniture and other donations. Develop housing resources by exploring resources used by community colleges and universities to find roommates for students, match RTI scholarship recipients who attend the same school as roommates to save costs. Ensure that young adults have roommates to save on costs and ensure that the young adult can afford his/her living arrangement.

<u>Eligibility requirement in state law (or federal requirement)</u>	• <u>Examples of supporting documentation. One document may provide proof of eligibility for multiple items.</u>
<u>Reached age 18, dependent pursuant to Chapter 39, F.S., living in licensed care or subsidized independent living, spent at least 6 months in care</u>	• <u>See RTI above</u>
<u>Plan for communication with educational institution staff, completion of educational goals, completion of required applications, and for providing support such as housing, tutoring, etc.</u>	• <u>Transitional Plan</u>

Specific Authority 409.1451(9) FS. Law Implemented 409.1451 FS. History--New _____.

65C-31.005 Instructions for Completing the High School Needs Assessment.

(1) The “Road to Independence Scholarship High School Needs Assessment Tool”, CF-FSP5299, September 2005, incorporated by reference, has been developed to determine the funding needs of a young adult student formerly in foster care attending high school after considering other income sources.

(2) Authority. The Road to Independence Scholarship is based upon the following statutes:

(a) Section 409.1451(5)(b), F.S., Road to Independence Scholarship Program.

(b) Section 409.1451(5)(b)1., F.S., The amount of the award shall be based on the living and educational needs of the young adult and may be up to, but shall not exceed, the amount of earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job. (\$892.)

(c) Section 409.1451(5)(b)3., F.S., A young adult applying for a Road-to-Independence Scholarship must apply for any other grants and scholarships for which he or she may qualify. The department shall assist the young adult in the application process and may use the federal financial aid grant process to determine the funding needs of the young adult.

(d) Section 409.1451(5)(b)4., F.S., The amount of the award...shall be determined based on an assessment of the funding needs of the young adult. This assessment shall consider the young adult's living and educational costs and other grants, scholarships, waivers, earnings, and other income to be received by the young adult. An award shall be available only to the extent that other grants and scholarships are not sufficient to meet the living and educational needs of the young adult.

(3) Procedure:

(a) Before completing the Road to Independence Scholarship Needs Assessment, the caseworker shall verify that the student has submitted an RTI scholarship application and has been determined eligible to receive an award.

(b) The amount of the monthly scholarship award may not exceed \$892. In addition, the total amount of funds provided to a student from all federal sources must not exceed the “total cost of attendance” figure for the educational institution.

(c) In order to complete the Road to Independence Scholarship Needs Assessment, the caseworker shall meet with the student face to face to obtain the required information and, when applicable, supporting documentation. The student shall be provided written notice of the face to face meeting at least 30 days prior to the meeting. The notification shall include the time and place of the meeting and a list of information and documentation that the student must bring to the meeting.

(d) A face to face meeting is mandatory in order that the student has the process explained to him/her and verifies that the information contained in the needs assessment is correct.

1. The face to face meeting must be held one on one in order to protect the confidentiality rights of the student.

2. For students located out-of-state, a phone interview is sufficient as long as the student has been notified of the interview at least 30 days in advance and been given an opportunity to submit the required documentation prior to the interview.

3. For students located out-of-county the caseworker shall request, by telephone and in writing, assistance from the independent living program staff from the county in which the student resides. The request shall include face to face interviews with the student regarding the RTI Needs Assessment, assistance in completing the initial, renewal or reinstatement applications for the RTI scholarship and other identified assistance.

(e) If the student has not provided all necessary documentation and information during this meeting, the caseworker shall provide a written list of items needed before the needs assessment process may be completed. The written list shall also include a due date for all requested items to be submitted to ensure that benefits will not be reduced or interrupted.

(f) In addition to the initial list of items needed, the caseworker shall send a follow up reminder letter every 30 days to students eligible for RTI awards who have not supplied all needed documentation and information. This letter shall include:

1. A statement that the requested information is needed before the needs assessment tool is processed; and
2. A date by which the information must be received; and
3. A statement that the student's benefits will be initially established or reduced to the minimum award amount of \$25 until the information is provided. Once the information has been provided the caseworker shall have 7 calendar days to process the needs assessment.

(g) The caseworker shall be required to send reminder letters for four (4) consecutive months with the final letter being sent certified mail with return receipt. After the fourth month, the student's award will remain at the minimum until the student submits the required documentation, but the caseworker will no longer have the obligation to send reminder letters to the student.

(h) No later than 30 days prior to the student's 18th birthday, or, if the student is 18 years of age or older, within 30 days after receiving the application and all required documentation and information, the department shall notify the student, in writing, of the award amount and the anticipated date of first payment. This notification shall also include the process for appealing the amount of the award. (See attached format.)

(4) Elements of the Tool: (For High School Students). The elements listed below correspond to the elements in the RTI High School Needs Assessment Tool. An explanation of each element and instructions for obtaining the correct figures are included.

(a) Total Cost of Attendance: The maximum award that a student can receive is \$892 per month or \$10,704 per year. The yearly figure of \$10,704 has been included in the "cost/need" column on the "Total Cost of Attendance" line. Deductions will be subtracted from this figure to establish the RTI award amount.

Note: A high school student may not receive an RTI award above \$892 per month, however he or she may apply for aftercare and/or transitional support services, when needed. Funds received from aftercare and transitional support services do not count against the "cost of attendance" for high school students.

(b) Earned Income: If the student is employed, a verification of his or her earned income is required.

1. The caseworker may provide the student with two options for verifying earned income:

a. The student may provide recent pay stubs. The pay stubs must be averaged to compute a monthly amount.

b. The student may instead submit a letter from his or her employer stating the average number hours to be worked per month and the hourly wage. This may be preferable for students who worked increased hours prior to the beginning of the school semester and plan to cut back hours once the school year resumes.

2. Include the amount in the "income" column on the "Student's Monthly Wages" line. The monthly amount will automatically be calculated into a yearly figure on the next box below.

(c) Income Protection Allowance: The "Income Protection Allowance" figure is already included on the needs assessment form. The first \$5560 of income to the student is disregarded for purposes of computing the scholarship amount. This means that a student may work the equivalent of a part-time job without impacting his/her RTI award.

(d) Student's Available Income: This is the amount of student income after deducting the "Income Protection Allowance." The form calculates this automatically.

(e) Contribution from Income: The federal financial aid application process allows for half of the "Student's Available Income" to count as a deduction when determining financial need. The needs assessment form automatically calculates the "Contribution from Income" figure and enters it in the "deductions" column.

(f) Federal Income: The caseworker shall inquire and verify through available resources whether the student is receiving funds from any other source including SSI and Social Security. The student shall have a choice, based on his or her individual situation, whether or not to include SSI/SSA benefits in his/her budget as a deduction. The staff shall assist the student in maximizing all benefits to attend school and for his/her living needs.

1. Issue: A concern has been raised, in the past, that students receiving the full amount of RTI scholarship (\$892) have been made ineligible for SSI benefits because he/she is over income.

2. Answer: For each student receiving SSI the casework staff must work with the student and consult the Social Security office to determine whether or not it would be in the student's best interest to include the SSI benefit amount in the budget as a deduction. The goal would be for the student to maintain eligibility in both programs. Once the student has made a decision the casework staff shall enter the amount of monthly federal benefit in either the "non-deduction" box (none of the SSI benefit will count against the RTI award) or in the "deduction" box (the SSI benefit will be deducted dollar for dollar from the RTI award) on the "Federal Income" line.

3. If entered as a "deduction" the amount will automatically be calculated into a yearly amount and found on the "deductions" column on the same line. If entered as a "non-deduction" the amount will appear as part of the student's educational and financial resources but will not be a deduction.

4. Note: Any child support or other funds received (i.e., WAGES, Food Stamps, etc.) on behalf of the student's child shall not be included as income in the needs assessment.

(g) Totals: The needs assessment form automatically calculates the totals in the "cost/need" column and the "deductions" column.

(h) Total Need: The needs assessment form automatically subtracts the "deductions" from "cost/need" to get the "total need" amount.

(i) Adjusted Total Need: If the "Total Need" figure exceeds \$10704 (\$892 times 12 months) the needs assessment form will automatically adjust the figure to \$10704 and enter the adjusted figure in the "cost/need" column. (Section 409.1451(5)(b)1., F.S.)

(j) Aftercare and Transitional Support Services Funds Provided – Year to Date: Indicate the amount of Aftercare and/or Transitional Support Services Funds have been provided to the student during the fiscal year. (July 1st through June 30th) Note: These funds will not be factored as a deduction for the monthly scholarship award.

(k) Monthly Scholarship Award: The needs assessment form automatically calculates the monthly award amount by dividing the "adjusted total need" by 12 months. *Note: The needs assessment automatically adjusts the monthly award to \$25, in the following row, if the award calculates to less than \$25 per month. (Section 409.1451(5)(b)4., F.S.)

(5) Totals. At the bottom of the Needs Assessment form are calculations of the total income and benefits for the student. These totals are calculated automatically based on the information input by staff. These figures may be used to show the student how he/she may increase his/her monthly income by working a part-time job. The totals calculated are:

(a) Total Earned and Unearned Income: This shows the student's annual amount of Earned Income plus Other Income, without deductions.

(b) Annual RTI Scholarship Award: This is the monthly scholarship award multiplied by 12.

(c) Total Annual Income Available to the Student: The form automatically calculates the amount of income from all sources. This shows the total amount of income available to the student for educational and living needs.

(d) Monthly Income Available to the Student: The form automatically calculates this figure to show the amount of income available to the student on a monthly basis.

(6) Documentation and Signature.

(a) At the face to face meeting with the student, the caseworker shall obtain the student's signature on the "Road to Independence (RTI) Scholarship Needs Assessment Face to Face Consultation Form.", CF-FSP 5298, September 2005, incorporated by reference. By signing the form the student is only certifying that he/she has had a face to face meeting and the appeals process has been explained and provided.

(b) Once each individual needs assessment tool has been fully completed, and an award amount determined, two copies must be printed. One copy must be maintained in the student's case file. The second copy must be provided to the student, either in person or by mail, with a copy of the "Appeals Process" attached to the tool.

Specific Authority 409.1451(9) FS. Law Implemented 409.1451 FS. History—New _____.

65C-31.006 Guidelines to Assist Students in Obtaining Financial Assistance.

(1) Pre-Application Process.

(a) Step 1: Prior to the judicial review hearing that must be held within 90 days after the student's 17th birthday, the agency shall provide information to the youth regarding the Road to Independence Scholarship, including but not limited to, eligibility requirements, forms necessary to apply, and assistance in completing the forms. (Section 39.701(6)(a)5., F.S.)

(b) Step 2: If the student is less than one year from high school graduation he or she must begin the process of selecting an institution of higher education (i.e., college, university, community college or vocational school) to attend. The student should select at least three schools.

(c) Step 3: No later than three months prior to graduation from high school, the student must make application to an institution of higher education.

(d) Step 4: The student, with help from his or her caseworker, shall check deadlines for the filing of the Free Application for Federal Student Aid (FAFSA) and ensure that the application is completed and submitted prior to the deadline. (This application is used to determine eligibility for Pell Grant and other federally funded scholarships.)

(e) Step 5:

1. The student with help from his or her caseworker shall complete and submit a Florida Financial Aid Application for Students prior to the established deadline. (This application is used to determine eligibility for the Bright Futures Scholarship, Jose Marti Scholarship Challenge Grant, Robert C. Byrd Honors Scholarship, Rosewood Family Scholarship and the Scholarships for Children of Deceased or Disabled Veterans.)

2. The student must also explore and apply for any other scholarships for which he or she may be eligible.

(f) Step 6: The caseworker shall discuss and explore employment options with the student. These options may include on and off campus jobs and resources to obtain employment.

(g) Step 7: If the student will be attending a public State of Florida college, university, community college or vocational school, the caseworker shall supply the student with a

completed Fee Exemption form and assist the student in obtaining the exemption of tuition and fees. (Section 1009.25(2)(c), F.S.)

(2) Application Process:

(a) Step 1:

1. The student, with assistance from his or her caseworker, must make initial application for the scholarship during the 6 months immediately preceding his or her 18th birthday. All supporting documentation such as proof of full time school enrollment must be submitted before eligibility can be determined. (Note: If the student has reached the age of 18, he or she must apply for the initial scholarship award prior to reaching 21 years of age.) (Section 409.1451(5)(b)5.b., F.S.)

2. The student must also complete and sign a release of information form permitting the agency direct access to high school, college and/or vocational school records.

(b) Step 2: The caseworker must verify that the student:

1. Was a dependent child, pursuant to Chapter 39, F.S., and was in the custody of the department at the time of his or her 18th birthday;

2. Spent at least 6 months in foster care during his or her lifetime;

3. Is a resident of the State of Florida; and

4. Meets one of the following qualifications:

a. Has earned a standard high school diploma, a special diploma or special certificate of completion and has been admitted for full-time enrollment in an eligible postsecondary institution;

b. Is enrolled full-time in an accredited high school; or

c. Is enrolled full-time in an accredited adult education program in order to earn a high school diploma or equivalent. (Section 409.1451(5)(b)2., F.S.)

(c) Step 3:

1. Within the 60 day period prior to his or her 18th birthday, or at any time it is requested, the student must provide income information from all sources including:

a. Employment: Pay stubs from the most recent month at minimum.

b. SSI or Social Security Income.

c. Any other earned or unearned income.

2. (Note: Any child support, Food Stamps, WAGES or other income that is designated specifically for the child of an applicant shall not be considered when determining the amount of RTI scholarship.) (Section 409.1451(5)(b)4., F.S.)

(d) Step 4: Students attending or enrolling in institutions of higher education must provide:

1. Proof of submission of the Free Application for Federal Student Aid (FAFSA) and award or denial of award of federally funded scholarships such as Pell Grants.

2. Proof of submission of the Florida Financial Aid Application and award or denial of award.

3. Proof and amount of award of any other State or community funded scholarships. (Section 409.1451(5)(b)4., F.S.)

(e) Step 5:

1. The agency shall conduct a face to face meeting with the student to complete the Road to Independence Scholarship Needs Assessment Tool in order to determine the amount of the student's scholarship award. The student must be provided written notice of the face to face meeting at least 30 days prior to the meeting. The notification must include the time and place of the meeting and a list of information and documentation that the student must bring.

2. At the face to face meeting the agency staff shall answer any questions that the student may have and verify that the student has submitted all of the needed information and documentation.

3. If the student has not provided all necessary documentation and information during the face to face meeting agency staff shall provide to the student a written list of items needed before completing the needs assessment process. The written list shall also include a due date for all items to be submitted to ensure that benefits will not be reduced or interrupted.

4. In addition to the initial list of items needed, the agency shall send reminder letters every 30 days to students eligible for RTI awards who have not supplied all needed documentation and information. The caseworker shall send the reminder letters for four (4) consecutive months with the final letter being sent certified mail with return receipt. After the fourth month, the student's award will remain at the minimum until the student submits the required documentation, but the caseworker will no longer have the obligation to send reminder letters to the student.

5. Once the information has been provided, the agency shall have 7 calendar days to process the needs assessment to determine the amount of the award.

(f) Step 6:

1. No later than 30 days prior to the student's 18th birthday or, if the student is 18 years of age or older, within 30 days after receiving the application and all documentation needed in order to complete the needs assessment the agency shall notify the student, in writing, of the award amount and the anticipated date of first payment or the reason for denial if the application is denied.

2. The agency shall also provide each student with the procedure for filing an appeal so that the student may appeal an eligibility decision or award amount.

(g) Step 7:

1. A re-determination of award is required prior to the start of the fall semester and again prior to the start of the spring semester. The student must provide updated income information including earned and unearned income and scholarship information. The agency will determine if an

adjustment of the award amount is needed for the following semester. The agency must use the procedure in Steps 5 and 6 to provide the re-determination.

2. The agency may also request updated financial information and/or proof of continued full-time enrollment at any time during a semester, if a change in income or circumstance is suspected. A change that decreases the amount of scholarship award shall not go into affect until a minimum of thirty days after the re-determination. The student shall be notified in writing of the change in award and the date it will go into effect.

3. In addition, a student may request a re-determination of scholarship award during any current semester if he or she feels an increase is warranted. Such requests should be handled as expeditiously as possible.

(3) Summer School Incentive:

(a) As an incentive for postsecondary students to attend summer school, the student may be provided funds through Transitional Support Services in addition to the student's regular RTI award stipend. In order to qualify for these funds the following conditions must be met:

(b) The student must first complete the Transitional Support Services application to request the "Summer School Incentive." Once the application has been completed:

1. The student may qualify for up to \$1500 for attending summer school if:

a. The student provides proof of full-time enrollment, as established by the institution, and meets the requirements of the agency providing funds to prove attendance at required intervals; and

b. The total Federal Funds (including summer school incentive) provided to the students does not exceed the annual "Total Cost of Attendance" figure; and

c. Funds are available to the agency providing the scholarship to the student. Or

2. The student may qualify for up to \$750 for attending summer school if:

a. The student provides proof of, at least, part-time enrollment, as established by the institution, and meets the requirements of the agency providing funds to prove attendance at required intervals; and

b. The total Federal Funds (including summer school incentive) provided to the students does not exceed the annual "Total Cost of Attendance" figure; and

c. Funds are available to the agency providing the scholarship to the student.

(c) Note: This incentive shall not be provided to students that require summer school enrollment to make up for failed classes or to make up work for classes from previous semesters.

Specific Authority 409.1451(9) FS. Law Implemented 409.1451 FS. History—
New _____.

65C-31.007 Instructions for Completing the Post Secondary Needs Assessment.

(1) This Road to Independence (RTI) Scholarship Needs Assessment has been developed to determine the funding needs of an adult student formerly in foster care attending a postsecondary institution after considering other income sources and educational scholarships.

(2) Authority. The Road to Independence Scholarship is based upon the following statutes:

(a) Section 409.1451(5)(b)1., F.S. The amount of the award shall be based on the living and educational needs of the young adult and may be up to, but shall not exceed, the amount of earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job. (\$892.)

(b) Section 409.1451(5)(b)3., F.S. A young adult applying for a Road-to-Independence Scholarship must apply for any other grants and scholarships for which he or she may qualify. The department shall assist the young adult in the application process and may use the federal financial aid grant process to determine the funding needs of the young adult.

(c) Section 409.1451(5)(b)4., F.S. The amount of the award...shall be determined based on an assessment of the funding needs of the young adult. This assessment shall consider the young adult's living and educational costs and other grants, scholarships, waivers, earnings, and other income to be received by the young adult. An award shall be available only to the extent that other grants and scholarships are not sufficient to meet the living and educational needs of the young adult.

(3) Procedure:

(a) Before completing the Road to Independence Scholarship Needs Assessment, the caseworker shall verify that the student has submitted an RTI scholarship application and has been determined eligible to receive an award.

(b) The amount of the monthly scholarship award may not exceed may not exceed, the amount of earnings that the student would have been eligible to earn working a 40-hour-a-week federal minimum wage job and may be no lower than \$25 (Sections 409.1451(5)(b)1. and 4., F.S.). In addition, the total amount of federal funds provided to a student from all federal sources must not exceed the "total cost of attendance" figure for the educational institution.

(c) In order to complete the Road to Independence Scholarship Needs Assessment, the caseworker shall meet with the student face to face to obtain the required information and, when applicable, supporting documentation. The student shall be provided written notice of the face to face meeting at least 30 days prior to the meeting. The notification shall include the time and place of the meeting and a list of information and documentation that the student must bring to the meeting.

(d) A face to face meeting is mandatory in order that the student has the process explained to him/her and verifies that the information contained in the needs assessment is correct.

1. The face to face meeting must be held one on one in order to protect the confidentiality rights of the student.

2. For students located out-of-state, a phone interview is sufficient as long as the student has been notified of the interview at least 30 days in advance and been given an opportunity to submit the required documentation prior to the interview.

3. For students located out-of-county the caseworker shall request, by telephone and in writing, assistance from the independent living program staff from the county in which the student resides. The request shall include face to face interviews with the student regarding the RTI Needs Assessment, assistance in completing the initial, renewal or reinstatement applications for the RTI scholarship and other identified assistance.

(e) If the student has not provided all necessary documentation the award will be \$25. The caseworker shall provide a written list of items necessary for the needs assessment process to be completed. The written list shall also include a due date for all requested items to be submitted.

(f) In addition to the initial list of items needed, the caseworker shall send a follow up reminder letter every 30 days to students eligible for RTI awards who have not supplied all needed documentation and information. This letter shall include:

1. A statement that the requested information is needed before the needs assessment tool is processed; and

2. A date by which the information must be received; and

3. A statement that the student's benefits will be initially established at or reduced to the minimum award amount of \$25 until the information is provided. Once the information has been provided the caseworker shall have 7 calendar days to process the needs assessment.

(g) The caseworker shall be required to send reminder letters for four (4) consecutive months with the final letter being sent certified mail with return receipt. After the fourth month, the student's award will remain at the minimum until the student submits the required documentation, but the caseworker will no longer have the obligation to send reminder letters to the student.

(h) No later than 30 days prior to the student's 18th birthday or, if the student is 18 years of age or older, within 30 days after receiving the application and all required documentation and information, the department shall notify the student, in writing, of the award amount and the anticipated date of first payment. This notification shall also include the process for appealing the amount of the award.

(4) Elements of the Tool: (For Postsecondary Students) The elements listed below correspond to the "Road to Independence Scholarship Post Secondary Needs Assessment" tool, CF-FSP 5300, September 2005, incorporated by reference. An explanation of each element and instructions for obtaining the correct figures is included.

(a) Total Cost of Attendance: Each university, college, community college and vocational school establishes a "Total Cost of Attendance" figure. "Cost of Attendance" (COA) is also used in determining the student's financial need for federal scholarships such as the Pell Grant. This figure is an average cost for a student to attend the institution including tuition and fees, room and board, transportation and other costs. If the student is paying his/her own rent or dorm fees, a room and board amount must be included in the COA. The COA figure can be obtained by visiting the institution's website or by contacting the institution directly. It has been noted that not all institutions supply a complete COA figure on their website. Some institutions are unable to supply the information when contacted by telephone. A protocol has been developed to assist in obtaining COA and room and board figures when this information is not readily available. The protocol involves four (4) sequenced steps, if needed:

1. Step #1 (Use first) Obtain the Total Cost of Attendance information from the institution's website or call the institution directly. These figures are normally found in the "financial aid" section of the website. If the information is not complete;

2. Step #2 (Use second) Go to the website recommended by the National Resource Center for Youth Development (NRCYD) (www.nces.ed.gov/ipeds/cool/) to obtain the missing information. After accessing the website, in order to find a particular educational institution, insert the State (usually Florida) and the City in which the institution is located. This is the only information that will be needed to find most institutions. Including more information may actually exclude institutions from your search. If the information is not available on this website;

3. Step #3 (Use third) Use room and board figures from an institution in the same geographic area as the institution attended by the student. Example: Vocational school #1 in Miami-Dade County does not list a room and board cost on their "cost of attendance." Vocational school #2, also in Miami-Dade County does list a room and board cost on their "cost of attendance." Factor in vocational school #2's room and board cost for vocational school #1 to establish "total cost of attendance." If problems still exist in determining COA for a particular institution;

4. Step #4 (Use fourth) Contact the Independent Living Policy Staff at the Child Welfare and Community-Based Care Central Program Office (850)921-4893.

5. Enter the cost of attendance figure in the "cost/need" column on the "Total Cost of Attendance" line.

(b) Fee Exemption: The average annual cost of tuition and fees for a full-time student. Each institution's "cost of attendance" figure is broken down into several categories. Tuition and fees is one category in the COA. Enter the amount listed on the COA for average cost of tuition and fees in the "deductions" column on the Fee Exemption line. Section 409.1451(5)(b)4., F.S., requires that the assessment of funding

needs “shall consider...waivers...received by the young adult.” (Note: The full amount of “Fee Exemption” shall be entered unless the student provides proof that he or she was denied an exemption through no fault of his or her own.)

(c) Federal Scholarships received: The annual amount of federal scholarships awarded. This includes Pell Grants and other federal scholarships and grants. The staff member must obtain a copy of the award letter or verify the amount of annual scholarships provided to the student by contacting the institution. Enter the annual award amount in the “deductions” column on the “Federal Scholarships received” line.

1. Issue: The student has applied for and been awarded a Pell Grant but has not yet been issued the funds, when should the award amount be included in the needs assessment tool?

2. Answer: Any changes to the amount of Pell Grant award shall result in a re-determination of needs and shall be included on the needs assessment tool. The change in RTI scholarship award shall be effective at the beginning of the next academic year. (Example: A student received \$4000 in Pell Grant for 2004-2005 school year. In June 2005 he/she receives an award letter stating that his/her award for 2005-2006 is \$3000. The school year begins in September 2005. A new needs assessment tool shall be completed prior to the start of the school year but the award amount will not change until the month of September, the beginning of the school year.) (Note: The full amount of “Pell Grant” for the academic year shall be entered unless the student provides proof that he or she was denied an award through no fault of their own.)

(d) Other Federal Income: The caseworker completing the needs assessment shall inquire and verify through available resources whether the student is receiving federal funds from any other source including SSI and Social Security. The student shall have a choice, based on his or her individual situation, whether or not to include SSI/SSA benefits in his/her budget as a deduction. The staff shall assist the student in maximizing all benefits to attend school and for his/her living needs.

1. Issue: A concern has been raised, in the past, that students receiving the full amount of RTI scholarship (\$892) have been made ineligible for SSI benefits because he/she is over income.

2. Answer: For each student receiving SSI/SSA, the casework staff must work with the student and consult the Social Security office to determine whether or not it would be in the student's best interest to include the SSI/SSA benefit amount in the budget as a deduction. The goal is for the student to maintain eligibility in both programs. Once a student has made a decision, the casework staff shall enter the amount of monthly federal benefit in either the “non-deduction” box (none of the SSI/SSA benefit will count against the RTI award)

or in the “deduction” box (the SSI/SSA benefit will be deducted dollar for dollar from the RTI award) on the “Other Federal Income” line.

3. If entered as a “deduction” the amount will automatically be calculated into a yearly amount and found on the “deductions” column on the same line. If entered as a “non-deduction” the amount will appear as part of the student's educational and financial resources but not as a deduction.

4. Note: Any child support or other funds received (i.e., WAGES, Food Stamps, etc.) on behalf of the student's child shall not be included as income in the needs assessment.

(e) Earned Income: If the student is employed, a verification of his or her earned income is required. The caseworker may provide the student with two options for verifying earned income:

1. The student may provide recent pay stubs. The pay stubs must be averaged to compute a monthly amount.

2. The student may instead submit a letter from his or her employer stating the average number hours to be worked per month and the hourly wage. This may be preferable for students who worked increased hours prior to the beginning of the school semester and plan to cut back hours once the school year resumes.

3. Include the monthly amount in the “income” column on the “Student's Monthly Wages” line. The monthly amount will automatically be calculated into a yearly figure on the next box below.

(f) Income Protection Allowance: The “Income Protection Allowance” figure is already included on the needs assessment form. The first \$5560 of income to the student is disregarded for purposes of computing the scholarship amount. This means that a student can work the equivalent of a part-time job without effecting his/her RTI award.

(g) Student's Available Income: This is the amount of student income after deducting the “Income Protection Allowance.” The form calculates this automatically.

(h) Contribution from Income: The federal financial aid application process allows for half of the “Student's Available Income” to count as a deduction when determining financial need. The needs assessment form automatically calculates the “contribution from income” figure and enters it in the “deductions” column.

(i) Other Grants and Scholarships from State and/or Community Sources: The caseworker should inquire whether the student is receiving any state or community scholarships and include the annual amount on the “income” column on the “Other Scholarships and Grants” line. A \$1500 disregard will automatically be provided and the “amount deducted” will automatically be calculated and appear in the “deductions” column.

(j) Totals: The needs assessment form automatically calculates the totals in the “cost/need” column and the “deductions” column.

(k) Total Need: The needs assessment form automatically subtracts the "deductions" from "cost/need" to get the "Total Need" amount.

(l) Adjusted Total Need: If the "Total Need" figure exceeds \$10704 (\$892 times 12 months) the needs assessment form will automatically adjust the figure to \$10704 and enter the adjusted figure in the "cost/need" column. (Section 409.1451(5)(b)1., F.S.)

(m) Aftercare and Transitional Support Services Funds Provided – Year to Date: Indicate the amount of Aftercare and/or Transitional Support Services Funds that have been provided to the student during the fiscal year. (July 1st through June 30th) Note: These funds should not be deducted from the COA and factored as a deduction for the monthly scholarship award. However these funds will show in the "Breakdown of Educational/Financial Resources Available to the Student" section and will count as federal funds received.

(n) Monthly Scholarship Award: The needs assessment form automatically calculates the monthly award amount by dividing the "Adjusted Total Need" by 12 months. *Note: The needs assessment automatically adjusts the monthly award to \$25, in the following row, if the award calculates to less than \$25 per month. (Section 409.1451(5)(b)4., F.S.)

(5) Totals: The bottom of the Needs Assessment form are calculations of the total income and benefits for the student. These totals are calculated automatically based on the information input by staff. These figures may be used to show the student how he/she can increase their monthly income by working a part-time job and obtaining other scholarships and financial assistance. The totals calculated are:

(a) Total Earned Income/State and Local Scholarships: The total amount of earned income plus state and local scholarships that are available to the student annually, without deductions.

(b) Annual RTI Scholarship Award: This is the monthly scholarship award multiplied by 12.

(c) Federal Scholarships and Aftercare/Transitional: This is the annual amount of federal scholarships received by the student, including Pell Grants and the amount of Transitional Support and Aftercare Support funds received.

(d) Other Federal Income: (SSI/SSA Benefits): This is the annual amount of SSI or SSA income received by the student.

(e) Federal Funds Received Counting Toward COA: This is the total amount of federal scholarships including RTI and Pell Grants along with transitional support and aftercare support funds received.

(f) Amount below COA: This is the amount remaining after considering federal funds received counting toward COA. This will indicate whether the student can qualify for transitional support funds for "Summer School Incentive." If the amount equals or exceeds \$1500 the student can qualify for

a full-time summer school incentive." If the amount equals or exceeds \$750 the student can qualify for a part-time summer school incentive.

(g) Total Federal Funds Received: This is the annual RTI Scholarship Award plus Federal Scholarships and Other Federal Income. Note: This amount must not exceed the "Total Cost of Attendance for 2004-2005" figure from the top of the page.

(h) Total Annual Income Available to the Student: The form automatically calculates the amount of income from all sources. This shows the total amount of income available to the student for educational and living needs.

(i) Monthly Income Available to the Student: The form automatically calculates this figure to show the amount of income available to the student on a monthly basis.

(j) Average Annual Fee Exemption: This shows the amount of funds the student saved by using the "Fee Exemption."

(6) Documentation and Signature:

(a) At the face to face meeting with the student, the caseworker shall obtain the student's signature on the "Road to Independence (RTI) Scholarship Needs Assessment Face to Face Consultation Form.", CF-FSP 5298, September 2005, incorporated by reference. By signing the form the student is only certifying that he/she has had a face to face meeting and the appeals process has been explained and provided.

(b) Once each individual needs assessment tool has been fully completed, and an award amount determined, two copies must be printed. One copy must be maintained in the student's case file. The second copy must be provided to the student, either in person or by mail, with a copy of the "Appeals Process" attached to the tool.

(7) Summer School Incentive:

(a) As an incentive for postsecondary students to attend summer school the student may be provided funds through Transitional Support Services in addition to the student's regular RTI award stipend. Funds provided to the student attending summer school will not be counted in the needs assessment and will not effect the total cost of attendance figures. In order to qualify for these funds the following conditions must be met:

(b) The student must first complete the Transitional Support Services application to request the "Summer School Incentive." Once the application has been completed:

1. The student may qualify for up to \$1500 for attending summer school if:

a. The student provides proof of full-time enrollment, as established by the institution, and meets the requirements of the agency providing funds to prove attendance at required intervals; and

b. Funds are available to the agency providing the scholarship to the student. Or

2. The student may qualify for up to \$750 for attending summer school if:

a. The student provides proof of, at least, part-time enrollment, as established by the institution, and meets the requirements of the agency providing funds to prove attendance at required intervals; and

b. Funds are available to the agency providing the scholarship to the student.

(c) Note: This incentive shall not be provided to students that require summer school enrollment to make up for failed classes or to make up work for classes from previous semesters.

(8) Considerations:

(a) Each student must apply for the fee exemption if attending a public university, college, community college or vocational school. If the student has been provided the appropriate paperwork and fails to submit it to the educational institution, the full amount of average tuition and fees will be entered in the Fee Exemption line. If the student, through no fault of his/her own, is not provided a fee exemption by the educational institution and is then required to pay tuition and fees, no deduction shall be taken.

(b) Each student must make application for federal financial aid through the Free Application for Federal Student Aid (FAFSA). If the student does not make application for federal aid or does not provide a financial aid award letter, the full amount of Pell Grant award (\$4050 in 2003-04) shall be entered in the Federal Scholarships Received line. If the student makes application but is not awarded a federal scholarship, no deduction will be taken as long as the denial is verified. If the student is unable to make application through no fault of his/her own, no deduction will be taken for one semester but a re-determination of award must be scheduled prior to the next semester.

Specific Authority 409.1451(9) FS. Law Implemented 409.1451 FS. History—New _____.

65C-31.008 Independent Living Benefits – Policy Clarification on Due Process Notification.

(1) Issue Date: September 2005; Effective Date: September 2005.

(2) The Independent Living program of the Department of Children and Families (“Department”) and its community-based care contractors (“CBCs”) seek to treat all young adults fairly and to afford them due process. A young adult applying for or receiving Independent Living benefits has the right to receive adequate written notice of CBC adverse actions, to present grievances about CBC adverse actions, and to resolve issues about eligibility by meeting informally with CBC representatives or through the fair hearing process.

(3) CBC actions that require due process notification:

(a) The young adult is for any reason initially determined to be ineligible for any Independent Living benefit;

(b) The young adult is denied an Independent Living benefit due to lack of available funding;

(c) The young adult's services are reduced or terminated for any reason other than at the request of the young adult;

(d) Note that a young adult applying for independent living benefits must be provided with the “your rights to due process” brochure at the time of application. As stated in that brochure, the young adult's independent living case manager shall be available to help with the request for a fair hearing at any time that an adverse decision is made regarding the benefit.

(4) CBC actions that require confirmation (although not due process notification): Voluntary reductions or terminations of services by a young adult.

(a) A voluntary decision made by a young adult to reduce, terminate, or suspend services does not require due process notification. A decision to reduce, terminate, or suspend services is voluntary when the young adult determines that he or she does not need the service or scope of the service at issue and requests a reduction or termination of the service without being pressured to do so by CBC or Department staff.

(b) Each young adult who makes a voluntary reduction or termination shall be allowed ten calendar days from the date the letter of confirmation was sent to reconsider. If after ten calendar days the young adult has not contacted the CBC in response to the letter of confirmation, the reduction or termination may take effect.

(c) If the young adult contacts the CBC within ten (10) days to indicate that he or she does not agree to a voluntary reduction or termination of services, then services shall continue.

(5) Common bases on which Independent Living funding requests might be denied, or otherwise acted on in a manner adverse to the beneficiary. Most often, a request for Independent Living funding might be adversely acted upon (i.e., denied, reduced, or terminated) for one of the three following reasons:

(a) The young adult does not qualify for post-foster care Independent Living benefits;

(b) The young adult is not eligible (or is no longer eligible) for the Road to Independence Scholarship, or is eligible only for a reduced amount.

(c) There are no available funds for Independent Living benefits.

(6) Who determines that a service should be denied. A determination regarding eligibility or continued eligibility for an Independent Living benefit shall be made by the Independent Living case manager for the young adult.

(7) Supervisory review of the determination prior to issuance of a letter denying, terminating, reducing or suspending an Independent Living benefit shall occur as follows:

(a) Before a letter is issued that denies, terminates, or reduces an Independent Living benefit request, the supervisor of the Independent Living case manager shall review the letter.

(b) The supervisory review will consist of all documents relied upon in denying, reducing, or terminating the service request shall be reviewed, to ensure that the necessary documentation is present and to ensure that the decision to deny the service is supported by the documentation and pertinent policies regarding the requested Independent Living benefit.

(c) The purpose of the supervisory review is to ensure that the correct decision has been made with respect to the request for services. If the supervisor determines that an incorrect decision has been made, the service should not be denied, but rather approved. If the supervisor determines that the denial was appropriate, the supervisor will document that the supervisory review has occurred.

(d) Only after the supervisory review is successfully completed, and a determination is made by the supervisor that the denial is appropriate, shall the due process notification letter regarding denial, reduction, or termination of Independent Living benefits be issued. See Sample Letters, attached.

(8) Who signs the letter/Notice of adverse action? After the supervisory review discussed above is successfully completed, the young adult's Independent Living case manager shall sign the letter notifying the young adult of the intended adverse action and providing due process information.

(9) Notification of Adverse Action. As discussed above, the CBC must provide written notice to the young adult regarding any of the actions listed above. In the Notice, young adults will be advised of their right to request a fair hearing in accordance with 45 CFR § 1355.30 and 45 CFR 205.10. In practice, the letter sent by the Independent Living case manager will notify the young adult of the adverse action and the date the young adult can expect that action to be implemented.

(a) The CBC shall inform a young adult of the adverse action regarding eligibility within the following time frames:

1. One (1) calendar day of receiving a request for aftercare assistance to prevent homelessness;

2. Five (5) business days of receiving a request for transitional benefits or aftercare benefits other than assistance to prevent homelessness; OR

3. Ten (10) business days of receiving a request and required documentation for the Road to Independence program.

(b) Notification shall be in writing, using the appropriate attached Notice (See attached Sample Letters "A" through "E").

(c) Notices regarding reduction or termination of benefits shall be sent at least 10 days in advance of the adverse action. The notices must provide the day prior to the effective date of

the reduction or termination as the deadline for a request for a fair hearing to continue benefits until the hearing process is complete. If the day prior to the effective date is on a weekend or holiday, the deadline must be on the effective date itself.

(10) Form of Notification. One of the attached sample letters shall be used to notify young adults of the adverse action. All relevant reasons for the adverse action must be indicated on the appropriate notice.

(a) The completed notification shall include notice of action, reason(s) for action, and relevant citations. The form must be completed in its entirety and all relevant blanks must be filled in. If there are multiple reasons for denial, reduction, or termination, all should be listed.

(b) A Request for Fair Hearing form (Attachment F) and the Independent Living "Your Rights to Due Process" Brochure shall be attached to the Notice.

(c) The Notice that pertains to fair hearing rights will include the name, address and phone number of the CBC responsible for providing Independent Living Services to the young adult.

(d) The Notice shall be sent by Certified Mail or provided to the young adult by hand delivery. Documentation of hand delivery shall be made in the young adult's file contemporaneously with the hand delivery. The certified mail receipt shall also be placed in the young adult's file.

(e) Timeframes for response shall be clearly defined.

1. The request for a fair hearing must be received by the CBC no later than thirty (30) calendar days from the date the notice was mailed or hand delivered to the individual. The request may be made orally or in writing, although a written request is always advisable. An oral request shall be documented on the "Oral Request for Fair Hearing", CF-FSP 5303, September 2005, incorporated by reference. Written requests shall be prepared on "Request for Fair Hearing on Denial, Termination, or Reduction of Independent Living Benefits", CF-FSP5304, September 2005, incorporated by reference.

2. If a request for hearing is received by the CBC on or before the day prior to the effective date of the reduction or termination of benefits, those benefits must continue at their current level until the fair hearing process is completed. If the day prior to the effective date of the reduction or termination is on a weekend or holiday, the deadline to request a fair hearing and continue benefits must be the effective date of the reduction or termination. The deadline must be clearly stated in the Notice.

3. The right to request a fair hearing must be exercised within thirty (30) days of the date the Notice of adverse action was mailed or hand delivered. However, the issue of whether a request was timely made is one that must be determined by the Fair Hearing Officer. A request for a hearing can be rejected or dismissed only by the hearing officer. Therefore, if a request for a hearing is not within the given timeframes, the request

should not be refused. It shall be taken and forwarded to the Florida Department of Children and Families Office of Appeal Hearings with a notation on the Fair Hearing Request Fax Sheet (Attachment G) that the request was late. The Office of Appeal Hearings will handle late-filed requests from the central office.

(f) The request for a fair hearing may be oral or written, although written requests are encouraged. The Oral Request for Fair Hearing Documentation Form shall be used to document oral requests for a fair hearing. That form or the written request and a copy of the Due Process notice letter shall be faxed by the CBC within one (1) business day of receipt to the [District Legal Counsel/Attorney General's Office], and the Office of Appeal Hearings of the Department of Children and Families, whose address and fax number are noted on the form. See Attachment G.

(11) Timeframes.

(a) Response to a Notice of Action of Termination or Reduction of Existing Benefits. When a young adult receives notice of recommended action from the CBC, the following time limitations to request a hearing shall apply:

1. The written or oral request for a fair hearing must be made no later than thirty (30) days from the date a notice is mailed or hand delivered to the young adult.

2. When a request for a fair hearing is made at least one calendar day prior to the date of the reduction or termination of benefits, (See attached Sample Letters "B" and "C", attached), the request will suspend or stay the termination or reduction action until the conclusion of the hearing process. If the day prior to the date of the reduction or termination is a weekend day or holiday, a request for a fair hearing received on the date of the reduction or termination will also suspend or stay the reduction or termination action until the conclusion of the hearing process.

(b) Response to a Notice of Action of Denial of an Application for Benefits. When a young adult receives notice of denial of benefits (for benefits which have not yet been received, rather than the reduction or termination of benefits currently being received) from the CBC, the following time limitations to request a hearing shall apply:

1. The written or oral request for a fair hearing must be made no later than thirty (30) days from the date a notice is mailed to the young adult.

2. The young adult may not receive the denied services until the hearing officer rules in favor of the individual (but may receive other services for which he or she has not been denied).

(c) The young adult may notify the CBC of his/her request for a hearing either verbally or in writing.

(12) Transmittal of Hearing Request to Department.

(a) If the request is made verbally, the CBC or Department staff receiving the request will complete the Request for Fair Hearing Documentation Form and fax the completed form and

a copy of the due process letter within one (1) business day to the [District Legal Counsel/Attorney General's Office] and the Office of Appeal Hearings of the Department of Children and Families.

(b) If the request is made in writing, the CBC or Department staff receiving the request will complete the Request for Fair Hearing Documentation Form and fax the completed form, the written request, and a copy of the due process letter within one (1) business day to the [District Legal Counsel/Office of the Attorney General] and the Office of Appeal Hearings of the Department of Children and Families.

(c) The CBC or Department staff receiving the request will forward a copy of all documentation supporting the decision regarding the Independent Living benefit at issue to the [District Legal Counsel/Office of the Attorney General] within three (3) business days.

(13) Additional Local Preparation for Fair Hearings.

(a) The CBC receiving the request shall immediately prepare copies of the young adult's complete Independent Living file to provide to both the young adult and the legal representative for the CBC/Department. The CBC shall provide the complete file to both the young adult and the legal representative for the CBC/Department, whether or not a request has been made.

(b) The Office of the Attorney General (OAG) will appear as counsel to defend the adverse action only if the OAG has received copies of the written request, the due process letter, and all the documentation supporting the decision at least 14 days before a scheduled hearing. Otherwise, the DLC is responsible for the hearing.

(c) The CBC responsible for the young adult's Independent Living benefits case (the "home" CBC) is responsible for coordinating and participating in the Fair Hearing, even if the hearing takes place in a different district. The Fair Hearing will take place wherever the young adult lives. Therefore, if the young adult is attending school in another district, the Fair Hearing will take place in the district where the school is located since that is where the young adult is living.

(d) The Zones have a responsibility to provide technical assistance regarding Independent Living requirements to counsel for the CBC and Department in preparation for the Fair Hearing. Therefore, the legal representative for the CBC/Department may request a review of the young adult's Independent Living file by the Zone when needed as part of trial preparation.

(14) Update to ICWSIS OR CBC Payment System:

(a) Update after initial notice of termination or reduction.

1. No update will be made to the ICWSIS system to reduce or terminate funding for any service until the 11th day after the notice was sent to the individual, or the effective date of the

reduction, whichever occurs later, and only if the individual has not requested a hearing and continuation or reinstatement of services.

2. If the young adult files for a hearing in accordance with the timeframes in Section 10. a), ii), no adjustment will be made to ICWSIS until after the appeal hearing decision is rendered.

(b) Update after Hearing Officer's decision.

1. If ICWSIS was not initially adjusted and the decision is in favor of the Department, ICWSIS will be adjusted five days after the Department receives a copy of the order to reflect the decision of the officer.

2. If the decision is in favor of the individual and ICWSIS had not been adjusted because the individual requested a hearing in accordance with Section 11, then no change shall be made to ICWSIS and services will continue.

(15) Local [Informal] Review. Upon receipt of a Request for Hearing, an informal Local Review is mandated prior to the Fair Hearing itself.

(a) In view of the fact that a hearing may be scheduled fairly quickly, the Local Review shall occur no later than 10 days after receipt of the request for hearing. This Review shall mirror the supervisory review done prior to the issuance of the due process letter (Section 6 above).

(b) The Local Review shall be done by the CBC administrator in charge of the CBC's Independent Living program of the CBC in consultation with the CBC case manager's supervisor.

(c) The Local Review shall include an informal meeting with the young adult and/or the young adult's legal representative, if the young adult wants such a meeting.

(d) The young adult or the young adult's legal representative shall be provided, without charge, with a copy of all of the CBC's records and documents relating to the denied, reduced, or terminated benefit within three (3) business days of the CBC's receipt of the Request for a Hearing.

(e) The Local Review or interview may resolve the issue to the satisfaction of the young adult, so that the request for hearing is withdrawn. Should an error be discovered during the Local Review, immediate action shall be taken to rectify it, and the young adult or the young adult's legal representative shall be advised.

(f) The CBC's informal review determination, including specific findings, shall be provided in writing to the young adult or the young adult's legal representative, the [District Legal Counsel/Office of the Attorney General], and the Department's Office of Appeal Hearings.

(16) Hearing Officer Decisions for all due process actions regarding denials, reductions and terminations of service.

(a) Hearing Officer Rules in favor of the CBC/Department.

1. If the hearing officer affirms the decision of the CBC/Department to terminate or reduce services, the CBC shall terminate or reduce services if they were continued or reinstated during the appeals process. The CBC will implement the order five (5) days after the date the order is received by the CBC. The CBC will immediately notify the young adult or the young adult's legal representative, and the CBC provider in writing informing them of the hearing officer's order and the effective date of the termination or reduction.

2. If the hearing officer affirms the decision of the CBC to terminate or reduce services, and the services have not been continued during the appeal process, the CBC does not need to take any further action regarding the services at issue. The Final Order will be sent directly to the young adult and the young adult's legal representative as well as to the CBC.

(b) Hearing Officer Rules in favor of the Individual.

1. If services were discontinued pending the hearing officer's review and the hearing officer's finding is in favor of the individual, then service(s) will be reinstated according to the hearing officer's decision. This decision will make clear the required corrective action, including retroactive payment. The CBC will reinstate services according to the hearing officers decision within five (5) business days of the date the CBC receives the order.

2. If services were continued or reinstated pending the hearing officer's review and the hearing officer's finding is in favor of the individual, then the service(s) will continue in accordance with the hearing officer's decision.

3. If services were denied, the CBC will provide those services, pursuant to the hearing officer's decision, within five (5) business days of receiving the order.

(17) Termination upon failure to renew Road to Independence Scholarship. When a case manager is unable to update an individual's Road to Independence Scholarship during the 3 months prior to the individual's birthday due to an inability to locate the individual or get the individual to cooperate, the following action shall be taken:

(a) The case manager shall document in the case file "due diligence" in trying to locate or secure the cooperation of the individual to update the individual's continued eligibility for the Road to Independence Scholarship. This will include checking with the post office for a forwarding address and sending the Request for Road to Independence Documentation form to the last known address, requesting forwarding by the post office, and allowing the individual 30 days from date of receipt (or 35 days from date the letter is mailed) to contact the case manager and renew the Road to Independence Scholarship.

(b) If after 35 days, there has been no contact by the young adult, or if it has been verified that the young adult has been terminated from the rolls of the post-secondary school, Sample Letter C will be sent by U.S. mail, certified, return receipt, to the last known address to notify the young adult that he or she

is terminated from the program. The effective date of termination will be calculated at 35 days from the date the oral request form was mailed.

Specific Authority 409.1451(9) FS. Law Implemented 409.1451 FS. History—New _____.

65C-31.009 Implementation Guidelines, (2005 Statutory Revisions Affecting Young Adult Services).

(1) Frequently Asked Questions.

(a) What is the eligibility criteria for young adults who wish to reside with the licensed foster family or group care provider with whom they were residing at the time they attained their 18th birthday or another foster family or group care provider as arranged by the department? Section 39.701(6)(a)5., F.S., provides that students eligible for the Road-to-Independence (RTI) Scholarship Program are eligible to remain in his or her current foster or group home or another licensed placement arranged by the department. The student does NOT have to petition the court for continued jurisdiction to be eligible for this service.

(b) Who pays the board rate for these placements? Since only RTI scholarship recipients are eligible, the board rate will be paid through the student's scholarship award. Although the student can be paid the full amount of scholarship and pay the foster parent themselves, it is recommended that you advise the student to have the board part of the RTI Scholarship paid directly to the foster parent and the remaining amount to the student. This may avoid placement problems and disputes over finances.

(c) What if a group care provider's license prohibits the student from providing placement to youth over the age of 18? Planning for a youth must occur early. Section 39.701(6)(a)8., F.S., provides that during the Judicial Review Hearing within 90 days after the youth's 17th birthday, the youth must have a clear understanding of where he or she will be living on his or her 18th birthday. Staff should know ahead of time whether or not the youth will be able to stay at the group home (or foster home for that matter) after he or she reaches age 18. If he or she cannot remain in his or her placement, planning must occur and alternate placement arrangements made with consideration for proximity to school, work and extra-curricular activities.

(d) What are the eligibility criteria for youth who wish to petition the court for continued jurisdiction? Since jurisdiction must be established as a child, the eligibility criteria would include any child adjudicated dependent and in the legal custody of the department on his or her 18th birthday.

(e) Can the youth petition the court for "reinstatement" of jurisdiction after they reach age 18? Yes, the law allows for the young adult to petition the court any time before his or her 19th birthday. However, jurisdiction is only valid for 1 year after the 18th birthday, unless jurisdiction is continued for the sole purpose of allowing continued consideration of a petition and

application for special immigrant juvenile status, in such cases jurisdiction will be terminated upon the final decision of the federal authorities or upon the young adult's 22nd birthday.

(f) What is the purpose of continued jurisdiction? There are two purposes for continued jurisdiction:

1. Continued jurisdiction for the purpose of determining whether appropriate aftercare support, RTI scholarship, transitional support, mental health, and developmental disabilities services, to the extent authorized by law, have been provided.

2. Continued jurisdiction for the sole purpose of allowing continued consideration of a petition and application for special immigrant juvenile status if the petition and application have not been granted by the time the youth reaches 18 years of age. If the court does not maintain jurisdiction, the federal authorities will no longer consider the petition and application. In these cases, the youth is not required to file a petition for continued jurisdiction but the caseworker or department attorney must ensure that the courts are aware of the youth's status and does not terminate jurisdiction on the 18th birthday. Retention of jurisdiction in these cases does not affect the services available to a young adult. Unless jurisdiction is also continued for the reasons mentioned in #1 above, jurisdiction will be terminated upon the final decision of the federal authorities or upon the young adult's 22nd birthday.

(g) Does this mean the young adult is in extended foster care? No, this means that the courts will monitor the case to ensure that appropriate adult services are being provided to help the young adult with his or her transition.

(h) Are judicial reviews required for the cases with continued jurisdiction? The law does not specifically require judicial reviews for these cases. However, it is highly likely that an individual judge will require review hearings at certain intervals or at least some sort of status report in order to monitor the progress.

(i) Who provides case management for these young adults? Central Office will not designate an agency or provider within each district to provide case management. Each zone/district/CBC should have input regarding these decisions based on available resources and best interest of the young adult.

(j) What should we say in court if ordered to place the youth in another home or facility and we are unable to find a provider willing to care for an 18-year-old? If a licensed home cannot be found the agency should ensure that the young adult has a safe place to live that is in reasonable proximity to school, work and support resources. The young adult should participate with the assigned caseworker in locating an appropriate living arrangement. If the youth is satisfied with the placement he or she may withdraw his or her request for a licensed placement.

(k) What are the current and proposed licensing regulations regarding youth turning 18 and wishing to remain in his or her licensed family foster home? Do the CBC agencies have any authority to make these regulations more or less restrictive?

1. This is currently not addressed in rule, however the Child Welfare Program Office has provided technical assistance to licensing staff and has encouraged staff to allow the youth to stay. If he or she were sharing a room with a child under 18 the placement was not disrupted, however if the younger child moved out another child would not be placed in the room with the young adult.

2. Proposed rule: Children over the age of twelve months shall not share a bedroom with an adult. The only exception to this would be if one of the children sharing a bedroom reaches his or her eighteenth birthday and the out-of-home caregiver and the supervising agency approve this sleeping arrangement. This exception applies only to the circumstances described above and not to any new placements in the home.

(l) What are the current and proposed licensing regulations for young adults who are currently over the age of 18 and wish to be placed in a licensed foster home? Do the CBC agencies have any authority to make these regulations more or less restrictive? The Child Welfare Program Office has left this up to the foster parents and CBCs and has encouraged foster parents to rent a room to IL kids if they are interested. This is currently not addressed in rule, however the Child Welfare Program Office has provided technical assistance to licensing staff and has encouraged staff to allow the youth to stay. The youth would not have to be screened as long as they are clients of CWCBC. The only real restrictive part is the sharing of a room with a younger child if they are just moving in. If they are sharing a room when they turn 18, we allow it to keep from disrupting any placements.

(m) What are the current and proposed licensing regulations regarding youth turning 18 and wishing to remain in his or her licensed group home? Do the CBC agencies or group homes have any authority to make these regulations more or less restrictive? The Child Welfare Program Office has not addressed the group care issue in the rules but has provided technical assistance to the licensing specialist when group care facilities want to maintain the youth until they graduated, etc. The same room situation would apply, if they are currently sharing a room with a younger person, this placement would not be disrupted, however, a youth under eighteen would not be placed in person in the room after this placement ends. This would be the major restriction. Depending on the group care facility, they may have room to separate the younger teenagers from youth over the age of 18 by a separate hallway. This isn't necessarily required but could be an option.

(n) What are the current and proposed licensing regulations for young adults who are currently over the age of 18 and wish to be placed in a licensed group home? Do the

CBC agencies have any authority to make these regulations more or less restrictive? A youth over the age of 18 coming into a group care facility would have to have his or her own room or share a room with another youth over the age of 18. This is being addressed in the DRAFT Chapter 65C-14, F.A.C. The differences in the questions are that one is for youth who are in a foster or group home and want to stay there and the second is for young adults who either want to be moved from one licensed placement to another or have expressed the desire to be placed back into a licensed placement. Again, as far as licensing, the only real issue would be the sleeping arrangements.

(o) What should we do if the juvenile court orders a young adult into a specific placement and/or orders the department or CBC to pay for the placement after the age of 18?

1. Laws of Florida, Chapter 2005-179 (Formerly Senate Bill 1314) provides a young adult the opportunity to petition the court for continued jurisdiction for a period ending on his or her 19th birthday. Jurisdiction is continued in order to determine whether appropriate aftercare support, Road-to-Independence Scholarship, transitional support, mental health, and developmental disabilities services, have been provided, to the extent authorized by law. This does not mean that juvenile courts have the authorization to order young adults into specific placements and require the department or CBC pay for these placements. In addition, this does not mean that the courts have authorization to order young adults into mental health treatment and require the department or CBC to pay for the treatment. It does mean that the department or CBC must coordinate services with the adult system long before the youth reaches age 18.

2. The DCF General Counsel's Office informed the CWLS attorneys on the monthly CWLS conference call, in August of 2005, that if the court orders questionable services (those beyond authority of the law) as mentioned above then the CWLS attorney should, in consultation with the department or CBC, consider an appeal of the order. In addition, any caseworker, supervisor, administrator or other staff who become aware of an order that appears questionable should contact the CWLS or contracted attorney for the district or agency immediately to inform them of the details.

3. It may be advisable for managing attorneys to meet with dependency judges and CBC leads to discuss implementation of the legislation and apprise the courts of available resources and funding considerations in accommodating as many young adults as possible.

(2) Continued Court Jurisdiction for Young Adults Formerly In The Legal Custody Of The Department – Section 39.013, F.S.

(a) Purpose. These guidelines cover the policies and procedures relative to continued court jurisdiction for young adults formerly in the legal custody of the department.

(b) Scope. These guidelines apply to all staff providing services to children in custody of the department and young adults formerly in foster care who wish to petition the court for continued jurisdiction, as well as, young adults whose jurisdiction has been retained for the purpose of allowing continued consideration of a special immigrant juvenile petition and application. The young adult may use the “Petition to Extend Jurisdiction or to Reinstate Jurisdiction and to Schedule Hearing” CF-FSP 5301, September 2005, incorporated by reference.

(c) Authority. (Section 39.013, Florida Statutes (F.S.), Procedures and jurisdiction; right to counsel).

(d) Definition. “Special Immigrant Juvenile Status” – This is an immigration benefit that allows undocumented children who have been abused, abandoned or neglected to petition for permanent resident status as long as he or she meets the following criteria:

1. The child is eligible for long term foster care;
2. It is in the best interest of the child to remain in the United States; and
3. The child remains under the jurisdiction of the juvenile court.

(e) Reasons for Continuing Court Jurisdiction for Young Adults:

1. A youth may petition the court, for continued jurisdiction, anytime before his or her 19th birthday. This jurisdiction may continue for a period not to exceed one year beyond the youth’s 18th birthday. The youth does not maintain “foster care” status as those who are under the age of 18, but instead the courts maintain jurisdiction for the purpose of determining whether the young adult is receiving appropriate “adult” services, which may include:

- a. Aftercare Support;
- b. Road-to-Independence Scholarship;
- c. Transitional Support;
- d. Mental Health; and
- e. Developmental Disabilities Services.

2. These services shall be provided using established policies and procedures.

3. The court may retain jurisdiction over a dependency case solely for the purpose of allowing continued consideration of a petition for special immigrant juvenile status and an application for adjustment that was not granted by the time the youth reached 18 years of age. Court jurisdiction in these cases:

a. Terminates upon the final decision of the federal authorities or upon the young adult’s 22nd birthday.

b. Does not affect the status of the services available to a young adult under Section 409.1451, F.S.

c. Does not require a petition from the youth. Courts themselves may retain jurisdiction.

(f) Judicial review responsibilities.

1. Continued jurisdiction to monitor adult services. Although the statute does not specifically mention a requirement for judicial review hearings for young adults it should be anticipated that many courts will expect a review of the case at some interval or at least a report from the agency providing services.

2. Continued jurisdiction to monitor special immigrant juvenile status. Review hearings for the young adults will be for the sole purpose of determining the status of the petition and application. Some courts may require a face-to-face hearing and others may only require some sort of status report.

(g) Case Management responsibilities.

1. Case management to ensure delivery of appropriate young adult services. Case management for young adults is not required. However, because the agency will be required to report to the court in many cases, the assignment of a caseworker is recommended. Responsibilities of the case manager will be to:

a. Monitor the provision of aftercare support, RTI scholarship and transitional support services to ensure that services are being provided as authorized by law.

b. Collaborate with staff from adult mental health and developmental disability services to ensure appropriate services are being provided as authorized by law.

c. Provide judicial review and/or other status reports to the courts as directed.

2. Case management for special immigrant juvenile cases. Once the petition and application has been filed on behalf of the foster child very little case management responsibilities exist once they are adults. Disposition of the case rests with the federal authorities and the only case management responsibilities will be to check the status of the case periodically and report to the court when directed to do so.

(3) Provision of Foster and Group Home Placement for Young Adults Who Are Eligible for The Road-to-Independence Scholarship – Section 409.1451, F.S., and 39.701, F.S.

(a) Purpose. These guidelines cover the policies and procedures relative to the licensed care placements for young adults formerly in foster care.

(b) Scope. These guidelines apply to all staff providing services to children in custody of the department and young adults formerly in foster care and the responsibility to inform the youth of the option for placement in licensed care after reaching age 18 and to arrange for these placements.

(c) Authority. (Section 409.1451, F.S., Independent living transition services. Section 39.701, F.S., Judicial review.)

(d) Case Management responsibilities for licensed placement after age 18.

1. Children Under the Age of 18. Prior to the youth reaching the age of 18, the department or CBC must ensure that the youth is aware of licensed care placement options after the age of 18. In order to ensure that the youth is aware of this option the department or CBC must:

a. Provide the youth with all necessary information relating to the RTI scholarship, including eligibility requirements, application forms and assistance in completing the forms.

b. Inform the youth that, if he or she is eligible for the RTI scholarship, he or she may reside in a licensed foster care placement, arranged by the department or CBC, after the age of 18.

c. Consult with the youth and his or her foster parents or group home provider as early as possible during the youth's 17th year to discuss the possibility of continued placement after the youth's 18th birthday.

d. If the youth's current placement will not be available once he or she reaches age 18 and the youth wishes to be placed in another licensed home that will provide residence after age 18, the department or CBC will research other placement options as early as possible in order to provide a smooth transition.

2. Young Adults Age 18 and Over. A young adult formerly in the legal custody of the department is eligible to remain in his or her foster or group home, or another licensed placement arranged by the department or CBC as long as he or she remains eligible for the RTI scholarship.

(e) Payment of Board Rate. The board rate payment for foster or group home placement will come from the young adult's RTI scholarship award. Although board rate amounts for family foster homes may be negotiated, it is encouraged that the board rate established for teens in foster care be used as a standard rate for young adults. Group home rates are in many cases higher than the RTI award. In these cases a lower rate should be negotiated or other arrangements made, such as young adult contribution from earned income or state or community funds available to the CBC agency to make up the difference.

1. The young may choose on of two ways to receive his or her RTI scholarship award and ensure board rate payment:

a. Receive 100% of his or her scholarship award and enter into a contract with the foster parent or group to make monthly board payments; OR

b. Elect to have two checks generated for his or her scholarship award. One check would be generated by the department or CBC and paid directly to the foster or group for board rate payment and a second check would be generated for any remaining award funds to be sent directly to the young adult.

2. It is recommended to advise the young adult to select the second (2) method as this would ensure that each party receives the funds due each month. It would also avoid

damaging the relationship between the young adult and foster parent because of finances and money issues in case of delinquent or late payments. In many cases this will be students in high school who are trying to complete his or her studies and do not want to worry about making board rate payments each month.

(f) Conduct and House Rules. Although it is not required by statute, it is recommended that the department CBC work with the young adult and foster or group home placement in order to establish reasonable expectations and rules. Although these students are considered adults they must realize and be informed of rules that they must follow in order to be able to continue in the placement. A written document outlining basic house and unacceptable actions is encouraged.

(4) Medical Assistance for Young Adults Formerly in Foster Care – Section 409.1451, F.S.

(a) Purpose. Currently, only students who are eligible for the RTI scholarship can automatically receive Medicaid once they exit the foster care system at age 18. These guidelines cover the enrollment of young adults, who have reached age 18 but are not yet 19 years of age, into the Florida KidCare Program and the responsibility for the department or CBC to develop knowledge of community medical care resources for young adults who are not eligible for other forms of medical coverage.

(b) Scope. These guidelines apply to all staff providing services to children in custody of the department and young adults formerly in foster care and the responsibility to enroll into the Florida KidCare Program young adults, age 18 but not yet 19 years of age, as well as, develop knowledge of community medical care resources for young adults who are not eligible for other forms of medical coverage.

(c) Authority. (Section 409.1451, F.S., Independent living transition services.)

(d) Eligibility. The department or CBC is obligated to enroll in the Florida KidCare Program, outside the enrollment period:

1. Each young adult who has reached age 18 years of age but is not yet 19 years of age and who was in licensed foster care when he or she turned 18 years of age, except;

2. A young adult who has health insurance coverage from a third party through his or her employer or who is eligible for Medicaid is NOT eligible for enrollment.

(e) Payment of Premiums. Each young adult who the department or CBC has enrolled into the Florida KidCare Program is required to pay the coverage premiums.

(f) Procedures.

1. Applications. The department or CBC shall consult the Florida KidCare website at www.floridakidcare.org for information regarding the application process and required documents. The department or CBC shall make application to Florida's KidCare Program for all young adults under age 19 who have exited the foster care system and:

a. Have been denied in his or her initial application for the RTI scholarship award; OR

b. Are not eligible to apply for the initial RTI scholarship award; OR

c. Choose not to apply for the initial RTI scholarship award; OR

d. Have had his or her RTI scholarship award terminated, and

e. Have no access to other medical insurance coverage.

2. Notification. The department or CBC shall provide written notification to the young adult of the availability of Florida KidCare insurance coverage and how to obtain more information about the program.

(g) Other Medical Insurance/Care Options for Young Adults Formerly in Foster Care. The department or CBC shall explore the community in order to develop a resource list of possible medical insurance/care options for young adults formerly in foster care who do not or no longer qualify for Medicaid or Florida KidCare coverage. This list shall contain eligibility criteria, procedure for application and costs, when available.

1. If a young adult no longer qualifies for Medicaid or Florida KidCare insurance, the caseworker shall provide the young adult with the resource list and discuss the available medical insurance/care resources within the community.

2. Examples of possible medical insurance/care include but are not limited to:

a. County Health Department – many services are available at no charge or a small fee based on income.

b. Student Health Care Services – this service is available at many, but may not be available at every educational institution and services may vary.

c. Private insurance through employment – often employers offer low cost group insurance to even part-time employees.

d. Emergency Services – 911 and emergency room services. The young adult must be informed that these services are not free and in most cases the young adult will be billed, if he or she has no insurance coverage.

e. Walk-in hospitals and clinics – these services are not free but resources should be explored and provided to the young adult.

Specific Authority 409.1451(9) FS. Law Implemented 409.1451 FS. History–
New _____.

SAMPLE LETTER A:

[Use this form letter when you are denying any type of Independent Living benefits due to the individual's ineligibility and/or when no funding currently exists.]

On Letterhead

NOTICE OF DENIAL OF (type of benefit)
AND NOTICE OF RIGHT TO APPEAL

Insert date of Mailing

Name of Applicant (The name of the young adult seeking Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Applicant):

You recently submitted an application to receive [type of benefit]. Pursuant to Section 409.1451(5), Florida Statutes, and based upon a review of your application and supporting documentation, [CBC name] is denying your application for [type of benefit] because:

OR

Pursuant to Section 409.1451(5), Florida Statutes, your request for [type of benefit] funds cannot be satisfied at this time. Presently, the [Agency name or Department] does not have adequate funds available to meet Independent Living benefit requests. In the event that funding become available, your application will reviewed and you will be contacted again about your specific request.

If you feel that the [CBC Name]'s decision is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at:

[CBC street address _____], or you can call or come in and speak with [name & telephone number].

The request for a Fair Hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a Fair Hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]'s decision.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at _____, or call my supervisor, whose name is _____ and number is _____.

Sincerely,

Name and Title

Attachments: "Your Rights to Due Process" Brochure
REQUEST FOR FAIR HEARING form

SAMPLE LETTER B:

[Use this form letter when you are reducing Road to Independence Scholarship or transitional benefits. Aftercare benefits cannot be received on a periodic basis. Therefore, a reduction of an aftercare benefit would not be possible.]

On Letterhead

NOTICE OF INTENT TO REDUCE [ROAD TO INDEPENDENCE/TRANSITIONAL] BENEFITS
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Client (This is the name of the young adult receiving Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Client):

This letter is to let you know that the [CBC Name] has determined that your [Road to Independence Scholarship/Transitional funds] will be reduced to: _____ as of _____.

Pursuant to Section 409.1451(5), Florida Statutes, the [CBC Name] is reducing your benefits because:

If you feel that the [CBC Name]’s decision is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at: [CBC’s street address _____], or you can call or come in and speak with [name & telephone number].

The request for a Fair Hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a Fair hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]’s decision. Any question about whether a request for a Fair Hearing was timely shall be determined by the Fair Hearing Officer.

If you request a Fair Hearing by [ONE CALENDAR DAY BEFORE REDUCTION DATE PROVIDED ABOVE], you will continue to receive benefits at the prior level throughout the Fair Hearing process. If the decision of the Hearing Officer is not in your favor, you may be required to repay the continued benefits for which you were not eligible.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at _____, or call my supervisor, whose name is _____ and number is _____.

Sincerely,

Name and Title

Attachments: “Your Rights to Due Process” Brochure

REQUEST FOR A FAIR HEARING form

SAMPLE LETTER C:

[Use this form letter when you are terminating Road to Independence Scholarship or transitional benefits. Aftercare benefits cannot be received on a periodic basis. Therefore, termination of an aftercare benefit would not be possible.]

On Letterhead

NOTICE OF INTENT TO TERMINATE [ROAD TO INDEPENDENCE BENEFITS/TRANSITIONAL FUNDS]
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Client (This is the name of the young adult receiving Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Client):

This letter is to let you know that the [CBC Name] is terminating your [Road to Independence Scholarship/transitional funds]. Pursuant to Section 409.1451(5), Florida Statutes, the [CBC Name] has made this decision because:

You will receive your final [Road to Independence Scholarship/transitional fund] check during the month of _____ for the amount of _____.

If you feel that the [CBC Name]'s decision is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at: [CBC's street address _____], or you can call or come in and speak with [name & telephone number].

The request for a fair hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a fair hearing shall constitute a complete waiver of any right you may have to challenge the (CBC Name)'s decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

If you request a Fair Hearing by [ONE CALENDAR DAY BEFORE TERMINATION DATE PROVIDED ABOVE], you will continue to receive benefits at the prior level throughout the Fair Hearing process. If the decision of the hearing officer is not in your favor, you may be required to repay the continued benefits for which you were not eligible.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

In addition, you may qualify for [Aftercare Support Services and/or Transitional Support Services]. A description of [these programs] and the applications are also attached.

[If you have not applied for reinstatement of your Road to Independence Scholarship previously, you may apply for reinstatement one time prior to your 23rd birthday.]

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at _____, or call my supervisor, whose name is _____ and number is _____.

Sincerely,

Name and Title

Attachments: "Your Rights to Due Process" Brochure
REQUEST FOR A FAIR HEARING form

SAMPLE LETTER D:

[Use this form letter when approving/providing any amount of requested aftercare or transitional financial support services other than the amount requested.]

On Letterhead

NOTICE OF PARTIAL DENIAL OF [AFTERCARE/TRANSITIONAL] SUPPORT SERVICES FUNDS
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Applicant (This is the name of the individual seeking Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Applicant):

This letter is to let you know that your request for [Aftercare/Transitional] Support Services funds has been only partially approved. You are eligible to receive funds based on State and Federal guidelines and using information that you have supplied.

You will be provided a check in the amount of _____.

[On your request for Aftercare Support Services funds you indicated that you needed these funds for _____ so that you will not become homeless. This check is being provided to you for this purpose only.]

[In order to avoid emergency situations in the future you may want to take advantage of other services available through Aftercare Support, such as: Mentoring and tutoring; Mental health services and substance abuse counseling; Life skills classes, including credit management and preventive health activities; Parenting classes; Job skills training; and Contact from a caseworker on a regular basis.]

In addition, you may qualify for other [Aftercare/Transitional] Support Services and/or the Road to Independence Scholarship. A description of these programs and the applications for them are also attached.

You originally requested \$ _____. If you feel that the [CBC Name]'s decision to provide you with \$ _____ instead is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at:

[CBC's street address _____], or you can call or come in and speak with [name & telephone number].

The request for a fair hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a fair hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]'s decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at _____, or call my supervisor, whose name is _____ and number is _____.

Sincerely,

Name and Title

Attachments: "Your Rights to Due Process" Brochure
REQUEST FOR A FAIR HEARING form

SAMPLE LETTER E:

[Use this letter for approval of Road to Independence Scholarships. The Notice of Right to Appeal is provided in the event that the young adult does not agree with the approved amount, in which case the young adult would have the right to appeal.]

On Letterhead

NOTICE OF APPROVAL
OF ROAD TO INDEPENDENCE SCHOLARSHIP
AND NOTICE OF RIGHT TO APPEAL

Insert Date of Mailing

Name of Applicant (This is the name of the individual seeking Independent Living Benefits)

Address

City, State, Zip

Dear (enter name of Applicant):

Congratulations! This letter is to let you know that your application for the Road to Independence Scholarship has been approved. You are eligible to receive a scholarship award based on your living and educational needs. This award has been determined using State and Federal guidelines and using information that you have supplied. Your initial award is _____ and you will receive your first award check during the month of _____, 20_____.

At the end of each semester you will be expected to provide updated information in order to determine whether your award must be adjusted. In addition, if you receive additional scholarships, grants or income during the current semester that was not reported previously, you must provide this information immediately.

If you drop out of school or drop below full-time attendance, you must report this information immediately in order to avoid wrongfully receiving funds.

Your continued eligibility for the Road to Independence Scholarship will be reviewed each year during the 90-day period before your birthday.

Pursuant to Section 409.1451(5)(b)1, Florida Statutes, the maximum amount you can receive is \$892. If you feel that the [CBC Name]'s decision regarding \$ _____ is incorrect, you have the right to an appeal, which is called a Fair Hearing. You can ask for a Fair Hearing by using the attached form letter, writing your own letter, calling, or coming into the office. You can include any information or documents that you think would help you. You can either mail your letter or bring it to the [CBC Name] office at: [CBC's street address _____], or you can call or come in and speak with [name & telephone number].

The request for a fair hearing must be made no later than 30 days from the date this notice was mailed to you. Failure to timely request a fair hearing shall constitute a complete waiver of any right you may have to challenge the [CBC Name]'s decision. Any question about whether the request for a Fair Hearing was made timely shall be determined by the Fair Hearing Officer.

You may be represented during the Fair Hearing by an authorized representative, such as a lawyer, relative, friend, or other spokesman, or you may represent yourself.

In addition, you may qualify for Aftercare Support Services and/or Transitional Support Services. A description of these programs and the applications are also attached.

As part of the Fair Hearing process, you and/or your representative are entitled to an informal meeting with the [CBC Name] Administrator in charge of the Independent Living Program.

If you would like to schedule an informal meeting, or if you have any questions, please call me at _____, or call my supervisor, whose name is _____ and number is _____.

Sincerely,

Name and Title

Attachments: "Your Rights to Due Process" Brochure
REQUEST FOR FAIR HEARING form

SAMPLE LETTER F:

[Thank you letter for People Making Voluntary Reductions in Services.

This letter is to be sent only to people who have voluntarily offered to reduce or terminate services.]

On Letterhead

Insert Date of Mailing

Name of Client (This is the name of the young adult)

Address

City, State, Zip

Dear (enter name of Client):

The purpose of this letter is to confirm your recent decision to voluntarily reduce or terminate your transitional funds or Road to Independence Scholarship.

It is my understanding that you have decided you no longer need [insert correct name of the service and amount of benefit received]. If we have misunderstood your decision, please contact me at [phone number] or come into the office at [street address] within ten (10) days of the date of this letter so that we can make sure your benefits are not [reduced/terminated] incorrectly.

Again, thank you for helping us update our records to more accurately reflect your needs.

Sincerely,

Name and Title

[Attachment G]



Independent Living Fair Hearing Request

<p><u>A hearing has been requested for:</u></p> <p>_____</p> <p><u>Name</u></p> <p>_____</p> <p><u>Address</u></p> <p>_____</p> <p><u>City, State Zip</u></p> <p>_____ / _____</p> <p><u>Telephone Number / Social Security Number</u></p>	<p><u>The Authorized Representative (if applicable) is:</u></p> <p>_____</p> <p><u>Name</u></p> <p>_____</p> <p><u>Address</u></p> <p>_____</p> <p><u>City, State Zip</u></p> <p>_____</p> <p><u>Telephone Number</u></p>
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The [CBC/Department] has taken the following action regarding the individual's eligibility for or receipt of Independent Living benefits from the Department through its contracted CBC:

The individual has stated that he/she is not satisfied with this action and is requesting a hearing for the following reasons:

<p><u>The Department's Representative is:</u></p> <p>_____</p> <p><u>Name</u></p> <p>_____</p> <p><u>Address</u></p> <p>_____</p> <p><u>City, State Zip</u></p> <p>_____ / _____</p> <p><u>Telephone Number</u> / <u>Date of Request</u></p>	<p><u>This hearing request must be mailed or faxed to Office of Appeal Hearings, Department of Children and Families, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700 within 24 hours.</u></p> <p><u>Fax # (850) 487-0662 or (SC _____).</u></p> <p><u>A copy of the letter to which this request pertains should accompany this request for hearing.</u></p> <p>_____ / _____</p> <p><u>Name / Telephone # of person taking request</u></p>
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[Attachment H]

DOCUMENTATION OF SUPERVISORY REVIEW FOR NOTICES OF DENIAL,
REDUCTION, OR TERMINATION OF BENEFITS

1. Client name: _____

2. Benefit requested or currently received: _____

Action to be noticed: _____

4. Reason(s) for action: _____

Supervisor's name and signature)

(Date)

NAME OF PERSON ORIGINATING PROPOSED RULE:

Joel Atkinson

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Pat Badland

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: October 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 28, 2005

5. The potential partner’s record of compliance with wildlife-related laws and rules (statewide, nationally and internationally);

6. The potential partner’s record of support for wildlife programs;

7. The potential for conflict of interest, or the appearance of conflict of interest; and

8. Whether the proposed partnership is consistent with the intent of Section 372.0222(6)(a), F.S.

(3) Requirements for partnerships. The following are requirements applicable to partnerships:

(a) The Commission shall retain the right to approve all elements of a partner’s statements or representations (written or graphic) referring to the Commission name, the Commission logo, the partnership, or the affiliation.

(b) References to the Commission, Commission logo, or the partnership or the affiliation shall not be permitted in advertising of alcoholic beverages, tobacco, adult (sexually-oriented) businesses, or gambling. Such references shall not be permitted in materials that discriminate on the basis of age, sex, race or national origin, or which are deceiving, fraudulent or untruthful.

(c) All materials containing advertising (and references to the Commission, logo, the partnership or the affiliation) shall contain a statement that the inclusion of Commission logo or references in such materials does not constitute an endorsement by the state or Commission of the products or services of the partner.

(5) The Wildlife Foundation of Florida, Inc. The Commission may utilize the Wildlife Foundation of Florida (a Commission-approved citizen support organization created pursuant to Section 372.0215, F.S.) to assist in administering this partnership program.

Specific Authority 372.0222(6)(a) FS., Art. IV, Sec. 9, Fla. Const. Law Implemented 372.0222(6)(a) FS., Art. IV, Sec. 9, Fla. Const. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sharon Lobello, Director, Community Relations Office,
Florida Fish and Wildlife Conservation Commission

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive
Director

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 21, 2005

**FISH AND WILDLIFE CONSERVATION
COMMISSION**

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: General Hunting Regulations
RULE CHAPTER NO.: 68A-13

RULE TITLE: Hunting Regulations for Ducks,
Geese, and Coots
RULE NO.: 68A-13.003

PURPOSE AND EFFECT: The purpose of the proposed rule change is to establish season dates and bag limits for taking ducks, geese, and coots in conformance with federal regulations. Rule wording would be changed to reduce the bag limit for scaup and lengthen the pintail season. The effect of this rule amendment is to conform with federal regulations and thereby safeguard these resources.

SUMMARY: This rule amends migratory bird hunting regulations to establish duck, goose, and coot season dates and bag limits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: It is estimated that the proposed rule change will cost the agency approximately \$135 for administrative preparation and \$94 for advertising.

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

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Fla. Const.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const.

A HEARING WILL BE HELD AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day,
November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway,
Mile Marker 97, Key Largo, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ECONOMIC STATEMENT IS:
James Antista, General Counsel, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street,
Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-13.003 Hunting Regulations for Ducks, Geese, and Coots.

The Commission has approved the following regulations and bag limits for taking ducks, geese, and coots:

(1) Duck, light goose, and coot season:

(a) Open season:

1. First phase – Opening the Saturday before Thanksgiving and closing the Sunday following Thanksgiving.

2. Second phase – Opening 50 days prior to the last Sunday in January and closing the last Sunday in January.

3. ~~Pintail and~~ Canvasback season – The first phase and the first 21 days of the second phase as specified in this paragraph (1)(a).

(b) through (e) No change.

(f) Limits: The possession limit for ducks and coots shall be two days’ bag limit. There shall be no possession limit for light geese. Light geese include only snow (including blue) and Ross’ geese.

1. Ducks: The daily bag limit for ducks is six, including no more than four mallards, of which only two can be females, ~~two three~~ scaup, four scoters, two wood ducks, two redheads, one pintail (~~only during the pintail season and the Youth Waterfowl Hunt~~), one canvasback (only during the canvasback season and the Youth Waterfowl Hunt), one black duck, one Florida duck (mottled duck), and one fulvous whistling-duck. In addition to the daily bag limit for ducks, the daily bag limit for mergansers is five, only one of which may be a hooded merganser.

2. Light geese: The daily bag limit for light geese is 15.

3. Coots: The daily bag limit for coots is 15.

(g) No change.

(2) General restrictions:

(a) The taking of harlequin ducks, brant or geese other than light geese as specified in subsection (1) and Canada geese as specified in subsection (4) is prohibited. The taking of ~~pintails or~~ canvasbacks is prohibited except during ~~pintail and~~ canvasback season and the Youth Waterfowl Hunt.

(b) No change.

(3) through (5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 8-1-79, Amended 10-23-79, 8-19-80, 9-29-81, 8-30-82, 7-27-83, 8-13-84, 8-13-85, 10-1-85, Formerly 39-13.03, Amended 8-5-86, 8-24-87, 8-18-88, 12-12-88, 8-17-89, 10-30-89, 8-9-90, 10-31-90, 8-22-91, 10-31-91, 8-23-92, 10-22-92, 9-2-93, 10-28-93, 11-6-94, 10-23-95, 10-20-96, 8-7-97, 10-28-97, 11-12-98, 6-23-99, Formerly 39-13.003, Amended 11-7-00, 5-13-02, 5-1-03, 7-1-04, 7-1-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Nick Wiley

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE CHAPTER TITLE: Type I Wildlife Management Areas
RULE CHAPTER NO.: 68A-15

RULE TITLE: Specific Regulations for Wildlife Management Areas – Northeast Region
RULE NO.: 68A-15.065

PURPOSE AND EFFECT: The purpose of the proposed rule change is to revise the specific area regulations for the Bull Creek Wildlife Management Area (WMA) by removing wild hogs as legal to take during the small game season and removing language allowing off-road vehicle use during the small game season. The effect of the proposed rule change is to reduce adverse impacts to the WMA habitat, while continuing to provide public hunting opportunities.

SUMMARY: The proposed rule change would revise regulations to no longer allow the take of wild hogs during the small game season and require that all vehicles be operated on named or numbered roads or trails throughout the year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Fla. Const., 372.121, 375.313 FS.

LAW IMPLEMENTED: Article IV, Section 9, Fla. Const.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 South Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-15.065 Specific Regulations for Wildlife Management Areas – Northeast Region.

(1) Bull Creek Wildlife Management Area.

(a) No change.

(b) Legal to take: All legal game, wild hogs, fish, frogs and furbearers (except bobcat and otter). Any deer except spotted fawns may be taken during the archery season. During the muzzleloading gun and general gun seasons, antlerless deer may be taken by permit only. There shall be no bag or size limit restrictions on wild hogs.

(c) No change.

(d) General regulations:

1. Persons hunting on the Crabgrass Creek portion of the area shall have a daily permit issued from the check station in their possession and shall enter and exit at the designated entrance point on Crabgrass Road.

2. Vehicles or horses may be used only on named or numbered roads or named or numbered trails ~~except that off road vehicle use is permitted during small game season.~~ During archery, muzzleloading gun and general gun seasons, vehicles may not be operated on Cemetery Road beyond the cemetery.

3. Hunters shall check in and out at a check station when entering and exiting the area and shall check all game taken. Persons engaging in recreational activities other than hunting shall register upon entering and exiting the area.

4. No deer or hog shall be quartered or otherwise dismembered in the hunt area.

5. Motorcycles, airboats or tracked vehicles are prohibited.

6. The name, address and telephone number of the person responsible for each campsite shall be visibly affixed to camping shelters.

7. The possession of centerfire rifles is prohibited during spring turkey season.

8. Hunting with dogs is prohibited except that bird dogs are allowed during the general gun and small game seasons.

(2) through (34) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 372.121, 375.313 FS. History—New 6-21-82, Amended 6-29-82, 7-1-83, 7-5-84, 10-1-84, 7-1-85, 5-7-86, 5-10-87, 5-1-88, 7-1-89, 12-19-89, 7-1-90, 7-1-91, 7-2-91, 7-2-92, 7-1-93, 7-1-94, 7-1-95, 7-1-96, 9-15-96, 6-1-97, 7-1-98, 7-2-98, 8-11-98, 12-28-98, 7-1-99, Formerly 39-15.065, Amended 12-20-99, 7-1-00, 12-26-00, 7-1-01, 6-2-02, 7-28-02, 5-1-03, 7-1-03, 10-12-03, 7-1-04, 7-1-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Nick Wiley, Director, Division of Hunting and Game Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 21, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 10, 2004

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLES:

Definitions RULE NOS.:
68B-14.002

Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper 68B-14.0035

Size Limits for Importation and Sale 68B-14.00355

Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/ Retail Purchase Exemption 68B-14.0036

PURPOSE AND EFFECT: The purpose of these rule amendments is to clarify the definition of total length in all reef fish rules that contain a total length measurement, in conjunction with related rule amendments in other rule chapters regulating the harvest of marine species. The measurement method of one species of reef fish, gray triggerfish, is amended to state that a fork length measurement applies to it. The effect of this rule would be to standardize the method for measuring total length of marine reef fish and thereby simplify compliance by commercial and recreational harvesters.

SUMMARY: The definition for total length in subsection 68B-14.002(14), F.A.C. will be modified to standardize the measurement method of reef fish with other marine finfish. Subsection 68B-14.0035(3), F.A.C., will be modified to reflect the change in gray triggerfish measurement from total length to fork length. In paragraph 68B-14.00355(1)(c), F.A.C., the size limit for importation and sale of gray triggerfish was changed to reflect the new fork length size limit. For clarification, the word ‘total’ was added to subparagraph 68B-14.0036(1)(f)1., F.A.C., of the recreational bag limit for cubera snapper.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-14.002 Definitions.

For purposes of this chapter, except where the context clearly requires otherwise:

(1) through (13) No change.

(14) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the tip of the snout to the tip of the tail.~~

(15) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-29-85, Amended 12-11-86, 2-1-90, 12-31-92, 3-1-94, 1-1-98, 12-31-98, Formerly 46-14.002, Amended 1-1-00, 1-1-03, _____.

68B-14.0035 Size Limits: Amberjacks, Black Sea Bass, Gray Triggerfish, Grouper, Hogfish, Red Porgy, Snapper.

No person shall land, possess, unnecessarily destroy, purchase, exchange, sell or offer for sale any of the following species harvested in or from state waters, of a length less than set forth as follows:

(1) through (2) No change.

(3) Gray triggerfish 12 inches fork ~~total~~ length.

(4) through (7) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0035, Amended 1-1-00, 1-1-01, 1-1-01, 1-1-03, 9-16-05, _____.

68B-14.00355 Size Limits for Importation and Sale.

(1) No person shall possess for purposes of sale, purchase, sell, or exchange any of the following species of a length less than set forth as follows:

(a) through (b) No change.

(c) Gray triggerfish 12 inches fork ~~total~~ length.

(d) through (f) No change.

(2) through (4) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-03, Amended 9-16-05, _____.

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption.

(1) Snapper.

(a) through (e) No change.

(f) Cubera snapper.

1. Cubera snapper of a total length less than 30 inches shall be included in the aggregate snapper bag and possession limit established in paragraph (a), and the exception provided in a subsection (7).

2. No recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than 2 cubera snapper 30 inches in total length or larger per day, and no more than 2 such cubera snapper shall be possessed aboard any vessel in or on state waters at any time. Such larger cubera snapper shall not be included in the aggregate snapper bag and possession limit prescribed in paragraph (a).

(2) through (8) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Reef Fish

RULE TITLE:

RULE NO.:

Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/ Retail Purchase Exemption

68B-14.0036

PURPOSE AND EFFECT: The purpose of this rule is to reduce the recreational red grouper bag limit from two fish per person per day to one fish per person per day in the Gulf of

Mexico. The effect of the proposed rule will be to reduce fishing mortality on the red grouper resource and improve the species' health and abundance.

SUMMARY: Paragraph 68B-14.0036(2)(b), F.A.C., is amended to reduce the recreational bag limit for red grouper in the Gulf of Mexico from two fish per person per day to one fish per person per day.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-14.0036 Recreational Bag Limits: Snapper, Grouper, Hogfish, Black Sea Bass, Red Porgy, Amberjacks, Exception, Wholesale/Retail Purchase Exemption.

(1) No change.

(2) Grouper.

(a) Aggregate bag limit. Except as provided elsewhere in this rule, no recreational harvester shall harvest in or from state waters, nor possess while in or on state waters, more than a total of 5 grouper per day, in any combination of species.

(b) Red Grouper. Except as provided elsewhere in this rule, in all state waters of the Gulf of Mexico, within the aggregate bag and possession limit established in paragraph

(a), no more than 1 ~~2~~ fish may be red grouper. No recreational harvester may harvest in or from state waters of the Gulf of Mexico, nor possess while in or on the waters of the Gulf of Mexico, more than 1 ~~2~~ red grouper.

(c) through (e) No change.

(3) through (8) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 12-31-98, Amended 3-1-99, Formerly 46-14.0036, Amended 10-22-99, 1-1-00, 3-6-00, 3-1-01, 1-1-03, 1-3-05, 9-16-05,

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Snook

RULE TITLES:	RULE NOS.:
Definitions	68B-21.0015
Size Limits	68B-21.005

PURPOSE AND EFFECT: The purpose of these rule amendments is to clarify the definition of total length as it relates to snook, in conjunction with related rule amendments in other rule chapters regulating the harvest of marine species. The effect of this rule would be to standardize the method for measuring total length of snook and thereby simplify compliance by recreational snook harvesters.

SUMMARY: The definition for total length in subsection 68B-21.0015(11), F.A.C. will be modified to standardize the measurement method of snook with other marine finfish. Subsection 68B-21.005(1), F.A.C. will also be modified to remove the old measurement language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-21.0015 Definitions.

(1) through (10) No change.

(11) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-9-87, Amended 1-1-98, Formerly 46-21.0015, Amended 1-1-02, 5-13-02, _____.

68B-21.005 Size Limits.

(1) It is unlawful for any person, firm or corporation to kill, harvest or possess any snook that measures less than 26 inches or greater than 34 inches in total length (~~measured from the most forward point of the lower jaw to the tip of the tail~~).

(2) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 7-23-85, Amended 7-9-87, 3-1-94, 12-31-98, Formerly 46-21.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Red Drum (Redfish)

RULE TITLE: Definitions RULE NO.: 68B-22.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the definition of total length with respect to red drum, in conjunction with related rule amendments in other rule chapters regulating the harvest of marine species. The effect of this rule amendment would be to standardize the method for measuring total length of red drum and thereby simplify compliance by recreational harvesters.

SUMMARY: The definition for total length in subsection 68B-22.002(10), F.A.C., will be modified to standardize the measurement method of red drum with other marine finfish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-22.002 Definitions.

(1) through (9) No change.

(10) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the most forward point of the head to the hindmost point of the tail.~~

(11) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 9-12-85, Amended 2-12-87, 1-1-89, 1-1-96, 1-1-98, Formerly 46-22.002, Amended 3-17-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Bonefish

RULE TITLE:

Definitions

RULE NO.:

68B-34.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the definition of total length with respect to bonefish, in conjunction with related rule amendments in other rule chapters regulating the harvest of marine species. The effect of this rule amendment would be to standardize the method for measuring total length of bonefish and thereby simplify compliance by recreational harvesters.

SUMMARY: A new subsection (4) is added to Rule 68B-34.002, F.A.C., to standardize the measurement method of bonefish with other marine finfish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-34.002 Definitions.

(1) through (3) No change.

(4) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 3-1-88, Amended 1-1-98, Formerly 46-34.002, Amended 3-1-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Black Drum

RULE TITLE: Definitions RULE NO.: 68B-36.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the definition of total length with respect to black drum, in conjunction with related rule amendments in other rule chapters regulating the harvest of marine finfish. The effect of this rule amendment would be to standardize the method for measuring total length of black drum and thereby simplify compliance by commercial and recreational harvesters.

SUMMARY: The definition for total length in subsection 68B-36.002(5), F.A.C., will be modified to standardize the measurement method of black drum with other marine finfish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-36.002 Definitions.

As used in this chapter:

(1) through (4) No change.

(5) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the tip of the snout to the tip of the tail.~~

(6) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-89, Amended 7-15-96, 9-30-96, Formerly 46-36.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Spotted Seatrout

RULE TITLE: Definitions RULE NO.: 68B-37.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the definition of total length with respect to spotted seatrout, in conjunction with related rule amendments in other rule chapters regulating the harvest of marine species. The effect of this rule amendment would be to standardize the method for measuring total length of spotted seatrout and thereby simplify compliance by commercial and recreational harvesters.

SUMMARY: The definition for total length in subsection 68B-37.002(9), F.A.C., will be modified to standardize the measurement method of seatrout with other marine finfish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-37.002 Definitions.

As used in this rule chapter:

(1) through (8) No change.

(9) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the most forward point of the head to the hindmost point of the tail.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 11-1-89, Amended 1-1-96, 8-1-96, Formerly 46-37.002, Amended 7-1-00,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Marine Life

RULE TITLE: Definitions RULE NO.: 68B-42.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the definition of total length with respect to tropical fishes in Florida’s marine life fishery, in conjunction with related rule amendments in other rule chapters regulating the harvest of marine species. The effect of this rule would be to standardize the method for measuring total length of tropical fishes in the marine life fishery and thereby simplify compliance by commercial and recreational harvesters.

SUMMARY: The definition for total length in subsection 68B-42.002(13), F.A.C., will be modified to standardize the measurement method of tropical fishes with other marine finfish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

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PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-42.002 Definitions.

As used in this rule chapter:

(1) through (12) No change.

(13) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the tip of the snout to the tip of the tail.~~

(14) through (17) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-91, Amended 7-1-92, 1-1-95, 7-15-96, Formerly 46-42.002, Amended 2-1-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Blue Crab

RULE TITLES:

RULE NOS.:

Regulation and Prohibition of Certain

Harvesting Gear

68B-45.004

Blue Crab Limited Entry Endorsement Program

68B-45.007

PURPOSE AND EFFECT: The purpose of the amendment to Rule 68B-45.004, F.A.C., is to allow a blue crab harvester to obtain written permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. The effect will be to provide Law Enforcement with written documentation of persons that have been lawfully delegated to work blue crab gear owned by others. The purpose of the amendment to Rule 68B-45.007, F.A.C., is to create a non-transferable Blue Crab Limited Entry Endorsement. The effect will be to allow persons with either documented net landings, a stone crab endorsement, or documented shrimp landings to land and sell blue crabs.

SUMMARY: A new subsection (10) is added to Rule 68B-45.004, F.A.C., to establish documentation requirements to allow blue crab fishers to assign a delegate to deploy, pull, or retrieve their blue crab traps on a temporary basis. Additionally, a new subsection (6) is inserted into Rule 68-45.007, F.A.C., that establishes the eligibility and qualifying requirements for receiving a V-N endorsement. Subsequent subsections are renumbered. Additional language is added to paragraph (3)(a), renumbered subsection (8), and renumbered paragraph (10)(a), defining the qualification criteria, the deadline for issuance, and the requalification criteria regarding the V-N.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: James V. Antista, Fish and Wildlife Conservation Commission, 620 Meridian Street, Tallahassee, Florida 32399-1600

THE FULL TEXT OF THE PROPOSED RULES IS:

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) through (9) No change.

(10) During any time of the year when it is legal to transport blue crab traps, a harvester may obtain permission from the Division of Law Enforcement to allow another person to transport, deploy, pull, or retrieve his or her traps. Permission may be granted upon receipt of a written statement signed by both the commercial harvester seeking to have his or her traps pulled and the person designated to pull the traps. Such written statement shall contain the following:

(a) The reason the harvester needs to have his or her traps pulled;

(b) The numbers of the saltwater products license and blue crab endorsement of both the harvester seeking to have the traps pulled and the person who will be pulling the traps;

(c) The buoy colors of the harvester seeking such permission;

(d) The name and number of the vessel to be used by the person who will be pulling the traps;

(e) The general locations of the pulling activity of the vessel to be engaged in pulling the traps; and

(f) The dates the other person will be transporting, deploying, pulling or retrieving the traps.

Permission to pull traps in this manner shall be obtained daily by telephone from the Division of Law Enforcement for a maximum of 5 days without renewal or extension of the request. Permission to have traps pulled by another person for a longer period of time must be based on extraordinary circumstances such as severe personal or family illness or accident or major equipment problem, and shall be obtained through petition to the Division of Law Enforcement on Commission Form DMF-SL4590 (01-06) (Blue Crab Trap Pulling Petition), herein incorporated by reference, and will be granted upon such conditions as the Division deems appropriate for the protection of the resource. It shall be the responsibility of the commercial harvester, or a member of the harvester's immediate family, to petition the Division. The petition shall include a complete description of the

extraordinary circumstances with corroborating documentation, the amount of additional time requested, the number of traps to be pulled, and a signed statement from the other person, attesting to his/her willingness and ability to pull these traps during this time period as well as an awareness of all rules governing the blue crab fishery. If the person designated to pull the petitioner's traps does not possess a saltwater products license with restricted species and a blue crab endorsement, the petitioner, as the license holder of record must possess a vessel saltwater products license and shall be held accountable for the designee's compliance with all regulations governing the blue crab fishery.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05.

68B-45.007 Blue Crab Limited Entry Endorsement Program.

(1) No change.

(2) Except for those qualifying for a non-transferable blue crab limited entry endorsement as specified in subsection (6), the Commission shall notify all holders of a 2004/2005 commercial saltwater products license with a restricted species endorsement and an existing blue crab endorsement of their initial eligibility or denial of a blue crab limited entry endorsement. Those notified will indicate either their acceptance of the initial award of a blue crab limited entry endorsement number by completion of an acceptance application (Form DMF-SL4500 (01-06) 05-05), incorporated herein by reference) or submit an application to appeal (Form DMF-SL4510 (05-05), incorporated herein by reference), as specified in paragraph (11)(b)(10)(b).

(3) Except for those qualifying for a non-transferable blue crab limited entry endorsement as specified in subsection (6), the application for issuance of a blue crab limited entry endorsement (Form DMF-SL4500 (01-06), incorporated herein by reference) The acceptance application must be received by the Commission no later than September 30, 2006. An applicant may be a person, firm, or corporation.

(a) No change.

(b) Except as specified in subsection (6), qualification for a blue crab limited entry endorsement number shall be determined by landings of blue crab reported on a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement, and as specified in paragraph (c).

(c) No change.

(4) through (5) No change.

(6) Non-transferable blue crab limited entry endorsement (V-N). Persons will qualify for the V-N endorsement if they meet one of the criteria set forth in paragraph (a), (b), or (c).

(a) An applicant may qualify for a V-N endorsement if they meet the criteria set forth in paragraph 3(a), have had no convictions for violations associated with gears defined in Rule subsection 68B-4.002(3) or (4), F.A.C., since July 1, 1995, and have either: 1) documented landings using such gears pursuant to Commission trip tickets generated for the Marine Information System under Rule Chapter 68E-5, F.A.C. prior to July 1, 1995, or, 2) sold nets to the state according to the provisions of the net buy back program, Chapter 95-414, Laws of Florida. Qualifying landings must have been received by the Marine Information System no later than August 1 1995.

(b) An applicant may qualify for a V-N endorsement if they possess a valid saltwater products license with a valid restricted species endorsement and a valid stone crab endorsement (X-number).

(c) An applicant may qualify for a V-N endorsement if they possess a valid saltwater products license with a valid restricted species endorsement and can demonstrate landings of blue crabs caught as bycatch by shrimp gears that were used to lawfully harvest shrimp pursuant to Commission trip tickets generated for the Marine Information System under Rule Chapter 68E-5, F.A.C.

(d) The non-transferable blue crab limited entry endorsement cannot be sold or otherwise transferred to any other person as described in subsections (15) or (16).

(e) The holder of a non-transferable blue crab limited entry endorsement number qualifying pursuant to paragraph (a) shall be entitled to purchase up to 100 hard shell blue crab trap tags that will allow them to deploy a like number of hard shell blue crab traps in any state waters.

(f) The holder of a non-transferable blue crab limited entry endorsement number qualifying pursuant to either paragraph (b) or (c) shall be entitled to harvest and sell blue crab as bycatch, provided the amount does not exceed 200 pounds of blue crabs per vessel per trip, but will not be entitled to purchase blue crab trap tags as described in paragraph (7)(a).

(g) Applicants qualifying for a V-N blue crab limited entry endorsement number pursuant to this subsection may apply for the endorsement by completing and submitting application Form DMF-SL4570 (01-06), incorporated herein by reference.

(h) Applicants qualifying pursuant to paragraph (a) must submit their application to the Commission no later than September 30, 2006. An applicant may be a person, firm, or corporation.

(i) Applicants qualifying pursuant to paragraph (a) will only be eligible for one V-N endorsement.

(j) Applicants initially denied a V-N endorsement number may appeal their denial by submitting a completed appeals application form (DMF-4580 (01-06), hereby incorporated by reference), to the Director of the Division of Marine Fisheries Management by March 31, 2006.

(k) The Executive Director of the Commission or his designee shall consider disputes or problems of applicants appealing their initial denial of a V-N award.

(l) The burden of proof shall be on the appellant to demonstrate through either: 1) copies of trip tickets or other proof of landings described in paragraph (a) legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer or included in the agencies database, or 2) proof of sales to the state according to the provisions of the net buy back program, Chapter 95-414, Laws of Florida.

(m) The holder of a V-N blue crab limited entry endorsement number qualifying pursuant to paragraph (a) shall be subject to the same trap tag requirements described in subsection (7).

(n) The holder of a V-N blue crab limited entry endorsement number shall be subject to the same renewal criteria described in subsection (9).

(o) The holder of a V-N blue crab limited entry endorsement number that qualified for that number pursuant to paragraph (a) shall be subject to the renewal criteria described in paragraph (10)(a).

(p) The holder of a V-N blue crab limited entry endorsement number shall not be eligible to serve either on the blue crab limited entry appeals board described in subsection (11) or the advisory board described in subsection (12).

(q) The holder of a V-N endorsement number shall be subject to the requirements of subsections (13) and (14).

(r) If the holder of a V-N blue crab limited entry endorsement number purchases a V-H endorsement described in subsection (4) or a V-S endorsement described in subsection (5), the non-transferable endorsement shall be forfeited.

~~(7)(6)~~ No change.

~~(8)(7)~~ Effective September 30, 2006, no additional blue crab limited entry endorsements will be issued except to applicants qualifying as specified in paragraphs (6)(b) or (c), and no blue crab limited entry such endorsement will be renewed or replaced except those that were issued pursuant to subsection (4), (5), ~~(6), or (11)(4)~~.

~~(9)(8)~~ No change.

~~(10)(9)~~ Requalification. Beginning with license year 2009/2010, the holder of a blue crab limited entry endorsement number must requalify for the endorsement number by documenting landings on such endorsement as specified in paragraph (a) or (b) in at least one of the previous three license years. Each endorsement number will then be valid for three years from the date of requalification, but must still be renewed annually as required by subsection (8). Any blue crab limited entry endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) In order to requalify a V-H endorsement number, or a V-N endorsement number that was originally awarded pursuant to paragraph (6)(a), an applicant for requalification must document landings equal to or exceeding 500 pounds of hard

shell blue crabs. Persons wishing to also requalify V-H endorsement numbers on additional saltwater products licenses must document landings equal to or exceeding 7,500 pounds of hard shell blue crabs on each of those licenses.

(b) No change.

(10) through (16) renumbered (11) through (17) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 5-26-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Weakfish

RULE TITLE: Definitions RULE NO.: 68B-47.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the definition of total length with respect to weakfish, in conjunction with related rule amendments in other rule chapters regulating the harvest of marine species. The effect of this rule would be to standardize the method for measuring total length of weakfish and thereby simplify compliance by commercial and recreational harvesters.

SUMMARY: The definition for total length in subsection 68B-47.001(4), F.A.C., will be modified to standardize the measurement method of weakfish with other marine finfish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-47.001 Definitions.

As used in this chapter:

(1) through (3) No change.

(4) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the tip of the snout to the tip of the tail.~~

(5) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 7-17-95, Amended 1-1-98, Formerly 46-47.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Flounder and Sheepshead

RULE TITLE: Definitions
 RULE NO.: 68B-48.002

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the definition of total length with respect to flounder and sheepshead, in conjunction with related rule amendments in other rule chapters regulating the harvest of marine species. The effect of this rule amendment would be to standardize the method for measuring total length of flounder and sheepshead and thereby simplify compliance by commercial and recreational harvesters.

SUMMARY: The definition of the term "length" is deleted and a new subsection (7) to define "total length" is added to Rule 68B-48.002, F.A.C., to standardize the measurement method of flounder and sheepshead with other marine finfish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-48.002 Definitions.

As used in this chapter:

(1) through (4) No change.

~~(5) "Length" means the length of a fish as measured from the most forward point of the head to the rear center edge of the tail.~~

~~(5)(6) "Sheepshead" means any fish of the species *Archosargus probatocephalus*.~~

~~(6)(7) No change.~~

(7) "Total length" means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 1-1-96, Amended 1-1-98, Formerly 46-48.002, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE CHAPTER TITLE: Tripletail

RULE TITLE: Definitions
 RULE NO.: 68B-49.001

PURPOSE AND EFFECT: The purpose of this rule amendment is to clarify the definition of total length with respect to tripletail, in conjunction with related rule amendments in other rule chapters regulating the harvest of marine species. The effect of this rule amendment would be to standardize the method for measuring total length of tripletail and thereby simplify compliance by commercial and recreational harvesters.

SUMMARY: The definition for total length in subsection 68B-49.001(6), F.A.C., will be modified to standardize the measurement method of tripletail with other marine finfish.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost has not been prepared regarding these proposed rules.

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

SPECIFIC AUTHORITY: Article IV, Section 9, Florida Constitution.

LAW IMPLEMENTED: Article IV, Section 9, Florida Constitution.

A HEARING WILL BE HELD DURING A REGULAR MEETING OF THE FISH AND WILDLIFE CONSERVATION COMMISSION AT THE TIME, DATES AND PLACE SHOWN BELOW:

TIME AND DATES: 8:30 a.m. – 5:00 p.m. each day, November 30, 2005 – December 1, 2005

PLACE: Sheraton Beach Resort, 97000 S. Overseas Highway, Mile Marker 97, Key Largo, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE FULL TEXT OF THE PROPOSED RULE IS:

68B-49.001 Definitions.

As used in this chapter:

(1) through (5) No change.

(6) “Total length” means the straight line distance from the most forward point of the head with the mouth closed, to the farthest tip of the tail with the tail compressed or squeezed, while the fish is lying on its side ~~length of a fish as measured from the most forward point of the head to the rear center edge of the tail.~~

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 1-1-96, Amended 1-1-98, Formerly 46-49.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Mark Robson

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Kenneth D. Haddad, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 15, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

BE ADVISED THAT THESE PROPOSED RULES MAY BE FILED FOR ADOPTION AS SOON AS POSSIBLE FOLLOWING THE COMMISSION MEETING AT WHICH THEY ARE CONSIDERED IF THE RULES ARE NOT CHANGED. IF CHANGED, THE RULES MAY BE FILED AS SOON AS POSSIBLE AFTER PUBLICATION OF A NOTICE OF CHANGE IN THE FAW.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Florida Fire Incident Reporting System

RULE CHAPTER NO.: 69A-66

RULE TITLES: Florida Fire Incident Reporting System (FFIRS), In General

RULE NOS.: 69A-66.001

Definitions 69A-66.002

Training 69A-66.003

Submission of Fire Incident Data 69A-66.004

Submission Deadlines for Fire Incident Data 69A-66.005

Reporting 69A-66.006

Fire Department Identification (FDID) Number 69A-66.007

Forms 69A-66.008

PURPOSE AND EFFECT: Adopt procedures and standards for the Florida Fire Incident Reporting System, as mandated by Section 633.115, Florida Statutes (2005). The effect of this rule development will be to provide notice and guidance to the fire departments throughout the state of Florida relating to the procedures and standards associated with fire incident reporting.

SUMMARY: Provides procedures and forms for fire incident reporting by local fire departments.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Regulatory Costs was prepared.

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

SPECIFIC AUTHORITY: 633.01, 633.115 FS.

LAW IMPLEMENTED: 633.115 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 9:00 a.m., November 22, 2005

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Keith McCarthy, Statistician Supervisor II, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340. Phone: (850)413-3171. Email: Keith.McCarthy@fldfs.com

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Liz Kelley, (850)413-3171, or at the address shown above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-66.001 Florida Fire Incident Reporting System (FFIRS), In General.

(1) The purpose of these rules is to establish standards and procedures for fire department reporting of fire incidents to the Division of State Fire Marshal.

(2) The standards and procedures contained in these rules apply to the Division of State Fire Marshal and to each fire department in the State of Florida participating in the Florida Fire Incident Reporting System (FFIRS) program.

(3) The Division of State Fire Marshal manages FFIRS, which is a means for fire departments to report and maintain computerized records of fires and other fire department incidents in a uniform manner. FFIRS is operated in conjunction with the National Fire Incident Reporting System (NFIRS). By participating in the FFIRS program, fire departments become a part of the cooperative effort among fire organizations to make Florida a safer state.

(4) These rules are minimum requirements and do not preclude a fire protection agency from implementing its own requirements which shall not conflict with these rules.

Specific Authority 633.01, 633.115 FS. Law Implemented 633.115 FS. History—New _____.

69A-66.002 Definitions.

For purposes of these rules unless the context clearly requires otherwise, the following word or term has the following meaning.

(1) “Florida Fire Incident Reporting System,” or “FFIRS,” means the Florida statewide fire data information system that resides within the Division of State Fire Marshal, Department of Financial Services. FFIRS works in collaboration with NFIRS to report and analyze fire incidents.

(2) “National Fire Incident Reporting System,” or “NFIRS,” means an information system initiated and supported by the United States Fire Administration (USFA). NFIRS was developed as a means to gather and analyze information on the magnitude of the nation’s fire problem, as well as its detailed characteristics and trends.

(3) “Codes” means a series of basic phrases with code numbers used to describe fire incidents in the NFIRS/FFIRS program. The descriptive phrases were developed and made available by the National Fire Protection Association (NFPA) Standard 901, the *Uniform Coding for Fire Protection*, 1976 edition, the 1981 codes for Fire Service Casualty Reporting, and the 1990 codes for Hazardous Materials Reporting. The National Fire Protection Association (NFPA) Standard 901, the *Uniform Coding for Fire Protection*, 1976 edition, the 1981 codes for Fire Service Casualty Reporting, and the 1990 codes for Hazardous Materials Reporting are not adopted in these rules, but are provided for reference and informational purposes only.

(4) “Codes Training” means instruction on the series of basic phrases with code numbers that are used to describe fire-related incidents in NFIRS/FFIRS.

(5) “USFA NFIRS 5.0 Software” means software provided free to fire departments throughout the United States to manage fire data. The USFA, in partnership with the National Fire Information Council (NFIC), developed the software.

(6) “Third Party Vendor Software” is NFIRS/FFIRS compatible software that is marketed and sold to fire departments by private vendors.

(7) “Fire Protection Agency” means any local, state, state agency, or special fire department in the state responsible for municipal or county fire protection as recognized by the appropriate municipal, county, or special fire control district or the state. A fire protection agency has the same intent and purpose as a fire department as defined in subsection 69A-62.001(4), F.A.C., or fire district, which is of carrying out the duties, functions, powers, and responsibilities normally associated with a fire department. These duties, functions, powers, and responsibilities include but are not limited to the protection and saving of life and property against fire, explosions, and other hazards, the prevention and extinguishment of fires, and the enforcement of municipal, county, and state fire prevention codes, as well as of any law pertaining to the prevention and control of fires and hazardous materials incident mitigation.

Specific Authority 633.01, 633.115 FS. Law Implemented 633.115 FS. History—New _____.

69A-66.003 Training.

(1) USFA NFIRS 5.0 Software Training is instruction on data entry, reporting, analysis, maintenance, and the submission of fire incident information. The training is coordinated and presented by the FFIRS Section to fire department personnel.

(2) Fire Departments may contact the FFIRS Section at FFIRS@fldfs.com or call the FFIRS Section at (850)413-3171 to request a training class.

Specific Authority 633.01, 633.115 FS. Law Implemented 633.115 FS. History—New _____.

69A-66.004 Submission of Fire Incident Data.

Data may be submitted to the FFIRS Section using the following methods:

(1) Fire departments using the Federal Client Tool in an on-line capacity must enter and save their data from their department's personal computers directly into the NFIRS database. Fire departments using the Federal Client Tool in an off-line capacity must enter and save their data on their department's personal computers but must forward it to the FFIRS Section by emailing the report as an attachment to FFIRS@fldfs.com, or saving it to a compact disk or diskette and mailing it to the FFIRS Section for the data to be imported into the NFIRS database.

(2) Fire departments using third party vendor software must enter the data directly into their department's computers using this software. For the data to be imported to the NFIRS database, the reports must be either emailed as an attachment to FFIRS@fldfs.com, or saved to a compact disk or diskette and mailed to the FFIRS Section.

(3) Fire departments using the Federally Contracted 4.1 software, or software compatible to that program, must enter and save the data on their department's computer and forward the reports to the FFIRS Section either by emailing the reports as an attachment to FFIRS@fldfs.com, or saving the reports to a compact disk or diskette and mailing it to the FFIRS Section.

(4) Fire departments without capability to submit under subsection (1), (2), or (3) are permitted to submit paper reports to the FFIRS Section for those reports to be keyed by FFIRS staff for uploading to the NFIRS database. These reports are to be mailed to the FFIRS Section, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(5) Annual Summaries are a standardized form which may be completed and forwarded to the FFIRS section by Fire Departments. The use of Summaries is discouraged because the summary does not give specific fire related data and also because it does not comply with Federal Grant responsibilities or allow for entry into the NFIRS database.

Specific Authority 633.01, 633.115 FS. Law Implemented 633.115 FS. History—New _____.

69A-66.005 Submission Deadlines for Fire Incident Data.

(1) Each department shall submit their data on a monthly basis. Fire incident data is due by the 15th of the following month. For example, January fire incident data is due by February 15.

(2) To be included in the annual report of fire and non-fire incidents, yearly data must be submitted from fire departments by April 30 of each year.

Specific Authority 633.01, 633.115 FS. Law Implemented 633.115 FS. History—New _____.

69A-66.006 Reporting.

(1) The State Fire Marshal's Annual Report, "Florida Fires," is developed from the compiled fire data submitted by Florida fire departments. It is available via the Internet at [www.fldfs.com/State Fire Marshal/](http://www.fldfs.com/State%20Fire%20Marshal/), or it may be obtained by contacting the FFIRS section in care of the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

(2) Web Based Reports. All Florida fire departments participating in the FFIRS program are able to generate statistical reports via the internet at www.nfirs.fema.gov.

(3) Requested Reports. Florida fire departments are permitted to request statistical reports from the FFIRS Section.

Specific Authority 633.01, 633.115 FS. Law Implemented 633.115 FS. History—New _____.

69A-66.007 Fire Department Identification (FDID) Number.

(1) The Fire Department Identification Number, or FDID number, is a unique five-digit identifier assigned by the FFIRS Section to identify a particular fire department within the state. This identifier may also identify the county, fire district, or other jurisdiction in which the fire department is located.

(2) The purpose of the FDID number is to identify incident data collected and reported by individual departments. Feedback on local or regional incident experience can then be prepared and sent to an individual agency or a specific fire department.

Specific Authority 633.01, 633.115 FS. Law Implemented 633.115 FS. History—New _____.

69A-66.008 Forms.

(1) The Division hereby adopts and incorporates by reference the following forms:

(a) Form DFS-K0-1078 (Rev. 7/05), "Florida Fire Incident Report."

(b) Form DFS-K0-1661 (Rev. 10/05), "Florida Fire Service Casualty Report," (902G NFIRS-3).

(c) Form DFS-K0-1662 (Rev. 10/05), "Florida Casualty Report," (902G 1/80 Layout 2).

(2) The forms adopted in subsection (1) can be viewed or obtained by contacting the FFIRS Section, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone: (850)413-3171.

Specific Authority 633.01, 633.115 FS. Law Implemented 633.115 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Keith McCarthy, Statistician Supervisor II, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, Phone: (850)413-3171, Email: Keith.McCarthy@fldfs.com

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Determination of Eligibility to Operate as an Alien Insurer In Florida pursuant to Subsection 624.402(8), Florida Statutes
RULE NO.: 690-136.018

PURPOSE, EFFECT, AND SUMMARY: To adopt the form to provide implementation of the Alien Insurer Exception enacted into law in 2005.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 624.308 FS.

LAW IMPLEMENTED: 624.402(8) FS.

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

TIME AND DATE: 9:30 a.m., November 30, 2005
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Norris, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail bob.norris@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-136.018 Determination of Eligibility to Operate as an Alien Insurer in Florida Pursuant to Subsection 624.402(8), Florida Statutes.

(1) The form adopted in subsection (2) below, is to be used in determination of eligibility to operate as an alien insurer pursuant to subsection 624.402(8), Florida Statutes. All forms may be obtained from the Office’s website: www.fldfs.com. All forms may be reproduced at will.

(2) Form OIR-A2-1654, “Determination of Eligibility to Operate as an Alien Insurer in Florida pursuant to subsection 624.402(8), Florida Statutes, is hereby incorporated by reference and is to be used in determination of eligibility to operate as an alien insurer pursuant to subsection 624.402(8), Florida Statutes.

Specific Authority 624.308 FS. Law Implemented 624.402(8) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Norris, Life and Health Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rich Robleto, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 6, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLE: Forms
RULE NO.: 690-170.0155

PURPOSE, EFFECT AND SUMMARY: To adopt forms that will be available for electronic viewing and downloading from the Office of Insurance Regulation or Department of Financial Services Internet websites, which notify the applicant or policyholder of any personal lines residential property insurance policy, at the time of the issuance of the policy and at each renewal, of the availability and the range of each premium discount, credit, other rate differential, or reduction in deductibles for properties on which fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm can be or have been installed or implemented. The forms also describe generally what actions the policyholders may be able to take to reduce their windstorm premium and provide a list of premium discount, credit, other rate differential, or reduction in deductible ranges that have been approved by the office for each insurer licensed in the state.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 624.308(1), 627.711 FS.

LAW IMPLEMENTED: 627.711 FS.

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

TIME AND DATE: 9:30 a.m., November 29, 2005

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail michael.milnes@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

PROPERTY AND CASUALTY INSURANCE RATING
PART I RATE FILING PROCEDURES

69O-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

(1)(a) OIR-B1-582, "Universal Standardized Data Letter," (Rev. 07/03).

(b) Form OIR-B1-583, "Florida Expense Supplement Calculation of Company Loss Cost Multiplier," (Rev. 07/03).

(c) Form OIR-B1-595, "Florida Expense Supplement for Independent Rate Filings," (Rev. 07/03).

(d) Form OIR-B1-1102, "Florida Homeowners Rating Examples/Annual Rates," (Rev. 07/03).

(e) Form OIR-B1-1103, "Florida – Statewide Rate Level Effect/Homeowners," with its instructions, (Rev. 07/03).

(f) Form OIR-B1-1104, "Florida – Rate Level Effect by Type by Territory/ Homeowners," with its instructions, (Rev. 07/03).

(g) Form OIR-B1-1193, "Florida Dwelling Rating Examples/Annual Rates," (Rev. 07/03).

(h) Form OIR-B1-1194, "Florida – Statewide Rate Level Effect/Dwelling," with its instructions, (Rev. 07/03).

(i) Form OIR-B1-1195, "Florida – Rate Level Effect by Type by Territory/Dwellings," with its instructions, (Rev. 07/03).

(j) OIR-B1-1655, "Notice of Premium Discounts for Hurricane Loss Mitigation", (New 10/01/05.

(2) All Office of Insurance Regulation forms may be obtained from:

(a) The Department of Financial Service's web site located at <https://www.fldfs.com>; or

(b) The Bureau of Property and Casualty Forms and Rates, Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330, (850)413-3146.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645 FS. History—New 6-19-03, Formerly 4-170.0155, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lee Roddenberry, Director, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 19, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 26, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES: RULE NOS.:

PART I APPLICATION PROCEDURES

Purpose 69O-211.001

General Procedures 69O-211.002

License to Sell Life Insurance to Fund
Prearrranged Funeral Services
or Merchandise 69O-211.003

Licensure Application Procedure 69O-211.0035

Appointment Renewal Procedure 69O-211.004

Fees 69O-211.005

Effective Date of Termination of
Appointment 69O-211.007

PART II PHOTO IDENTIFICATION

Purpose 69O-211.010

Photo Identification Required 69O-211.011

Exemptions to Photo Identification
Requirement 69O-211.012

PART III CHARACTER AND CREDIT REPORTS

Purpose 69O-211.020

Definitions 69O-211.021

Character and Credit Reports Required 69O-211.022

PART IV LAW ENFORCEMENT RECORDS

Purpose and Scope 69O-211.040

Definitions 69O-211.041

Effect of Law Enforcement Records on
Applications for Licensure 69O-211.042

PART VI PRE-LICENSING COURSES

Purpose 69O-211.110

Scope 69O-211.120

Definitions 69O-211.130

Entities 69O-211.140

School Officials 69O-211.150

Instructors 69O-211.160

Courses 69O-211.170

Schedule and Attendance Records 69O-211.180

Certification of Students 69O-211.190

Attendance 69O-211.200

Exempted Courses 69O-211.210

Examinations 69O-211.220

Fees 69O-211.230

Facilities 69O-211.240
 Advertising 69O-211.250
 Study Aids 69O-211.260
 Prohibited Practices 69O-211.270
 Falsification of Reports 69O-211.280
 Forms 69O-211.290
 Transition Time in the Event of
 Rule Changes 69O-211.300
 Penalties 69O-211.310
 Curriculum Standards for Special
 Designation 69O-211.320

PURPOSE, EFFECT, AND SUMMARY: Rule Chapter 69O-211, F.A.C., is being repealed. Parts 1-4, of the chapter deal with applications for licenses issued by the Department of Financial Services. The Office of Insurance Regulation does not have any regulatory authority over these licensees. Nor does the Office have any rule authority. With no regulatory authority and no rule authority, the rule needs to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308, 626.9611 FS.

LAW IMPLEMENTED: 112.011, 120.60, 624.307, 624.308, 624.321, 624.501, 626, 627, 632, 634, 637, 639, 641 (Part II), 642, 648 FS.

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

TIME AND DATE: 9:30 a.m., December 1, 2005

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail bob.prentiss@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I APPLICATION PROCEDURES

69O-211.001 Purpose.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626, 627, 632, 634, 637, 639, 641 (Part II), 642, 648 FS. History–New 6-4-92, Formerly 4-211.001, Repealed.

69O-211.002 General Procedures.

Specific Authority 624.308 FS. Law Implemented 624.308, 624.321, 624.501, 626.171, 626.172, 626.201, 626.211, 626.271, 626.541, 626.592, 626.611, 626.621, 626.752, 626.793, 626.837, 626.8417 FS. History–New 6-4-92, Amended 5-17-94, 6-7-99, Formerly 4-211.002, Repealed.

69O-211.003 License to Sell Life Insurance to Fund Prearranged Funeral Services or Merchandise.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.785(3) FS. History–New 6-4-92, Formerly 4-211.003, Repealed.

69O-211.0035 Licensure Application Procedure.

Specific Authority 624.308 FS. Law Implemented 120.60, 624.307(1), 626.171, 626.201, 626.211 FS. History–New 7-18-93, Amended 6-28-94, Formerly 4-211.0035, Repealed.

69O-211.004 Appointment Renewal Procedure.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.501, 626.103, 626.104, 626.112, 626.361, 626.371, 626.381, 626.532, 626.7492(3), (8), (9), 648.31, 648.383 FS. History–New 7-18-93, Amended 7-1-97, Formerly 4-211.004, Repealed.

69O-211.005 Fees.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501 FS. History–New 6-4-92, Amended 4-18-94, Formerly 4-211.005, Repealed.

69O-211.007 Effective Date of Termination of Appointment.

Specific Authority 624.308 FS. Law Implemented 624.307, 626.471 FS. History–New 1-22-01, Formerly 4-211.007, Repealed.

PART II PHOTO IDENTIFICATION

69O-211.010 Purpose.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.301 FS. History–New 6-4-92, Formerly 4-211.010, Repealed.

69O-211.011 Photo Identification Required.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.501(20)(c), 626.301 FS. History–New 6-4-92, Formerly 4-211.011, Repealed.

69O-211.012 Exemptions to Photo Identification Requirement.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.301 FS. History–New 6-4-92, Formerly 4-211.012, Repealed.

PART III CHARACTER AND CREDIT REPORTS

69O-211.020 Purpose.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.201, 626.521 FS. History–New 6-4-92, Formerly 4-211.020, Repealed.

69O-211.021 Definitions.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.521 FS. History–New 6-4-92, Formerly 4-211.021, Repealed.

69O-211.022 Character and Credit Reports Required.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 626.521 FS. History–New 6-4-92, Formerly 4-211.022, Repealed.

PART IV LAW ENFORCEMENT RECORDS

69O-211.040 Purpose and Scope.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641, 626.681, 626.691 FS. History–New 10-17-02, Formerly 4-211.040, Repealed.

69O-211.041 Definitions.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641 FS. History–New 10-17-02, Formerly 4-211.041, Repealed.

69O-211.042 Effect of Law Enforcement Records on Applications for Licensure.

Specific Authority 624.308 FS. Law Implemented 112.011, 624.307(1), 626.161, 626.171, 626.201, 626.207, 626.211, 626.291, 626.601, 626.611(7), (14), 626.621(8), 626.631, 626.641 FS. History–New 10-17-02, Formerly 4-211.042, Repealed.

PART VI PRE-LICENSING COURSES

69O-211.110 Purpose.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.110, Repealed.

69O-211.120 Scope.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.120, Repealed.

69O-211.130 Definitions.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.130, Repealed.

69O-211.140 Entities.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.140, Repealed.

69O-211.150 School Officials.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.501, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.150, Repealed.

69O-211.160 Instructors.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.160, Repealed.

69O-211.170 Courses.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.170, Repealed.

69O-211.180 Schedule and Attendance Records.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.180, Repealed.

69O-211.190 Certification of Students.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.190, Repealed.

69O-211.200 Attendance.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.200, Repealed.

69O-211.210 Exempted Courses.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.210, Repealed.

69O-211.220 Examinations.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.220, Repealed.

69O-211.230 Fees.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.230, Repealed.

69O-211.240 Facilities.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.240, Repealed.

69O-211.250 Advertising.

Specific Authority 624.308(1), 626.9611 FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 626.9541(1), 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.250, Repealed.

69O-211.260 Study Aids.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.260, Repealed.

69O-211.270 Prohibited Practices.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.270, Repealed.

69O-211.280 Falsification of Reports.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.418, 626.611, 626.621, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History–New 4-11-94, Formerly 4-211.280, Repealed.

69O-211.290 Forms.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History--New 4-11-94, Formerly 4-211.290, Repealed

69O-211.300 Transition Time in the Event of Rule Changes.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History--New 4-11-94, Formerly 4-211.300, Repealed

69O-211.310 Penalties.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.418, 624.4211, 626, 611, 626.621, 626.681, 626.732(1)(a), 626.7351, 626.7851, 626.8311, 626.8417, 626.927, 627.745, 648.34, 648.37 FS. History--New 4-11-94, Formerly 4-211.310, Repealed

69O-211.320 Curriculum Standards for Special Designation.

Specific Authority 626.221 FS. Law Implemented 626.221 FS. History--New 11-6-01, Amended 8-7-03, Formerly 4-211.320, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steven H. Parton, General Counsel, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 5, 2005

Section III
Notices of Changes, Corrections and Withdrawals

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."

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
33-302.111 Early Termination of Supervision
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. 31, No. 34, August 26, 2005, Florida Administrative Weekly.

33-302.111 Early Termination of Supervision.

(1) Before a correctional probation officer considers submitting an offender's request for early termination of supervision to the court, the offender shall meet the following criteria:

(a) through (g) No change.

(2) In order for an officer to submit an offender's request for ~~consider~~ an early termination of supervision to the court, approval must be obtained from the officer's supervisor, the circuit administrator, the State Attorney's Office, and the victim, if the offense involved a victim. If the State Attorney's office denies the request, or the victim opposes the early termination, the department will not submit the offender's ~~proceed with the~~ early termination request. The officer shall not disclose a victim's objection to the offender.

(3) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 11-26-01, Amended 6-29-03, 12-2-04, _____.

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Guardianship	58M-2
RULE TITLES:	RULE NOS.:
Professional Guardian Registration	58M-2.001
Registration for Employees with Fiduciary Responsibilities	58M-2.002
Professional Guardian Coursework and Competency Examination	58M-2.003
Confidentiality	58M-2-005
Denial of Professional Guardian Registration	58M-2.007

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 37, September 16, 2005 issue of the Florida Administrative Weekly. Additionally, DOEA/SPGO Form 001, Professional Guardian Registration Form, incorporated by reference in Rule 58M-2.001, F.A.C., has been revised to include professional guardian employee information. DOEA/SPGO Form 002, Employee/Prospective Employee Registration Form, also incorporated by reference in Rule 58M-2.002, F.A.C., has been deleted.

58M-2.001 Professional Guardian Registration.

Applicants must score a minimum of 75% on the Professional Guardian Competency Examination or must receive a waiver from the Department of Elder Affairs' Statewide Public Guardianship Office (SPGO) before the application for registration will be considered.

(1) through (4) No change.

(5) The following items must either accompany the form or must be on file with SPGO for the application to be deemed complete: