

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099821
 RULE TITLE: Voluntary Prekindergarten (VPK)
 Provider Kindergarten Readiness
 Rate

PURPOSE AND EFFECT: The purpose of this rule development is to adopt procedures for the Department to calculate each Voluntary Prekindergarten (VPK) Provider's 2008-09 Kindergarten Readiness Rate. These readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the VPK Education Program during the 2008-09 school year and who are administered the statewide kindergarten screening during the 2009-10 school year. The effect is to implement the requirements of Section 1002.69, Florida Statutes, and continued implementation of the calculation of kindergarten provider readiness rates.

SUBJECT AREA TO BE ADDRESSED: Kindergarten Provider Readiness Rate.

RULEMAKING AUTHORITY: 1002.69 FS.

LAW IMPLEMENTED: 1002.69 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: September 21, 2009, 6:00 p.m. – 8:00 p.m.; September 22, 2009, 5:00 p.m. – 7:00 p.m.; and September 28, 2009, 3:00 p.m. – 5:00 p.m.

PLACES: September 21, 2009, Coordinated Child Care of Pinellas Inc., 10601 Belcher Road South, Largo, FL.; September 22, 2009, Children Services Council of Palm Beach Co., Barrie Training Room A&B, 2300 High Road Ridge Road, Boynton Beach, FL.; September 28, 2009, Florida Department of Education, 325 W. Gaines St., Suite 1524, Tallahassee, Florida

Webinar: <https://sas.illuminate.com/m.jnlp?password=M.C503140814C927D55EBE8FC33DE9CC>; **Conference Call:** (888)808-6959; **Conference Code:** 245-0966.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Shan Goff, Office of Early Learning, Florida Department of Education, 325 W. Gaines St., Suite 1524, Tallahassee, FL 32399-0400, (850)245-0445. To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-1.099821 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.

(1) No change.

~~(2) Kindergarten Screening. In addition to the administration of the kindergarten screening measures adopted by the Department of Education, school districts shall also administer the Letter Naming Fluency Measure of the Indicadores Dinamicos del Exito en la Lectura (IDEL) to public school kindergarten students whose native language is Spanish and who answered "yes" to at least two (2) questions on the Home Language Survey.~~

~~(2)(3) Accuracy of Data.~~

(a) Prior to the calculation of the VPK Provider Kindergarten Readiness Rate, as described in subsection ~~(4)(5)~~ of this rule, private and public school VPK providers shall have the opportunity to review a cumulative list of all of the children served in their program and the total number of hours they attended.

(b) If a private or public provider disputes the accuracy of the cumulative list of VPK participants or the total number of hours they attended when such change would result in their inclusion or exclusion in the calculation of the VPK Provider Kindergarten Readiness Rate, as measured by the threshold of seventy (70) percent, as described in subparagraph ~~(3)(4)~~(a)1. of this rule, the provider may submit corrective information to the Office of Early Learning of the Department of Education within 14 days after publication of the cumulative list on the Department's website (vpk.fldoe.org). The Department, in collaboration with the Agency for Workforce Innovation and the respective Early Learning Coalition, shall review the corrective information and accept or reject the requested corrective information within 21 days after publication of the cumulative list on the Department's website. Upon completion of the corrective process, the Department shall calculate a preliminary VPK Provider Kindergarten Readiness Rate in accordance with the method described in subsection ~~(4)(5)~~ of this rule.

(c) If a private or public school provider disputes the accuracy of the preliminary VPK Provider Kindergarten Readiness Rate as published on the Department's website or if a private provider disputes ownership at the time of the ~~2008-09 2007-08~~ VPK program, the provider may file a dispute on the Department's website and submit documentation to the Department for its review and consideration within 14 days after publication of the preliminary rate. The Department shall review and accept or reject any changes to the data within 21 ~~14~~ days after publication. The VPK Provider Kindergarten Readiness Rate will be recalculated in accordance with the method described

in subsection ~~(4)(5)~~ of this rule and submitted to the State Board of Education for the purpose of adopting a minimum readiness rate, as required by Section 1002.69(6), F.S.

~~(3)(4)~~ Criteria for Inclusion in the VPK Provider Kindergarten Readiness Rate for 2008-09 ~~2007-08~~.

(a) After the conclusion of the review of the data described in subsection ~~(2)(3)~~ of this rule, the Department shall calculate the Kindergarten Readiness Rate for each private or public school VPK provider of either the school year (five hundred forty (540) hour) or summer (three hundred (300) hour) program that served at least four (4) children who:

1. through (b) No change.

~~(4)(5)~~ Procedures for Calculating the VPK Provider Kindergarten Readiness Rate for 2008-09 ~~2006-07~~.

(a) through (b) No change.

(c) The VPK Provider Kindergarten Readiness Rate shall be the sum of the “Percent of Children Ready for Kindergarten” on each screening measure with a maximum of two hundred (200) ~~three hundred (300)~~ points.

(d) The Kindergarten Readiness Rate for private and public school VPK Providers will be displayed as follows:

	Screening Measure #1	Screening Measure #2	Screening Measure #3
Children Ready for Kindergarten	22	15	42
Children Screened	22	20	20
Percent of Children Ready for Kindergarten	100	75	60
VPK Provider Readiness Rate	<u>175</u> 235		

~~(e) For children who also participated in the Letter Naming Fluency Measure of the Indicadores Dinamicos del Exito en la Lectura (IDEL), as described in subsection (2) of this rule, the higher of the two (2) Letter Naming Fluency Measures shall be used to calculate the “Percent of Children Ready for Kindergarten” as described in paragraph (5)(d) of this rule.~~

~~(e)(f)~~ All providers shall be ranked according to their final score.

~~(5)(6)~~ VPK Provider Kindergarten Readiness Rates. VPK Provider Kindergarten Readiness Rates shall be binding on new private VPK owners if the change of ownership occurred at a point in time in which seventy (70) percent or more of the VPK school-year or summer program remained. For the purpose of this rule, a change of ownership does not include the sale or transfer to family members or persons with a pre-existing ownership interest in the business.

~~(6)(7)~~ Low Performing VPK Providers. If the readiness rate of a private or public VPK provider falls below the minimum rate adopted by the State Board, the provider shall be designated as a low performing VPK provider and acknowledge such designation on the Department’s website within 21 days of the State Board of Education’s adoption of the minimum readiness rate.

Rulemaking Specific Authority 1002.73(2)(d) FS. Law Implemented 1002.69(5), (6) FS. History–New 6-3-07, Amended 1-16-08, 1-5-09,

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-10.0311
 RULE TITLE: Assessment of Student Attainment of College-Level Communication and Computation Skills

PURPOSE AND EFFECT: The purpose of this rule development is to revise the rule language to reflect the 2009 statutory changes that eliminated the College-Level Academic Skills Testing (CLAST) examination and to implement recommendations relating to the remaining College-Level Academic Skills (CLAS) Requirements (pursuant to Section 1007.25, Florida Statutes).

SUBJECT AREA TO BE ADDRESSED: Assessment of Student Attainment of College-Level Communication and Computation Skills.

RULEMAKING AUTHORITY: 1001.02(2)(d), 1007.25(12)(a) FS.

LAW IMPLEMENTED: 1001.02, 1007.25 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dr. Heather Sherry, Director, Office of Articulation, Department of Education, 325 West Gaines St., Suite 1401, Tallahassee, FL 32399-0400.

TO REQUEST A RULE DEVELOPMENT WORKSHOP CONTACT: Lynn Abbott, Agency Clerk, (850)245-9661 or lynn.abbott@fldoe.org.

A copy of the Articulation Coordinating Committee recommendations can be obtained upon request from: Office of Articulation, 325 West Gaines Street, Suite 1401, Tallahassee, FL 32399-0400, (850)245-0427, Articulation@fldoe.org
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-11.002	Beneficiary Designation for FRS Investment Plan
19-11.003	Distributions from FRS Investment Plan Accounts
19-11.004	Excessive Trading in the FRS Investment Plan
19-11.007	Second Election Enrollment Procedures for the FRS Retirement Programs
19-11.009	Reemployment with an FRS-covered Employer after Retirement

PURPOSE AND EFFECT: To amend the beneficiary rule to provide the designation can be done electronically; to amend the distributions rule to add information pertaining to electronic distribution requests, required minimum distributions, distributions to alternate payees resulting from a QDRO; to amend the second enrollment rule to provide a definition of “electronic means;” to amend the distributions rule, excessive trading rule and reemployment rule to adopt revised forms.

SUBJECT AREA TO BE ADDRESSED: Revised forms; to adopt a definition of “electronic means;” to provide information about required minimum distributions and distributions to alternate payees under a QDRO.

RULEMAKING AUTHORITY: 121.4501(3)(c)4., (8)(a) FS.

LAW IMPLEMENTED: 212.021, 121.091, 121.4501(2), (8), (13), (14), (15), (20), 121.591, 121.77 FS.

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

DATE AND TIME: Monday, September 21, 2009, 9:00 a.m. – 11:00 a.m.

PLACE: Room 116 (Hermitage Conference Room) 1801 Hermitage Blvd., Tallahassee, FL 32308

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 days before the workshop/meeting by contacting: Cindy Morea, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, FL 32303; (850)413-1491; cindy.morea@sbafla.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ruth A. Smith, Assistant General Counsel, Office of the General Counsel, 1801 Hermitage Blvd., Tallahassee, FL 32308; (850)413-1182; ruth.smith@sbafla.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

EXECUTIVE OFFICE OF THE GOVERNOR

Florida Energy and Climate Commission

RULE NO.:	RULE TITLE:
27N-3.001	State Energy Efficient Appliance Rebate Program

PURPOSE AND EFFECT: Section 377.808, F.S., authorizes the Florida Energy and Climate Commission to establish a consumer rebate program for residential energy efficient appliances, consistent with 42 U.S.C. s. 15821 and any other federal agency guidance or regulations issued in furtherance of federal law.

SUBJECT AREA TO BE ADDRESSED: As part of the American Recovery and Reinvestment Act, Congress appropriated \$300 million nationwide to support state rebate programs for residential ENERGY STAR appliance products (those that represent improvements in efficiency compared to the majority of products in the market). States will receive formula-based funding to establish or supplement established ENERGY STAR appliance rebate programs. The Appliance Rebate Program objectives are: (1) save energy by encouraging appliance replacement through consumer rebates; (2) make rebates available to consumers; (3) enhance existing rebate programs by leveraging ENERGY STAR national partner relationships and local program infrastructure; (4) keep administrative costs low while adhering to monitoring and evaluation requirements; (5) promote state and national tracking and accountability; and (6) use existing ENERGY STAR consumer education and outreach materials.

Chapter 2009-36, Laws of Florida, authorizes the Florida Energy and Climate Commission (Commission) to develop and administer a consumer rebate program for residential energy efficient appliances, consistent with 42 U.S.C. s.15821 and any federal agency guidance or regulations issued in furtherance of federal law. The bill authorizes the Commission to adopt rules pursuant to Sections 120.536(1) and 120.54, F.S., designating eligible appliances, rebate amounts, and the administration of the issuance of rebates. The Commission is authorized to enter into contracts or memoranda of agreement with other state agencies, public-private partnerships, or other arrangements such that the most efficient means of administering consumer rebates can be achieved.

RULEMAKING AUTHORITY: 377.807 FS.

LAW IMPLEMENTED: 377.807 FS.

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

DATE AND TIME: September 16, 2009, 9:00 a.m. – 12:00 Noon

PLACE: Toni Jennings Room, 110 Senate Office Building, Tallahassee, FL

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 days before the workshop/meeting by contacting: Brittany Cummins at (850)487-3800. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Brittany Cummins at (850)487-3800

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.602
 RULE TITLE: Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to: include language being moved from Rule 33-601.606, F.A.C., regarding eligibility and ineligibility criteria for participation in a community release program, the mechanism for placement in a program, and the procedure for removal from a program; incorporate language from Form DC6-127, Checklist for Transfers to Work Release Centers, so that the form no longer needs to be incorporated by reference in the rule; require that all inmates participating in a work release program pay a 55% subsistence fee; clarify the procedure for collecting subsistence fees in the event an inmate fails to deposit his final paycheck into his Inmate Trust Fund account.

SUBJECT AREA TO BE ADDRESSED: Community Release Programs.

RULEMAKING AUTHORITY: 945.091, 946.002 FS.

LAW IMPLEMENTED: 945.091, 946.002 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-601.602 Community Release Programs.
- (1) Definitions.

(a) Center Work Assignment (CWA) – An inmate assignment to a work release center to serve in a support capacity.

(b)(a) Community Release Program – Any program that which allows inmates to work at paid employment or a center work assignment, or to participate in education, training, or substance abuse treatment programs, or any other transitional program to facilitate re-entry into the community in a work release center, contract community work release facility, or community contract facility, or voluntary work with a public or nonprofit agency in the community.

(c)(b) Community Work Release (CWR) – The portion of the community release program that which allows inmates to work at paid employment in the community while continuing as inmates of the facility where they are confined.

(d)(e) Community Study Release – The portion of the community release program that which allows inmates to attend an educational or vocational facility or participate in a training program in the community while continuing as inmates of the facility where they are confined.

(e)(d) Community Volunteer Service – An activity that which allows inmates housed at a work release center or contract facility to voluntarily work with a governmental or nonprofit agency in the community.

(e) Modality II – A community based residential substance abuse treatment program for inmates.

(f) Institutional Classification Team (ICT) – For the purposes of this rule, the ICT is the team consisting of the warden or assistant warden, classification supervisor, a correctional officer chief, and other members as necessary when appointed by the warden or designee. The ICT is responsible for making work, program, housing, and inmate status decisions at a facility and for making other recommendations to the State Classification Office.

(g)(f) Net Earnings – Gross pay less withholding tax, social security deductions, and any legally required court ordered civil deductions.

(h) Non-advanceable date refers to an inmate’s release date that is restricted from continuous, monthly gain time awards over the entire length of the sentence, including:

1. Tentative release date based upon offenses occurring on or after October 1, 1995;
2. Presumptive parole release date (PPRD);
3. 100% minimum service requirements, such as the Prison Releasee Re-Offender Act or Three-Time Violent Offender cases.

(i) Transition Program – The portion of the community release program that provides inmates substance abuse programming and skills necessary for employment and re-entry into their communities prior to being assigned to CWR.

~~(j)(g)~~ State Classification Office (SCO) – The office or office staff ~~A staff member~~ at the central office level ~~that who~~ is responsible for the review of inmate classification decisions. Duties include approving, disapproving, or modifying ICT ~~or rejecting~~ Institutional Classification Team (ICT) recommendations.

~~(k)(h)~~ Work Release Center – Refers to a correctional facility that houses community custody inmates participating in a community release program where a community-based transition program is conducted for approved community custody inmate prior to release from custody.

~~(l)(i)~~ Work Release Inmate Monitoring System (WRIMS) – A web site application used by work release facility staff to record information related to an inmate's participation in CWR community work release.

(2) Eligibility and Ineligibility Criteria.

(a) An inmate is ineligible for community release programs if he has:

1. Current or prior sex offense convictions;
2. A guilty finding on any disciplinary report for escape or attempted escape within the last five years;
3. A current or prior conviction for escape covered by Section 945.092, F.S.;
4. Been terminated from CWR, a community-based residential substance abuse program, a CWA, or a transition program for disciplinary reasons during the inmate's current commitment;
5. Been incarcerated four or more times in any state or federal correctional facility;
6. Been found guilty of any disciplinary report in the 60 days prior to placement;
7. Refused to complete or has an unsatisfactory removal from a substance abuse program that the inmate was required to complete at any point during his current period of incarceration unless the refusal was based upon objections to the religious based content of the program, in which case an alternate non-deity based program will be offered and must be successfully completed. The removal of an inmate from a program for violation of program or institutional rules or for behavioral management problems constitutes an unsatisfactory removal from a program. The inmate shall remain ineligible until a comparable program is satisfactorily completed;
8. A felony, Immigration and Customs Enforcement, or misdemeanor (for other than child support) warrant or detainer;
9. A misdemeanor detainer for child support, unless it can be established by the inmate's classification officer that the detainer would be withdrawn upon payment of restitution, fines, or court ordered obligations and it appears that the inmate will earn sufficient funds to pay the obligation that has caused the detainer.

(b) In order to be eligible for a community release program, an inmate must:

1. Be community custody, or have a recommendation for community custody currently under review;
2. Be in Department custody for 60 days prior to placement;
3. For inmates with non-advanceable dates, the inmate must be within:
 - i. 28 months of his earliest tentative release date for the transition program, or
 - ii. 19 months of his tentative release date or presumptive parole release date for CWA or a community-based residential substance abuse program, or
 - iii. 14 months of his earliest tentative release date for CWR.
4. For inmates who do not have non-advanceable dates, the inmate must be within:
 - i. 36 months of his earliest tentative release date for the transition program, or
 - ii. 28 months of his tentative release date for CWA or a community-based residential substance abuse program, or
 - iii. 19 months of his tentative release date for CWR.
5. An inmate whose current commitment includes DUI-BUI Manslaughter, 4th DUI-BUI, Felony DUI-BUI, or DUI-BUI with Serious Injury must have successfully completed substance abuse treatment during the current commitment prior to being considered for CWA or CWR placement.
6. The Secretary of the Department or his designee, who for the purpose of this subparagraph shall be the Assistant Secretary for Institutions, shall have the authority to place an inmate who is in community custody at a work release center regardless of time constraints for the purpose of participating in a specialized work detail or program.
- (c) If an inmate is otherwise eligible for a community release program, the Department will also consider the following factors to ensure community release placement is appropriate:
 1. Arrest history, with particular attention to violent offenses or offenses in which the circumstances reflect that a sex act was intended, attempted, or completed;
 2. Pending outside charges;
 3. Disciplinary history, with particular attention to violence, escape risk, substance abuse, or sexual deviancy;
 4. Substance abuse history;
 5. Program needs, including re-entry;
 6. Victim concerns;
 7. The inmate's skills, physical ability, and overall compatibility with the specifically requested community release program.

(d) Community release placements will be made to ensure inmates are housed and managed correctly for public safety or the safety of specific individuals.

(3) Placement of Work Release Inmates.

(a) If an inmate is approved for community release program participation, the SCO shall approve the appropriate transfer with consideration to the requested locations and shall facilitate the inmate's transfer to the approved location.

(b) If the location requested has no bed capacity to accept the inmate, the inmate will be placed on a waiting list for the next available bed.

(c) Any change to the facility assignment or diversion to another community release program facility must be approved by the SCO. This review will determine that the inmate's needs can be served adequately at a different work release center.

(d) Inmates who are diverted to a community work release center which they did not request due to lack of bed space at the requested location must be successfully complying with work release program rules and requirements in order to be considered for transfer from one facility to another.

(4)(2) Inmate Conduct While on Community Release.

(a) During the inmate orientation process, which shall occur within three days of arrival at a community work release center, inmates will be instructed of the following conduct requirements. Upon completion of the orientation program, the inmate shall be given Form DC6-126, a Certificate of Orientation, ~~Form DC6-126~~. Form DC6-126 is incorporated in subsection (20)(46) of this rule. Inmates are required to:

1. Directly and promptly proceed to and return from their destination using the approved method of transportation and route designated by the correctional officer major or facility director of a contract facility.

2. Remain within the area designated for their community release.

3. Return to the facility to which assigned at the scheduled time.

4. Return to the facility to which assigned immediately if the approved community release activity ceases prior to the end of the scheduled time.

5. Refrain from consuming any alcoholic beverages or any narcotics or other drugs not lawfully prescribed to them.

6. Agree to submit to substance abuse testing as a condition of their participation in the program to determine whether alcohol, drugs or unauthorized controlled substances were used while on community release and pay for the cost of the testing if results are positive.

7. Work diligently, conduct themselves in a proper manner, and not engage in any prohibited conduct.

8. Contact the officer in charge when any unusual circumstances arise.

9. Make no contact with any individual on behalf of another inmate.

10. Refrain from entering ~~Do not enter~~ into any contract without advance written approval of the correctional officer major or facility director of a contract facility.

(b) An inmate with community release privileges shall not operate any motor vehicle of any kind unless previously authorized to do so by the correctional officer major or facility director of a contract facility, and in the event of such authorization, shall operate the specified motor vehicle only for the limited purpose for which authorization was given.

(c) Every inmate assigned to a community release facility shall immediately, upon arrival, sign Form DC6-102, a Letter of Notice, ~~Form DC6-102~~, or the inmate shall be terminated from the program. The inmate shall be furnished a copy of the Letter of Notice and must agree to abide by the conditions of the Letter of Notice. Form DC6-102 is incorporated by reference in subsection (20)(46) of this rule.

(d) The work release center classification officer or designated contract facility staff shall complete Form DC6-118A, a Personalized Program Plan for Work Release Centers, ~~Form DC6-118A~~, on all inmates assigned to the work release center within 14 days of receipt of the inmate at the center. Form DC6-118A is incorporated by reference in subsection (20)(46) of this rule. The completed personalized program plan shall be signed by the inmate, the inmate's classification officer, and the correctional officer major or the designated contract facility staff and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is incorporated by reference in subsection (20)(46) of this rule. The inmate's progress towards achieving the goals of the personalized program plan shall be reviewed monthly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan – Monthly Progress Review, or shall be entered into WRIMS at those facilities at which the system is operational. A copy of the Personalized Program Plan shall be printed ~~on form WRIMS~~ and given to the inmate. Form DC6-118C is incorporated by reference in subsection (20)(46) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

(e) When the inmate is ready for release, Form DC6-118D, a Transition Release Plan, ~~Form DC6-118D~~, shall be completed in order to assist the inmate in his or her release plans or the plan information shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-118D is incorporated by reference in subsection (20)(46) of this rule.

(5)(3) Community Study Release.

(a) In order to be considered for community study release, an inmate shall submit a request on Form DC6-126, Inmate Request, to his classification officer, who shall forward the request to the SCO. After submitting ~~Upon the request of an~~

~~inmate, an inmate he or she~~ shall be considered for participation in the community study release program providing:

1. The inmate meets all criteria outlined in this rule ~~and Rule 33-601.606, F.A.C.;~~

2. The conditions regarding ~~the~~ financial assistance, placement, ~~and~~ time constraints, and aptitude are satisfied;

3. If ~~there are the inmate has~~ detainers filed against ~~the inmate him or her, he is ineligible for community study release~~ if the detaining authority ~~has objected must not object~~ to the inmate's participation in the community study release program in writing; and

4. The inmate has not been convicted of any murder, manslaughter, sexual battery, robbery, burglary, arson, aggravated assault, aggravated battery, kidnapping, escape, breaking and entering with attempt to commit a felony, aircraft piracy, or any attempt to commit the listed crimes if the program requires attendance at any state university or community college.

(b) Any inmate being considered for community study release shall be currently in a community release facility.

(c) Inmates shall not enter into any agreement to secure a loan from any university, college, or private organization for the purpose of financing their education.

(d) Any inmate considered for community study release shall have monies from one or more of the following sources for tuition, books, and clothing:

1. Vocational rehabilitation;
2. Veterans benefits;
3. Personal finances;
4. The inmate's family.

(e) Community study release programs shall not interfere with the inmate's employment schedule, CWA, ~~center work assignment~~ or participation in drug treatment programs. The inmate's attendance at classes and transportation time must be scheduled to occur during non-working hours only, unless class attendance is required as part of the inmate's employment.

(f) Participation in college level academic programs offered at community colleges or universities is limited to those inmates who demonstrate college-level aptitudes by satisfactory evidence of successful completion of college level academic coursework.

(g) The SCO ~~state classification office~~ shall have the authority to approve all requests for community study release ~~Community Study Release~~, ensuring that the criteria specified in this rule are met.

~~(6)(4) Center Work Assignment (CWA).~~ Upon request of ~~an the~~ inmate, the inmate shall be considered for placement in a CWA ~~center work assignment~~, a community residential substance abuse program, a transition program, or CWR, providing ~~that the~~:

~~(a) The inmate meets all criteria outlined in subsection (2) of this rule and Rule 33-601.606, F.A.C.;~~

~~(b) The inmate meets criteria specified on Form DC6-127, Checklist for Transfers to Work Release Centers, sections A and B. Form DC6-127 is incorporated by reference in subsection (16) of this rule.~~

~~(5) Community Residential Substance Abuse Program. The inmate shall be considered for placement into the community residential substance abuse program providing:~~

~~(a) The inmate meets all criteria outlined in this rule;~~

~~(b) The inmate meets criteria specified on Form DC6-127, sections A and C. The inmate shall make the request on Form DC6-236, Inmate Request, to his classification officer.~~

~~(a) Providing the inmate meets all criteria in subsection (2) of this rule, the classification officer will enter a community release recommendation.~~

~~(b) The ICT shall review the classification officer's recommendation and recommend approval or disapproval.~~

~~(c) The ICT recommendation shall be forwarded to the SCO.~~

~~(d) The SCO staff member reviewing the ICT recommendation will utilize the criteria in subsection (2) of this rule to determine the appropriateness for the inmate's placement into CWA, CWR, a transition program, or a community-based residential substance abuse program. The SCO staff member shall approve or disapprove the ICT recommendation.~~

~~(e) The classification officer will ensure the inmate is notified of the final decision.~~

~~(7)(6) Status Changes of Inmates in Community Release Programs Center Work Assignment, Program Participation, or Paid Employment Status Inmates at Community Residential Facilities. The SCO approving authority shall have the authority to approve all status changes for inmates in a the Community Release Program, as long as the changes are consistent with utilizing the criteria set forth in this rule and in Rule 33-601.606, F.A.C., and consistent with the safety and security of the public.~~

~~(8)(7) Employment.~~

~~(a) Employment sought must be full time employment for at least 40 hours per week.~~

~~(b) The Department department will not authorize an inmate to work at paid employment if:~~

~~1. The inmate will not receive wages commensurate with those received from the employer by comparable workers;~~

~~2. The employer does not provide the inmate with workers' compensation, or, if workers' compensation insurance is not required by law, other medical insurance to cover the inmate if he is injured while on the job;~~

~~3. The employer treats the inmate with less regard than other employees;~~

4. The employer expects more services from the inmate than of employees in comparable positions; or

5. The inmate wants to be employed at an establishment where:

a. The primary clientele focus is children;

b. There is a perception that children without parental supervision visit the establishment frequently; or

c. Children are normally dropped off by parents to be supervised by the employment site staff.

(c) No inmate shall be self-employed.

(d) The types of employment which the Department ~~department~~ will approve for an inmate are those which are related to the inmate's institutional training, previous experience, and skills.

(e) Employment of an inmate with a relative is not precluded if:

1. The relative agrees to provide the inmate with pay commensurate to that which the inmate received for such employment prior to incarceration;

2. The Department ~~department~~ determines that the relative is one who would promote the goals and objectives of the community release programs; and

3. All other conditions related to employment are satisfied.

(f) If the Department ~~department~~ authorizes paid employment for an inmate with a given employer and subsequently receives and verifies information that the inmate is not being treated by the employer in a manner comparable to other employees, the correctional officer major or facility director will remove the inmate from such employment with that employer.

(g) The prospective employer shall sign Form DC6-124, ~~an Employer's Community Work Agreement, Form DC6-124~~. Form DC6-124 is incorporated by reference in subsection (20)(16) of this rule. Inmates engaged in paid employment are not considered employees of the state or the Department ~~department~~ while engaging in or traveling to and from such employment.

(h) Presidential Executive Order 11755 provides that an inmate is authorized to work in paid employment in the community by a contract or on a federally funded contract providing the following conditions are met prior to placement or participation in federally funded projects:

1. The worker is paid or is in an approved work training program on a voluntary basis.

2. Representatives of local union controlled bodies or a similar labor union organization management have been consulted.

3. Such paid employment will not result in the displacement of employed workers or be applied in skills, crafts or trades in which there is a surplus of available and gainful employment in the locality or impairs existing contracts for services.

4. The rate of pay or conditions of employment will not be less than those paid or provided for work for a similar nature in the locality in which the work is being performed.

(i) An inmate may be granted permission to change employment without adverse effects if:

1. The inmate's current job is terminated for reasons not attributable to the inmate's conduct;

2. Suitable employment becomes available which offers the inmate enhanced employment opportunities;

3. The employer is not a positive influence upon the inmate; or

4. The employer is not treating the inmate in a manner comparable to other employees as specified in this rule.

(j) Facility personnel shall visit the inmate's place of employment for new employers within the first five days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-125 is incorporated by reference in subsection (20)(16) of this rule.

(k) There shall be a minimum of three employment contacts per inmate per month by facility personnel to substantiate attendance and discuss any problems that may have arisen. Two of the contacts shall be accomplished either through telephone calls or site visits to the inmate's place of employment, and documentation of the contacts shall be made on Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational. One of the three monthly contacts shall be a personal on-site job check. The documentation of the contacts shall be made on Form DC6-125 and placed in the inmate's file or shall be entered into WRIMS at those facilities at which the system is operational for future reference.

(l) Facility personnel shall establish a primary and secondary job contact person at all employment sites. The primary and secondary contact person shall be named on Form DC6-125, Employment Contacts or shall be entered into WRIMS at those facilities at which the system is operational.

(m) The employer shall provide a current work schedule for the inmate to the work release center each week prior to the inmate being allowed to depart for work. The inmate's work schedule shall be entered into WRIMS at those facilities at which the system is operational.

(n) All inmates employed in the community shall return to the facility no later than 12 midnight. Inmates will not be authorized to leave the facility to work in the community between 12 midnight and 5 a.m. unless an exception is made. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release center. No exceptions will be approved unless it is determined that the risk

to the community is minimal, and the earning potential and rehabilitative benefits which the job offers the inmate are substantial.

~~(9)(10)~~ Clothing and Equipment.

(a) Inmates shall wear clothing suitable for the community release in which they are engaged.

(b) Inmates working at paid employment will be authorized to obtain tools and equipment normally required for their employment. Clothing, tools, or equipment required by inmates working at paid employment will not be purchased by the ~~Department~~ department.

~~(10)(9)~~ Transportation.

(a) Transportation for inmates engaged in community release programs shall be secured by the following means:

1. Employer furnished transportation;
2. Public transportation;
3. Transportation provided by a family member;
4. Bicycling;
5. Walking; or
6. Center provided transportation at contract work release facilities only.

(b) Contract Work Release Facilities:

1. Contract work release facilities are ~~Are~~ authorized to assess a transportation fee from community release inmates not to exceed \$3.00 each way for transportation provided by the contract work release center except as provided in subparagraph (b)3. below.

2. Inmates will utilize transportation authorized in paragraph ~~(10)(a) of this rule 33-601.602(9)(a), F.A.C.~~, unless the warden over the work release center determines for public safety reasons another means of transportation is necessary.

3. Such facilities shall ~~Will~~ provide, at no cost to the ~~Department~~ department or the inmate, transportation within the community for medical or mental health services, religious services (if not provided at the work release center), attendance at substance abuse group meetings, or for shopping.

(c) In order to ensure that inmates are not working long distances from the center, the warden over the work release center shall establish maximum boundaries for employment sites by center geographic location. The maximum boundaries shall not exceed two hours travel time to the employment site from the facility unless an exception has been granted. Any exceptions must be reviewed and approved on a case by case basis by the warden over the work release center, who shall assess whether the rehabilitative benefit to the inmate outweighs risks to public safety.

~~(11)(10)~~ Disbursement of Earnings.

(a) An inmate working at paid employment shall agree to deposit his total earnings less legally required payroll deductions, or other payroll deductions authorized by the ~~Department~~ department, into his account in the Inmate Trust

Fund. The ~~Department~~ department shall have the authority to hold, disburse, or supervise the disbursement of these funds according to a prearranged plan of disbursement.

(b) Once an inmate is approved for paid employment, facility personnel, in consultation with the inmate, will establish a plan for the disbursement of earnings, based upon the needs, responsibilities, and financial obligations of the inmate. No change will be made in this plan of disbursement without the approval of the correctional officer major or facility director.

(c) The inmate's plan for the disbursement of earnings shall include a provision that no less than 10% of ~~his~~ his ~~their~~ net income will be placed in savings for disbursement upon ~~his~~ his ~~their~~ release. The plan shall also include a provision that no less than 10% of ~~their~~ net income will go toward the support of any dependents the inmate may have.

~~(d) All inmates participating in community work release programs shall be required to pay 55% subsistence, which shall be computed by factoring .55 (55%) times the inmate's net earnings. The inmate shall be required to disburse such funds to pay the facility for subsistence at the following rates:~~

~~1. Inmates assigned to contract facilities for paid employment shall be required to pay 55% subsistence which shall be computed by factoring .55 (55%) times the inmate's net earnings.~~

~~2. For all other inmates the amount of subsistence to be paid will be computed by factoring .45 (45%) times the inmate's net earnings.~~

(e) Subsistence deductions will not exceed the state's actual cost to incarcerate the inmate, as computed on a per diem basis. ~~The computation of maximum subsistence deductions will be made and publicized annually by the department.~~

(f) Subsistence deductions against individual inmate's earnings will commence with the first labor compensation payment received by the inmate during his incarceration and will terminate with the last earnings deposited to the Inmate Trust Fund, regardless of the frequency of the employer's payroll cycle. However, if an inmate fails to deposit his final earnings into his Inmate Trust Fund account, a 55% subsistence deduction will be made from the Inmate Trust Fund Account for the days owed by the inmate, based on the inmate's release date, for which the State or the contract facility has not already been compensated. The assessment will be made based on the inmate's last earnings deposited.

(g) An inmate who has been fired from employment for misconduct, or who voluntarily terminates employment, shall continue to be assessed for subsistence to the limit of funds available. Absent earnings to compute the subsistence deduction, the assessment will be made at the same per diem level as was deducted from the inmate's last regular wages.

(h) A work releasee who is receiving Workers' Compensation or sick pay shall pay subsistence fees commensurate with the rate set forth in paragraph (d) above based on the amount of compensation received, less any legally required payroll deductions.

(i) While in paid employment status, the inmate shall be responsible for reimbursing the Department for costs associated with the following:

1. Health, comfort items, and incidental expenses.
2. Medical and dental expenses.
3. Transportation costs at contract work release facilities as stipulated by the vendor contract, but not to exceed three dollars (\$3.00) each way.
4. Tools, equipment, and clothing needed for employment.

(j) The inmate shall be required to disburse remaining funds for the following purposes:

1. Payments for the support of dependents.
2. Payment of restitution, fines or court costs, or to comply with a judgment from a court of competent jurisdiction regarding the payment of any obligation.
3. Payment of preexisting debts acknowledged by the inmate.
4. Savings to be accumulated for discharge.

(k) No inmate shall be allowed to open any outside bank or credit union account in his or her name utilizing monies which were earned while on community release.

(l) Any requests for special withdrawal shall be completed on Form DC2-304, Special Withdrawal. Form DC2-304 is incorporated by reference in Rule 33-203.201, F.A.C.

(12)(44) Restitution.

(a) Unless there exists reasons not to order restitution, the Department department shall require inmates working at paid employment, under the provision of Section 945.091, F.S., to provide restitution to an aggrieved party for the damage or loss caused as a result of a prior or current offense of the inmate. For purposes of this rule, fines, court costs and court ordered payments shall be treated in the same manner as restitution.

(b) In those cases where the committing court orders restitution to the victim in a specific amount, the Department department shall require inmates working at paid employment to pay restitution to the aggrieved party in the ordered amount.

(c) In the event that the committing court fails to order restitution or orders restitution but fails to state a specific amount, the Department department shall require the inmate, as a condition of working in a paid employment program, to pay restitution to the aggrieved party in an amount to be determined by the Bureau Chief of Classification and Central Records pursuant to Section 945.091, F.S. Restitution which is imposed by the Department department under this provision shall not be less than 10% of the inmate's net earnings.

(d) If reasons exist not to order restitution, the Department department shall state such reasons in writing. Reasons include:

1. No restitution is applicable;
2. The committing court expressly orders no restitution;
3. Restitution has already been satisfied;
4. There is insufficient information available to the Department department in order to make a determination as to restitution;
5. The victim cannot be located;
6. There are no funds remaining after all Department of Corrections obligations have been paid.

(e) Restitution requirements shall be recorded on Form DC6-123, Monetary Reimbursement Agreement. Form DC6-123 is incorporated by reference in subsection (20)(46) of this rule.

(13)(46) Advance of Funds. The facility director at contract work release centers is authorized by contract to advance monies up to \$75.00 to an inmate who needs money for clothing, equipment, tools, transportation or incidental expenses in order to begin working at paid employment. The financial plan for the disbursement of the inmate's earnings prepared, as provided in subsection (11) of this rule 33-601.602(14), F.A.C., shall provide for the repayment of any such advancement of monies from the inmate's earnings. If the inmate's employment is terminated or if for any other reason the advancement of monies is not repaid from the inmate's earnings, the advancement of monies remains a personal obligation of the inmate. Disciplinary action pursuant to Rule 33-601.314, F.A.C., shall be initiated to ensure due process for the collection of any unpaid portion of the advancement. All or part of the discharge gratuity as provided in Rule 33-601.502, F.A.C., shall be taken, but only if the Department of Corrections finds that such action will not jeopardize the inmate's ability to transition himself into the community.

(14) Reasons for Removal from a Community Release Program. An inmate may be removed from a CWA, a community-based residential substance abuse program, a transition program, or from CWR for any of the following reasons:

(a) The inmate violates any laws, rules, or procedures or tests positive for drugs or alcohol;

(b) Information is received concerning the inmate that is determined will adversely impact on the safety and security of the inmate, Department, or the community; or

(c) There is reason to believe that the inmate will not honor the trust bestowed upon him.

(15) Process for Removal from a Community Release Program.

(a) When an inmate is removed from a CWA, a community-based residential substance abuse program, a transition program, or from CWR for negative behavior or

unsuccessful participation in the program and placed in a secure facility, the inmate shall be recommended for termination from the program by his classification officer.

(b) The ICT shall review the classification officer's recommendation and recommend approval or disapproval of the inmate's termination.

(c) The ICT recommendation shall be forwarded to the SCO, who shall approve or disapprove the termination.

(e) If the SCO disapproves the termination, the SCO shall ensure that the inmate is returned to his previous community release status.

(16) Escape from a Community Release Program.

(a) Any time an inmate cannot be located at his authorized location, a BOLO (Be On the Lookout For)/Warrant shall be requested and the inmate shall be recommended for termination from the community release program in the interest of public safety.

(b) Once located, the inmate shall be transferred to a secure facility.

(c) If, following investigation, it is determined that the inmate did not escape, as defined in Section 945.091(4), F.S., the procedures outlined in subsection (15) of this rule shall be followed in order to reinstate the inmate to a community release program.

(17)(13) Citizen Committees. The correctional officer major of a work release center or facility director of a contract facility shall establish committees of volunteer citizens in the various communities of the state to assist the Department of Corrections by:

(a) Aiding in the development of suitable employment in the community for those inmates who have been approved for participation in the community work release program.

(b) Aiding in the development of study or training programs for inmates.

(c) Aiding in the transition programs of the facility.

(d) Encouraging programs within the communities designed to acquaint citizens with the problems and needs of the released offender.

(e) Adding or establishing linkages between the community correctional center and the community.

(18)(14) Program Facilities.

(a) The Department is authorized to utilize any facility, including a contract facility, under its jurisdiction to provide community work release programs to inmates.

(b) Inmates participating in the community release programs will be housed in a work release center or contract facility.

(c) When funding is available, the Department is authorized to enter into written agreements with any city, county, federal agency or authorized private organization for

the housing of inmates on community release status in a place of confinement under the jurisdiction of such entity and for the participation of these inmates in community release.

~~(19)(15)~~ Records Required. The Department shall keep a record of the following:

(a) Number of inmates placed in community release programs and furloughs authorized.

(b) Number of community release and furlough programs completed and the number of inmates terminated from the program and reasons therefore.

(c) Amount and disposition of inmate's earnings.

(d) Number of inmates paying restitution.

~~(20)(16)~~ Forms. The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) DC6-123, Monetary Reimbursement Agreement, effective 9-2-01.

(b) DC6-124, Employer's Community Work Agreement, effective 3-14-01.

(c) DC6-125, Employment Contacts, effective 9-2-01.

(d) DC6-126, Certificate of Orientation, effective 9-2-01.

(e) DC6-118A, Personalized Program Plan for Work Release Centers, effective 9-2-01.

(f) DC6-118B, Personalized Program Plan – Modification Plan, effective 9-2-01.

(g) DC6-118C, Personalized Program Plan Progress Review, effective 9-30-08.

(h) DC6-118D, Transition Release Plan, effective 3-14-01.

~~(i) DC6-127, Checklist for Transfers to Work Release Centers, effective 4-10-08.~~

~~(j)~~ DC6-102, Letter of Notice, effective 9-2-01.

Rulemaking Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History—New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07, 4-10-08, 9-30-08.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-5.0131	Definitions
58A-5.016	License Requirements
58A-5.0181	Admission Procedures, Appropriateness of Placement and Continued Residency Criteria
58A-5.0182	Resident Care Standards
58A-5.0183	Do Not Resuscitate Orders (DNROs)
58A-5.0185	Medication Practices
58A-5.019	Staffing Standards
58A-5.0191	Staff Training Requirements and Competency Test
58A-5.023	Physical Plant Standards

58A-5.025 Resident Contracts
 58A-5.029 Limited Mental Health
 58A-5.033 Administrative Enforcement

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is to: include an additional requirement for determining continued residency resulting in amendments to AHCA Form 1823, which is incorporated by reference; include changes to resident care standards as it pertains to third party services; include providing the work schedule for direct care staff as part of the staffing standards; include amendments to medication practices, specifically in regards to over the counter medications; include changes to staff training requirements, specifically in regards to HIV/AIDS, pursuant to Section 381.0035, F.S., additional limited mental health training, and establishing the minimum score for successful completion of the core training competency exam; amend the physical plant standards to coincide with the Florida Building Code, 2007 Edition; and Chapter 633, F.S., Fire Prevention and Control; include changes to the resident contract, specifically notification that the resident must be assessed for admission as well as for continued residency, and statements regarding self-administration, assistance with self-administration and administration of medications, including over-the-counter medications, in resident contracts or written statement of house rules; amend language to stress that facilities must take appropriate action to assist, if necessary, in facilitating the provision of services for residents in facilities holding standard, extended congregate care, limited nursing services and limited mental health licenses; and deletion of the use of a temporary license under administrative enforcement. The purpose and effect of a new rule is to address procedures for do not resuscitate orders.

SUBJECT AREA TO BE ADDRESSED: Additional requirement for determining continued residency; changes to AHCA Form 1823, which is incorporated by reference; changes to resident care standards as in pertains to third party services; provision of the work schedule for direct care staff for residents or representatives; amendments to medication practices, specifically in regards to over-the-counter medications; changes to staff training requirements, specifically HIV/AIDS, additional limited mental health training and establishing a minimum score for the core training examination; amendments to the physical plant standards to coincide with the Florida Building Code, 2007 Edition, and Chapter 633, F.S., Fire Prevention and Control; notification that the resident must be assessed for admission as well as for continued residency, requiring use of AHCA Form 1823 for the latter determination; requirement regarding the facility's policies and procedures for self-administration, assistance with self-administration and administration of medications, including over-the-counter medications, to be included in resident contracts; amendment to stress that facilities must take appropriate action to assist, if necessary, in facilitating the

provision of services for residents in facilities holding standard, extended congregate care, limited nursing services and limited mental health licenses; deletion of the use of a temporary license; and procedures for do not resuscitate orders. **RULEMAKING AUTHORITY:** 429.15, 429.178, 429.23, 429.24, 429.255, 429.26, 429.275, 429.41, 429.42, 429.52 FS.

LAW IMPLEMENTED: 429.02, 429.04, 429.075, 429.12, 429.14, 429.15, 429.17, 429.176, 429.178, 429.19, 429.24, 429.255, 429.256, 429.23, 429.26, 429.27, 429.275, 429.28, 429.34, 429.41, 429.42, 429.44, 429.445, 429.47, 429.52 FS.

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

DATE AND TIME: September 22, 2009, 9:00 a.m. – 12:30 p.m. EDT

PLACE: Department of Elder Affairs, Conference Room 301, 4040 Esplanade Way, Tallahassee, Florida 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone number: (850)414-2000; Email address: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone number: (850)414-2000; Email address: crochethj@elderaffairs.org

THE TEXT OF THE PROPOSED RULE DEVELOPMENT AND AHCA FORM 1823, INCORPORATED BY REFERENCE, IS LOCATED ON THE WEBSITE BELOW UNDER THE HEADING ENTITLED "ASSISTED LIVING FACILITIES, RULE CHAPTER 58A-5, F.A.C."
<http://elderaffairs.state.fl.us/english/rulemaking.php>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-5.0131 Definitions.

In addition to the terms defined in Section 429.02, F.S., the following definitions are applicable in this rule chapter:

(1) through (34) No change.

~~(35) "Temporary license" means a license issued by Agency for Health Care Administration to an assisted living facility that supersedes and temporarily replaces the current license and remains in place pending the final disposition of a proceeding involving the suspension or revocation of an assisted living facility license.~~

(36) through (37) renumbered (35) through (36) No change.

Rulemaking Specific Authority 429.23, 429.41 FS. Law Implemented 429.02, 429.07, 429.075, 429.11, 429.14, 429.178, 429.19, 429.255, 429.23, 429.28, 429.41, 429.47, 429.52 FS. History—New 9-30-92, Formerly 10A-5.0131, Amended 10-30-95, 6-2-96, 4-20-98, 10-17-99, 1-9-02, 7-30-06, _____.

58A-5.016 License Requirements.

(1) SERVICE PROHIBITION.

(SUBSECTION TITLE ADDED. NO CHANGE TO LANGUAGE)

(2) LICENSE TRANSFER PROHIBITION.

(SUBSECTION TITLE ADDED. NO CHANGE TO LANGUAGE)

(3) CHANGE IN USE OF SPACE REQUIRING CENTRAL OFFICE APPROVAL.

(SUBSECTION TITLE ADDED. NO CHANGE TO LANGUAGE)

(4) CHANGE IN USE OF SPACE REQUIRING FIELD OFFICE APPROVAL.

(SUBSECTION TITLE ADDED. NO CHANGE TO LANGUAGE)

(5) CONTIGUOUS PROPERTY.

(SUBSECTION TITLE ADDED. NO CHANGE TO LANGUAGE)

(6) PROOF OF INSPECTIONS.

(SUBSECTION TITLE ADDED. NO CHANGE TO LANGUAGE)

(7) MEDICAID WAIVER RESIDENTS.

Upon request, the facility administrator or designee must identify Medicaid waiver residents to the agency and the department for monitoring purposes authorized by state and federal laws.

(8) THIRD PARTY SERVICES.

(a) In instances when residents require services from a third party provider, the facility administrator or designee must take appropriate action to assist, if necessary, in facilitating the provision of those services and coordinate with the provider to meet the specific service goals. These actions must be documented in the resident's record. These are services as described in the following documents:

1. AHCA Form 1823, Section 3, incorporated by reference in paragraph 58A-5.0181(2)(b), F.A.C.; or

2. Service plan for a resident in a facility holding an extended congregate care license pursuant to Rule 58A-5.030, F.A.C.; or

3. Community living support plan for a mental health resident receiving services in a facility holding a limited mental health license pursuant to Rule 58A-5.029, F.A.C.

(b) In instances when residents or their representatives arrange for third party services that are not included in the documents listed in paragraph (a) of this subsection, the facility administrator or designee, when notified by residents or representatives, must take appropriate action to assist, if necessary, in facilitating the provision of those services and coordinate with the provider to meet the specific service goals. These actions must be documented in the resident's record.

Rulemaking Specific Authority 429.41 FS. Law Implemented ~~429.07, 429.11,~~ 429.12, 429.41, 429.44, 429.445 FS. History—New 5-15-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.16, Amended 6-21-88, 9-30-92, Formerly 10A-5.016, Amended 10-30-95, 10-17-99, 7-30-06, _____.

58A-5.0181 ~~Residency Criteria and Admission Procedures, Appropriateness of Placement and Continued Residency Criteria.~~

(1) No change.

(2) HEALTH ASSESSMENT.

(a) The medical examination report must be completed within 60 days prior to the individual's admission to a facility pursuant to Section 429.26(4), F.S. ~~The report must be based on a face-to-face examination and must shall~~ address the following:

1. through 6. No change.

7. A statement ~~on the day of the examination by that, in the opinion of the health care provider examining physician or ARNP, on the day the examination is conducted, that~~ the individual's needs can be met in an assisted living facility; and

8. The date of the examination and the name, signature, address, phone number and license number of the examining health care provider ~~physician or ARNP~~. The medical examination may be conducted by a currently licensed health care provider ~~physician or ARNP~~ from another state.

(b) Medical examinations completed after the resident's admission ~~of the resident~~ to the facility must be completed within 30 days of the ~~admission date of admission~~ and must be recorded on AHCA Form 1823, the Resident Health Assessment For Assisted Living Facilities and Adult Family-Care Homes, AHCA Form 1823, _____ 2009. The form January 2006, which is hereby incorporated by reference. A faxed copy of the completed form is acceptable. A copy of AHCA Form 1823 may be obtained from the Agency Central Office or its website at www.fdhc.state.fl.us/MCHQ/Long_Term_Care/Assisted_living/pdf/AHCA_Form_1823%20Jan_2006_.pdf. (New form date [____2009]) The form must be completed as follows: Previous versions of this form completed up to six (6) months after 7-30-06 are acceptable.

1. The information in Section 1, Health Assessment, must be completed by the resident's licensed health care provider and must be based on a face-to-face examination.

2. The facility administrator, or designee, must complete Section 2 of the form, Self-Care and General Oversight Assessment.

3. The facility administrator, or designee, must complete Section 3 of the form entitled Services Offered or Arranged by the Facility, except for the following:

a. Facilities holding an extended congregate care license;
or

b. Mental health residents receiving services under community living support plans in facilities holding limited mental health licenses.

(c) through (g) No change.

(3) ADMISSION PACKAGE.

(a) The facility shall make available to potential residents a written statement(s), which includes the following information listed below. A copy of the facility resident contract or facility brochure containing all the required information shall meet this requirement:

1. through 10. No change.

11. A statement of the facility policy concerning Do Not Resuscitate Orders pursuant to Section 429.255, F.S., and Advance Directives pursuant to Chapter 765, F.S., and Rule 58A-5.0183, F.A.C.

12. through 14. No change.

(b) Prior to or at the time of admission, the resident, responsible party, guardian, or attorney in fact, if applicable, shall be provided with the following:

1. No change.

2. A copy of the facility statement described in paragraph (a) of this subsection if one has not already been provided;

3. through 4. No change.

(c) No change.

(4) CONTINUED RESIDENCY. Except as follows in paragraphs (a) through (e) of this subsection, cCriteria for continued residency in a facility holding a standard, limited nursing services, or limited mental health license shall be the same as the criteria for admission. A determination of the appropriateness of an individual's continued residency must be completed at least every 3 years after the initial assessment or after a significant change, whichever comes first. A significant change is defined in Rule 58A-5.0131, F.A.C. The facility must make the determination using AHCA Form 1823, which is incorporated by reference in paragraph (2)(b) of this rule. The form must be completed in accordance with that paragraph. After the effective date of this rule, providers shall have up to 12 months to comply with this requirement, except as follows:

(a) through (e) No change.

(5) No change.

Rulemaking Specific Authority 429.07, 429.26, 429.41 FS. Law Implemented 429.02, 429.07, 429.075, 429.26, 429.41 FS. History—New 9-17-84, Formerly 10A-5.181, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0181, Amended 10-30-95, 6-2-96, 10-17-99, 7-30-06, 10-9-06,_____.

58A-5.0182 Resident Care Standards.

An assisted living facility shall provide care and services appropriate to the needs of residents accepted for admission to the facility.

(1) through (6) No change.

(7) THIRD PARTY SERVICES. Nothing in this rule chapter is intended to prohibit a resident or the resident's representative from independently arranging, contracting, and paying for services provided by a third party of the resident's choice, including a licensed home health agency or private nurse, or receiving services through an out-patient clinic, provided the resident meets the criteria for continued residency and the resident complies with the facility's policy relating to the delivery of services in the facility by third parties. The facility's policies ~~must~~ may require the third party to coordinate with the facility regarding the resident's condition and the services being provided pursuant to subsection (8) of Rule 58A-5.016, F.A.C. Pursuant to subsection (6) of this rule, the facility shall provide the resident with the facility's policy regarding the provision of services to residents by non-facility staff.

(8) through (9) No change.

Rulemaking Specific Authority 429.02, 429.41 FS. Law Implemented 429.02, 429.255, 429.256, 429.26, 429.28, 429.41 FS. History—New 9-17-84, Formerly 10A-5.182, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.0182, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, 10-9-06,_____.

58A-5.0183 Do Not Resuscitate Orders (DNROs).

(1) POLICIES AND PROCEDURES.

(a) Each assisted living facility (ALF) must have written policies and procedures, which delineate its position with respect to state laws and rules relative to DNROs. Pursuant to Section 765.110, F.S., these policies and procedures shall not condition treatment or admission upon whether or not the individual has executed or waived a DNRO. The ALF must provide the following to each resident, or resident's representative, at the time of admission:

1. A copy of Form SCHS-4-2006, "Health Care Advance Directives – The Patient's Right to Decide," effective April 2006, or with a copy of some other substantially similar document which incorporates information regarding advance directives included in Chapter 765, F.S. Form SCHS-4-2006 is hereby incorporated by reference and is available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, or the agency's Web site at: http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/HC_Advance_Directives/docs/adv_dir.pdf; and

2. Written information concerning the ALF's policies regarding DNROs; and

3. Information about how to obtain DH Form 1896, Florida Do Not Resuscitate Order Form, incorporated by reference in Rule 64E-2.031, F.A.C.

(b) Documentation must be contained in the resident's record indicating whether or not the resident has executed a DNRO. If a DNRO has been executed, a copy of that document must be made a part of the resident's record. If the ALF does not receive a copy of a resident's executed DNRO, the ALF must document in the resident's record that it has requested a copy.

(2) LICENSE REVOCATION.

Pursuant to Section 765.110, F.S., an ALF shall be subject to revocation of its license pursuant to Section 408.815, F.S., if, as a condition of treatment or admission, it requires an individual to execute or waive a DNRO.

(3) DNRO PROCEDURES.

Pursuant to Section 429.255, F.S., an ALF must honor a valid DNRO as follows:

(a) In instances when a licensed health care provider is present at the facility and a resident experiences cardiopulmonary distress, the licensed health care provider may withhold cardiopulmonary resuscitation.

(b) In instances when a resident is receiving hospice services, facility staff must immediately contact the hospice. The hospice procedures shall take precedence over those of the assisted living facility.

(c) When conditions in paragraphs (a) and (b) of this subsection are not met, the following procedure shall apply:

1. Staff must immediately contact "911;"

2. A staff member trained in first aid must administer first aid; and

3. Once emergency services arrive, cardiopulmonary resuscitation may be withheld or withdrawn by an individual pursuant to Section 401.45, F.S.

(4) LIABILITY.

Pursuant to Section 429.255, F.S., ALF providers shall not be subject to criminal prosecution or civil liability, nor be considered to have engaged in negligent or unprofessional conduct, for following the procedures set forth in subsection (3) of this rule, which involves withholding or withdrawing cardiopulmonary resuscitation pursuant to a Do Not Resuscitate Order and rules adopted by the department. Any ALF provider, who, in good faith, obeys the directives of an existing DNRO, executed pursuant to Section 401.45, F.S., will not be subject to prosecution or civil liability for his or her performance regarding patient care.

Rulemaking Authority 429.255 FS. Law Implemented 429.255 FS. History--New _____.

58A-5.0185 Medication Practices.

Pursuant to Sections 429.255 and 429.256, F.S., and this rule, facilities holding a standard, limited mental health, extended congregate care, or limited nursing services license may assist

with the self-administration or administration of medications to residents in a facility. A resident may not be compelled to take medications but may be counseled in accordance with this rule.

(1) through (7) No change.

(8) OVER THE COUNTER (OTC) MEDICATIONS.

For purposes of this subsection, the term OTC includes, but is not limited to, OTC medications, vitamins, nutritional supplements and nutraceuticals.

(a) No change.

(b) When centrally stored, OTC medications ~~Non-prescription over the counter drugs, including those prescribed by a health care provider when centrally stored,~~ must ~~shall~~ be labeled with the resident's name. ~~In addition, and~~ the manufacturer's label with directions for use, ~~or the health care provider's order with directions for use,~~ must ~~shall~~ be kept with the medication. ~~No other labeling requirements are necessary.~~

(c) Residents or their representatives may purchase OTC medications from an establishment of their choice. ~~When an over the counter medication is prescribed by a health care provider, the medication becomes a prescription medication and shall be managed in accordance with prescription medication under this rule.~~

(d) As part of its policies and procedures, a facility cannot require a health care provider's order for all OTC medications when a resident self-administers, or when staff provides assistance with self-administration or administration of medications. However, in the event that staff becomes concerned for a resident's health, safety and welfare regarding OTC medications that may be contraindicated when taken with one another or in combination with prescribed medications, the following shall apply:

1. Staff must bring the issue to the attention of the resident, or representative, and the resident's health care provider. The resident's health care provider shall make the determination as to whether the OTC medication is:

a. Contraindicated and should be discontinued; or

b. Safe when taken as directed; or

c. Safe but provides other directions for use.

2. The facility must document the health care provider's directives and keep a copy of the health care provider's written order, if applicable, in the resident's record.

(e) The facility must include the provisions in this subsection in resident contracts or house rules pursuant to Rule 58A-5.025, F.A.C.

Rulemaking Specific Authority 429.256, 429.41 FS. Law Implemented 429.255, 429.256, 429.41 FS. History--New 10-17-99, Amended 7-30-06, _____.

58A-5.019 Staffing Standards.

(1) through (3) No change.

(4) STAFFING STANDARDS.

(a) Minimum staffing:

1. through 2. No change.

3. In facilities with 17 or more residents, there shall be at least one staff member awake at all hours of the day and night.

4. through 8. No change.

(b) No change.

(c) The facility must ~~shall~~ maintain a written work schedule which reflects its ~~the facility's~~ 24-hour staffing pattern for a given time period. The facility must make the work schedules for direct care staff available to residents or representatives, and make them aware of how to obtain it.

(d) through (f) No change.

Rulemaking Specific Authority 429.41, 429.52, 429.275 FS. Law Implemented 429.02, 429.04, 429.174, 429.176, 429.19, 429.24, 429.255, 429.26, 429.275, 429.41, 429.52 FS. History--New 5-14-81, Amended 1-6-82, 9-17-84, Formerly 10A-5.19, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.019, Amended 10-30-95, 4-20-98, 11-2-98, 10-17-99, 7-30-06, _____.

58A-5.0191 Staff Training Requirements and Competency Test.

(1) ASSISTED LIVING FACILITY CORE TRAINING REQUIREMENTS AND COMPETENCY TEST.

(a) No change.

(b) Administrators and managers must successfully complete the assisted living facility core training requirements within 3 months from the date of becoming a facility administrator or manager. Successful completion of the core training requirements includes passing the competency test. The minimum passing score for the competency test is 75%. Administrators who have attended core training prior to July 1, 1997, and managers who attended the core training program prior to April 20, 1998, shall not be required to take the competency test. Administrators licensed as nursing home administrators in accordance with Part II of Chapter 468, F.S., are exempt from this requirement.

(c) through (e) No change.

(2) No change.

(3) HUMAN IMMUNODEFICIENCY VIRUS/ ACQUIRED IMMUNE DEFICIENCY SYNDROME (HIV/AIDS). Pursuant to Section 381.0035, F.S., all facility employees, with the exception of employees subject to the requirements of Section 456.033, F.S., must complete biennially, a one-time continuing education course on HIV and AIDS, including the topics prescribed in the Section 381.0035, F.S. New facility staff must obtain the an initial training on HIV/AIDS within 30 days of employment, unless the new staff person previously completed the initial training and has maintained the biennial continuing education requirement. Documentation of compliance must be maintained in accordance with subsection (11) of this rule.

(4) No change.

(5) DNROs.

(a) Currently employed facility administrators, managers, direct care staff and staff involved in resident admissions must attend training in the facility's policies and procedures regarding DNROs within 30 days after the effective date of this rule.

(b) Newly hired facility administrators, managers, direct care staff and staff involved in resident admissions must attend training in the facility's policy and procedures regarding DNROs within 30 days after employment.

(c) Training shall consist of the information included in Rule 58A-5.0183, F.A.C.

(5) through (7) renumbered (6) through (8) No change.

(9)(8) LIMITED MENTAL HEALTH TRAINING. Pursuant to Section 429.075, F.S., the administrator, manager, and staff in direct contact with mental health residents in a facility with a limited mental health license must receive a minimum of 6 hours training provided or approved by the Department of Children and Family Services within 6 months of the facility's receiving a limited mental health license or within 6 months of employment in a facility holding a limited mental health license. Staff in "direct contact" means direct care staff and staff whose duties take them into resident living areas and require them to interact with mental health residents on a daily basis. The term does not include maintenance, food service, or administrative staff if such staff have only incidental contact with mental health residents.

(a) Pursuant to Section 429.075, F.S., the administrator, managers and staff, who have direct contact with mental health residents in a licensed limited mental health facility, must receive the following training:

1. A minimum of 6 hours of specialized training in working with individuals with mental health diagnoses.

a. The training must be provided or approved by the Department of Children and Families and must be taken within 6 months of the facility's receiving a limited mental health license or within 6 months of employment in a limited mental health facility.

b. Staff in "direct contact" means direct care staff and staff whose duties take them into resident living areas and require them to interact with mental health residents on a daily basis. The term does not include maintenance, food service or administrative staff, if such staff have only incidental contact with mental health residents.

c. Training received under this subparagraph may count once for 6 of the 12 hours of continuing education required for administrators and managers pursuant to Section 429.52(4), F.S., and subsection (1) of this rule.

2. A minimum of 3 hours of continuing education annually thereafter in subjects dealing with mental health diagnoses and issues. The training may be provided by, or approved by, the Department of Children and Families or a mental health provider, as defined under Chapters 458, 490 and 491, F.S. Online training is acceptable.

a. For administrators and managers, this annual requirement will satisfy 6 of the 12 hours of continuing education required biennially pursuant to Section 429.52(4), F.S., and subsection (1) of this rule.

b. Administrators, managers and direct contact staff affected by this requirement shall have up to 6 months after the effective date of this rule to meet the continuing education requirement.

~~(b)(a)~~ Administrators, managers and staff receiving this training do not have to repeat the initial this training should they change employers provided they present the employee provides a copy of their the employee's training certificate to the employee's current employer for retention in the facility's personnel files. They must ensure that copies of the continuing education training certificates are retained in their personnel files.

~~(b)~~ Training received under this subsection may count once for 6 of the 12 hours of continuing education required for administrators and managers under subsection (1) of this rule.

(9) through (11) renumbered (10) through (12) No change.

Rulemaking Specific Authority 429.178, 429.41, 429.52 FS. Law Implemented 429.07, 429.075, 429.178, 429.41, 429.52 FS. History—New 9-30-92, Formerly 10A-5.0191, Amended 10-30-95, 6-2-96, 4-20-98, 11-2-98, 10-17-99, 7-5-05, 7-30-06, 10-9-06, 7-1-08,

58A-5.023 Physical Plant Standards.

(1) GENERAL REQUIREMENTS.

(a) The ALF ~~must~~ shall be located, designed, equipped, and maintained to promote a residential, non-medical environment, and provide for the safe care and supervision of all residents.

(b) ~~The ALF is required to meet all applicable requirements pursuant to Section 434 of the Florida Building Code, 2007 Edition; Chapter 633, F.S., Fire Prevention and Control; and Rule Chapter 69A-40, F.A.C., The Uniform Fire Safety Standards for Assisted Living Facilities. The facility's physical structure, including the interior and exterior walls, floors, roof and ceilings shall be structurally sound and in good repair. Peeling paint or wallpaper, missing ceiling or floor tiles, or torn carpeting shall be repaired or replaced. Windows, doors, plumbing, and appliances shall be functional and in good working order. All furniture and furnishings shall be clean, functional, free of odors, and in good repair. Appliances may be disabled for safety reasons provided they are functionally available when needed.~~

~~(c)~~ In order to ensure a safe and sanitary environment, the ALF shall be subject to annual inspection by the county health department pursuant to Chapter 64E-12, F.A.C.

~~(d)~~ Indoor radon testing as mandated by Section 404.056(5), F.S., shall be completed by all facilities.

(2) HEATING AND COOLING.

~~(a)~~ When outside temperatures are 65 degrees Fahrenheit or below, an indoor temperature of at least 72 degrees Fahrenheit shall be maintained in all areas used by residents during hours when residents are normally awake. During night hours when residents are asleep, an indoor temperature of at least 68 degrees Fahrenheit shall be maintained.

~~(b)~~ During hours when residents are normally awake, mechanical cooling devices, such as electric fans, must be used in those areas of buildings used by residents when inside temperatures exceed 85 degrees Fahrenheit provided outside temperatures remain below 90 degrees Fahrenheit. No residents shall be in any inside area that exceeds 90 degrees Fahrenheit. However, during daytime hours when outside temperatures exceed 90 degrees, and at night, an indoor temperature of no more than 81 degrees Fahrenheit must be maintained in all areas used by residents.

~~(c)~~ Residents who have individually controlled thermostats in their bedrooms or apartments shall be permitted to control temperatures in those areas.

(3) COMMON AREAS.

~~(a)~~ A minimum of 35 square feet of living and dining space per resident, live in staff, and live in family member shall be provided except in facilities comprised of apartments. This space shall include living, dining, recreational, or other space designated accessible to all residents, and shall not include bathrooms, corridors, storage space, or screened porches which cannot be adapted for year round use. Facilities with apartments may count the apartment's living space square footage as part of the 35 square footage living and dining space requirement.

~~1.~~ Those facilities which were licensed as of May 14, 1981, which demonstrate compliance with all other applicable rules shall be granted a 10 percent waiver in the square footage requirement upon request.

~~2.~~ Those facilities also serving as adult day care centers must provide an additional 35 square feet of living and dining space per adult day care client. Excess floor space in residents' bedrooms or apartments cannot be counted toward meeting the requirement of 35 square feet of living and dining space requirements for adult day care participants. Day care participants may not use residents' bedrooms for resting unless the room is currently vacant.

~~(b)~~ A room, separate from resident bedrooms, shall be provided where residents may read, engage in socialization or other leisure time activities. Comfortable chairs or sofas shall be provided in this communal area.

~~(c)~~ The dining area shall be furnished to accommodate communal dining.

~~(4)~~ BEDROOMS. Residents shall be given the option of choosing their own roommate or roommates if possible.

~~(a) Resident bedrooms designated for single occupancy shall provide a minimum inside measurement of 80 square feet of usable floor space. Usable floor space does not include closet space or bathrooms.~~

~~(b) Resident bedrooms designated for multiple occupancy shall provide a minimum inside measurement of 60 square feet of usable floor space per room occupant.~~

~~(c) Resident bedrooms designated for multiple occupancy in facilities newly licensed or renovated 6 months after 10-17-99, shall have a maximum occupancy of two persons. Resident bedrooms designated for multiple occupancy in facilities licensed prior to 10-17-99, shall have a maximum occupancy of four persons.~~

~~(d) All resident bedrooms shall open directly into a corridor, common use area or to the outside. A resident must be able to exit his bedroom without having to pass through another bedroom unless the 2 rooms have been licensed as one bedroom.~~

~~(2)(e) BEDROOMS. Pursuant to Section 429.27, F.S., residents shall be given the option of using their his/her own belongings as space permits. When the facility supplies the furnishings, eEach resident bedroom or sleeping area must have at least, where furnishings are supplied by the facility shall, at a minimum, be furnished with the following furnishings:~~

~~1. A clean, comfortable bed with a mattress no less than 36 inches wide in width and 72 inches long, in length with the top surface of the mattress a comfortable height to ensure assure easy access by the resident;~~

~~2. A closet or wardrobe space for the hanging of clothes;~~

~~3. A dresser, chest, or other furniture designed for the storage of personal effects; and~~

~~4. A table, bedside lamp or floor lamp, and waste basket; and, and comfortable chair shall be provided, if requested.~~

~~5. A comfortable chair, if requested.~~

~~(f) All resident bedrooms shall be for the exclusive use of residents. Live in staff and their family members shall be provided with sleeping space separate from the sleeping and congregate space required for residents.~~

~~(3)(g) KEYS. The facility must shall maintain master or duplicate keys to resident bedrooms to be used in the event of an emergency.~~

~~(5) BATHROOMS.~~

~~(a) There shall be at least one bathroom with one toilet and sink per six persons, and one bathtub or shower per eight persons. All residents, all live in staff and family members, and respite care participants must be included when calculating the required number of toilets, sinks, bathtubs and showers. All adult day care participants shall be included when calculating the required number of toilets and sinks.~~

~~(b) Each bathroom shall have a door in working order to ensure privacy. The entry door to bathrooms with a single toilet shall have a lock that the resident can operate from the inside~~

~~with no key needed. A non-locking door shall be permitted if the resident's safety would otherwise be jeopardized. The facility shall maintain master or duplicate keys to resident bathrooms to be used in the event of an emergency.~~

~~(c) There shall be non-slip safety devices such as bath mats or peel-off stickers in the showers and bathtubs of all facilities. Showers and bathtubs with a non-skid surface require a separate non-skid device only if the surface is worn. Grab bars shall be required in showers and bathtubs. Grab bars, whether portable or permanent, must be securely affixed to the floor or adjoining walls. Facilities newly licensed or renovated 6 months after (10-17-99) must have grab bars next to the commode.~~

~~(d) Sole access to a toilet or bathtub or shower shall not be through another resident's bedroom, except in apartments within a facility.~~

~~(4)(e) PRIVACY. Residents who use portable bedside commodes must shall be provided with privacy during in their use.~~

~~(5)(6) LINENS AND LAUNDRY. Facilities must shall make available linens and personal laundry services for residents who require such services. Linens provided by a facility shall be free of tears, stains, and not be threadbare.~~

~~(7) SECURITY. External boundaries of a facility or a distinct part of a facility, including outside areas, may be secured using egress control or perimeter control devices if the following conditions are met:~~

~~(a) The use of the device complies with all life-safety requirements.~~

~~(b) Residents residing within a secured area are able to move freely throughout the area, including the resident's bedroom or apartment, bathrooms and all common areas, and have access to outdoor areas on a regular basis and as requested by each resident.~~

~~(c) Residents capable of entering and exiting without supervision have keys, codes, or other mechanisms to exit the secured area without requiring staff assistance.~~

~~(d) Staff who provide direct care or who have regular contact with residents residing in secured areas complete Level 1 Alzheimer's training as described in Rule 58A-5.0191, F.A.C.~~

~~(6)(8) Pursuant to Section 429.41, F.S., facilities with 16 or fewer residents are shall not be required to maintain an accessible telephone in each building where residents reside, maintain written staff job descriptions, have awake night staff, or maintain standardized recipes as provided in paragraphs 58A-5.0182(6)(g), 58A-5.019(2)(e), 58A-5.019(4)(a), and 58A-5.020(2)(b), F.A.C., respectively.~~

~~Rulemaking Specific Authority 429.41 FS. Law Implemented 404.056, 429.27, 429.41 FS. History—New 5-14-81, Amended 1-6-82, 5-19-83, 9-17-84, Formerly 10A-5.23, Amended 10-20-86, 6-21-88, 8-15-90, 9-30-92, Formerly 10A-5.023, Amended 10-30-95, 6-2-96, 10-17-99, 7-30-06,_____.~~

58A-5.025 Resident Contracts.

(1) Pursuant to Section 429.24, F.S., ~~prior to or at the time of admission~~, each resident or the residents legal representative; shall, ~~prior to or at the time of admission~~, execute a contract with the facility, which contains the following provisions:

(a) through (j) No change.

(k) A provision that residents must be assessed upon admission pursuant to subsection (2) of Rule 58A-5.0181, F.A.C., and periodically thereafter pursuant to subsection (4) of that rule.

(l) The facility's policies and procedures for self-administration, assistance with self-administration and administration of medications, if applicable, pursuant to Rule 58A-5.0185, F.A.C. This also includes requirements for over-the-counter medications pursuant to subsection (8) of that rule.

(2) through (3) No change.

Rulemaking Specific Authority 429.24, 429.41 FS. Law Implemented 429.24, 429.41 FS. History—New 10-17-99, Amended 7-30-06, _____.

58A-5.029 Limited Mental Health.

(1) No change.

(2) RECORDS.

(a) through (b) No change.

(c) Resident records for mental health residents in a facility with a limited mental health license must include the following:

1. through 2. No change.

3. a Community Living Support Plan prepared by the resident's case manager in consultation with the administrator.

a. ~~Each mental health resident and the resident's mental health case manager shall, in consultation with the facility administrator, prepare a plan within 30 days of the resident's admission to the facility or within 30 days after receiving the appropriate placement assessment under paragraph (e), whichever is later, which:~~

(i) ~~Includes the specific needs of the resident which must be met in order to enable the resident to live in the assisted living facility and the community;~~

(ii) ~~Includes the clinical mental health services to be provided by the mental health care provider to help meet the resident's needs, and the frequency and duration of such services;~~

(iii) ~~Includes any other services and activities to be provided by or arranged for by the mental health care provider or mental health case manager to meet the resident's needs, and the frequency and duration of such services and activities;~~

(iv) ~~Includes the obligations of the facility to facilitate and assist the resident in attending appointments and arranging transportation to appointments for the services and activities identified in the plan which have been provided or arranged for by the resident's mental health care provider or case manager;~~

(v) ~~Includes a description of other services to be provided or arranged by the facility;~~

(vi) ~~Includes a list of factors pertinent to the care, safety, and welfare of the mental health resident and a description of the signs and symptoms particular to the resident that indicate the immediate need for professional mental health services;~~

(vii) ~~Is in writing and signed by the mental health resident, the resident's mental health case manager, and the ALF administrator or manager and a copy placed in the resident's file. If the resident refuses to sign the plan, the resident's mental health case manager shall add a statement that the resident was asked but refused to sign the plan;~~

(viii) ~~Is updated at least annually;~~

(ix) ~~May include the Cooperative Agreement described in subparagraph 4. If included, the mental health care provider must also sign the plan; and~~

(x) ~~Must be available for inspection to those who have a lawful basis for reviewing the document.~~

b. ~~Those portions of a service or treatment plan prepared pursuant to Rule 65E 4.014, F.A.C., which address all the elements listed in sub subparagraph a. above may be substituted.~~

4. Cooperative Agreement which provides procedures and directions for accessing emergency and after-hours care for mental health residents. ~~The mental health care provider for each mental health resident and the facility administrator or designee shall, within 30 days of the resident's admission to facility or receipt of the resident's appropriate placement assessment, whichever is later, prepare a written statement which:~~

a. ~~Provides procedures and directions for accessing emergency and after-hours care for the mental health resident. The provider must furnish the resident and the facility with the provider's 24-hour emergency crisis telephone number.~~

b. ~~Must be signed by the administrator or designee and the mental health care provider, or by a designated representative of a Medicaid prepaid health plan if the resident is on a plan and the plan provides behavioral health services under Section 409.912, F.S.~~

e. ~~May cover all mental health residents of the facility who are clients of the same provider.~~

d. ~~May be included in the Community Living Support Plan described in subparagraph 3.~~

(d) Missing documentation required in subparagraphs (c)3. and 4. of this subsection shall not be considered a deficiency for agency survey purposes if the facility can demonstrate that it has made a good faith effort to obtain the required documentation from the Department of Children and

Family Services (DCFS), or the mental health care provider under contract to provide mental health services to clients of DCFS the department.

(3) No change.

Rulemaking Specific Authority 429.41 FS. Law Implemented ~~394.4574~~, 429.02, 429.075, 429.26, 429.41, ~~409.942~~ FS. History—New 8-15-90, Amended 9-30-92, Formerly 10A-5.029, Repromulgated 10-30-95, Amended 6-2-96, 11-2-98, 7-30-06, _____.

58A-5.033 Administrative Enforcement.

Facility staff shall cooperate with Agency personnel during surveys, complaint investigations, monitoring visits, implementation of correction plans, license application and renewal procedures and other activities necessary to ensure compliance with Part I of Chapter 429, F.S., and this rule chapter.

(1) through (6) No change.

~~(7) TEMPORARY LICENSE. Temporary licenses as defined in subsection 58A-5.0131(37), F.A.C., may be issued by the Agency upon the initiation of any proceeding pursuant to Section 429.14(8), F.S.~~

Rulemaking Specific Authority 429.15, 429.23, 429.41, 429.42 FS. Law Implemented 429.07, 429.08, 429.11, 429.12, 429.14, 429.15, 429.17, 429.19, ~~429.12~~, 429.23, 429.27, 429.28, 429.34, 429.41, 429.42 FS. History—New 9-30-92, Formerly 10A-5.033, Amended 10-30-95, 10-17-99, 1-9-02, 7-30-06, _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NOS.:	RULE TITLES:
58A-14.002	Definitions
58A-14.003	License Application, Renewal and Conditional Licenses
58A-14.004	License Requirements
58A-14.0061	Admission Procedures, Appropriateness of Placement and Continued Residency Requirements
58A-14.008	Staff Qualifications, Responsibilities and Training

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendments is as follows: include additional definitions; require the provider to produce documentation that he or she resides in the AFCH as a condition of licensure; prohibit a change of ownership of an AFCH; require posting of specific information; include an additional requirement for determining continued residency and changes to the resident assessment form; and rewrite the staffing requirements regarding communicable diseases, including tuberculosis, for clarity.

SUBJECT AREA TO BE ADDRESSED: Additional definitions of “person” or “persons,” and “reside” or “resides”; documentation that the AFCH provider resides in the home; prohibition of a change of ownership for an AFCH; posting of

specific information in the AFCH; determination of continued residency and revision of the resident assessment form; and clarification of staffing requirements regarding communicable diseases, including tuberculosis.

RULEMAKING AUTHORITY: 429.67, 429.69, 429.71, 429.73, 429.75 FS.

LAW IMPLEMENTED: 429.65, 429.67, 429.71, 429.73, 429.75, 429.83, 429.85 FS.

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

DATE AND TIME: September 22, 2009, 2:00 p.m. – 3:30 p.m. EDT

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 301, Tallahassee, FL 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone number: (850)414-2000; Email address: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, Office of the General Counsel, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; telephone number: (850)414-2000; Email address: crochethj@elderaffairs.org

THE TEXT OF THE PROPOSED RULE DEVELOPMENT IS ALSO AVAILABLE ON THE WEBSITE LISTED BELOW UNDER THE HEADING ENTITLED “ADULT-FAMILY CARE HOMES, RULE CHAPTER 58A-14, F.A.C.” AHCA FORM 1823, REFERENCED IN RULE 58A-14.0061, F.A.C., CAN BE LOCATED ON THE SAME WEBSITE UNDER THE HEADING “ASSISTED LIVING FACILITIES, RULE CHAPTER 58A-5, F.A.C.”

<http://elderaffairs.state.fl.us/english/rulemaking.php>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-14.002 Definitions.

The following terms or phrases are defined in Section 429.65, F.S., and are applicable to this rule chapter: activities of daily living (ADLs), adult family-care home (AFCH), agency (AHCA), aging in place, appropriate placement, chemical restraint, department, disabled adult, frail elder, personal services or personal care, provider, relative, relief person, and resident. Additional definitions applicable to this rule chapter are as follows:

(1) through (14) No change.

(15) "Person" means solely the licensee to whom the agency has issued the AFCH license.

(15) through (16) renumbered (16) through (17) No change.

(18) "Reside" or "resides" means the licensee or applicant lives in the adult family-care home as a primary residence. For purposes of this rule chapter, any two of the following documents, which include the adult family-care home address and the name of the licensee or applicant, are accepted by the agency as proof that he or she physically lives in the adult family-care home:

(a) Homestead exemption documentation; or

(b) Lease or rental agreement accompanied by a corresponding utility bill and telephone bill; or

(c) Personal identification issued by a state or federal agency.

(17) through (19) renumbered (19) through (21) No change.

Rulemaking Specific Authority 429.67, 429.73 FS. Law Implemented 429.65, 429.67, 429.71, 429.73 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.002, Amended 9-19-96, 6-6-99,_____.

58A-14.003 License Application, Renewal and Conditional Licenses.

(1) LICENSE APPLICATION.

(a) Any individual desiring to obtain an initial license to operate an adult family care home shall file an Adult Family Care Home License application, AHCA Form 3180-1022, January 2006, which is incorporated by reference and may be obtained from the Assisted Living Unit, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 30, Tallahassee, Florida 32308-5402, phone (850)487-2515. The completed application must be signed by the applicant, notarized, and submitted to the Assisted Living Unit at the address cited above. The application shall be accompanied by the following:

1. through 8. No change.

9. Documentation that the provider resides in the adult family-care home pursuant to Section 429.67(2), F.S., and subsection (18) of Rule 58A-14.002, F.A.C.

(b) through (d) No change.

(2) LICENSE RENEWAL.

(a) No change.

(b) In addition to AHCA Form 3180-1022, all applicants for license renewal shall provide the following:

1. through 3. No change.

4. Documentation pursuant to subparagraph (1)(a)9. of this rule.

(c) No change.

(3) through (4) No change.

Rulemaking Specific Authority 429.67, 429.69, 429.71, 429.73 FS. Law Implemented 429.67, 429.69, 429.71, 429.73 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.003, Amended 9-19-96, 3-25-98, 6-6-99, 1-1-04, 7-30-06,_____.

58A-14.004 License Requirements.

(1) LICENSE TIMEFRAME. Except for conditional licenses, all AFCH licenses shall be effective for 2 + years from the date of issuance.

(2) LICENSE CONDITIONS. A license to operate an AFCH is not transferable and is valid only for the provider named, the capacity stated, and the premises described on the license. A change of ownership is prohibited.

(3) CLOSING AN AFCH. The licensed provider shall give at least 60 days written notice of any intent to voluntarily close a currently licensed AFCH to the AHCA Assisted Living Unit, each residents or resident's representative, and case managers of OSS recipients, of any intent to voluntarily close or sell a currently licensed AFCH.

(4) through (5) No change.

(6) POSTING OF INFORMATION. For the purpose of a resident's' ability to lodge complaints, the AFCH licensee or designee must post the addresses and toll-free telephone numbers for the following entities in full view in a common area accessible to all residents:

(a) District Long-Term Care Ombudsman Council;

(b) Advocacy Center for Persons with Disabilities;

(c) Florida Local Advocacy Council;

(d) Agency Consumer Hotline; and

(e) Florida Abuse Hotline.

Rulemaking Specific Authority 429.67, 429.73 FS. Law Implemented 429.67, 429.73, 429.83 FS. History—New 5-14-86, Amended 2-2-95, Formerly 10A-14.004, Amended 9-19-96, 6-6-99,_____.

58A-14.0061 Admission Procedures, and Appropriateness of Placement and Continued Residency Requirements.

(1) No change.

(2) HEALTH ASSESSMENT. ~~Prior to admission to an AFCH, the individual must be examined by a health care provider using AHCA Form 3110-1023 (AFCH-1110)-01/08, Resident Health Assessment for Adult Family-Care Homes (AFCH), January 2008, which is incorporated by reference, and available from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 30, Tallahassee, FL 32308. The form may also be obtained from the agency's Web site at http://ahea.myflorida.com/MCHQ/ Long_Term_Care/Assisted_living/afe/Res_Health_Assmnt.pdf.~~

(a) Prior to admission to an AFCH, the individual must have a face-to-face examination conducted by a health care provider using AHCA Form 1823, Resident Assessment for

Assisted Living Facilities and Adult Family-Care Homes. The form is incorporated by reference in Rule 58A-5.0181, F.A.C. The form must be completed as follows:

1. A licensed health care provider must complete Section 1, Health Assessment; and

2. The administrator or designee must complete Sections 2 and 3, Self-Care and General Oversight Assessment, and Services Offered or Arranged by the Facility, respectively.

(b) Every three years thereafter, or after a significant change, as defined in subsection (4) of Rule 58A-14.007, F.A.C., the resident must have a face-to-face examination conducted by a licensed health care provider using the form referenced in paragraph (a) of this subsection. The form must be completed as required in that paragraph. After the effective date of this rule, providers shall have up to 12 months to comply with this requirement.

~~(3) HOUSE RULES AND COMPLAINT PROCEDURES. Prior to, or at the time of admission a copy of the AFCH house rules, the Resident's Bill of Rights established under Section 429.85, F.S., the name, address, and telephone number of the district long-term care ombudsman council and the Florida Abuse Hotline, and the procedure for making complaints to the ombudsman council and the abuse registry must be provided to the resident or the resident's representative.~~

(a) Prior to, or at the time of admission, the facility must provide the resident or representative with the following:

1. A copy of the AFCH house rules;

2. The Resident's Bill of Rights established under Section 429.85, F.S.;

3. Written information referenced in subsection (6) of Rule 58A-14.004, F.A.C., and the procedure for making complaints to these entities.

(b) Additionally, the administrator or designee must make the resident or representative aware of the location of the documents posted pursuant to subsection (6) of Rule 58A-14.004, F.A.C.

(4) through (5) No change.

(6) CONTINUED RESIDENCY.

(a) The criteria for continued residency shall be the same as the criteria for admission, including a face-to-face examination conducted by a licensed health care provider pursuant to subsection (2) of this rule, with the following exceptions that:

1. through 3. No change.

(b) through (c) No change.

(7) No change.

Rulemaking Specific Authority 429.73 FS. Law Implemented 429.65, 429.73, 429.85 FS. History—New 2-2-95, Formerly 10A-14.0061, Amended 9-19-96, 6-6-99, 1-1-04, 4-29-08, _____.

58A-14.008 Staff Qualifications, Responsibilities and Training.

(1) MINIMUM STAFF REQUIREMENTS.

(a) The provider, all staff, each relief person; and all adult household members must submit a statement from a health care provider that he or she is free from apparent signs and symptoms of communicable diseases, including tuberculosis. The statement must be based on an examination conducted within the last six months prior to employment, that the person is free from apparent signs and symptoms of communicable diseases including tuberculosis. Annually thereafter, the individual must submit documentation from a health care provider stating that he or she is free from apparent signs and symptoms of communicable diseases, including tuberculosis. Freedom from tuberculosis must be documented on an annual basis. An exception is that an individual Persons with a positive tuberculosis test must submit a physician's statement that he or she the person does not constitute a risk of communicating tuberculosis.

(b) through (c) No change.

(2) through (4) No change.

Rulemaking Specific Authority 429.67, 429.73, 429.75 FS. Law Implemented 429.67, 429.73, 429.75 FS. History—New 2-2-95, Formerly 10A-14.008, Amended 9-19-96, 6-6-99, 1-1-04, 7-30-06, _____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.:	RULE TITLE:
60BB-4.211	Eligibility for Children in Families Receiving or Applying for Unemployment Compensation

PURPOSE AND EFFECT: The purpose of the proposed rule development is to establish School Readiness program eligibility criteria for children of families receiving or applying for Unemployment Compensation (UC) benefits.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address School Readiness program eligibility criteria for children of UC recipient and applicant families, funding sources for the eligibility

RULEMAKING AUTHORITY: 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(6) FS.

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

DATE AND TIME: September 22, 2009, 2:00 – 5:00 p.m. or until business is concluded.

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Room B-49, Tallahassee, Florida 32399-4128, or by calling 1(888)808-6959, conference code 921-3193

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 48 hours before the workshop/meeting by contacting: Audrey Gaten at (850)245-7160. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, 107 East Madison Street, MSC # 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE ON THE AGENCY'S WEBSITE AT: http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NO.: 60BB-9.115 RULE TITLE: School Readiness Plan Requirements

PURPOSE AND EFFECT: The purpose of the proposed rule development is to establish the criteria for approval of school readiness plans and the format and procedure for submission of early learning coalition plans to the Agency for Workforce Innovation for review and approval.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development will address development of plans for implementing school readiness programs to meet the requirements of Section 411.01, Florida Statutes, and the performance standards and outcome measures for school readiness programs; the criteria for approval of school readiness plans; the content and format of plans; and the procedure for submission and revision of plans.

RULEMAKING AUTHORITY: 411.01(4)(e), 411.01(4)(l) FS. LAW IMPLEMENTED: 411.01(2), 411.01(4)(d), 411.01(4)(j), 411.01(4)(l), 411.01(4)(o), 411.01(5)(a)-(f), 411.01(6), 411.01(7)(a), 411.01(8) FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kristin R. Harden, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS: available on the agency's website at: http://www.floridajobs.org/earlylearning/oel_state_fed.html#proposedrules.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-4.001 RULE TITLE: Written Examination Designated; General Requirements

PURPOSE AND EFFECT: The Board proposes the rule amendment for additional consideration of material allowed in testing facility.

SUBJECT AREA TO BE ADDRESSED: Written Examination Designated; General Requirements.

RULEMAKING AUTHORITY: 455.217(1), 472.008 FS.

LAW IMPLEMENTED: 455.217(1), 472.013, 472.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-4.004 RULE TITLE: Grading

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify grading criteria.

SUBJECT AREA TO BE ADDRESSED: Grading.

RULEMAKING AUTHORITY: 455.217(1) FS.

LAW IMPLEMENTED: 455.217(1) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

State Boxing Commission

RULE NOS.:	RULE TITLES:
61K1-1.003	Licenses, Permits; Requirement, Procedure and Period, Fee
61K1-1.0031	Application Approval, Application Denial, and Disciplinary Action for Amateur Sanctioning Organizations in Boxing and Kickboxing
61K1-1.004	Weight Classes; Weigh-In; Pre-Match Physical of Participant and Referee

PURPOSE AND EFFECT: The Commission proposes the development of rule amendments for Rule 61K1-1.003, F.A.C., to identify sanctioning organizations and training and certification requirements for kickboxing and mixed martial arts. For Rule 61K1-1.0031, F.A.C., the Commission proposes the development of rule amendments to review and address the medical examination and tests to be required of contestants. Finally, for Rule 61K1-1.004, F.A.C., the Commission proposes the development of rule amendments to addresses changes in the fees to be charged.

SUBJECT AREA TO BE ADDRESSED: Identification of sanctioning organizations and training and certification requirements for kickboxing and mixed martial arts; review of the medical examination and tests to be required of contestants; and changes in the fees to be charged.

RULEMAKING AUTHORITY: 548.003 FS.

LAW IMPLEMENTED: 548.003, 548.006, 548.0065, 548.008, 548.011, 548.012, 548.013, 548.014, 548.017, 548.021, 548.025, 548.026, 548.028, 548.032, 548.035, 548.043, 548.046, 548.057, 548.066, 548.071, 548.075 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Thomas Molloy, Executive Director, Florida State Boxing Commission, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

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

Division of Medical Quality Assurance

RULE NOS.:	RULE TITLES:
64B-4.005	Pain Management Clinic Inspection Fee
64B-4.006	Pain Management Clinic Registration Requirements, Fees

PURPOSE AND EFFECT: The department determined that it needs to promulgate new rules related to the registration and inspection of pain management clinics.

SUBJECT AREA TO BE ADDRESSED: Pain Management Clinic Inspection Fee and Pain Management Clinic Registration Requirements, Fees.

RULEMAKING AUTHORITY: 458.309, 459.005 FS.

LAW IMPLEMENTED: 458.309, 459.005 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Division of Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.:	RULE TITLE:
64B5-2.0135	Dental Hygiene Examination

PURPOSE AND EFFECT: To clarify and update language and criteria for successfully passing the examination of dental hygienists.

SUBJECT AREA TO BE ADDRESSED: Clarified and updated language and criteria for successfully passing examination of dental hygienists.

RULEMAKING AUTHORITY: 456.017, 466.004(4), 466.007 FS.

LAW IMPLEMENTED: 456.017, 466.007, 466.009(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-2.0135 Dental Hygiene Examination.

(1) The Board specifies that the dental hygiene licensure examination administered by the Department of Health shall consist of two portions. One portion of the examination shall consist of a written examination and one portion of the examination shall be a clinical (or practical) examination. ~~A final grade of 75 or better on the written portion and a final grade of 3 or better on the clinical (or practical) portion is required to achieve a passing score.~~ An applicant who passes one portion of the examination and not the other need only retake the ~~failed~~ portion ~~that he failed~~.

(a) ~~An applicant~~ ~~A candidate~~ must successfully complete both portions of the examination within a thirteen month period in order to qualify for licensure. If the ~~applicant~~ ~~candidate~~ fails to successfully complete both portions within that time period, then the ~~applicant~~ ~~candidate~~ must retake the entire examination.

(b) Any dental hygiene applicant who fails to pass the clinical portion of the examination in ~~three~~ 3 attempts shall not be eligible for reexamination until ~~successful completion of~~ ~~he~~ ~~successfully completes~~ one academic semester of clinical course work at the senior clinical practice level at a dental hygiene school approved by the American Dental Association Commission on Accreditation. The applicant must furnish proof from the accredited dental hygiene school of ~~his~~ successful completion of the course work required by this rule. Applicants who fail to establish compliance with this rule shall automatically be denied permission to sit for reexamination.

(c) All examinations will be conducted in English.

(2) The written portion of the examination shall test on the law and rules of the State of Florida regulating the practice of dentistry and dental hygiene.

(a) A final grade of 75% or better is required to pass the written portion of the examination.

(b) Applicants will be given no more than 90 minutes to complete the written portion of the examination.

(3) The clinical (or practical) portion of the examination consists of two parts. One part of the clinical examination shall consist of a computer based assessment involving simulated patients and one part of the clinical examination shall consist of a patient based assessment. ~~requires a candidate to perform a complete prophylaxis. In addition, root planing will be performed on 4 designated teeth, none of which shall be primary teeth. More specifically, the clinical (or practical) portion of the examination shall consist of 3 parts and shall be weighted as to each part as follows:~~

(a) The simulated patient part of the clinical examination requires applicants to take and pass a computer based examination which includes health assessments, oral condition evaluations, radiograph interpretations, and infection control practices. ~~Sealing/calculus removal 70%.~~

1. A final grade of 75% or better is required to pass the simulated patient part of the clinical examination.

2. Applicants will be given no more than 120 minutes to complete the simulated patient part of the clinical examination.

(b) The patient based part of the clinical examination requires an applicant to demonstrate clinical skills in performing a partial prophylaxis, scaling, root planing, coronal polishing and pocket depth measurements on selected teeth. ~~Polishing 10%.~~

1. A final grade of 75% or better is required to pass the patient based part of the clinical examination.

2. Applicants will be given no more than 180 minutes to seat a patient, present the patient for acceptance and complete the treatment phase of the patient based part of the clinical examination.

3. Applicants will be give no more than 90 minutes to complete the treatment phase of the patient based part of the clinical examination.

4. The patient based part of the clinical examination is to be performed on a patient provided by the applicant.

(c) An applicant who passes one part of the clinical examination portion, either the simulated patient part or the patient based part, and not the other need only retake the failed clinical part. ~~Root planing 20%.~~

(4) Demonstration of periodontal skills on a patient (root planing, scaling of subgingival calculus, and plaque, stain and supragingival calculus removal from the coronal part of the teeth selected and pocket depth measurement assessment) must be performed within a selected dental quadrant with a minimum of six and a maximum of eight teeth, none of which shall have a full crown restoration. Of the six to eight teeth, two may be contiguous molars in another quadrant if necessary to meet the criteria. Three of the teeth shall have pockets identified by the applicant at least 4 mm. in depth. Twelve surfaces with moderate subgingival calculus detectable by visual or tactile means must be identified and treated by the

applicant (no more than four surfaces may be on incisors); at least one tooth shall be a multi-rooted molar which shall be in proximal contact with at least one other tooth; five surfaces must be on interproximal surfaces of posterior teeth, i.e. molars or premolars, and at least three of those inter-proximal surfaces must be on molars; none of the six to eight teeth shall be primary teeth. Each selected tooth must have at least one surface of calculus selected for removal. Six pocket depth measurements on each of one anterior and one posterior tooth selected by the examiners must be made by the applicant. The total time allowed for the clinical (or practical) portion will be 150 minutes and the clinical (or practical) portion is to be performed on a patient provided by the applicant. It is the applicant's responsibility to provide a patient whose medical history permits dental treatment, who is at least 18 years of age, and who has a minimum of 20 natural teeth with generalized light to moderate calculus, both supra and submarginal. The applicant's patient must have a minimum of 4 teeth, none of which shall have a full crown restoration, with not less than 4 mm. pockets which require root planing at least one of which shall be a multi-rooted molar which is in proximal contact with at least one other tooth. In order that the examination may be conducted in an efficient and orderly manner, an applicant will be allowed no more than three attempts to qualify a patient during the specified check-in period.

(5) The patient based part of the clinical examination shall have the following areas assessed in determining a grade: The following criteria shall be utilized in grading the three (3) parts of the clinical (or practical) portion of the examination. Failure to meet this criteria shall be regarded as an error.

(a) Presence of stain on assigned teeth. Sealing/calculus removal:

1. Complete removal of all supra-marginal calculus from each tooth without laceration to the surrounding tissues.
2. Complete removal of all submarginal calculus from each tooth without laceration to the surrounding tissues.

(b) Presence of supragingival calculus on assigned teeth. Polishing: Complete removal of all plaque from each tooth without abrasion.

(c) Presence of subgingival calculus on assigned teeth. Root planing: Smoothing of all rough root surfaces.

(d) Root roughness on assigned teeth.

(e) Accuracy of pocket depth measurements.

(f) Management of soft and hard tissue.

(6) The grading system used during the patient based part of the clinical examination is as follows: The three parts of the clinical (or practical) portion of the examination shall be graded as follows:

(a) Case acceptance of the patient based part of the clinical examination is evaluated as to whether or not the patient meets the published examination requirements. For the

sealing/calculus removal part, an applicant's score will be based on the absence of or number of corroborated errors committed.

Errors	Grade
≥8	0
7	1
6	2
5	3
4	4
0-3	5

(b) Treatment evaluation of the patient based part of the clinical examination is evaluated as to the presence and removal of applicant identified sub-gingival calculus, removal of plaque/supra-gingival calculus and stain from the selected teeth coronal surfaces and the accuracy, ± 1 mm., of pocket depth measurements on the two teeth selected by the examiner. Additionally, patient comfort and damage to soft and hard tissues are evaluated. For the polishing part, an applicant's score will be based on the absence of or number of corroborated errors committed.

Errors	Grade
≥8	0
7	1
6	2
5	3
4	4
0-3	5

(c) The examiners use four competency levels to rate clinical skills:

- Mandatory Zero – Complete failure and critically deficient
- Marginally Substandard – Below minimal acceptable dental treatment
- Minimally Acceptable – Minimal acceptable dental treatment
- Satisfactory – Optimal dental treatment

For the root planing part, an applicant's score will be based on the absence of or number of corroborated errors committed. Only four teeth will be evaluated and at least one of which shall be a multi-rooted molar. The four teeth will be identified by the applicant and authorized by the examiner prior to the beginning of the clinical (or practical) part.

Errors	Grade
≥4	0.0
3	0.5
2	2.0
1	3.5
0	5

(7) Three examiners will independently evaluate all treatment criteria in accordance with a detailed analytic scoring guide and specific scoring criteria for the patient based part of the clinical examination and the median competency level in each category (criteria) is determined. These median competency levels are translated into a numerical score. Applicants must earn at least 75% of the maximum possible raw score to pass that part. Applicants for examination or re-examination must have taken and successfully completed the National Board of Dental Hygiene examination and received a National Board Certificate within the past ten (10) years.

(a) The scores for the patient based part of the clinical examination may also be affected by certain conduct or errors on the part of an applicant that warrant a penalty deduction from the examination score. Penalties may be assessed in areas such as patient management, compromised infection control, violation of examination guidelines, etc. and will be computed into the final score.

(b) Management of soft tissue is considered adequate in the absence of trauma or mutilation. Additionally, a grade of zero (0) is mandatory if there is gross mutilation of gingival tissue or if the applicant fails to attempt or complete the part.

(8) To take the patient based part of the clinical examination, it is the applicant's responsibility to provide a patient who is at least 18 years of age and whose medical history is consistent with that prescribed by the Board and who meets at least the minimum patient qualifications within the selected dental quadrant in order to qualify as a patient for examination. Every candidate who is scheduled to take the clinical (or practical) portion of the examination or who is scheduled to retake the clinical (or practical) portion must secure liability insurance coverage for injuries which may be sustained or may be claimed to have been sustained by a dental patient in the course of the examination and present proof of such coverage to the credentials committee before he or she will be allowed to perform any procedures on a live patient.

(a) The patient based part of the clinical examination may be terminated at any time by the Examination Administrator in the interest of patient safety.

(b) An applicant will not be able to submit a patient if less than 120 minutes remain in the assigned examination period.

(c) An applicant who does not submit a patient within the assigned examination period will receive a grade of mandatory zero (0).

(9) Applicants for examination or re-examination must have taken and successfully completed the National Board of Dental Hygiene examination and received a National Board Certificate within the past ten (10) years.

(10) Every applicant who is scheduled to take or retake the patient based part of the clinical examination must secure liability insurance coverage for injuries which may be sustained or may be claimed to have been sustained by a dental

patient in the course of the examination and present proof of such coverage to the credentials committee before he or she will be allowed to perform any procedures on a live patient.

(11) Candidates for the dental hygiene state clinical boards may assess patients for suitability as board patients at any dental office under the direct supervision of a dentist, or at any accredited dental hygiene program or accredited dental school under direct supervision of a program faculty member.

Rulemaking Specific Authority 456.017, 466.004(4), 466.007 FS. Law Implemented 456.017, 466.007, 466.009(3) FS. History--New 3-16-82, Amended 5-2-84, 5-19-85, 10-8-85, 12-8-85, Formerly 21G-2.135, Amended 12-31-86, 10-19-87, 2-21-88, 5-29-88, Formerly 21G-2.0135, 61F5-2.0135, Amended 11-15-95, Formerly 59Q-2.0135, Amended 10-31-01, 7-6-05,_____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-8.017 RULE TITLE: Citation Authority

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address time frames for compliance with citation penalties.

SUBJECT AREA TO BE ADDRESSED: Time frames for compliance with citation penalties.

RULEMAKING AUTHORITY: 456.077, 458.309 FS.

LAW IMPLEMENTED: 456.072(2)(d), 456.077 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.004 RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes the rule amendment to add reference to the Florida Board of Nursing and to delete unnecessary language and to add new language to clarify procedures for approval of attendance at continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Approval for attendance at continuing education courses.

RULEMAKING AUTHORITY: 468.353(1), 468.361(2) FS.
 LAW IMPLEMENTED: 468.361(2) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-325
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:
 64E-14.005 Application and Variance Fees
 PURPOSE AND EFFECT: Section 154.06, Florida Statutes, requires the department to adopt by rule a uniform statewide fee schedule for regulatory activities performed through the environmental health program. The purpose of this proposed rule is to adopt a fee schedule to help recover the costs of providing environmental health services in the migrant labor camp program. The effect is that a uniform statewide fee schedule would be created for regulatory activities performed in this program.
 SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will address fees for services provided, such as inspections, re-inspections, plan reviews, and construction site evaluations.
 RULEMAKING AUTHORITY: 154.06 FS.
 LAW IMPLEMENTED: 154.06 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon Saulter, Environmental Specialist III, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399, (850)245-4277
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:
 69A-46.001 Scope
 PURPOSE AND EFFECT: Qualification as a contractor of fire protection systems pursuant to the provisions of Section 633.521, F.S.
 SUBJECT AREA TO BE ADDRESSED: Should a contractor V be permitted within the scope of the license to inspect, alter, repair and service a backflow prevention device installed on the fire protection system side of the point of service?
 RULEMAKING AUTHORITY: 633.01, 633.517(1) FS.
 LAW IMPLEMENTED: 633.521, 633.524, 633.534 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Thursday, September 24, 2009, 9:00 a.m.
 PLACE: Conference Room, Building Three, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308; PARK IN THE VISITOR PARKING LOT BEHIND BUILDING 2.
 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 days before the workshop/meeting by contacting: Casia Sinco, Regulatory Program Manager, (850)413-3670. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Casia Sinco, Regulatory Program Manager, (850)413-3670
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: RULE TITLE:
 69A-64.005 Adjustments to Reflect Consumer Price Index
 PURPOSE AND EFFECT: Changes the amount of firefighter line of duty death benefits in accordance with the June 2009 Consumer Price Index.
 SUBJECT AREA TO BE ADDRESSED: Firefighter line of duty death benefits.
 RULEMAKING AUTHORITY: 112.191 FS.
 LAW IMPLEMENTED: 112.191 FS.

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

DATE AND TIME: Monday, September 21, 2009, 9:00 a.m.
 PLACE: Third Floor Conference Room, the Atrium Office Building, 325 John Knox Road, Tallahassee, 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 days before the workshop/meeting by contacting: Lesley Mendelson, (850)413-3604. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lesley Mendelson, (850)413-3604. A copy is posted on the Division's website at <http://www.fldfs.com/SFM/>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-20.041
 RULE TITLE: Unclaimed Property Reporting Instructions

PURPOSE AND EFFECT: Proposed Rule 69I-20.041, F.A.C., creates an unclaimed property reporting manual for use by holders. The manual contains information that Holders will need to properly report unclaimed property to the Department.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the reporting of unclaimed property pursuant to Section 717.117, Florida Statutes.

RULEMAKING AUTHORITY: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 717.101, 717.102, 717.103, 717.1035, 717.104, 717.1045, 717.105, 717.106, 717.107, 717.1071, 717.108, 717.109, 717.1101, 717.111, 717.112, 717.113, 717.115, 717.116, 717.117, 717.119, 717.129, 717.1311, 717.134 FS.

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

DATE AND TIME: Wednesday, September 30, 2009, 1:30 p.m.
 PLACE: Suite B 105, The Fletcher Building, 101 E. Gaines St., Tallahassee, 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 days before the workshop/meeting by contacting: Paul C. Stadler, Jr., (850)413-3010. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
 Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:	RULE TITLES:
5F-2.001	Standards
5F-2.002	Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels
5F-2.003	Registration and Identification
5F-2.005	Inaccurate Measuring Devices
5F-2.006	Inspection Identification Stickers
5F-2.014	Adoption of the General Code and the Codes of Liquid-Measuring Devices, Liquefied Petroleum Gas and Anhydrous Ammonia Liquid-Measuring Devices, Hydrocarbon Gas Vapor-Measuring Devices, Vehicle-Tank Meters, and Vehicle Tanks Used as Measures of