

PURPOSE AND EFFECT: Proposed Rule 69I-44.022, F.A.C., incorporates a form into the Department’s rules for the reporting of the unclaimed funds in accordance with Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 and 744.534, Florida Statutes.

SUMMARY: Proposed Rule 69I-44.022, F.A.C., relates to the reporting of the unclaimed funds in accordance with Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 and 744.534, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 717.117(1), 717.138 FS.

LAW IMPLEMENTED: 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816, 744.534 FS.

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

DATE AND TIME: Wednesday, July 28, 2010, 9:30 a.m.

PLACE: Suite B103, 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 Stadler, (850)413-3010 or paul.stadler@myfloridacfo.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 IS: Paul C. Stadler, Jr., Assistant General Counsel, Department of Financial Services, 200 E. Gaines St., Tallahassee, Florida 32399-4247, (850)413-3010

THE FULL TEXT OF THE PROPOSED RULE IS:

69I-44.022 Report of Unclaimed Property Under Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 or 744.534, Florida Statutes.

A report of unclaimed property under Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 or 744.534, Florida Statutes, shall be duly completed using Form DFS-A4-1942, Report of Unclaimed Property under Sections 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816 or 744.534, Florida Statutes, effective _____, incorporated herein by reference

and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358.

Rulemaking Authority 17.29, 624.308(1) FS. Law Implemented 17.05(1), 17.29, 43.19, 402.17, 550.1645, 705.103, 732.107, 733.816, 744.534 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Walter Graham, Chief, Bureau of Unclaimed Property

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 7, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 22, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: 5E-2.031
RULE TITLE: Pesticide Registration; Exemptions from Registration; Experimental Use Permits

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

5E-2.031 Pesticide Registration; Exemptions from Registration; Experimental Use Permits.

(1) through (10) No change.

(11)(a) Applicants for new or amended pesticide brand registration shall submit a completed form DACS-13342, Application for New or Amended Pesticide Product Brand Registration, Rev. 04/10 ~~42/09~~ together with the following documents: 1. One final printed label (that which appears on the product container); 2. One EPA stamped accepted label including a copy of any EPA comment, notification and amendment letter(s) issued in connection with acceptance of the label; 3. One Material Safety Data Sheet (MSDS), which includes a statement of emergency treatment; 4. For sub-registrations, the information required in item 2 above must be obtained from or submitted by the manufacturer along with the EPA Notice of Supplemental Distribution of a Registered Pesticide Product (EPA Form 8570-5) which is hereby adopted and incorporated by reference and may be obtained at the website <http://www.epa.gov/opprd001/forms/8570-5.pdf>.

(b) through (12) No change.

Rulemaking Authority 487.041, 487.051(2), 570.07(23) FS. Law Implemented 487.041, 487.042, 487.051(2), 487.0615 FS. History—New 2-20-85, Formerly 5E-2.31, Amended 8-2-89, 7-18-95,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-14.095 Site Determined Baccalaureate
 Degree Access
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 20, May 21, 2010 issue of the Florida Administrative Weekly.

A new paragraph (b) was added to subsection (7) to read:

(b) A college’s exemption status may be revoked by the State Board of Education should a college fail to submit an annual baccalaureate performance accountability report or fail to continue to meet the statutory requirements for initial exemption.

DEPARTMENT OF TRANSPORTATION

RULE NOS.: RULE TITLE:
14-98.003 Policy
14-98.005 Application and Award Procedures
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 14, April 9, 2010 issue of the Florida Administrative Weekly.

In response to the Joint Administrative Procedures Committee Review, the Department is revising the proposed language to clarify the online training process and requirements for subgrantees.

14-98.003(4):

(4) Online Training. Educational and informational training to ensure subgrantees’ understanding of grant requirements imposed upon them by federal statutes and regulations is required of all subgrantees. The training is accessible at: <http://www.dot.state.fl.us/safety/HighwaySafetyGrantProgram/hsgp/hsgp.shtm> or <http://wbt.dot.state.fl.us/ois/TrafficSafetyGrants/index.htm>. This electronic training must be completed and a score of 100% obtained on the test. A printable certificate of completion, which will be electronically available upon obtaining the required score, must be provided to the Office within thirty (30) days of the grant award. Reimbursement claims will not be processed until the certificate of completion is provide to ensure each subgrantee fully understands the financial and other requirements of the grant process.

Rule 14-98.005:

(8) One copy of the application form, Subgrant Application for Highway Safety Funds, Form 500-065-01, Rev. 06/10 ~~09/08~~, will be sent to those applicants whose concept papers are selected for funding. Applicants whose concept papers were not selected for funding will be notified by the Office.

(9) Applicants shall electronically forward to the Office at: <https://fdotmail.fdot.dot.state.fl.us/owa/Concept.Papers@dot.state.fl.us/>, one copy of the completed agreement with ~~and~~ a minimum of three (3) electronic signature pages. Hard copies of the agreement with original pen and ink signatures will also be accepted. ~~containing all original signatures to the Office.~~

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.”

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.: RULE TITLES:
59G-11.001 Purpose
59G-11.003 Agency Certification Process and
 Requirements
59G-11.004 Revocation of a 211 Number

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 33, August 21, 2009 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-11.003 Agency Certification Process and
 Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 30, July 31, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.: RULE TITLES:
61-27.001 Definitions
61-27.002 Responsibility
61-27.003 Procedure
61-27.004 Agency Compliance

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 45, November 13, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-3.001
 RULE TITLE: Licensure as a Physical Therapist by Examination

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 11, March 19, 2010 issue of the Florida Administrative Weekly.

The Notice of Proposed Rulemaking summarized a Statement of Estimated Regulatory Costs (SERC). The language concerning the SERC should have read: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Allen Hall, Executive Director, at the address listed below. The following is a Summary of the Statement of Estimated Regulatory Costs:

- Over a five year period, an estimate of approximately 6,510 applications for physical therapists and physical therapist assistants could be received.
- The only costs to be incurred are rulemaking costs. No effect on state or local revenue is expected.
- No transitional costs are expected to be incurred by applicants or other entities by the proposed modifications
- Combining existing questions on a single page will not have any impact.

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

This correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CORRECTION IS: Allen Hall, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.: 65G-11.001, 65G-11.002
 RULE TITLES: Definitions, Wait List Prioritization Criteria

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 36, No. 24, June 18, 2010 issue of the Florida Administrative Weekly.

65G-11.001 Definitions.

In addition to the terms defined in Section 393.0634, F.S., and for the purpose of this rule chapter, the following terms and phrases shall have the following meanings:

(1) "Agency" is the Agency for Persons with Disabilities ("APD").

(2) through (5) No change.

(6) Questionnaire for Situational Information (QSI) is the agency approved assessment that assesses a person's need for level of support in areas of community living, functional, behavioral and physical health. The assessment is completed every three years and is updated as the needs and life circumstances of the individual changes. The QSI is administered by trained and certified agency staff and is incorporated by reference in Rule 65G-4.0026, F.A.C.

(7) No change.

(8) "Waiver" is a Home and Community Based Services (HCBS) waiver authorized by 42 U.S.C. 1396n(c) of the federal Social Security Act and Section 409.906, F.S., that provides Medicaid funding for home and community based services to eligible persons with developmental disabilities who are eligible for Agency services and who live at home or in a home-like setting. The Agency currently operates four HCBS waivers: Tier One, Two, Three and Four- ~~in~~ accordance with Section 393.0661(3), F.S. and Rules 65G-4.0026 through 65G-4.0029, F.A.C.

(9) "Wait List Priority Checklist" is the tool completed at the time an eligible individual applies for waiver-funded services and provides ~~consists of~~ an indication of the category that the individual will be placed on the wait list. This checklist identifies services needed and current services received and requests information about the individual's current and short-term life situation, condition and circumstances. The checklist is reviewed on an annual basis and is updated when the Agency is notified that the individual's needs and circumstances have changed. The Checklist is hereby incorporated by reference and may be accessed on the APD website at: <http://apdcares.org/customers/waitlist/docs/wait-list-categorization-checklist.xls>.

Rulemaking Authority Section 393.065(7) FS. Law Implemented Section 393.065(5) FS. History--New_____.

65G-11.002 Wait List Prioritization Criteria.

(1) In accordance with Chapter 393, F.S., beginning July 1, 2010, the Agency will assign a category of priority for the wait list by collecting information about the individual's needs and the status of the individual's caregiver if applicable. If an individual meets the criteria for more than one category criterion, the highest-ranking category will be assigned. If

funding is available, the Agency shall offer waiver enrollment to individuals on the wait list in the order of the categories, category 1 being the top category. Within each category, the date the individual was determined eligible for the wait list shall ~~be determine the order for receiving waiver services documentation provided to the agency, such as, Florida Driver's License, school records, utility bill, housing lease or rental agreements, employment information.~~

(2) Determination of residency of the caregiver for 12 consecutive months shall be determined by documentation to be provided to the agency, such as Florida Driver's License, school records, utility bill, housing lease or rental agreement, or employment information.

(3) through (4) No change.

(5) Category 2 includes children who are jointly served by the Agency and the Department of Children and Family Services ("DCF", also known as the Department of Children and Families) in the Child Welfare program. A monthly data match between the two agencies identifies these individuals. DCF may bring to the attention of APD any child in need of critical services with an open case with the Department of Children and Families in the Child Welfare program, rather than wait for the data match. If the youth is still on the wait list for APD services at the age of 18 when they age-out of foster care, the youth will remain under Category 2 until they begin receiving services, unless they are deemed homeless and qualify under Category 1.

(6) Category 3 includes the following individuals:

(a) No change.

(b) Individuals who are at substantial risk of incarceration or court commitment which is defined as defined by unlawful activity by the individual that has required the intervention of local or state law enforcement even if the unlawful activity did not result in an arrest or criminal charges. Documentation is required to include a summary of incidents in which the individual has engaged in dangerous behavior, has past history of involvement with the court system or law enforcement, is currently involved with the court system or law enforcement, multiple arrests, incarceration in jail, prison, or admission to the mentally retarded defendant program.

(c) No change.

(d) Individuals whose behaviors or physical needs place them or their caregiver at risk or harm within the next 12 months, and for whom no other supports are currently available to meet their needs. ~~In such cases, the individual will provide documentation of behaviors that are causing the risk or potential harm or the physical needs that are present and the medical treatment provided to the individual or to others because of the individual's behavioral or physical issues.~~ Documentation of behaviors or physical needs that are causing the risk or potential harm and the medical treatment provided to the individual or to others because of the individual's behaviors or physical needs must be provided.

Documentation of the frequency, intensity and duration of behavioral incidents and an explanation of behavioral interventions that have used must also be provided.

(e) Individuals who are identified by the facility as ready for discharge from a state mental health hospital, intermediate care facility for the developmentally disabled, a skilled nursing facility, correctional facility, or a secure forensic facility within the next 12 twelve months. There must be evidence that without the provision of waiver-funded services, these individuals will be at risk of readmission to an institution due to a lack of available caregiver or a lack of appropriate or available services. Documentation for this category must include a discharge summary from the facility that indicates the individual is ready for discharge or no longer meets the criteria for the level of care required by the facility and the status of available caregivers for the individual. Documentation that there are no other resources or services available other than waiver services to meet the individuals needs must be provided.

(f) through (g) No change.

(7) Category 4 includes individuals whose primary caregiver is age 70 years of age or older and no other alternate caregiver is available, willing or able to provide support. Additionally, other government or community resources are not available to provide assistance for the caregiver. Documentation of the date of birth of the primary caregiver must be provided as well as documentation that the individual needs a caregiver and no other caregiver is available ~~is required.~~ The Agency shall include a review of the caregiver's ability to provide the level of support the individual needs and not just consider the age of the caregiver. The health of the caregiver(s) will be considered. Additionally the age of both parents who are providing care giving shall be considered and if one is able to provide the care then the individual will not be considered for Category 4.

(8) through (10) No change.

Rulemaking Authority 393.065(7) FS. Law Implemented Section 393.065(5) FS. History--New_____.

65G-11.003 No change.

Section IV Emergency Rules

DEPARTMENT OF STATE

Division of Elections

RULE NO.:
1SER10-1

RULE TITLE:
Absentee Ballot Request Information
– Reporting

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Pursuant to Section 120.54(4)(b), Florida Statutes,