

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Stephen Fredrickson, Assistant General Counsel, Office of Insurance Regulation, E-mail [steve.fredrickson@flor.com](mailto:steve.fredrickson@flor.com)

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-170.0144 Public Hurricane Loss Projection Model – Fee Schedule.

(1) This rule establishes the procedure and fee schedule, applicable to residential property insurers, for access and use of the Public Hurricane Loss Projection Model, authorized by Section 627.06281, F.S.

(2) A residential property insurer that elects to access and use the Public Hurricane Loss Projection Model shall file a request, and set up an account with, Florida International University at <http://irene.cs.fiu.edu:8080/hldms/>. The fees charged for access and use of the Model shall be computed as follows: Fee = \$2,400 + 0.03xPOL1 + 0.015xPOL2 +.005xPOL3 where POL1, POL2, POL3 are number of policies (records) in the policy file. POL1 is equal to number of policies from 1 to 200,000. POL2 is equal to number of policies in excess of 200,000 with maximum of 400,000 (i.e. POL2=N-200,000 where N is between 200,000 and 400,000). POL3 is equal to policies in excess of 400,000.

Specific Authority 627.06281 FS, Law Implemented 627.06281 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Audrey Brown, Office of Insurance Regulation

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kevin McCarty, Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 12, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 3, 2008

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

**DEPARTMENT OF STATE**

**Division of Elections**

RULE NOS.:	RULE TITLES:
1S-2.009	Constitutional Amendment by Initiative Petition
1S-2.0091	Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification

1S-2.0095	Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification
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**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly. Date Notice of Proposed Rule Development Published in the Florida Administrative Weekly (FAW): July 3, 2008.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE NOS.:	RULE TITLES:
5C-29.001	Definitions
5C-29.002	General Requirements for Movement of Sheep and Goats
5C-29.003	Recordkeeping Requirements for Identification of Sheep and Goats
5C-29.004	Scrapie Free Flock/Herd Certification Programs
5C-29.005	Scrapie Monitoring and Surveillance
5C-29.006	Scrapie Flock/Herd Clean-up Plans
5C-29.007	Florida Scrapie Certification Board
5C-29.008	Materials

**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. 34, No. 25, June 20, 2008 issue of the Florida Administrative Weekly.

The following changes were made to the rule text:

5C-29.001-.008:

1. The reference to Section 585.007, F.S. under *Specific Authority* has been deleted from Sections 5C-29.001-.008.

5C-29.001(17):

1. The phrase “or equivalent state meat inspection program” has been deleted.

2. The reference to the Federal Meat Inspection Act has been changed from “21 U.S.C. 601 *et seq.*” to “21 U.S.C. §§ 601-695”.

5C-29.007:

1. F.S. 585.11(1)(b) and F.S. 570.07(15) have been added to *Law Implemented*.

2. “State Certification Board” has been changed to “State Scrapie Certification Board.”

5C-29.008(1):

1. “-79.6” has been deleted from “9 C.F.R. §§ 79.2 – 79.6” and restated as “9 C.F.R. § 79.2.”

5C-29.008(4):

1. The reference to the Federal Meat Inspection Act has been changed from “21 U.S.C. 601 *et seq.*” to “21 U.S.C. §§ 601-695”.

The following is the full text of the rules:

5C-29.001 Definitions.

For the purpose of this chapter the following words shall have the meaning indicated:

(1) Accredited Veterinarian. A veterinarian licensed in the state of origin and approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA, APHIS) to perform certain functions of federal and cooperative state-federal programs in accordance with the provisions of 9 C.F.R. §§ 160-162 (2008).

(2) Administrator. The Administrator of USDA, APHIS or any person authorized to act for the Administrator.

(3) APHIS. Animal and Plant Health Inspection Service; part of the United States Department of Agriculture; responsible for protecting and promoting U.S. agricultural health and ecosystems vulnerable to invasive pests and pathogens, administering the Animal Welfare Act, and carrying out wildlife damage management activities.

(4) Authorized Representative. An employee of the state or federal government, or a licensed veterinarian accredited by the USDA, who is authorized to conduct animal disease control and eradication activities.

(5) Certified Flock/Herd. A complete monitored category flock/herd that has been continuously participating in the USDA Voluntary Scrapie Flock Certification Program Standards (APHIS 91-55-091, June 30, 2007) and has met the provisions for 5 years or more.

(6) Commingled, commingling. Animals grouped together having physical contact with each other, including contact through a fence line or sharing the same section in a transportation unit where physical contact can occur.

(7) Division. The Division of Animal Industry of the Florida Department of Agriculture and Consumer Services.

(8) Flock or Herd. All animals maintained on a single premises and all animals under common ownership or supervision on two or more premises with animal interchange between the premises.

(9) Flock/Herd of origin. The flock/herd in which an animal most recently resided in which it either was born, gave birth, or resided during lambing or kidding.

(10) Goat. Any ruminant of the genus Capra.

(11) Intrastate. Existing or occurring within the boundaries of the state.

(12) Official Certificate of Veterinary Inspection (OCVI). A legible certificate made on an official form from the state of origin or from the USDA, issued by an authorized representative, and approved by the chief animal health official of the state of origin.

(13) Official Individual Identification. A form of unique individual animal identification, as follows:

(a) Official Eartags. A tamper-evident eartag, approved by APHIS, capable of providing a unique identification number for each animal, and capable of being recorded in a central repository. Such eartags must conform to one of the following number systems:

1. National Uniform Eartagging System;
2. Animal Identification Number (AIN);
3. Premises-based numbering system; or
4. Any other numbering system approved by APHIS.

(b) Ear, tail-web or flank tattoos, using the National Uniform Tag Code number assigned by APHIS to the state of origin; breed registration tattoos when accompanied by breed registration papers; or an official brand when accompanied by a brand registration certificate;

(c) Implanted electronic chips that conform to ISO standards with a unique number that is recorded in a single, central database.

(14) Owner. A person, partnership, company, corporation, or any legal entity that has legal or rightful title to animals.

(15) Premises. A geographically distinct place or location where livestock are housed, maintained, congregated, or kept.

(16) Premises identification number. A unique number used on official eartags and tattoos to identify the premises of origin of an animal.

(17) Recognized slaughter establishment. A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. §§ 601-695).

(18) Scrapie. A non-febrile, transmissible, degenerative, disease of the central nervous system in sheep and goats.

(19) Scrapie Flock/Herd Certification Program (SFPCP). A voluntary State-Federal-Industry cooperative effort as defined in the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007.

(20) Scrapie-positive animal. An animal for which an approved test has been conducted with positive results by NVSL or another laboratory authorized by the Administrator to conduct tests. The animal must meet the criteria of a Scrapie-positive animal as defined in 9 C.F.R. § 54.1 (2008).

(21) Sheep. Any ruminant of the genus Ovis.

(22) Source Flock/Herd. A flock/herd in which an authorized representative has determined that at least one animal was born that was diagnosed as Scrapie positive at an age of 72 months or less or in which a positive animal has resided throughout its life.

(23) Suspect animal. An animal that exhibits any clinical signs of Scrapie and that has been determined to be suspicious for Scrapie by an accredited veterinarian or by an authorized representative; an animal that has tested positive on a live animal screening test; or, an animal whose official test yielded inconclusive results.

(24) USDA. United States Department of Agriculture.

Specific Authority 570.07(23), 570.36(2), 585.002(4) FS. Law Implemented 585.003, 585.08, 585.11(1), 585.14, 585.145(1),(2), 585.15, 585.16 FS. History—New \_\_\_\_\_.

5C-29.002 General Requirements for Movement of Sheep and Goats.

(1) Identification Requirements.

(a) All sheep and goats moved intrastate or interstate for any purpose must be officially identified to their flock/herd of birth. All sheep and goats that change ownership for any purpose must be officially identified to their flock/herd of birth as required by 9 C.F.R. § 79.2 (2008). In cases where the flock/herd of birth can not be determined, the sheep and goats must be officially identified to the flock/herd of origin.

(b) Official Identification Methods: Only APHIS approved identification methods of sheep and goats as required by the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005, may be used. Such identification methods must be permanent or tamper evident, secure, carry a unique premises and individual animal number and traceable to flock/herd of birth or flock/herd of origin. Approved methods of identification include:

1. Official USDA-APHIS-VS eartags.

2. Premises identification tattoos (must be legible and contain the flock/herd number and unique animal number).

3. Official registry tattoos (must be accompanied by either official breed registration certificate or an OCVI that includes the corresponding official registration number), or

4. Electronic microchip/implant (must be accompanied by owner statement of ID numbers and chip manufacturer, and agent should have a chip reader for verification of placement).

(2) Responsibility for Identification of Sheep and Goats.

(a) Primary Responsibility. The owner of the flock/herd of origin has the primary responsibility for identification of all sheep and goats before moving their animals and involving them in intrastate commerce and before they are commingled with animals from different flocks/herds of origin. If official identification has not been placed on the sheep or goats by the owner before leaving the flock/herd of origin and moving them for the purpose of involving them in intrastate commerce, the owner must assure that the sheep or goats are officially identified before the animals are commingled with sheep and goats from different flocks/herds of origin and before change of ownership.

(b) Secondary Responsibility. Persons with secondary responsibility to identify sheep or goats include:

1. A person who delivers any sheep or goats to a place where they will be commingled must ensure that the sheep or goats are officially identified to their premises of origin before allowing contact with sheep or goats from different flocks/herds or before change of ownership.

2. A person who receives any sheep or goats that are required to be identified to their premises of origin must ensure that the sheep or goats are officially identified to their premises of origin before commingling with sheep or goats from different flocks/herds or before change of ownership.

(3) Retagging Sheep and Goats with Lost Identification.

(a) If a sheep or goat loses its identification to its flock/herd of birth or origin while in intrastate or interstate commerce the person that has control or possession of the sheep or goat is responsible for identifying the animal before commingling with sheep or goats of different flocks/herds of origin.

(b) The person retagging the sheep or goat shall record the identification number and the flock/herd of origin of the animal. If the flock/herd or origin can not be determined all possible flocks/herds of origin shall be listed in the records.

(4) Removal of Official Identification Prohibition.

(a) No person shall remove or tamper with any official identification device.

(b) Official identification devices which are damaged and are no longer functional may be replaced provided all possible flocks/herds of origin are listed in the record associated with the application of the new official identification.

(5) Violations. Sheep and goats entering the state, moving within the state, or changing ownership in violation of the provisions of this chapter may be stopped by an agent, or employee of the Division or by any FDACS law enforcement officer of the state of Florida or any subdivision of the state. Any person, firm, or association having charge, custody, or control of animals imported or moved in violation of this rule will return the animals to the state or flock/herd of origin as directed by the Division.

Specific Authority 570.07(23), 570.36(2), 585.002(4) FS. Law Implemented 585.003, 585.14, 585.145(1),(2), 585.15, 585.16 FS. History—New \_\_\_\_\_.

5C-29.003 Recordkeeping Requirements for Identification of Sheep and Goats.

(1) Any individual authorized to apply official identification, under the provisions of the USDA Scrapie Eradication Uniform Methods and Rules APHIS 91-55-079, June 1, 2005, must keep records of sales of all sheep and goats.

(2) Each person required to keep records under the provisions of the USDA Scrapie Eradication Uniform Methods and Rules APHIS 91-55-079, June 1, 2005, must keep records for five years even if the animal is no longer on the premises. Such records shall be available for inspection by any authorized representative of the department during ordinary business hours upon request.

Specific Authority 570.07(23), 570.36(2), 585.002(4) FS. Law Implemented 585.003, 585.11(1), 585.14, 585.145(1), (2) FS. History—New \_\_\_\_\_.

5C-29.004 Scrapie Free Flock/Herd Certification Programs.

(1) Complete Monitored – Producers have the opportunity to enroll their flock/herd in the APHIS sponsored program to certify their flock/herd free of Scrapie as determined by the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007. This program requires 5 years of active participation in the SFCP with annual records review.

(2) Export Monitored – Producers have the opportunity to enroll their flock/herd in the APHIS sponsored program to certify their flock/herd free of and eligible to be exported as determined by the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007. This program requires 7 years of participation in the SFCP and specified testing within herd or flock.

(3) Selective Monitored – Slaughter lamb/kid producers who wish to have an additional method of surveillance in large production flocks/herds have the opportunity to enroll their flock/herd in the APHIS sponsored program as determined by the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007.

Specific Authority 570.07(23), 570.36(2), 585.002(4) FS. Law Implemented 585.003, 585.11(1), 585.14, 585.145(1) FS. History–New \_\_\_\_\_.

5C-29.005 Scrapie Monitoring and Surveillance.

(1) Clinical suspects and test-positive animals will be handled in accordance to the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

(2) Mature traceable animals that are dead or down at market will be sampled and tested when practical to do so in accordance to the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

(3) Sampling and testing of mature traceable sheep at slaughter will be handled by APHIS in accordance to the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

Specific Authority 570.07(23), 570.36(2), 585.002(4) FS. Law Implemented 585.003, 585.11(1), 585.14, 585.145(1), 585.16 FS. History–New \_\_\_\_\_.

5C-29.006 Scrapie Flock/Herd Clean-up Plans.

(1) All flocks/herds determined to be infected with Scrapie shall be placed under quarantine and handled in accordance with the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

(2) All flocks/herds containing animals suspicious for, and source flocks/herds, will be placed under quarantine and investigated in accordance with the USDA Scrapie Eradication Uniform Methods and Rules, APHIS 91-55-079, June 1, 2005.

Specific Authority 570.07(23), 570.36(2), 570.07(15), 585.002(4) FS. Law Implemented 585.003, 585.08(1), 585.11(1), 585.145(1), 585.16, 585.17, 585.18, 585.23, 585.40, FS. History–New \_\_\_\_\_.

5C-29.007 Florida Scrapie Certification Board.

In accordance with the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007, APHIS is authorized to establish a State Scrapie Certification Board. The board shall administer the USDA Voluntary Scrapie Flock Certification Program Standards, APHIS 91-55-091, June 30, 2007; review program enrollment and status advancement; review situations that may result in reduction of certification status or dismissal from the program; and educate producers regarding Scrapie.

Specific Authority 570.07(23), 570.36(2), 585.002(4) FS. Law Implemented 570.07(15), 585.11(1)(b), 585.14 FS. History–New \_\_\_\_\_.

5C-29.008 Materials.

(1) 9 C.F.R. § 54.1 (2008), 9 C.F.R. § 79.2 (2008) and 9 C.F.R. §§ 160-162 (2008) are hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

(2) USDA Scrapie Eradication Uniform Methods and Rules, June 1, 2005, APHIS 91-55-079, is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

(3) USDA Voluntary Scrapie Flock Certification Program Standards, June 30, 2007, APHIS 91-55-091 is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

(4) Federal Meat Inspection Act (21 U.S.C. §§ 601-695 (2007)) is hereby incorporated by reference. Copies may be obtained from the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, DC 20402-9328.

Specific Authority 570.07(23), 570.36(2), 585.002(4) FS. Law Implemented 585.08, 585.11(1), 585.15, 585.16 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF COMMUNITY AFFAIRS****Division of Housing and Community Development**

RULE NO.:

RULE TITLE:

9B-13.0041

Thermal Efficiency Standards

Adopted



2008). Compliance with this rule along with the other criteria contained in the Basis of Review implements the objectives of the District to protect the public health and safety, to prevent interference among legal users of Lake water, to be consistent with the MFL recovery strategy as defined in Rule 40E-8.421, F.A.C., and to ensure that water necessary for Everglades restoration is not allocated for consumptive use.

- (1) The rule applies to applications for new projects, existing unpermitted projects, modifications to existing projects, and permit renewals for existing projects located within the Lake Okeechobee Basin as described in Section 1.7.3, that propose to use surface water from the “Lake Okeechobee Waterbody,” defined as:
- (a) Lake Okeechobee as identified in Subsection 40E-8.021(12), F.A.C.; or
  - (b) Integrated conveyance systems that are hydraulically connected to and receive water from Lake Okeechobee such as the Caloosahatchee River, the St Lucie Canal, or secondary canal systems that receive Lake Okeechobee water for water supply purposes via gravity flow or by pump.

This section does not apply to groundwater withdrawals such as withdrawals from wells, mining, and dewatering, or to projects that request to use a volume of water from the Lake Okeechobee Waterbody at or below the threshold contained in paragraph 40E-20.302(1)(a), F.A.C.

- (2) Except as otherwise provided in this section, an applicant must demonstrate the requested allocation will not cause a net increase in the volume of surface water withdrawn from the Lake Okeechobee Waterbody over the entire “base condition water use” as defined in paragraphs (a) through (d); ~~below but in no case shall exceed the withdrawal authorized to the applicant as of October 29, 2008.~~ In determining the base condition water use pursuant to paragraphs (a) through (d) below, the District shall consider and allow adjustments if the applicant demonstrates that such use is not representative of normal operations due to unanticipated conditions affecting the actual quantity of water withdrawn, such as extreme climatic conditions or equipment failure.
- (a) Public Water Supply Use Class: the maximum quantity of water withdrawn by the applicant from the Lake Okeechobee Waterbody during any consecutive twelve month period between April 1, 2001 and January 1, October 29, 2008 consistent with the conditions of the existing permit. If a permit allocation existing on January 1 October 29, 2008 contains an

allocation based on a conversion of a water treatment system, the base condition water use shall be increased to account for treatment losses of the new treatment plant as if the treatment system was operational during the above stated time interval;

- (b) Irrigation Use Classes: the quantity of water calculated using Sections 2.3 and 3.9.1 considering to meet demands for:
  - (i) The maximum number of acres actively irrigated by the applicant between from April 1, 2001 and January 1, October 29 2008 along with the associated crop type and irrigation method used. When determining the numbers of acres actively irrigated, data regarding historic crop plantings will be evaluated, however short term reductions in historic plantings caused by disease or poor market conditions are not to be used in determining the actively irrigated acreage; or
  - (ii) If the irrigation project, or a portion thereof, has been authorized but not yet constructed pursuant to the conditions of a surface water management (construction) or environmental resource (construction) permit or authorization existing on January 1, October 29 2008, the base condition water use will be calculated based on the number of acres and crop type identified in the environmental resource and water use permit or authorization in place as of January 1 October 29, 2008;
- (c) Diversion and Impoundment Use Class: the demands of the applicant calculated pursuant to Section 2.7.2 for the physical conditions of the diversion and impoundment system as of January 1 October 29, 2008. In situations where historic uses were supplied by the diversion and impoundment project but not expressly identified or incorporated in the diversion and impoundment permit, the base ~~base~~ condition water use will be as calculated to include the historic demands served by the diversion and impoundment project between April 1, 2001 and January 1 October 29, 2008.
- (d) Other Use Classes: the maximum quantities of water withdrawn by the applicant (annual and maximum month) between April 1, 2001 and January 1 October 29, 2008, consistent with the conditions of the existing permit.

- (3) Applicants shall provide reasonable assurances that the requested allocation proposed use will not cause a net increase in the volume of surface water withdrawn from the Lake Okeechobee Waterbody over the entire base condition water use increase the base condition water use from the Lake Okeechobee Waterbody. This ~~d~~Demonstration that the proposed use will not increase the base condition water use is provided when the following criteria are met on a project by project scale as calculated pursuant to subsection 3.2.1.(G)(2), above:
- (a) Permit Renewals: Those projects which timely seek re-issuance of a previous permit without modifications. The requested volume for permit renewal is no greater than the project's base condition water use calculated pursuant to subsection (2) above.
- (b) Modifications that Maintain or Reduce the Base Condition Water Use calculated pursuant to the existing permit: The requested modification results in a reduction in the project's base condition water use. Examples of such modifications that could result in a reduction in the project's base condition water use include changes to withdrawal facilities, a reduction in irrigated acreage, change in crop type within the permitted use class, or irrigation efficiency that results in an allocation that is equal to or less than the project's base condition water use calculated pursuant to the existing permit lowers water demands. In the event that the modification results in a use that is less than the project's base condition water use ~~t~~The applicant will be required to calculate the reduction from ~~in~~ the project's base condition water use associated with the requested modification.
- (c) New Projects, Existing Unpermitted Projects, or Modifications Requesting Base Condition Water Use in Excess of the Amount Calculated Pursuant to the Previous Permit: Except for those uses as identified in subsection (4) as an incompatible use, allocations ~~above or equal to the project's base condition water use as identified in subsection (2) above~~ will be provided from the following sources:
- (i) Certified Project Water. Water provided from an operational water resource development project, as defined in Section 373.019(22), Florida Statutes, that has been certified by the Governing Board for allocation to consumptive uses, as defined in Section 1.8;
- (ii) Lake Okeechobee Waterbody Withdrawals Offset by Alternative Sources. An alternative source of water that is demonstrated to replace the volume, including timing, of water proposed to be withdrawn from the Lake Okeechobee Waterbody over the base condition water use. Examples of offsets include recharge provided by reclaimed water applied to provide recharge to the Waterbody in equal or greater amounts than the proposed increase over the base condition water use;
- (iii) Alternative Water Supply. Water provided from a source not restricted under this section such as groundwater, reclaimed wastewater or stored stormwater; or
- (iv) Unassigned, Terminated, or Reduced Base Condition Water Use. ~~The requested allocation is for available base condition water use calculated pursuant to paragraph 3.2.1.(G)(2), above, that was not authorized by an existing permit (i.e. "unassigned"), permitted base condition water use that has been made available through a permit which was terminated after January 1, 2008, or water made available pursuant to a modification made after January 1, 2008 which reduced the permitted base condition water use of an existing permit. In the event of competition for allocation of available base condition water use, those projects that seek an allocation of water in volumes equal to or less than that which was previously permitted to that project and/or used by that project shall be a positive consideration when determining which project best serves the public interest. Prior to February 28, 2010, Water made available through the termination or reduction of other base condition water uses after October 29, 2008, unless the Governing Board reserves the right to restrict the re-allocation of terminated base condition water use if it determines that such water determines that such retired or reduced base condition water use is demonstrated to improve the performance of an MFL waterbody under recovery in terms of shortening the frequency or duration of projected MFL violations or improve the performance of meeting a restoration target as defined in an approved District restoration plan or~~





including cauterization, are not authorized under the term “physical therapy” as used in this chapter. The practice of physical therapy as defined in this chapter does not authorize a physical therapy practitioner to practice chiropractic medicine as defined in Chapter 460, F.S., including specific spinal manipulation. For the performance of specific chiropractic spinal manipulation, a physical therapist shall refer the patient to a health care practitioner licensed under Chapter 460, F.S. Nothing in this subsection authorizes a physical therapist to implement a plan of treatment for a patient currently being treated in a facility licensed pursuant to Chapter 395, F.S.”

Previous page 1-2, now page 1-3, Purpose and Definitions, Occupational Therapy. We replaced the first paragraph with, “In accordance with Section 468.203, F.S., occupational therapy is the use of purposeful activity or interventions to achieve functional outcomes by maximizing the independence and maintenance of health of any individual who is limited by a physical injury or illness, a cognitive impairment, a psychosocial dysfunction, a mental illness, a developmental or a learning disability, or an adverse environmental condition. Occupational therapy addresses the developmental or functional needs of a child related to the performance of self-help skills; adaptive behavior; and sensory, motor and postural development.”

Previous page 1-2, now page 1-3, Purpose and Definitions, Speech-Language Pathology. We replaced the second paragraph with, “In accordance with Section 468.1125, F.S., services include the identification, evaluation and treatment, and prevention of disorders of verbal and written language, nonverbal or nonoral forms of language, articulation, voice, fluency, phonology, accent, mastication, deglutition, cognition, communication (including the pragmatics of verbal communication), auditory processing, visual processing, memory, comprehension and interactive communication as well as the use of instrumentation, techniques, and strategies to remediate and enhance the recipient’s communication needs, when appropriate. Services also include the evaluation and treatment of oral pharyngeal and laryngeal sensorimotor competencies.”

Previous page 1-3, now page 1-4, Purpose and Definitions, Respiratory Therapy. We revised the first paragraph to read, “In accordance with Section 468.352, F.S., respiratory therapy services include evaluation and treatment related to pulmonary dysfunction; diagnostic and therapeutic use of respiratory equipment, devices, or medical gas; and administration of drugs, as duly ordered or prescribed by a physician licensed under Chapter 458 or Chapter 459, F.S., and in accordance with protocols, policies, and procedures established by a hospital or other health care provider or the board.”

We revised the second paragraph to read, “Examples are ventilatory support; therapeutic and diagnostic use of medical gases; respiratory rehabilitation; management of life support systems and bronchopulmonary drainage; breathing exercises; chest physiotherapy; insertion and maintenance of artificial airways and intravascular catheters; and education of patients, families, the public, or other health care providers, including disease process and management programs and smoking prevention and cessation programs.”

Previous page 1-4, now page 1-5, Prepaid Therapies Program, Services Exempt from Authorization by the Prepaid Therapies Program. In the third bullet, we added “or private” before school. The bullet now reads, “Therapy services provided in a public or private school.”

Previous page 1-4, now page 1-5, Prepaid Therapies Program, Fee-for-Service Billing. We revised the section to read, “Recipients who are not eligible for the Prepaid Therapies Program receive therapy services through the Medicaid Therapy Program, which is described in this handbook. Services provided under the Medicaid Therapy Services program are reimbursed through fee-for-service billing.”

Previous page 1-6, now page 1-7, Provider Qualifications, Therapy Assistants. We revised the second sentence to read, “The physical therapist, occupational therapist, speech-language pathologist who supervises, or home health agency that employs the therapy assistant may be reimbursed for the therapy assistant’s visits.”

Previous page 1-8, now page 1-9, Provider Responsibilities, Solicitation. We added the following new first paragraph, “In accordance with Section 456.054(2), F.S., it is unlawful for any health care provider or any provider of health care services to offer, pay, solicit, or receive kickbacks, directly or indirectly, overtly or covertly, in cash or in kind, for referring or soliciting patients. Any violations by a provider shall be considered patient brokering and shall be punishable as provided in Section 817.505, F.S.” We added the following to the beginning of the first sentence of the second paragraph, “In accordance with Section 409.920(2)(e), F.S., it is unlawful to.”

Page 2-10, Therapy and Speech-Language Treatment Visits, Reimbursement Limitations. We revised the second paragraph to read, “The billing standard for therapy treatment is either one or two units-of-service. The units-of-service may be combined to form one 30-minute treatment visit or provided as two individual treatment visits.”

In addition, the following technical changes were made:

Table of Contents; Page 1-1; previous page 1-3, now page 1-4; and previous page 1-7, now page 1-8. The name “Prepaid Therapy Program” was changed to “Prepaid Therapies Program.”

Pages 1-2; previous page 1-5, now page 1-6; and pages 2-3, 2-4, 2-7, 2-10, 2-12, and 2-22. We corrected the fiscal agent's Web Portal path to read, "Click on Public Information for Providers, Provider Support, and then click on Provider Handbooks."

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NOS.:	RULE TITLES:
59G-13.081	Developmental Disabilities Waiver Provider Rate Table
59G-13.084	Developmental Disabilities Residential Habilitation Services in a Licensed Facility Provider Rate Table

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 6, February 8, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-13.083	Developmental Disabilities Waiver Services

**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. 34, No. 6, February 8, 2008 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the and during the public hearing process.

Rule 59G-13.083, F.A.C., incorporates by reference the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007. The following revisions were made to the handbook.

Page 1-5, General Definitions, Medicaid Waiver Services Agreement. We added two sentences, which read, "Modifications or additions may be made by APD to the sample agreement provided on a case-by-case basis as necessary to address specific facts or other concerns relevant to an individual provider. An example of the Medicaid Waiver Services Agreement is included as Appendix D."

Page 1-16, Adult Day Training Provider Requirements, Provider Qualifications, last bulleted item. We have revised to read, "Direct service staff must be at least 18 years of age and possess at least a high school diploma or equivalent. When determining the equivalency of high school degrees, providers may accept official transcripts, affidavits from educational institutions, and other formal or legal documents that can be reasonably used to determine educational background.

Employees who have been hired using the best judgment of the hiring agency, prior to this amendment, will not be affected by this change."

Page 1-16, Adult Day Training Provider Requirements, Training Requirements, first paragraph. We have revised to read, "Proof of training in the areas of Cardiopulmonary Resuscitation (CPR), HIV/AIDS and infection control is required for all staff within 90 days of initially providing adult day training services. Proof of annual or required updated training shall be maintained on file for review. At all times when recipients are present, a minimum of a least one staff member or 50 percent of all staff at the facility (whichever is greater), must be trained in CPR, infection control techniques, zero tolerance (of sexual abuse), core competencies, and the use of approved restraints and seclusion approved by the Agencies."

Page 1-30, Residential Habilitation Provider Requirements, Training Requirements, first paragraph. We have revised the first sentence and added the last sentence to read, "Proof of training in the areas of Cardiopulmonary Resuscitation (CPR), HIV/AIDS and infection control is required within 90 days of initially providing residential habilitation services. Proof of annual or required updated training shall be maintained on file for review. At all times when recipients are present, a minimum of a least one staff member or 50 percent of all staff at the facility (whichever is greater), must be trained in CPR, infection control techniques, zero tolerance (of sexual abuse), core competencies, and the use of approved restraints and seclusion approved by the Agencies."

Page 2-5, Requirements to Receive Services, Medical Necessity Determinations, second paragraph, last sentence. We have revised to read, "A request for hearing shall be made to the agency, in writing, within 30 days of the recipient's receipt of the notice."

Page 2-65, Residential Habilitation Services, Minimum Staffing Requirements for Standard and Behavior Focus Residential Habilitation Services Provided in a Licensed Facility, first paragraph. We have deleted the introductory language so that the paragraph begins, "Providers of standard and behavior focus residential habilitation services shall provide a minimum level of staffing consistent with the minimum Direct Care Staff Hours per Person per 24 Hour Day identified in the table below."

Page 2-65, Residential Habilitation Services, Minimum Staffing Requirements for Standard and Behavior Focus Residential Habilitation Services Provided in a Licensed Facility, table of hours. We have revised the table of hours, to read,

“Direct Care Staff Hours per Person per 24 Hour Day:

Level of Disability	Level of Direct Care Staffing	
	Hours per 24 hour Day	Hours per Week
Basic Level	2	14
Minimal	4	28
Moderate Level	6.5	45.5
Extensive 1 Level	8.5	59.5
Extensive 2 Level	11	77

Hours counted must be provided by direct care staff or by other staff, who are providing direct care or direct time spent on client training, intervention or supervision.”

Page 2-67 through 2-70, Residential Habilitation Services, Level of Supports, entire section. We have deleted this section. Page D-1 through D-4, Appendix D, Medicaid Waiver Service Agreement, entire appendix.

We have withdrawn the previously noticed deletion of this appendix and re-numbered it as Appendix D.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NOS.:	RULE TITLES:
61H1-22.006	Governmental Accounting Standards
61H1-22.007	Governmental Auditing Standards
61H1-22.008	Standards for Local Governmental Audits

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 46, November 16, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.:	RULE TITLE:
64B9-7.001	Fees

**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. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly.

These changes were approved by the Board on October 11, 2007 and were made to address concerns raised by the Board. The changes are as follows:

1. The Purpose and Effect of the amendment will now read as follows:

The purpose and effect is to add a fee for application for CNS certification, for renewal of a dual RN/CNS license certificate, for licensees renewing for two years their biennial renewal, for licensees renewing for three years their biennial renewal, to add a delinquency fee, to adjust the fees in several application and licensing categories, to update existing language and clarify that the fees for criminal background checks are in addition to the application fee.

2. The Summary of the amendment will now read as follows:

A fee for application for CNS certification, for renewal of a dual RN/CNS license certificate, for licensees renewing for two years their biennial renewal, for licensees renewing for three years their biennial renewal and a delinquency fee are added, the fees in several application and licensing categories are adjusted, the existing language is updated and it is clarified that the fees for criminal background checks are in addition to the application fee.

3. Subsection 64B9-7.001(1)(a) will now read as follows:

(a) For registered nurse and licensed practical nurse ninety dollars (\$90.00) ~~plus of which \$23 is specifically earmarked to~~ pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

4. Subsection 64B9-7.001(2) will now read as follows:

(2) For application for licensure without examination by endorsement as provided in Section 464.009, F.S.:

For registered nurse and licensed practical nurse ninety dollars (\$90.00) ~~plus of which \$23 is specifically earmarked to~~ pay the fee charged by the Department of Law Enforcement for the criminal background check mandated by Section 464.008(1)(b), F.S.

5. The date in which the proposed rule was approved by the agency head will now read as follows: October 11, 2007

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**

RULE NOS.:	RULE TITLES:
65C-16.001	Definitions
65C-16.002	Adoptive Family Selection
65C-16.005	Evaluation of Applicants
65C-16.007	Abuse Hotline and Registry and Criminal Records Checks
65C-16.008	Dispute Resolutions and Appeals
65C-16.012	Types of Adoption Assistance
65C-16.013	Determination of Maintenance Subsidy Payments

65C-16.015	Non-Recurring Adoption Expenses
65C-16.017	Florida Adoption Reunion Registry
65C-16.018	Adoption Benefits for Qualifying Employees of State Agencies

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. 34, No. 23, June 6, 2008 issue of the Florida Administrative Weekly.

65C-16.001 Definitions.

(5) "Adoption Exchange" means a mechanism for linking adoptive family resources with children needing adoption placement. The Exchange serves all ~~the appropriate~~ department and community based care staff, and the staff of licensed child placing agencies in Florida.

(19) "Interstate Compact on the Placement of Children" means an agreement among states, enacted into law in all 50 states, the District of Columbia and the Virgin Islands, which governs the interstate movement of children. It establishes orderly procedures for the interstate adoptive or out of home placement of children, including post-placement supervision.

(30) "Single Point of Access" means the designated staff person or Alcohol, Drug Abuse and Mental Health staff person or the authorized agent designated by the department within a geographical area who is identified as the point of contact to assist the case management or adoption counselor in accessing mental health assessments and other mental health services for children adopted from foster care or in the care and custody of the department or the appropriate entity within the community based care agency.

65C-16.002 Adoptive Family Selection.

(4)(c) The decision to separate siblings must be approved in writing and documented in the statewide automated system by the ~~appropriate~~ community based care or sub-contractor staff charged with this responsibility. The ~~appropriate~~ community based care or sub-contractor staff will prepare a memorandum directed to a designated community based care or sub-contractor staff describing efforts made to keep the siblings together and an assessment of the short term and long range effects of separation on the children. The memorandum must also include a description of the plan for future contact between the children if separation is approved. The plan must be one to which each adoptive parent and caretaker can commit.

65C-16.005 Evaluation of Applicants.

(3)(m) Affidavit of Good Moral Character. All adoptive parent applicants must complete an affidavit of good moral character (Form CF-1649, Affidavit of Good Moral Character), hereby incorporated by reference, attesting to their own good moral character. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL. Foster parents who are adopting a

foster child in their home and who have completed this affidavit as a part of their licensing requirements need not complete it again;

(o) Use of References. A minimum of five written references will be required. At least two of the references will be non-relatives. References must be obtained from persons who either: 1) have had the opportunity to observe the applicants in situations that may give some indication for their capacity for parenthood, or 2) who as a result of their relationship to the applicant, possess or should possess documentation or ~~who would have documented~~ knowledge of deviant behavior or immoral character. References should be obtained from employers of applicants and from schools or day care providers who have had an opportunity to know the family.

(9) Adoption Review Committee. Each community based care provider responsible for providing adoption services for children in the department's custody must establish an Adoption Review Committee. The committee will consist of at least three (3) persons. When the request for committee review is a possible denial of a home study or a department staff person has knowledge of national criminal results, State sealed or expunged criminal results or child abuse and neglect history results that are unknown to the community based care provider, one member of the committee shall be a department staff person, preferably with adoption expertise. The community based care agency will select a committee member to serve as the committee chair.

(a) The committee will provide consultation and assistance to the adoption counselor on any adoptive home study in which the counselor and supervisor are recommending denial, or adoption case situations which present challenging issues. Requests for committee review may be made by the adoption counselor, an appropriate entity within the Department or the appropriate entities with the community based care provider. Requests for committee review will be made in writing and forwarded to the appropriate entity in the community based care agency. While the committee is available to review any challenging case, cases with the following issues, except as set forth below, must be referred to the committee.

1. Health. Cases in which it is determined that the adoptive applicant is experiencing a serious or chronic medical condition and such condition predictably compromises or could compromise the applicant's ability to provide the physical, emotional, social and economic support necessary for the child to thrive.

2. Abuse History. Cases in which the Abuse Hotline clearance reveals verified findings of abuse, neglect, or abandonment which did not result in a disqualifying felony conviction, and cases in which there were some indicators of abuse or neglect.

3. Criminal History. In cases in which the required criminal history checks pursuant to Sections 39.0138 and 39.521, F.S., ~~the applicable Florida Statutes~~ reveal that the

applicant(s) have been convicted of crimes specified in Section 39.0138(2), F.S., their application must be denied. A referral to the adoptive applicant review committee will not be required. The applicant must be advised that he or she cannot be approved. If the criminal history check reveals that the applicant was convicted of a law violation listed in Section 39.0138(3), F.S., the applicable Florida Statutes, within the last five years, the applicant cannot be considered for approval, until five years after the violation was committed. These applicants must be referred to the committee.

4. Cases in which the applicant is a current or former foster parent and the review of the foster parent file reveals that there have been care and supervision concerns or a violation of licensing standards.

5. With the exception of those applicants convicted of a crime specified in Section 39.0138, F.S., the applicable Florida Statutes, counselors must seek the assistance of the committee prior to a decision to deny an applicant.

65C-16.007 Abuse Hotline and Registry and Criminal Records Checks.

(1)(a) The counselor completing the home study must submit to the background screening coordinator, sufficient information to conduct a search of the Florida Abuse Hotline Information System. Pursuant to Sections 39.0138 and 39.521, F.S., Abuse Hotline record checks must also be conducted on all other household members who are 12 years of age or older. When the adoptive applicant or other adult household member has lived in another State within five years of the request for a home study, a child abuse and neglect registry check of the other State must be completed. If the other State does not have a child abuse and neglect registry or has been approved by the Administration for Children and Families for a delayed effective date, a local or county child abuse and neglect registry check must be completed. If the other State does not have a local or county child abuse and neglect registry, the counselor must determine whether to approve the applicant based all other information required by Rules 65C-16.002, 65C-16.004, and 65C-16.005, F.A.C. If the other State has been approved by the Administration for Children and Families for a delayed effective date or the State does not maintain a registry, the counselor must determine whether to approve the applicant in the absence of the information.

(2) Pursuant to Sections 39.0138 and 39.521, F.S., criminal background checks through local, state and federal law enforcement agencies will be conducted on all persons age 12 ~~18~~ or older residing in the prospective adoptive home. For applicants who have been foster parents or who have adopted in other states, local and state checks must be completed in the state of previous residence. Should the background checks reveal that the applicant has been convicted of a crime specified in Section 39.0138(2), F.S., the applicable Florida Statutes, the application must be denied. Juvenile delinquency

checks through the Florida Department of Law Enforcement must be conducted on all household members twelve through seventeen years of age as a public record search. If this check reveals a Juvenile Justice record, this information must be addressed in the home study and a determination must be made regarding possible impact on the adopted child.

(4) Applicants who have been convicted of any crime specified under Section 39.0138(3), F.S., in the applicable Florida Statutes, within the last five years cannot be considered for approval until five years after the violation was committed. At that time these applicants must also be referred to the adoption review committee. Applicants who have been found guilty or entered a plea of guilty or nolo contendere for crimes not listed in Section 39.0138(3), F.S., the applicable Florida Statutes shall be carefully evaluated as to the extent of their rehabilitation. Factors to be considered will include the severity of the action resulting in the record, how much time has elapsed since the offense, circumstances surrounding the incident, and whether records indicate single or repeated offenses. Referral of these applicants to the adoption review committee is not required but they must be submitted to the appropriate entity in the community based care agency or designee for approval.

(5)(d) If an investigation of an abuse, neglect or abandonment report by protective investigations reveals that the subject of the report is an adoptive parent whose adoption has not been finalized, the case manager or adoption counselor must be notified immediately and must assume responsibilities in the investigation as outlined above. The child should be removed from the adoptive home if he or she meets the criteria for removal pursuant to Sections 39.301 and 39.401, F.S. the applicable Florida Statute.

65C-16.008 Dispute Resolutions and Appeals.

(4) When an adoptive applicant or parent is denied a service or an adoptive home study by the department, or by a community based agency acting for the department, efforts should be made to settle the dispute at the counselor/supervisor level. If this attempt is unsuccessful, the Adoption Review Committee will ~~could~~ be convened as outlined in subsection 65C-16.005(9), F.A.C. If this review results in a decision that supports the original decision, the applicant or parent must be told of that decision in writing by the circuit administrator or designated department staff person and advised of their judicial option for review of the denial as described in the Administrative Procedures Act, Section 120.68, F.S., and of their right to a hearing pursuant to Section 120.57, F.S. A copy of the written notification of the results of the hearing must be provided to the appropriate department and community based care staff.

## 65C-16.012 Types of Adoption Assistance.

(3) Post Adoption Services. In addition to temporary case management and information and referral requests, post adoption services include assistance to cover the cost of medical, surgical, hospital and related services needed as a result of a physical or mental condition of the child which existed ~~or was known as a potential risk factor~~ prior to the adoption ~~may be subsidized. The need or potential need for medical services for a condition recognized prior to adoption must be established and authorized prior to the placement for adoption, although the service might not be delivered until some time after finalization of the adoption.~~

## 65C-16.013 Determination of Maintenance Subsidy Payments.

(9) The adoption assistance agreement (CF FSP 5071, Adoption Assistance Agreement), hereby incorporated by reference, must be signed and dated by all parties prior to the finalization of the adoption. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL. The effective date of the agreement is the date of placement in the adoptive home, or in the case of adoption by the current caregiver, on the date the memorandum of agreement to adopt is signed. Payments may not be made for any months in which there is no adoption assistance agreement in place.

## 65C-16.015 Non-Recurring Adoption Expenses.

(1) Under any adoption assistance agreement with adoptive parents of a special needs child, the state is authorized ~~required~~ to make payments to the adoptive parents for non-recurring, one time, expenses the adoptive parents have incurred in connection with adoption of the special needs child. Nonrecurring adoption expenses are those reasonable and necessary adoption fees, court costs, attorney fees, and other expenses which are directly related to the legal adoption of the special needs child. Such costs may include expenditures for physical and psychological examinations of the adoptive parents if required as a part of the adoption process as well as transportation, lodging and food for the child or adoptive parents when necessary to complete the placement or adoption process.

## 65C-16.017 Florida Adoption Reunion Registry.

(3)(a) Any person may register by completing and submitting the application for registry services (Form CF 1490, Application for Registry Services), hereby incorporated by reference, indicating to whom they consent to release identifying information about themselves. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL.

(6)(a) Any registrant may change the name, address or telephone number associated with their registration, may limit or restrict their consent to release information, or may completely withdraw from the registry at any time using Form CF 1491, Application to Update Information on File with

Adoption Registry, hereby incorporated by reference. A copy of the form is available upon request by contacting the Office of Family Safety, at 1317 Winewood Blvd., Tallahassee, FL.

## 65C-16.018 Adoption Benefits for Qualifying Employees of State Agencies.

(+) Adoption benefits are available to employees of the state as outlined below:

(1)(a) Payment of benefits is contingent on funding.

(2)(b) Benefits are available only for adoptions that become final on or after October 1 ~~September 30~~, 2000.

(3)(e) Benefits are available only for a child who is under the age of eighteen at the time of adoptive placement or the final order of adoption.

(4)(d) Benefits are available only to qualifying adoptive employees as defined in Section 409.1663(c), F.S., and who adopt a special needs child as specified in Section 409.166, F.S. or a non-special needs child whose permanent custody was awarded to the department or a licensed child-placing agency.

(5)(e) Benefits paid to a part-time qualifying employee shall be prorated based on the employee's full-time equivalency status at the time of application for the benefits.

(6)(f) A qualifying adoptive employee who adopts more than one child is eligible for benefits for each child.

(7)(f) Benefits are limited to one award per child regardless of the number of adoptive parents or employee's change of employer.

(8)(g) The benefit is a non-qualified plan under Section 125 of the Internal Revenue Code, subject to withholding taxes.

(9)(h) The Department shall hold an annual open enrollment period for submission of applications between the first business day of August and the last business day of October. To apply for this benefit, the applicant shall fully complete and submit the State of Florida Application for Adoption Benefit Form, which is hereby incorporated by reference, and is available online at <http://www.dcf.state.fl.us/adoption/adoptbenefitsprogram.shtml>.

(a)+ To complete Part II of the application, the applicant shall apply to his or her agency head, who, upon completion, shall return the original application to the applicant. The applicant is responsible for obtaining all certifications and supporting documentation necessary to complete the application. The applicant shall submit the original application and required documentation to the Department before the close of the annual open enrollment period. The Department shall return any application received outside the open enrollment period.

(b)2- For multiple adoptions, the applicant shall submit a separate application for each child. If the final order of adoption lists all children, the applicant may submit one certified copy of the final order.

(10)(+) The Department shall review all timely applications and determine who is eligible to receive the benefit. If funding is insufficient to pay the benefit to all eligible applicants, those with earlier final orders of adoption shall have priority. If final orders of adoption bear the same date, earlier received applications shall have priority. Eligible applicants who do not receive a benefit due to lack of funds shall submit a new application during the next annual open enrollment period, if they desire consideration for payment of the benefit from later appropriations.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NO.: RULE TITLE:  
65G-4.0021 Tier Waivers

**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. 34, No. 13, March 28, 2008 issue of the Florida Administrative Weekly. The change in Rule 65G-4.0021, F.A.C., is in response to comments received from and during the public hearing process. Section 393.0661(3), F.S., requires that the Agency shall assign all clients receiving waiver services through a developmental disabilities waiver to a tier based on a valid assessment instrument, client characteristics, and other appropriate assessment methods. The following revisions are made to the rule. Subsection 65G-4.0021(3), F.A.C., was withdrawn by the Agency prior to the final hearing in the rule challenge proceeding.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Agency for Persons with Disabilities**

RULE NO.: RULE TITLE:  
65G-4.0024 Tier Three Waiver

**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. 34, No. 13, March 28, 2008 issue of the Florida Administrative Weekly. The change in paragraph 65G-4.0024(1)(b), F.A.C., is to correct a technical error in transcribing the rule from the statutory language in Sections 393.0661(3)(c) and 393.0661(3), F.S., requires that the Agency shall assign all clients receiving waiver services through a developmental disabilities waiver to a tier based on a valid assessment instrument, client characteristics, and other appropriate assessment methods. The following revisions are made to the rule. Paragraph 65G-4.0024(1)(b), F.A.C., is revised to delete "Live-in" from the text of the rule and the rule

now reads: "The client is 21 or older, resides in their own home and receives In-Home Support Services and is not eligible for the Tier One Waiver or Tier Two Waiver."

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NO.: RULE TITLE:  
67-21.003 Application and Selection Process  
for Developments

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 28, July 11, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**FISH AND WILDLIFE CONSERVATION COMMISSION**

RULE NO.: RULE TITLE:  
68-1.009 Delegations of Authority to the  
Executive Director

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly.

The correction will revise the NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission ~~Kenneth D. Haddad, Executive Director~~

**FISH AND WILDLIFE CONSERVATION COMMISSION**

RULE NO.: RULE TITLE:  
68-5.004 Amnesty for Persons Relinquishing  
Non-native Pets

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly.

The correction will revise the NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission ~~Kenneth D. Haddad, Executive Director~~

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

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

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 33, August 15, 2008 issue of the Florida Administrative Weekly.

