

BOARD OF GOVERNORS

RULE NO.: 72-1.001
RULE TITLE: Residency for Tuition Purposes
PURPOSE AND EFFECT: Section 1009.21, F.S. governing the determination of resident status for tuition purposes was revised during the 2009 and 2010 legislative sessions. A rule must be adopted to implement the statutory revisions.
SUBJECT AREA TO BE ADDRESSED: Residency for Tuition Purposes.
RULEMAKING AUTHORITY: 1009.21(13) FS.
LAW IMPLEMENTED: 1009.21 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
DATE AND TIME: December 17, 2010, 10:00 a.m. – 12:00 Noon
PLACE: State University System Board of Governors, 325 West Gaines Street, Room 1605, Tallahassee, Florida 32399-0400
 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: Monoka Venters, State University System Board of Governors, 325 West Gaines Street, Suite 1614, Tallahassee, Florida 32399-0400, (850)245-9718 or e-mail: Monoka.Venters@flbog.edu. 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: Monoka Venters, State University System Board of Governors, 325 West Gaines Street, Suite 1614, Tallahassee, Florida 32399-0400, (850)245-9718 or e-mail: Monoka.Venters@flbog.edu
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 HIGHWAY SAFETY AND MOTOR VEHICLES

Division of Driver Licenses – DUI PROGRAMS

RULE NOS.: 15A-10.001, 15A-10.002, 15A-10.003
RULE TITLES: Purpose, Definitions, Reciprocity

15A-10.004 Application for Licensure to Conduct a Driving Under the Influence Program
 15A-10.005 Licensure: Requirements and Limitations
 15A-10.006 Relinquishment of Licensure
 15A-10.007 Review Board and Monitoring
 15A-12.008 Organizational Structure
 15A-10.009 Program Jurisdiction
 15A-10.010 Operating Policies and Procedures Manual(s)
 15A-10.011 Board of Directors or Governing Board and Advisory Committee
 15A-10.012 Financial Audit
 15A-10.013 Financial Procedures and Reporting Requirements
 15A-10.014 Cost Standards and Allocation
 15A-10.0141 DUI Services Fees
 15A-10.0142 Revenue Limitation
 15A-10.015 Fee Waiver
 15A-10.016 Ancillary Fees
 15A-10.017 Personnel Policies and Procedures
 15A-10.018 Client Files
 15A-10.019 Client Transfer Procedure
 15A-10.021 Client Conduct
 15A-10.022 Personnel Certification
 15A-10.0221 Clinical Supervision
 15A-10.023 Education
 15A-10.024 Level I Course
 15A-10.025 Level II Course
 15A-10.0251 Level I and Level II Combined Course
 15A-10.026 Certificates of Completion and Client Status Reporting
 15A-10.027 Client Evaluation
 15A-10.028 Treatment Referral
 15A-10.029 Special Supervision Services (SSS) and Statutory Eligibility
 15A-10.030 SSS Application and Evaluation Process
 15A-10.031 SSS Appeal Process
 15A-10.032 SSS Case Management Plan
 15A-10.033 SSS Military Leave
 15A-10.034 SSS Frequency of Periodic Update Appointments
 15A-10.035 SSS Missed Periodic Update Appointments
 15A-10.036 SSS Violation of Restricted Licenses
 15A-10.037 SSS Transfer Procedures
 15A-10.038 SSS Fees
 15A-10.039 SSS Referrals to Treatment
 15A-10.040 Case Monitoring Services

15A-10.041 Denial or Revocation of a DUI Program Licenses or Personnel Certification and Probationary Status of a DUI Program License

15A-10.042 Complaints

15A-10.043 Forms

PURPOSE AND EFFECT: This rule chapter sets forth the standards for licensing Driving Under the Influence (DUI) programs, certifying personnel, violation monitoring of ignition interlock device (IID) clients and regulating the conduct of these programs and courses by the Department of Highway Safety and Motor Vehicles pursuant to Sections 322.292, 322.293, 316.193, Florida Statutes.

SUMMARY: Compliance with these rules is required to obtain and maintain licensure and certification by the Department. Corresponding forms have been substantially reworded.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has prepared a SERC for the rule.

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

RULEMAKING AUTHORITY: 322.02, 322.292 FS.

LAW IMPLEMENTED: 322.292, 322.293, 316.193 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: December 27, 2010, 2:00 p.m.

PLACE: Department of Highway Safety and Motor Vehicles, Conference Room A339, 2900 Apalachee Parkway, Tallahassee, Florida 32399

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: Barbara Lauer, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B214, Tallahassee, FL 32399-0500, (850)617-2505. 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 RULES IS: Barbara Lauer, Bureau of Driver Education and DUI Programs, 2900 Apalachee Parkway, Room B214, Tallahassee, FL 32399-0500, (850)617-2505

THE FULL TEXT OF THE PROPOSED RULES IS:

15A-10.001 Purpose.

This rule chapter sets forth the standards for licensing Driving Under the Influence (DUI) programs, certifying personnel, violation monitoring of ignition interlock device (IID) clients and regulating the conduct of these programs and courses by the Department of Highway Safety and Motor Vehicles pursuant to Section 322.292, ~~and 322.293~~, 316.193, Florida Statutes, Chapter 15A-9, F.A.C. and Title 42 and 45, C.F.R. Compliance with these rules is required to obtain and to maintain licensure and certification by the Department.

Rulemaking Specific Authority 322.02, 322.292, ~~322.293~~ FS. Law Implemented 322.292, 322.293, 316.193, 322.291 FS. History--New 1-4-95, Amended _____.

15A-10.002 Definitions.

For the purposes of this Chapter, the following words and phrases, whenever used herein, shall have the meaning as is ascribed to them in this section unless where used in the context thereof shall clearly indicate to the contrary or unless otherwise defined in the section of which they are part.

(1) Administration – a system clearly delineated in a policies and procedures manual for the step_ by_ step execution of management procedures which include client files; selection, training, and supervision of personnel; budget preparation and control; financial procedures and records; audits and reporting; IID client violation monitoring; referral to treatment; Special Supervision Services (SSS) and such other matters as ~~may be~~ required by the Department or the Board of Directors or the Governing Board, for the effective operation of the program.

(2) Advertisement – any printed, written or electronic communication distributed to the general public by the DUI program for the purpose of competitive marketing, which identifies that particular DUI program. Advisory Committee— a formally constituted group of individuals that advises a program and its Board of Directors or and exists in those instances where the program is a multi-purpose organization within a governmental entity or private non-profit corporation. Such committee shall have a formal mechanism for submitting information recommendations to the Board of Directors or and for receiving decisions made by such board.

(3) Advisory Committee – a formally constituted group of individuals that advises a program and its Board of Directors or Governing Board and exists in those instances where the program is a multi-purpose organization within a governmental entity or private non-profit corporation. Such committee shall have a formal mechanism for submitting information recommendations to the Board of Directors or Governing Board and for receiving decisions made by such board. An Advisory Committee shall be formed by program licensure. Alcohol — any substance containing any amount of alcohol in

any form including, but not limited to, ethanol, methanol, propanol, and isopropanol. This includes “non-alcoholic” beer or wine.

(4) Alcohol – any substance containing any amount of alcohol in any form including, but not limited to, ethanol, methanol, propanol, and isopropanol. This includes “non-alcoholic” beer or wine. Applicant – a person seeking admission into Special Supervision Services and whose driving privilege has not been reinstated.

(5) Ancillary Fee – a supplementary fee approved by the Department, Board of Directors – a formally constituted group of individuals that directs the program, sets policies, and operates under applicable provisions of state and federal laws and regulations through an administrator.

(6) Assessment Fee – a fee required by Florida Statute to be collected by the DUI programs from each client at enrollment. Cash Reserve – a cash reserve may be maintained by the program at a level not to exceed 50 percent of the most recently ended fiscal year’s operational expenses for said program. The cash reserve shall be inclusive of all allowable reserves, such as capital reserve funds and operational reserves. Revenues received in excess of operational expenses may be placed in the cash reserve fund and expended in accordance with Rule 15A-10.0142, F.A.C.

(7) Board of Directors – a formally constituted group of individuals that sets policies and operates under applicable provisions of state and federal laws and regulations through an administrator of the DUI program. Certified Addiction Professional – an individual who holds such recognition awarded by the Certification Board for Addiction Professionals of Florida.

(8) Bureau – the Bureau of Driver Education and DUI Programs. Certified Criminal Justice Addiction Professional – an individual who holds such recognition awarded by the Certification Board for Addiction Professionals of Florida.

(9) Case Management Plan – an individualized plan developed by the DUI program and the client. Chemical Testing Fee – the fee charged by the laboratory and any administrative costs incurred by the DUI program when the program is responsible for the collection process. Any fee charged by the DUI program shall be based on reasonable and necessary costs and receive prior approval of the Department. If an independent laboratory does both the collection and analysis of the sample, the fee shall be limited to the amount charged by the laboratory.

(10) Cash Reserve – a cash reserve at a level not to exceed 50 percent of the most recently ended fiscal year’s operational expenses for said program. The cash reserve shall be inclusive of all allowable reserves, such as capital reserve funds and operational reserves. Revenues received in excess of operational expenses shall be placed in the cash reserve fund and expended in accordance with Rule 15A-10.0142, F.A.C. Client Evaluation Manual – a manual for the execution of

psychosocial evaluation procedures including policies, goals, and objectives of the process. The manual shall include step by step procedures for:

- (a) The client interview process
- (b) The administration of evaluation instruments
- (c) The referral of clients to treatment
- (d) The tracking of clients.

(11) Certified Addiction Professional (CAP) – an individual who holds such recognition awarded by the Florida Certification Board. Client File – the complete record concerning a person enrolled in a DUI program.

(12) Certified Criminal Justice Addiction Professional (CCJAP) – an individual who holds such recognition awarded by the Florida Certification Board. Curriculum – an extensive written course of study on the problem of drinking and driving and the effects of substance use or abuse. The curriculum shall include behavioral objectives and a detailed outline of each content area, approved teaching aids, supportive materials and handouts.

(13) Chemical Testing Fee – the fee charged by the laboratory and any administrative costs incurred by the DUI program when the program is responsible for the collection process. Any fee charged by the DUI program shall be based on reasonable and necessary costs and receive prior approval of the Department. If an independent laboratory does both the collection and analysis of the sample, the fee shall be limited to the amount charged by the laboratory. Department – the Florida Department of Highway Safety and Motor Vehicles.

(14) Client File – the complete record concerning a person enrolled in a DUI program. Educational Manual – a written operational policy and procedures manual for the provision of educational services. The manual shall contain step by step procedures for:

- (a) Enrollment
- (b) The process of certification of instructors
- (c) Instructor responsibilities
- (d) Requirements for course completion
- (e) Curriculum content.

(15) Code of Federal Regulations (CFR) – the codification of the general and permanent rules published in the Federal Register by the agencies and executive departments of the federal government. Employment (primary, occasional) – the receipt of monetary compensation for services rendered.

(16) Curriculum – the Department structured Level I, Level II and the Level I and Level II Combined Curriculum. Experience – employment or, unpaid work, if clearly documented. Participation in twelve step or similar programs is not included. Internships or placement for educational requirements are not considered toward the required experience.

(17) Department – the Florida Department of Highway Safety and Motor Vehicles. ~~Fund Balance – the accumulated net profit or loss, i.e., net worth, since the inception of the program. It shall include all investments, reserves, building funds, and physical assets.~~

(18) Direct Client Services – client services that are provided while interacting directly with the client. This usually describes evaluation or treatment services that are provided face-to-face and direct services that are not face-to-face. The term “direct client services” is usually associated with the provision of human services. ~~In-Kind Contributions or Donations – anything received which has a discernible value and is in a form other than cash or cash equivalent. This includes contributions or donations of materials, supplies, the rent free use of space, equipment, buildings, land and similar items for use in the program and which the DUI program would otherwise have to purchase. It also includes the receipt of such items that the program is expected to convert into cash for use in the program. Items should be recorded in the audit at estimated fair market value. The donation of services, e.g., volunteers, is not normally recorded unless it is a major portion of the organization’s activity, there is a clearly measurable basis for the amount, or there are other appropriate reasons, such as for use as matching costs.~~

(19) Drug – any controlled substance as defined in Chapter 893, Florida Statutes and any chemical analogue thereof or alcohol. ~~Manager – any individual who oversees the day-to-day operation of a program.~~

(20) Education – substance abuse education course required by Florida Statute to inform the offender about the issues with drinking and driving. ~~Other Revenues – includes investment income, gains from the sale of assets, and prior year refunds.~~

(21) Employment (primary or occasional) – the receipt of monetary compensation for services rendered. ~~Program Fee – the fee charged by the DUI program for providing education, evaluation, and referral into treatment. This fee, which shall be approved by the Department, shall include all reasonable and necessary costs to provide the foregoing services. If a fee is to be routinely required of all clients, the costs for such shall be incorporated into the program fee.~~

(22) Evaluation – assessment to determine whether there is sufficient risk for abuse or dependence of any substance or combination of substances to warrant a referral for treatment. ~~Program License – an executed, completed and properly signed HSMV Form 77034, issued by the Department authorizing a DUI program to operate in the State of Florida.~~

(23) Experience – clearly documented employment or unpaid work. Participation in 12-Step or similar programs is not included. Internships or placement for educational requirements are not considered toward the required experience. ~~Residence (permanent, temporary, military) –~~

~~address appearing on driver’s license or driver history record, or if no such address exists, the county in which the driver was convicted.~~

(24) Fund Balance – the accumulated net profit or loss, i.e., net worth, since the inception of the program. It shall include all investments, reserves, building funds, and physical assets. ~~Separate Fund – a self-balancing set of accounts recording all DUI program revenue, expenditures, cash or other resources together with all related assets, liabilities, obligations, reserves and equities.~~

(25) Governing Board – a formally constituted group of individuals that sets policies and operates under applicable provisions of state and federal laws and regulations through an administrator of the DUI program. ~~Transfer Fee – the ancillary fee charged a client who enrolled in one program and requests to transfer to another program, either a Florida licensed program or a similar program in another state or country. Information provided to a client on the appropriate DUI program in their area shall not provide the basis for charging a transfer fee.~~

(26) Human Services – major or principal focus area of study includes one or more of the following: counseling, human assistance, psychology, rehabilitation counseling, criminology, criminal justice, marriage and family, substance abuse or social work. A degree in education with a major in counseling and guidance, sociology or public administration degree will be accepted if the focus area is on counseling. ~~Treatment – the clinical care of a client, in accordance with a plan prescribed for that purpose.~~

(27) Indirect Client Services – services that are provided to clients with little or no direct interaction with the client, such as an administrator or clinical supervisor of a human service organization. The term “indirect client services” is usually associated with the provision of human services. ~~Drug – any controlled substance as defined in Chapter 893, Florida Statutes, any chemical analogue thereof or alcohol.~~

(28) Ignition Interlock Device (IID) – a breath-measuring instrument approved by the Department for use in State of Florida, pursuant to Chapter 15A-9, F.A.C. and Section 316.1938, Florida Statutes. ~~Human Services – major or principal focus area of study includes one or more of the following: counseling, counseling and human assistance, psychology, rehabilitation counseling, criminology, criminal justice, marriage and family, substance abuse or social work. A degree in education with a major in counseling and guidance, sociology degree or public administration degree will be accepted if the focus area is on counseling.~~

(29) In-Kind Contributions or Donations – anything received which has a discernible value and is in a form other than cash or cash equivalent. This includes contributions or donations of materials, supplies, the rent-free use of space, equipment, buildings, land and similar items for use in the program and which the DUI program would otherwise have to

purchase. It also includes the receipt of such items that the program is expected to convert into cash for use in the program. Items should be recorded in the audit at estimated fair market value. The donation of services, e.g., volunteers, is not normally recorded unless it is a major portion of the organization's activity, there is a clearly measurable basis for the amount, or there are other appropriate reasons, such as for use as matching costs. Advertisement—any printed, written or electronic communication distributed to the general public by the program which identifies that particular DUI program. This shall not include any factual information provided upon request.

(30) Manager – any individual who oversees the day-to-day operation of a program. Program—an entity licensed by the Department, which provides DUI program services and functions in the State of Florida.

(31) Mental Health/Rehabilitative Direct Client Services – Client services that involve direct interaction with the client and that are provided in a mental health/rehabilitative setting. The direct interaction is of a therapeutic nature. Revocation—The permanent invalidation action by the Department of any DUI program license or personnel certification.

(32) Other Revenues – includes investment income, gains from the sale of assets and prior year refunds. Suspension—The temporary or conditional invalidation by the Department of any DUI program license or personnel certification.

(33) Primary Business Office – a permanent structure that is readily accessible by public transportation where the DUI program conducts related activities, including registration. The location shall be staffed by employees of the DUI program, including an on-site manager, in a circuit where it is to operate. Such office shall remain accessible at least 40 hours per week. Business Office—a location where the DUI program conducts related activities, including registration. The location shall be staffed by employees of the DUI program in a circuit where it is to operate. Such office shall remain accessible Monday through Friday, during regular business hours, 9 am to 4 pm.

(34) Probationary License – an executed, completed and properly signed license authorizing a currently licensed DUI program to operate in the State of Florida with specific conditions and a designated timeframe to satisfy such conditions.

(35) Program – an entity licensed by the Department, which provides DUI program services and functions in the State of Florida.

(36) Program Fee – the fee charged by the DUI program for providing education, evaluation, IID client violation monitoring and/or SSS services. This fee, which shall be approved by the Department, shall include all reasonable and necessary costs to provide the foregoing services. If a fee is to be routinely required of all clients, the costs for such shall be incorporated into the program fee.

(37) Program License – an executed, completed and properly signed license authorizing a DUI program to operate in the State of Florida.

(38) Provisional License – a temporary license issued for one year to an applicant program.

(39) Reschedule – the process by which an individual changes the date of an assigned class, evaluation, a SSS periodic update appointment or IID violation monitoring appointment to an alternate date.

(40) Residence (permanent, temporary, military) – address appearing on driver's license or driver history record, utility bill, rental agreement, visa or green card, or if no such address exists, the county in which the driver was convicted.

(41) Revocation – The invalidation action by the Department of any DUI program license or personnel certification.

(42) Satellite Business Office – a permanent structure that is readily accessible by public transportation where registration, education, evaluation, IID client violation monitoring and/or SSS services are provided to the DUI client.

(43) Separate Fund – a self-balancing set of accounts recording all DUI program revenue, expenditures, cash or other resources together with all related assets, liabilities, obligations, reserves and equities.

(44) SSS Applicant – a person seeking admission into SSS program and whose driving privilege has not been reinstated.

(45) Transfer Fee – the fee charged to a client who enrolled in one program and requests to transfer to either another Florida licensed program or a similar program in another state.

(46) Treatment – the clinical care of a client, in accordance with an individualized plan prescribed for that purpose.

(47) Vendor – Entity responsible for the installation and monthly calibration of the IID within a vehicle.

Rulemaking Specific Authority 322.02, 322.292, 322.293 FS. Law Implemented 322.292, 322.293, 316.193, 322.291 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.003 Reciprocity.

(1) DUI programs recognized, approved, licensed, or certified by another state's regulatory or country's driver license authority, shall be recognized by the Department as being similar to the DUI Driving Under the Influence program in this State. Courses shall not be conducted via the Internet, remote electronic technology, home study, distance learning, or any other method in which the instructor and clients are not physically present in the same classroom. Unless otherwise approved by the Department, the DUI program shall not recognize other country's DUI programs.

(2) Substance abuse treatment and mental health facilities providing treatment recognized, approved, licensed, or certified by another state's regulatory authority, shall be recognized by the Department as being similar to the substance

abuse treatment facilities in the state. The treatment provider shall conduct educational and evaluation services in person rather than electronic or internet-based means. Unless otherwise approved by the Department, the DUI program shall not recognize other country's substance abuse treatment and mental health facilities.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292(2)(b) FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.004 Application for Licensure to Conduct a Driving Under the Influence Program.

(1) Application;

(a) The applicant organization shall submit An application shall be made in writing to the Department on the Application for Licensure as a Driving Under the Influence (DUI) Program, HSMV Form 77035 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, and attach all requested documentation. The application shall be typed. The non-refundable fee for each license application is the maximum amount provided in Section 322.292, Florida Statutes. A separate application shall be submitted for each circuit in which the applicant organization wishes to provide DUI services or otherwise in accordance with Section 322.292, Florida Statutes in Rule 15A-10.043, F.A.C., furnished by the Department.

(b) The Department shall give written notice to any licensed DUI program(s) operating in the circuit that another organization has applied for licensure.

(c) The applicant organization program approval process shall include documentation of the consultation between the Department and the Chief Judge concerning the approval process of the judicial circuit in which the applicant organization program is to be located.

(2) Program Title: Data to accompany the application where other organizations are already licensed. Applicant's shall submit to the Department, the completed Application for Licensure as a Driving Under the Influence (DUI) program HSMV Form 77035, and all attached materials requested on the application.

(a) No program shall use, adopt, or conduct any business under a name that is like or deceptively similar to a name used by another program.

(b) A program shall not use the word "State" in any part of the program name.

(3) A copy of the applicant organization's certificate of occupancy or documentation reflecting compliance with local, state, and federal fire, sanitation and building requirements shall be made available upon request by the Department.

Effective date. Each applicant program's licensure shall expire three (3) years from the date of issuance unless renewed in a timely manner.

(4) The applicant DUI organization shall include a financial audit conducted by a certified public accountant if it exists as an organizational entity at the time of the application. If the applicant organization does not exist as an organizational entity at the time of the application, the applicant organization shall include a financial review conducted by a certified public accountant. Non-transferability. Any change in the information provided for licensure shall be approved by the Department. Program licensure shall not be transferable. The program shall notify the Department at least 90 days prior to the effective date of a proposed change in the program's corporate structure. The Department shall review the proposed changes and may request additional information from the program.

(5) The applicant organization shall begin full service operations no later than 45 calendar days after the licensure date. The Department will issue a provisional license for one year upon approval of the applicant organization's application. The Department will conduct a site visit within one year of the applicant organization initiating services. The disposition of the site visit shall determine if the issuance of a standard program license is appropriate. Program Title

(a) No program shall use, adopt, or conduct any business under a name that is like or deceptively similar to a name used by another program.

(b) A program shall not use the word "State" in any part of the program name.

(6) Any change in the information provided for licensure shall be reviewed by the Department for approval. Program licensure, or any other requirements thereof, shall not be transferable. The applicant organization shall notify the Department at least 30 calendar days prior to the effective date of a proposed change in the applicant organization's corporate structure indicated on the Application for Licensure as a Driving Under the Influence (DUI) Program, HSMV Form 77035 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 and as filed with Department of State, Division of Corporations. The Department shall review the proposed changes. If additional information is needed from the Department, it shall be requested. A copy of the program's certificate of occupancy or documentation reflecting compliance with local, state, and federal fire, sanitation and building requirements shall be made available upon request by the Department.

(7) The applicant organization program shall permit the Department and its representatives upon request to inspect the program, its public facilities, equipment and records that are required by the rules to be maintained in the operation of the applicant organization program.

(8) ~~The applicant organization shall employ at least one full-time Certified Addiction Professional. The procedure followed for processing the application will be pursuant to Section 120.60(2), F.S.~~

(9) ~~The applicant organization shall submit documentation of compliance with all applicable federal, state, and local laws. In considering an application for approval of DUI program, the Department shall, determine whether improvements in service may be derived from the operation of the DUI program and the number of clients currently served in the circuit. The Department shall apply the following criteria:~~

~~(a) The increased frequency of classes and availability of locations of services offered by the applicant DUI program.~~

~~(b) Services and fees offered by the applicant DUI program and any existing DUI program.~~

~~(c) The number of DUI clients currently served and historical trends in the number of clients served in the circuit.~~

~~(d) The availability, accessibility, and service history of any existing DUI program services.~~

~~(e) The applicant DUI program's service history.~~

~~(f) The availability of resources, including personnel, demonstrated management capability, and capital and operating expenditures of the applicant DUI program.~~

~~(g) Improved services to minority and special needs clients.~~

~~(10) The procedure followed for processing the application will be pursuant to Section 120.60, Florida Statutes.~~

~~(11) In considering an application for approval of an applicant organization, the Department shall, in consultation with the Chief Judge, determine whether improvements in service may be derived from the operation of the applicant organization and the number of clients currently served in the circuit. The Department shall apply the following criteria:~~

~~(a) The increased frequency of classes and availability of locations of services offered by the applicant DUI program.~~

~~(b) Services and fees offered by the applicant organization and any existing DUI program.~~

~~(c) The number of DUI clients currently served and historical trends in the number of clients served in the circuit.~~

~~(d) The availability, accessibility, and service history of any existing DUI program services.~~

~~(e) The applicant organization's service history.~~

~~(f) The availability of resources, including personnel, demonstrated management capability, and capital and operating expenditures of the applicant organization.~~

~~(g) Improved services to minority and special needs clients.~~

~~Rulemaking Specific Authority 322.02, 322.292, 322.293 FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.~~

15A-10.005 Licensure: Requirements and Limitations.

(1) All programs applying for licensure after July 1, 1999 shall satisfy the criteria listed in Sections 322.292(2)(c), (5), Florida Statutes. In addition to its primary principal business office, each DUI program that is licensed to operate in more than one judicial circuit shall maintain a satellite business office in any additional circuit in accordance to Section 322.292, Florida Statutes, where more than 3,000 DUI convictions were reported in the most recent calendar year. Each DUI program shall submit for approval at least one (1) classroom location in each county within the judicial circuit where the program's Florida primary principal business office is located as designated on the program license or otherwise in accordance with Section 322.292, Florida Statutes. Programs that applied for licensure by the Department on or before January 1, 1994, shall not be required to locate classrooms in counties where other licensed programs have approved classrooms. After joint consultation between the program, Department, and Chief Judge of the circuit, if the Department may determines that locating a the classroom located in each county of the judicial circuit is not financially feasible, it will and not be required. The determination of financial feasibility shall be based on the cost to the program in establishing and maintaining a classroom in each county of the judicial circuit and the number of clients expected to utilize the classroom(s). The Department will consider offsetting the revenues generated in a more populated populous county against revenues projected to be generated in a lesser populated county in the circuit. Consideration will be given to the distance between existing DUI programs. The Department will also consider the recommendations desires of the Chief Judge in deciding whether to grant a waiver. Effective October 1, 1994, programs in operation as of January 1, 1994, shall not locate new classrooms in counties served by another existing program until on or after October 1, 1998.

(2) The Department shall must be notified on Notice of Change Form, HSMV Form 77006 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 in Rule 15A-10.043, F.A.C., within 10 calendar ten (10) days of any changes that affect the DUI program's provision of services. in the information included in the original application for a DUI program license. Such changes shall be deemed approved by the Department unless the Department otherwise notifies the DUI program within 30 calendar days of receipt of HSMV Form 77006. DUI program is otherwise notified within 30 days of receipt of HSMV Form 77006 by the DUI Programs Section.

(3) Renewal. Each license shall be renewed every three (3) years in the manner prescribed, and on a Driving Under the Influence License Renewal Form, HSMV Form 77036, incorporated by reference in Rule 15A-10.043, F.A.C., provided by the Department.

(a) It shall be the responsibility of the program manager to submit the Driving Under the Influence Licensure Renewal Form, HSMV Form 77036, and all other required items at least thirty (30) days prior to the date of expiration to the Department. Failure to submit the HSMV Form 77036, at least thirty (30) days prior to the expiration of the license will require that the program submit an Application For Licensure As A Driving Under The Influence (DUI) program, HSMV Form 77035, which will be considered under the rules then in force with regard to new applicants.

(b) Any program which allows its program's license to expire will not be permitted to operate subsequent to the expiration date. A complete application for a new license shall be submitted on HSMV Form, 77035 incorporated by reference in Rule 15A-10.043, F.A.C.

(c) Where the program has timely submitted a renewal application, HSMV Form 77036, and prior to final action on the application, the program's license shall be extended for a period of thirty (30) days by the Department. If the application is denied, an application for a new license may not be submitted for a period of one hundred eighty (180) days.

~~(3)(a)~~ Primary or Satellite Business office or classroom:

(a)(4) A primary or satellite business office or classroom of any program shall be approved by the Department.

(b) ~~Display.~~ The license shall be clearly displayed in a conspicuous location at all times in the program's primary Florida principal business office and all satellite branch offices approved by the Department.

(4)(5) A ~~No~~ program shall not advertise in any manner until such time as the program is properly licensed by the Department.

(5)(6) A program shall not use any name other than its approved name for advertising or publicity purposes, nor shall a program advertise or imply that it is "recommended," or "endorsed" by the Department.

(6)(7) No program, instructor or employee shall advertise or represent themselves to be an agent or employee of the Department or allow the use of any advertisement which would reasonably have the effect of leading the public to believe that they are or were an employee or representative of the Department.

(7)(8) No program, instructor or employee shall solicit business on the premises rented, leased or owned by the Department including parking lots adjoining driver license examining offices or parking lots used by driver license applicants.

(8)(9) No program shall make a false or misleading claim in any of its advertisements.

(9)(a)(10) ~~Obscene Advertising.~~ No program shall use any form of advertising which is obscene, lewd, or pornographic. Upon a finding by the Department that a program has used any obscene advertising in any medium, the Department will place the program's license on probationary status will be suspended

upon a first offense. The Department will revoke the DUI program license for a second or subsequent offense, and a mandatory license revocation for a second offense.

(b) The printed, written or electronic communication shall clearly state it is an advertisement, in a minimum of nine pitch type. Exception to pitch type shall only be made for telephone directory advertising.

(10)(11) Communications concerning DUI program services shall be limited to factual information including the services provided by the program, laws relevant to the program's service, telephone numbers, address, and hours of operation of the program. Communications shall not be false or misleading, nor include information, which coerces, harasses, entices, intimidates, or is likely to cause duress to a prospective client.

(11)(12) Licensure is subject to the contingencies delineated in Rule 15A-10.041, F.A.C.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History-New 1-4-95, Amended 3-4-97, _____.

15A-10.006 Relinquishment of Licensure.

In a circuit in which the licensed program is voluntarily relinquishing its license or had its licensure revoked, thereby leaving no program in that circuit, the Department shall notify all programs of the current or impending revocation or surrender of license and accept applications for licensure in the vacant circuit. All programs seeking licensure, including others than those notified, shall apply to the Department for licensure, pursuant to Rule 15A-10.004, F.A.C. The DUI program relinquishing licensure shall notify the Department a minimum of 90 calendar days prior to date of relinquishment. The Department shall conduct an investigation to determine whether the petitioning organization meets the criteria of these rules.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History-New 1-4-95, Amended 3-4-97, _____.

15A-10.007 Review Board and Monitoring.

(1) In order to assist the Department in a systematic review of each licensed DUI program's compliance with the rules, the DUI Programs Review Board shall conduct periodic on-site visits of all programs as well as unannounced visits. The Review Board shall conduct an on-site visit to each program at least once every 24 months. The members of the Review Board shall be paid per diem and travel expenses in accordance with Section 112.061, Florida Statutes. The site visit shall be processed in accordance with Chapter 15A-10, F.A.C., the Compliance Review, HSMV Form 77038, incorporated by reference in Rule 15A-10.043, F.A.C., and to determine compliance with the rules. The Bureau shall provide the DUI program with a preliminary written report of the Review Board's findings. The program will receive a final written

report delineating deficiencies and the remedies required to correct those deficiencies. ~~The form will also be accompanied by the Site Visit Report, HSMV Form 77039, incorporated by reference in Rule 15A-10.043, F.A.C.~~ The DUI program shall respond in writing documenting correction of those deficiencies within the time specified in the report ~~thirty (30) calendar days after receipt of the report~~. The Department is authorized to conduct follow-up site visits regarding the satisfaction of those deficiencies. The failure to satisfy the deficiencies within the timeframe ~~time frame~~ set out above shall ~~will~~ result in probationary status ~~suspension~~ or revocation of the DUI program license in accordance with Rule 15A-10.041, F.A.C. An appeal of a ~~suspension or~~ revocation of a license shall be made in accordance with Chapter 120, Florida Statutes.

(2) Appointments with specified organizations and persons shall be scheduled by the DUI program manager or Department representative, as required. Site visit preparation.

~~(a) The Compliance Review, HSMV Form 77038, shall be completed by the DUI program and submitted to the Department at least six calendar weeks prior to the site visit.~~

~~(b) Additional written information shall be provided with the Compliance Review as requested.~~

~~(c) Appointments with specified organizations and persons shall be scheduled by the DUI program manager, as required.~~

(3) During each review, all representatives of the programs shall cooperate with the Department's representative(s), and, upon request, shall exhibit all records, instructional aids, manuals, or such materials as necessary for the review.

(4) A program manager of the program or their ~~his~~ designee, shall be available during standard ~~normal~~ business hours at any program business office to furnish information of operation, verify records, or to provide the necessary records or documents whenever requested by a member of the Department.

(5) Members of the DUI Programs Review Board shall be appointed by the Executive Director of the Department. Criteria for membership requires that the member be employed in or have a history of employment in criminal justice, finance and accounting, business administration, public administration or human services. Persons who receive compensation from or who serve in a voluntary capacity on the Board of Directors or Governing Board of a licensed DUI program are not eligible for membership.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.008 Organizational Structure.

(1) An organization licensed ~~designated~~ as a DUI program shall provide the following functions: administration, registration, enrollment, education, client evaluation, treatment

referral, IID client violation monitoring, SSS Special Supervision Services, and is permitted to ~~may~~ elect to provide the traffic law and substance abuse education (TLSAE), Drug, Alcohol, Traffic Education Program (D.A.T.E.), Subcontracting of any of the required ~~these~~ functions is prohibited.

(2) The DUI program shall designate a specific staff member to serve as a liaison to the court and probation services.

(3) The DUI program shall be operated by a governmental or not-for-profit organization pursuant to IRS classification.

Rulemaking Specific Authority 322.02, 322.292, ~~322.293~~ FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.009 Program Jurisdiction.

(1) Persons who are required ~~ordered by the court, pursuant to Section 316.192 or 316.193, Florida Statutes,~~ to attend a DUI Program substance abuse course, or who attend such course after an arrest for Section 316.192 or 316.193, Florida Statutes, but prior to conviction, shall attend the DUI program that serves the county of that person's residence, employment, or school attendance unless the program(s) of residence, employment, or education do(es) not object to attendance at another program for the convenience of the client. Written permission shall be obtained from the DUI program (s) serving the person's residence, employment or school attendance.

(a) If the person resides oOut-of-state, then they are permitted to residents may attend an out-of-state substance abuse education course program provided that such program is recognized, approved, licensed, or certified by the state's DUI regulatory authority has reciprocal recognition as stated in Rule 15A-10.003, F.A.C. Florida residents shall complete the substance abuse education course at a DUI program licensed in the State of Florida.

(2) Attendance used to satisfy the statutory requirement for an offense shall occur after the arrest for such offense.

(3) Completion of or failure to complete DUI program requirements will result in electronic submission by the DUI program of the Client Status Report, via the Centralized Database System (CDS) HSMV 77057, incorporated by reference in Rule 15A-10.043, F.A.C.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 316.192, 316.193, 322.2615, 322.292 FS. History—New 1-4-95, Amended _____.

15A-10.010 Operating Policies and Procedures Manual(s).

Each DUI program shall have an operating policies and procedures manual or service specific manuals, accessible to all DUI staff, which shall include comprehensive written step-by-step procedures covering administration, fiscal matters, governing body, personnel, client file maintenance,

certification, educational services, client evaluation services, treatment referral, court communication, IID client violation monitoring, and SSS Special Supervision Services. The manual(s) shall be approved by the organization's Board of Directors or Governing Board or advisory committee where no board is required.

Rulemaking Specific Authority 322.02, 322.292, ~~322.293~~ FS. Law Implemented 316.193, 322.291, 322.292, 322.293 FS. History--New 1-4-95, Amended _____.

15A-10.011 Board of Directors or Governing Board or Advisory Committee.

(1) Not-for-profit corporations:-

(a) The DUI program shall have a Board of Directors.

(b) Programs, which are operated by a multipurpose corporation, shall appoint an Advisory Ceommittee.

(c) The Board of Directors, shall must:

1. Meet at least quarterly.

2. Ensure compliance with state and federal laws and regulations.

3. Ensure no voting member of the Board of Directors is a paid employee of the program.

(d) If an Advisory Ceommittee is utilized, it shall must:

1. Meet at least quarterly.

2. Report to Board of Directors and the DUI program following each meeting.

3. Ensure no voting member of the Advisory Ceommittee is a paid employee of the program.

4. Ensure members are representative of the criminal justice, finance and accounting, business administration, public administration, medical, public health, education or the human services community. If a representative Advisory Committee is not feasible, justification shall be documented.

5. Is permitted to contain members of the Board of Directors, but cannot be made up of the Board of Directors in its entirety.

(2) Governmental Entities:-

(a) Shall have a Board of Directors or Governing Board or Advisory Ceommittee.

(b) ~~If a~~ Board of Directors or Governing Board is utilized, ~~the board~~ shall meet the requirements of paragraph (1)(c) above and if an Advisory Ceommittee is utilized, it shall meet the requirements of paragraph (1)(d) ~~1-3~~ above.

Rulemaking Specific Authority 322.02, 322.292, ~~322.293~~ FS. Law Implemented 322.292, 322.293 FS. History--New 1-4-95, Amended 3-4-97, _____.

15A-10.012 Financial Audit.

The DUI Program shall submit to the Department a certified financial audit, and an independent auditor's report on compliance with laws, regulations, contracts, and grants related

to Rules 15A-10.012, 15A-10.013, 15A-10.014, 15A-10.0141 and 15A-10.0142, F.A.C. The financial audit, which shall be conducted by an independent certified public accountant on an annual basis. A copy of those portions of the management letter related to the DUI program audit shall also be submitted to the Department. If no management issues are identified, then an auditor's statement that no management letter was issued shall accompany the audit.

(1) The audit shall be received by the Department within 180 one hundred twenty calendar days of the end of the program's fiscal year. This period shall may be extended by the Department for up to 30 sixty (60) additional calendar days upon a program's written request, when the audit has been delayed through no fault of the program or for other extenuating circumstances. Factors the Department will consider in making the decision are a delay in receipt of the audit from the DUI program's licensed organization's certified public accountant, natural disaster or a circumstance, that which is beyond the DUI program's licensed organization's control. The audit shall be reviewed by the Inspector General Internal Auditor of the Department or an auditor on contract.

(2) The audited financial statements shall be comparative and presented on the accrual basis of accounting.

(3) The audited financial statements shall clearly show the activity and fund balances of the DUI program and, at a minimum, shall include: a balance sheet; a statement of support, revenue and expenses; a statement of changes in fund balances to reflect the activity of each fund; and a statement of functional expenses. The revenues and expenses of the SSS and IID client violation monitoring Special Supervision Services portions of the DUI program shall be reflected separately from other DUI program revenues and expenses.

(4) The DUI program accounting shall be presented as a separate fund.

(5) The auditor's notes accompanying the financial statements or a letter from the auditor shall disclose the basis and formula for the allocation of indirect costs (overhead) and that the method used provides a fair and equitable allocation to all functions or programs.

(6) The audit report shall include an auditor's note to the financial statements concerning the collection and remittance of the state assessment fee to the Department as required by Section 322.293, Florida Statutes, ~~and Administrative Rule 15A-10.005, F.A.C.~~ This audit report note shall include the information in the following format:

STATE ASSESSMENT FEE

As required by Section 322.293, Florida Statutes, ~~and Administrative Rule 15A-10.005, F.A.C.~~, [Name of Program] collects a state assessment fee of [Amount of Fee] on every client enrolling in its DUI program and remits the fees to the State of Florida. State assessment fees collected and distributed to the State of Florida are summarized as follows:

	Fiscal Year	
	Prior Current	
Fees due from prior year	\$ _____	\$ _____
Fees collected current year	_____	_____
Fees remitted current year	_____	_____
Fees due State	_____	_____

(7) The auditor’s notes accompanying the audited financial statements shall also state that the DUI program established and maintained procedures, which adequately accounted for all fees received for the DUI program and for all receipts created and/or issued by the DUI program.

~~Rulemaking Specific Authority 322.02, 322.292, 322.293 FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.~~

15A-10.013 Financial Procedures and Reporting Requirements.

(1) The DUI program shall establish and maintain financial procedures to account for all fees received by the DUI program. The program shall be supported solely from fees received from clients and from in-kind and other contributions. In-kind contributions shall be recorded in accordance with the definition in subsection 15A-10.002(29)(18), F.A.C. All fees shall be used solely for the operation of the program except as otherwise provided in Rule 15A-10.0142, F.A.C. Cash or other assets earned or received by the DUI program shall ~~may~~ not be loaned or used for any other purpose. The program is permitted to ~~may~~ maintain a cash reserve as defined in subsection 15A-10.002(10)(6), F.A.C.

(2) The state assessment fee shall be collected from each person enrolling in the DUI program and shall be submitted to the Department within ~~30 calendar~~ ~~thirty~~ (30) days following the last day of the month in which the assessment fee was collected. The fee shall be submitted with the complete Assessment Fee Report ~~Form~~, HSMV Form 77007 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 in Rule 15A-10.043, F.A.C. The state assessment fee is part of the total fee and is not an ancillary fee.

~~Rulemaking Specific Authority 322.02, 322.292, 322.293 FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.~~

15A-10.014 Cost Standards and Allocations.

(1) ~~Reasonable Costs~~: A cost shall be deemed to be a reasonable expenditure for a DUI program if it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. In determining the reasonableness of a given cost, consideration shall be given to:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of an organization in the public sector which performs similar functions or which is staffed with similarly classified personnel.

(b) The restraints or requirements imposed by such factors as generally accepted sound business practices, arms length bargaining, and federal and state laws and regulations.

(c) Whether the individuals concerned acted with prudence in the circumstances, considering their responsibilities to the organization, its employees, its clients, and the public at large.

(2) Personnel Salaries and Benefits:-

(a) The Board of Directors or Governing Board or Advisory Committee shall not receive direct compensation for their services on the board or as an employee or consultant for the corporation.

(b) ~~Management~~— The total compensation of the executive director, president, or other senior managers which is charged to the DUI program shall be based on the number of clients served, staffing, size of budget relative to other organizations offering similar services, and other relevant factors. In addition, such factors as tenure with the organization shall ~~may~~ be considered.

(c) The total compensation of each employee which is charged to the DUI program other than those identified in paragraph (2)(b) above, shall approximate that paid by other employers in the same general geographic area to positions requiring similar skills and experience.

(d) The DUI program’s retirement contribution rate shall be listed in the financial audit. Contributions to retirement cannot exceed the percentage of gross compensation contributed by the employer of members of the Regular Class of the Florida Retirement System pursuant to Section 121.071, F.S.

(e) Benefits such as club dues, tuition plans for employees’ children, and automobiles primarily for personal use are not allowable costs.

(3) Expenses:-

(a) Contributions and donations to others are not allowable costs.

(b) Accelerated depreciation is not allowable.

(c) The costs of an individual’s dues, memberships, and subscriptions are not allowable unless the organization does not permit corporate memberships. Individual membership for the purpose of professional liability coverage is allowable.

(d) Expenditures for entertainment are not allowable.

(e) Discretionary bonuses shall not be paid from or charged to the DUI program ~~either~~ as direct or indirect costs. Discretionary or extraordinary bonuses are sums paid to employees in recognition of services performed during a given period when the payment is not made pursuant to any prior

written agreement causing the employees to expect such payments regularly, or as part of amounts budgeted by the program for such purposes.

(f) Usage and occupancy fees charged to the DUI program by an affiliated organization or other program within the same organization are limited to the DUI programs share of the total operating cost plus depreciation.

(4) Cost Allocation:- The identification of direct and indirect costs and the allocation of indirect costs is required for multi-function organizations. Single function organizations will not be required to provide this degree of cost accounting.

(a) Direct costs are those costs which can be reasonably identified as benefiting a particular program, function, or cost center.

1. All costs should be charged directly to a program or function unless identified as an indirect cost as defined below.

2. Joint costs are costs incurred by the organization which benefits two or more programs or functions, and which can be readily allocated to the DUI program receiving such benefits, using an appropriate base. This would include such items as depreciation, rental costs, operation and maintenance of facilities, telephone expenses, and employees' salaries. A step-down allocation methodology is preferred and any other method shall be justified as being more equitable.

(b) Indirect costs are those that have been incurred for common or joint objectives and cannot be readily identified with a particular final cost objective.

1. Direct costs of minor amounts shall may be treated as indirect costs where it is not economically feasible to identify and allocate them as direct costs.

2. Indirect costs are those costs remaining after all direct costs have been determined and assigned directly to programs, functions, or cost centers, as appropriate.

3. Indirect costs shall be assigned to one or more indirect costs pools and allocated to programs or functions using a logical, supportable, and equitable distribution base. Different distribution bases shall may be used for different indirect cost pools.

(5) Cost Limitations:- The amount of any cost charged to a DUI program, subject to the maximum cost limitations imposed by these rules, shall be limited to the proportion of benefit received by the program.

Rulemaking Specific Authority 322.02, 322.292, ~~322.293~~ FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.0141 DUI Services Fees.

(1) ~~The Department approved fees are The registration fees to be charged by DUI programs shall be \$165 for Level I and \$250 for Level II and will include the State assessment fee. These are the only fees to be charged for providing the services the DUI program is licensed to provide, with the exception of the Level I and Level II classes, except for Department~~

~~approved ancillary fees. The DUI program shall disclose all fees for the services that are being rendered to the client. The fee to provide the Level I course and Level II course These fees, not including the State assessment fee, will increase each year on October 1, rounded to the nearest five dollars. The amount of the increase is the lesser amount by the lesser of three percent or the percentage increase (if any) in the Consumer Price Index as determined by the U.S. Department of Labor for the 12 twelve month period ending on the preceding June 30, rounded to the nearest five dollars. The Department shall approve, modify or reduce fees as necessary. Any program that is charging more than the above-specified fees on the effective date of this rule may continue to utilize those fees, without any increase, until such time as the fees specified herein, as adjusted, exceed the fees charged by the program.~~

(2) ~~A client shall pay the full registration fee and reschedule the series of class sessions or the evaluation in the following situations: The standardized Department approved ancillary fees which shall be charged to clients, with the exclusion of those circumstances referenced in subsection 15A-10.016(2), F.A.C., are:~~

- (a) ~~After consuming alcohol, illegal drugs, abused prescription medications or any other substance as evidenced by possession, behavior, odor, observation of consumption or the client's own admission.~~ Driver Risk Inventory (DRI) \$5.00
- (b) ~~Acts in a disruptive manner that result in dismissal from a class or evaluation. Evaluation not associated with enrollment in the complete program.~~ \$75.00
- (c) ~~The state assessment fee shall be forwarded to the Department. First Level I course reassignment within ninety days of enrollment.~~ \$40.00
- (d) ~~Second Level I course reassignment within ninety days of enrollment~~ \$75.00
- (e) ~~Third Level I course reassignment within ninety days of enrollment~~ \$153.00
- (f) ~~First Level I evaluation reassignment within ninety days of enrollment~~ \$75.00
- (g) ~~Second Level I evaluation reassignment within ninety days of enrollment~~ \$153.00
- (h) ~~Any Level I reassignment which occurs more than ninety days after enrollment~~ \$165.00
- (i) ~~First Level II course reassignment within ninety days of enrollment~~ \$60.00
- (j) ~~Second Level II course reassignment within ninety days of enrollment~~ \$120.00
- (k) ~~Third Level II course reassignment within ninety days of enrollment~~ \$238.00
- (l) ~~Any Level II course reassignment which occurs more than ninety days after enrollment~~ \$250.00
- (m) ~~Transfer Fee~~ \$25.00

(n) Administrative Refund Fee \$25.00

(o) Processing a Referral to a Different Treatment Agency \$15.00

(3) Reschedules:

(a) Each DUI program shall provide each client with a schedule of assigned class sessions or evaluation at the time of registration.

(b) If the client contacts the program at least five business days prior to the date the class session or evaluation is scheduled to be conducted and requests to be rescheduled, the client shall be rescheduled to another series of class sessions or evaluation without fee. A maximum of two reschedules under this paragraph shall be allowed during any 90 calendar day period without paying a rescheduling fee.

(c) If the client contacts the program at least five business days after being absent for exceptional circumstances the date the class session or evaluation was scheduled and asks to be rescheduled, the client shall be rescheduled to another series of class sessions or evaluation without paying a rescheduling fee. Exceptional circumstances shall be documented by the client and involve situations that are beyond the client's control and were unknown to the client at the time of enrollment, such as natural disaster, serious illness or death in the client's immediate family, or serious illness of the client as documented by the attending physician.

(d) Any client who does not request to be rescheduled as set forth above shall be subject to the applicable rescheduling fees.

(e) Any client who is late for a class session or evaluation shall be deemed as having missed such class session or evaluation. Such person shall request to be rescheduled and shall pay the applicable reschedule fee.

(f) The DUI program shall charge the full registration fee, including the state assessment fee, to a client who returns to the program more than 90 calendar days after original enrollment to complete the program. The client shall complete the entire series of class sessions, the evaluation or both, depending on which component the client previously completed. In any case, if client completed the evaluation more than 180 calendar days prior to reenrollment, the DUI program shall conduct a second evaluation.

(g) For those clients who have completed education but failed to begin or complete treatment, a registration fee will not be charged when the client returns to the program to complete the referral requirements, but the DUI program shall charge a Department approved client file reactivation fee once the client file has been closed.

(4) The standardized Department approved fees which shall be charged to clients, with the exclusion of those circumstances referenced in subsection 15A-10.016(1), F.A.C., are:

(a) Driver Risk Inventory (DRI) \$5.00

(b) Evaluation not associated with enrollment in the complete program \$125.00

(c) First Level I course reschedule within 90 calendar days of enrollment \$72.00

(d) Second Level I course reschedule within 90 calendar days of enrollment \$144.00

(e) Third Level I course reschedule within 90 calendar days of enrollment \$216.00

(f) First evaluation reschedule within 90 calendar days of enrollment \$75.00

(g) Second evaluation reschedule within 90 calendar days of enrollment \$153.00

(h) First Level II course reschedule within 90 calendar days of enrollment \$93.00

(i) Second Level II course reschedule within 90 calendar days of enrollment \$185.00

(j) Third Level II course reschedule within 90 calendar days of enrollment \$278.00

(k) Transfer Fee \$25.00

(l) Administrative Refund Fee \$25.00

(m) Processing a Referral to a Different Treatment Provider Fee \$25.00

(n) File Reactivation Fee \$25.00

(o) Level I Registration Fee \$288.00

(p) Level II Registration Fee \$370.00

Rulemaking Specific Authority 322.02, 322.292, ~~322.293~~ FS. Law Implemented 322.292, 322.293 FS. History—New 3-4-97, Amended _____.

15A-10.0142 Revenue Limitation.

The maximum allowable fee revenue to be retained by the DUI Program for normal operations is the maximum allowable cost plus 10 percent of the maximum allowable costs (i.e., operational expenses in accordance with these rules for the most recently ended fiscal year). Up to 10 percent of fee revenues above maximum allowable costs shall ~~may~~ be placed in a cash reserve account each year for the purpose of providing emergency reserves for the program should the DUI program experience a downward economic spiral, and to allow the program to purchase assets which increase efficiency or decrease cost. Total cash reserves shall ~~may~~ not exceed 50 percent of the program's operational expenses for the most recently ended fiscal year. The DUI program's Board of Directors or Governing Board shall approve the purchase of assets from the cash reserve fund ~~The purchase of assets from the cash reserve fund must be approved by the DUI program Board of Directors and the Chief Judge of the Circuit where the DUI program is principally located. If approved by the DUI program's Board of Directors or Governing Board and the Chief Judge of the circuit where the DUI program is~~

principally located, the DUI program shall apply ~~r~~Revenues in excess of the maximum allowable for normal operations or cash reserve fund in the fiscal year following the fiscal year in which the revenues were realized, may be applied to substance abuse treatment programs for DUI offenders; substance abuse prevention programs; or fee waivers for indigent clients ~~or clients unable to pay for DUI program participation, in the fiscal year after the fiscal year in which the revenues were realized, if approved by the DUI program Board of Directors and the Chief Judge of the Circuit where the DUI program is principally located.~~ Absent the above approval and usage of the excess revenues, such revenues shall be paid into the Highway Safety Operating ~~DUI~~ Trust Fund by the end of the fiscal year after the year in which they were realized. The annual audit report shall include a report on the use of such excess revenues. The expenses associated with these revenues shall not be recorded as normal operating expenses of the DUI program.

Rulemaking Specific Authority 322.02, 322.292, 322.293 FS. Law Implemented 322.292, 322.293 FS. History—New 3-4-97, Amended

15A-10.015 Fee Waiver.

Any person seeking a waiver of all or part of the fee for the program shall present documentation of indigence ~~indigency~~ to the program. The program shall ~~may~~ grant such a waiver if indigence ~~indigency~~ is so established. In no case shall the state assessment fee be waived. If the program grants waivers, the Waiver criteria shall be included in the program's operating policies and procedures manual. If the program does not grant waivers, it shall be so stated in the operating policies and procedures manual.

Rulemaking Specific Authority 322.02, 322.292, 322.293 FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended

15A-10.016 Ancillary Fees.

(1) All ancillary fees shall be approved by the Department on the Ancillary Fee Request Form, HSMV Form 77002 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. Approval of such fees shall be received prior to implementation. These fees shall be for the administrating and processing of DUI evaluations, education, SSS, IID client violation monitoring and general administration.

(2) ~~If the client appears for a class session or the evaluation after having consumed alcohol or illegal drugs, or abused prescription medication or other substances as evidenced by possession, behavior, odor, observation of consumption, or the client's own admission; or acts in a disruptive manner, resulting in dismissal from the class session or evaluation, the client shall be required to pay the maximum Department approved reassignment fee and reschedule the~~

~~entire set of class sessions or evaluation. Such fee shall not exceed the standardized Department approved fee to be charged for services provided beyond 90 days of original enrollment. A Client Observation/Incident Report, HSMV Form 77008, incorporated by reference in Rule 15A-10.043, F.A.C., recording the date, staff person, client, and incident shall be required whenever a client is dismissed from a class and shall be maintained for two years.~~

(3) Reassignments:

~~(a) Each DUI program shall provide each client with a schedule of assigned class or evaluation sessions at the time of registration.~~

~~(b) If the client contacts the program at least five (5) business days prior to the date the class session or evaluation is scheduled to be conducted and asks to be reassigned, the client shall be reassigned to another series of class sessions or evaluation without fee. No more than two reassignments under this paragraph shall be allowed during any ninety day period;~~

~~(c) If the client contacts the program at least forty eight (48) hours after the date the class session or evaluation was scheduled and asks to be reassigned for exceptional circumstances, the client shall be reassigned to another series of class sessions or evaluation without fee. Exceptional circumstances shall be documented by the client and involve situations that are beyond the client's control and were unknown to the client at the time of enrollment, such as natural disaster, serious illness or death in the client's immediate family, or serious illness requiring hospitalization of the client as documented by the attending physician.~~

~~(d) Any client who does not request reassignment as set forth above shall be subject to the applicable reassignment fees.~~

~~(e) Any client who is late for a class session or evaluation shall be deemed as having missed such class session or evaluation. Such person shall request reassignment and shall pay the applicable reassignment fee.~~

~~(4) The DUI program shall charge the full registration fee, including the state assessment fee, to a client who returns to the program more than ninety days after original enrollment to complete all or part of the program.~~

~~(5) For those clients who have completed education and evaluation but failed to begin or complete treatment, a registration fee shall not be charged when the client returns to the program to complete the referral requirements.~~

Rulemaking Specific Authority 322.02, 322.292, 322.293 FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended

15A-10.017 Personnel Policies and Procedures.

The written policies and procedures pertaining to the selection and training of personnel shall include descriptions and documentation of the following:

(1) Job classifications, including exempt and non-exempt status, job descriptions, and pay plans. All job descriptions shall be signed by personnel and placed in personnel file.

(2) Procedures for personnel selection and appointment.

(3) Insurance plans as required by state and federal law.

(4) Procedures for establishing and maintaining personnel records.

(5) Requirements that all instructors, evaluators, ~~SSS Special Supervision Services~~ Evaluators and clinical supervisors be certified and maintain certification as mandated by the state and attend biennial mandatory training.

(6) Annual and sick leave policy.

(7) Policy regarding conflict of interest between certified and administrative staff dual employed with the DUI program and a treatment provider when both entities service the same client population.

~~Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History--New 1-4-95, Amended 3-4-97, _____.~~

15A-10.018 Client Files.

(1) The policies and procedures for client files shall include the organization, location, and the individual(s) responsible for the security and maintenance of the client files, as well as the process and documentation for of providing the client with written rules and procedures concerning confidentiality pursuant to Title 42 and 45 C.F.R., the processing of release forms, and the administering of the psychosocial evaluation.

(2) The client file, whether hard copy or electronic, shall include the following data and forms, which are incorporated by reference, and are obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, where applicable: A form containing demographic data using the Client Data Information and Interview, HSMV Form 77004, incorporated by reference in Rule 15A-10.043, F.A.C.

(a) The program's rules and regulations form shall be signed by the client with the original placed in the client file and a duplicate provided to the client. Clients who are unable to read shall be verbally provided with the information. Client rules and regulations shall include:

1. The requirements for course completion including requirements for those with a valid administrative suspension and those enrolling in pre-conviction status.

2. Breach of enrollment agreement, including all reasons for having to reschedule and any fees charged for rescheduling.

3. The transfer policy and fee.

4. Fees for all applicable services provided by the program to the client at the time of enrollment.

5. Statement on confidentiality regulations.

6. Evaluation process and objectives.

7. Refund policy.

8. Notification of required referral to treatment if under the influence of alcohol, illegal drugs, abused prescription medications, reported substance abuse of alcohol or drugs, or indications of use or impairment, at any time while on the program's premises.

(b) Client Tracking Form, HSMV Form 77003 (2010), which shall contain dates of contacts with the client, other service providers, outside sources pertaining to the client, relevant events, and documentation of communication with the Department and probation. The program's rules and regulations form shall be signed by the client with the original placed in the client file and a duplicate provided to the client. Students who are unable to read shall be verbally provided with the information. Client rules and regulations shall include:

1. The requirements for course completion including requirements for those with a valid administrative suspension and those enrolling in pre-conviction status.

2. Breach of enrollment agreement, including all reasons for having to reassign and any fees charged for reassignment.

3. The transfer policy and fee.

4. All fees for all services in the program.

5. Statement on confidentiality regulations.

6. Psychosocial evaluation process and objectives.

(c) Client Observation/Incident Report, HSMV Form 77008 (2010), where applicable. Client Tracking Form, HSMV Form 77003 which shall contain significant dates and contacts with the client, other service providers, significant others, and significant events.

(d) If the client is referred to treatment, Treatment Referral and/or Documentation, HSMV Form 77005 (2010). Student Observation/Incident Report, HSMV Form 77008, where applicable.

(e) Client Data Information and Interview, HSMV Form 77004 (2010). Treatment Referral and/or Documentation, HSMV Form 77005.

(f) Original Driver Risk Inventory (DRI) answer sheet, or equivalent assessment approved by the Department. Client Data Information and Interview, HSMV Form 77004.

(g) A lifetime driver record is required or documentation from the state that a lifetime driver record is not available. Original Driver Risk Inventory (DRI) answer sheet.

(h) An offense or arrested-related report which includes a copy of the Uniform Traffic Citation, a copy of the probable cause arrest affidavit or documentation from the arresting agency or officer that the information is not available. The DUI program shall document if such is not obtainable. Documentation of Court and Department communication which can be documented on the Client Tracking Form, HSMV Form 77003.

(i) Client Transfer Record, HSMV Form 77009 (2010), if applicable. Driver record and arrest record. A lifetime driver record is required where it is available.

(j) Interstate DUI Transfer Form, HSMV Form 77040 (2010), if applicable. Client Transfer Record, HSMV Form 77009, incorporated by reference in Rule 15A-10.043, where applicable.

(k) If the client is referred to treatment, Treatment Progress Report, HSMV Form 77031(2010), and a copy of an individualized treatment plan. Interstate DUI Transfer Form, HSMV Form 77040, incorporated by reference in Rule 15A-10.043, where applicable.

(l) Release of Information, HSMV Form(s) 77011 (2010) to release and obtain information to and from the Department, court or probation, and an emergency contact. The HSMV Form 77011 expiration date shall not exceed one year from the date it was signed.

(3) The program shall retain a complete file for a minimum of 12 ~~six~~ months following completion of the educational and evaluation services or failure to complete the program requirements or conviction, whichever comes last. The program shall retain a permanent record of that file of all clients who have enrolled in the program that shall ~~with~~ ~~minimally~~ include the name, address, date of birth, drivers license number, and the status of completion of the DUI program. The status of completion of treatment shall be included, where applicable. This record will also include a summary of the evaluation noting critical factors as identified from the Evaluator Guide, as well as ancillary data to support the disposition of the evaluation secured in the interview. The format of the permanent record shall be a card system, ~~the complete hard copy of the file,~~ microfiche, computerized database, scanned images, or magnetic media storage or other similar technology. Upon revocation or relinquishment of DUI program licensure, the DUI program shall remit the permanent records as stated to the Department.

(4) The client shall have access to the client file for review with a DUI program representative present.

(5) The DUI program shall have available information pursuant to subsection 15A-10.027(5), F.A.C., when and where evaluation services are being rendered to the client. Client files shall be maintained by the DUI program that is licensed to provide services to the circuit in which the client resides, attends school, is employed and with which the client is enrolled.

(6) The DUI Program shall ensure the confidential handling of client files at all times and have a written policy and procedure to address such handling in accordance with Title 42 and 45, C.F.R. guidelines.

Rulemaking Specific Authority 322.02, 322.292, 322.293 FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended

15A-10.019 Client Transfers Procedure.

(1) If a client requests a transfer to another Florida location or another state prior to enrollment and the client has been specifically court ordered to the original program or the receiving program has agreed to serve the client assume tracking responsibilities, the original DUI program;

(a) Shall send the Client Transfer Record, HSMV Form 77009 (2010) or Interstate DUI Transfer Form, HSMV Form 77040 (2010), and the Request to Release or Obtain Information, HSMV 77011 (2010), which are incorporated by reference and obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(b) Shall send copies of available client records to the receiving program by Certified Mail or similar method of correspondence tracking approved by the Department.

(c) If the client fails to enroll at the receiving program within 20 calendar days of the date of the transfer, the receiving DUI program shall submit a client status report to the Department, with a copy sent to the original program, indicating the client's failure to complete.

(d) The state assessment fee shall not be collected until the client enrolls in a Florida DUI program.

(e) All costs for Certified Mail or similar method of correspondence tracking approved by the Department, shall be the responsibility of the client.

(f) The receiving program is responsible for notification to the Department upon the client's completion of the program, including required treatment completion if applicable, unless otherwise agreed by the two programs.

(g) In all instances, the original program shall transfer client to a receiving program that is approved by that state. ~~shall send the Client Transfer Record, HSMV Form 77009, incorporated by reference in Rule 15A-10.043, F.A.C., or Interstate DUI Transfer Form, HSMV Form 77040, incorporated by reference in Rule 15A-10.043, F.A.C., and copies of available client records to the receiving program by certified mail. If the client fails to enroll at the receiving program within 90 days of the date of the transfer, the receiving program shall submit the Client Status Report, HSMV 77057 to the Department, with a copy sent to the referring program, indicating the client's failure to complete. All costs for certified mail shall be the responsibility of the client. The state assessment fee shall not be collected until the client enrolls in a Florida DUI program. The transfer fee shall be the standardized, Department approved fee. The receiving program is responsible for notification to the Department upon the client's completion of the program, including required treatment completion if applicable, unless otherwise agreed by the two programs. In all instances, the original program shall ensure that the receiving program in another state is approved by that state prior to completing the transfer.~~

(2) If a client who has enrolled requests a transfer prior to completing the entire series of assigned classes sessions or the evaluation due to change of residence, employment, school attendance or the enrolling DUI program does not have any objection to the client attending another program from the geographic area served by the program and the receiving program has agreed to serve the client, the enrolling original program:

(a) Shall send the Client Transfer Record, HSMV Form 77009 (2010), or Interstate DUI Transfer Form, HSMV Form 77040 (2010) and the Request to Release or Obtain Information HSMV 77011(2010), which are incorporated by reference and obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-05171.

(b) Shall send copies of available client records to the receiving program by Certified Mail or similar method of correspondence tracking approved by the Department.

(c) If the client fails to enroll at the receiving program within 20 calendar days of the date of the transfer, the receiving program, if located in Florida, shall submit a client status report to the Department, with a copy sent to the enrolling program, indicating the client's failure to complete.

(d) The fee for the service being transferred shall not be refunded until the client successfully completes all components and treatment requirements, if applicable. The refund shall be the balance of the program fee excluding the cost of services already received, the cost of DHSMV records, the state assessment fee, DRI fee, and the transfer fee.

(e) The receiving program is responsible for notification to the Department upon the client's completion of the program, including treatment completion if applicable, issuing completion certificate or other proof of completion, unless otherwise agreed by the two programs.

(f) If the client has not changed residence, employment or school attendance and requests a transfer, the enrolling program shall provide written consent that they approve the transfer and required documentation in paragraph 15A-10.019(2)(a), F.A.C.

~~shall send the Client Transfer Record, HSMV Form 77009, the Request to Release or Obtain Information, HSMV Form 77011, and a copy of the client record to the receiving program by certified mail. If the client fails to enroll at the receiving program within 90 days of the date of the transfer, the receiving program shall submit the Client Status Report via the Centralized Database System, HSMV Form 77057 to the Department, with a copy sent to the referring program, indicating the client's failure to complete. The fee for the service being transferred shall not be refunded until the client successfully completes all components and treatment requirements. The refund shall be the balance of the program fee excluding the cost of services already received, the cost of DHSMV records, the state assessment fee, DRI fee, and the~~

~~transfer standardized, Department approved administrative refund fee. The receiving program shall be responsible for notifying the Department via the Centralized Database System, upon completion of the program unless otherwise agreed by the programs involved.~~

(3) If a client changes residence, employment or school attendance from the geographic area served by the enrolling program prior to beginning or completing treatment;

(a) It is the client's responsibility to notify the enrolling DUI program of the relocation.

(b) If contacted by the client, the DUI program serving the client's new county or residence, employment or school attendance, shall instruct the client to notify the enrolling DUI program of the change.

(c) If the program serving the client's new county of residence, employment or school attendance elects to contact the enrolling program for the client, an executed Request to Release or Obtain Information, HSMV Form 77011 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, shall be obtained and no fee shall be charged.

(d) The enrolling DUI program is permitted work with the DUI program serving the client's new county of residence, employment or school attendance, to identify an appropriate treatment provider in the area serviced by the DUI program.

(e) If the client elects to transfer to the DUI program serving their new county of residence, employment or school attendance, the receiving DUI program shall be responsible for submitting a client status report to the Department, indicating the client's completion or failure to complete status, unless otherwise agreed by the two programs.

(f) The state assessment fee shall not be collected by the receiving DUI program.

~~it is the client's responsibility to notify the original DUI program of the relocation. If contacted by the client, the DUI program serving the client's new county of residence, employment, or school attendance, shall instruct the client to notify the original DUI program of the change. If the new program elects to contact the original program for the client, an executed Request to Release or Obtain Information, HSMV Form 77011, shall be obtained and no fee is charged. The state assessment fee shall not be collected by the new program. The original DUI program may work with the new DUI program to identify an appropriate treatment provider in the area of the client's relocation. The receiving DUI program shall be responsible for notifying the Department of the client's completion status unless otherwise agreed by the programs involved.~~

(4) It shall be the client's choice to transfer DUI programs in accordance to the requirements set forth in Rule 15A-10.009, F.A.C. If a client contacts a DUI program for the name and telephone number of a DUI program in the area of a

client's residence, employment, or school attendance, and there is no court order requiring tracking by the original DUI program, this is not a client transfer. In such cases, the client is given the information, a fee is not charged, and the state assessment fee is not collected by the program providing the information.

(5) In the event a client is completing an evaluation or a class in a separately licensed DUI program other than the DUI program with which they originally enrolled, a client transfer is required. If the client has paid the state assessment fee at the transferring program, such assessment shall not be collected at the receiving program.

(6) If a client contacts a DUI program for the name and telephone number of a DUI program in the area of a client's residence, employment, or school attendance, and there is no court order requiring tracking by the original DUI program, this is not a client transfer. In such cases, the client is given the information, a fee is not charged, and the state assessment fee is not collected by the program providing the information.

(7) If the client has paid the state assessment fee at the transferring program, such assessment fee shall not be collected at the receiving program.

(8) In all instances, the justification for denying a transfer must be based on a violation of Rules 15A-10.009 and 15A-10.021, F.A.C.

Rulemaking Specific Authority 322.02, 322.292, ~~322.293~~ FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.021 Client Student Conduct.

(1) A DUI program is permitted to ~~may~~ refuse to enroll any person who is unwilling to comply with the rules and procedures of the program, ~~is~~ unwilling to make full disclosure for purposes of an evaluation, or refuses to participate in the education classes or the evaluation.

(2) The program shall dismiss any client student from the premises who is:

(a) Believed to have consumed alcohol or illegal drugs, abused prescription medication or any other substance as evidenced by possession, behavior, odor, observation of consumption, or the client's own admission;

(b) Determined to be late by the programs late policy approved by the Department;

(c) A disruption during registration or any scheduled appointment or class;

(d) Unwilling to comply with the rules and regulations of the DUI program.

~~believed to have consumed alcohol or illegal drugs, or abused prescription medication or any other substance as evidenced by possession, behavior, odor, observation of consumption or the client's own admission; who arrives late for an appointment or arrives for class after the roll call, who disrupts an evaluation session or disrupts the class. Behavior resulting in dismissal~~

from class or evaluation shall be documented on Client Observation/Incident Report, HSMV Form 77008 (2010), Client Tracking, HSMV Form 77003 (2010) and documented on the Incident Log, HSMV Form 77016 (2010), which are incorporated by reference and obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. Behavior resulting in dismissal from the evaluation shall be documented on Client Tracking Form, HSMV Form 77003 and Incident Log, HSMV Form 77016.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.022 Personnel Certification.

(1)(~~a~~) The program shall employ only instructors, SSS Special Supervision Services Evaluators, clinical supervisors and evaluators who are certified by the Department.

(b) ~~Instructors shall possess a bachelor's degree in human services, criminal justice, adult or secondary education, traffic safety, nursing or a doctorate in medicine (M.D.). They shall possess a minimum of four thousand hours of experience in human services, criminal justice, education, traffic safety or medical care. The experience requirement may be satisfied by direct service delivery, administration, or teaching. A master's degree in human services, criminal justice, adult or secondary education, traffic safety, nursing or a doctorate in medicine (M.D.) may be substituted for two thousand hours of experience. A Certified Addiction Professional (CAP) status, a Certified Criminal Justice Addiction Professional (CCJAP) status or fourteen thousand hours of experience in human services may be substituted for a degree that is not in human services, but shall not preclude the requirement for a minimum of a bachelor's degree. Each beginning instructor shall complete 20 hours of Department provided preservice training. The preservice training requirement shall also include documentation of the observation of an entire twelve hour course. If the person will teach Level II, documentation of the observation of an entire twenty-one hour course is required. The Preservice Instructor Training Documentation, HSMV Form 77041, incorporated by reference in Rule 15A-10.043, F.A.C., verifying the observation of these classes shall be received prior to the issuance of standard certification. Each certified instructor shall complete a minimum of 24 hours of Department approved training biennially to maintain certification.~~

(c) For Level II Instructor certification, two hundred fifty two hours of group experience shall be documented on the Application for DUI Personnel Certification, HSMV Form 77042, incorporated by reference in Rule 15A-10.043, F.A.C. The group experience shall be clinical or therapeutic. If didactic, such experience shall be in a substance abuse or mental health setting. The applicant's role in the group shall be as the group leader or co leader. The applicant shall provide

the specific number of hours of experience, if the group is open or closed, the various stages of group growth that were facilitated and the group skills used shall also be described in detail.

(2) Instructors: The program shall employ only evaluators and Special Supervision Services Evaluators who are certified by the Department. Every evaluator and Special Supervision Services Evaluator shall possess a minimum of a bachelor's degree in human services, nursing or a doctorate in medicine (M.D.). They shall possess a minimum of four thousand hours experience in mental health/rehabilitative direct client services or medical care specific to substance abuse. A master's degree in human services, nursing or a doctorate in medicine (M.D.) may be substituted for two thousand hours of experience. A Certified Addiction Professional (CAP) status, a Certified Criminal Justice Addiction Professional (CCJAP) status, or fourteen thousand hours of experience in human services may be substituted for a degree that is not in human services, but shall not preclude the requirements for a minimum of a bachelor's degree. Each beginning evaluator shall complete 20 hours of Department provided preservice training. Each certified evaluator shall thereafter complete 24 hours of Department approved training biennially to maintain certification.

(a) Shall possess a bachelor's degree in human services, nursing or a doctorate in medicine (M.D.).

(b) Shall possess a minimum of four thousand hours of experience in human services, criminal justice, education, traffic safety or medical care; the experience requirement shall be satisfied by direct service delivery, administration or teaching.

(c) Is permitted to substitute a master's degree in human services, criminal justice, adult or secondary education, traffic safety, nursing or a M.D. for two thousand hours of experience.

(d) Is permitted to substitute a Certified Addiction Professional (CAP) status, a Certified Criminal Justice Addiction Professional (CCJAP) status for a bachelors degree that is not in human services, criminal justice, adult or secondary education, traffic safety, nursing or a M.D., but shall not preclude the requirement for a minimum of a bachelor's degree.

(e) Is permitted to substitute 10 thousand hours of experience in human services, criminal justice, education, traffic safety or medical care for a bachelors degree that is not in human services, criminal justice, adult or secondary education, traffic safety, nursing or a M.D., but shall not preclude the requirement for a minimum of a bachelor's degree.

(f) For Level II certification, the instructor shall possess two hundred and fifty hours of group experience, documented on the Application for DUI Personnel Certification, HSMV Form 77042(2010), incorporated by reference, which is

obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

1. The group experience shall be clinical or therapeutic.

2. If didactic, such experience shall be in a substance abuse or mental health setting.

3. The applicant's role of the group shall be as a group leader or co-leader.

4. The applicant shall provide a specific number of hours of experience, if the group is open or closed, the various stages of group growth that were facilitated and the group skills used. This information shall be described in detail.

(g) Shall complete the Department provided Pre-Service training.

(h) If seeking Level I certification, persons shall observe an entire Level I course prior to pre-service, where feasible.

(i) If seeking Level II certification, persons shall observe an entire Level II prior to pre-service, where feasible.

(j) The Pre-Service Training Course and/or Evaluation Observation, HSMV Form 77041(2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, verifying the observation of these classes, shall be received prior to the issuance of standard certification.

(3) (SSS) and DUI Evaluators: In addition to completing the training for evaluator status, the Special Supervision Services Evaluator certification requires completing eight hours of Department provided preservice training in the area of client supervision and management. Each certified Special Supervision Services Evaluator shall thereafter complete 24 hours of Department approved training biennially for evaluators to maintain the Special Supervision Services Evaluator certification.

(a) Shall possess a minimum of a bachelor's degree in human services, nursing or a M.D.

(b) Shall possess a minimum of four thousand hours experience in mental health/rehabilitative direct client services or medical care specific to substance abuse.

(c) Is permitted to substitute master's degree in human services, nursing or a M.D. for two thousand hours of experience.

(d) Is permitted to substitute a Certified Addiction Professional (CAP) status, a Certified Criminal Justice Addiction Professional (CCJAP) status for a bachelors degree that is not in human services, nursing or a M.D., but shall not preclude the requirement for a minimum of a bachelor's degree.

(e) Is permitted to substitute 10 thousand hours of experience in human services or medical care for a bachelors degree that is not in human services, nursing or a M.D., but shall not preclude the requirement for a minimum of a bachelor's degree.

(f) Shall complete the Department provided Pre-Service training.

(g) If seeking DUI Evaluator certification, persons shall observe a DUI evaluation prior to pre-service, where feasible.

(h) If seeking SSS Evaluator certification, persons shall observe a SSS periodic update or psychosocial evaluation prior to pre-service, where feasible.

(i) The Pre-Service Training Course and/or Evaluation Observation, HSMV Form 77041(2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, verifying the observation of these evaluations, shall be received prior to the issuance of standard certification.

(4) Clinical Supervisors: The program shall employ only clinical supervisors who are certified by the Department.

(a) Shall possess a master's degree in human services and a minimum of four thousand hours of experience in the substance abuse field. Clinical supervisors shall:

(b) Or shall possess a bachelor's degree in human services and a minimum of six thousand hours of experience in the substance abuse field. The program may employ a person licensed by the Department of Business and Professional Regulation or a Certified Addictions Professional (CAP) with a bachelor's degree to perform the functions of a clinical supervisor for a period not to exceed six months where the program's certified clinical supervisor is unable to perform those functions.

(c) Or shall possess a master's degree outside human services and a minimum of 10 thousand hours of experience in the substance abuse field.

(d) Or shall possess a bachelor's degree outside of human services and a minimum of 14 thousand hours of experience in the substance abuse field.

(e) If a CAP or a CCJAP:

1. Shall possess a bachelor's degree in human services and a minimum of four thousand hours of experience in the substance abuse field.

2. Or shall possess a bachelor's degree outside of human services and a minimum of 10 thousand hours of experience in the substance abuse field.

3. Or shall possess a master's degree in human services and a minimum of two thousand hours of experience in the substance abuse field.

4. Or shall possess a master's degree outside of human services and a minimum of six thousand hours of experience in the substance abuse field.

(f) Shall possess a minimum of two thousand hours of experience as an evaluator at a DUI Program licensed in the State of Florida.

(g) Shall possess certification as a DUI evaluator and SSS Evaluator.

(h) Shall complete Department provided Clinical Supervision Pre-Service training.

(5) The program is permitted to employ a person licensed by the Department of Health or a Certified CAP with a bachelor's degree or a certified DUI/SSS evaluator with at least four thousand hours of experience as an evaluator in a licensed Florida DUI program, to perform the functions of a clinical supervisor for a period not to exceed six months where the program's certified clinical supervisor is unable to perform those functions. The DUI program where the applicant will be employed shall submit an Application for DUI Personnel Certification, HSMV Form 77042, incorporated by reference in Rule DUI Programs Rule 15A 10.043, F.A.C. Such application shall be received no later than the employee's first day of the provision of direct services.

(a) The official educational institution transcripts shall be sent directly to the Department from the institution and shall bear the seal of that institution.

(b) All institutions shall be accredited by a Commission on Recognition of Post-Secondary Accreditation (CORPA) recognized accrediting agencies. An applicant with a degree from an institution outside the U.S. shall submit documentation of equivalency of that degree from the World Education Services.

(c) Certification shall be granted to every approved applicant by the Department for the remainder of that year and the following calendar year.

(6) The DUI program where the applicant will be employed shall submit an Application for DUI Personnel Certification, HSMV Form 77042 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. Such application shall be received no later than the employee's first day of the provision of direct services. Any person seeking certification as an instructor, evaluator, Special Supervision Services Evaluator, or clinical supervisor who has not completed the training requirements described above shall be granted a temporary certification not to exceed six months from the date of issuance of the Temporary Certificate, HSMV Form 77043, incorporated by reference in Rule 15A-10.043, F.A.C. or until completion of the first available required preservice training following issuance of the temporary certificate. The temporary certification shall be extended by the Department if the applicant is unable to complete the first available required preservice training due to exceptional circumstances beyond the applicant's control. Those exceptions are natural disaster, call to active military duty, serious illness or death in the applicant's immediate family, or serious illness requiring hospitalization of the applicant as documented by the attending physician. The Department will require documentation which evidences such exceptions. During the period of temporary certification such instructor may perform the function for

which they are certified under the supervision of a certified instructor while the process of preservice training and certification is being completed. During the period of temporary certification, such evaluators, Special Supervision Services Evaluators and clinical supervisors holding temporary certification may perform the function for which they are certified under the supervision of the clinical supervisor who holds a standard certificate. Such supervision shall be documented. All psychosocial evaluations, periodic updates and other required forms completed by those on temporary certificates shall be co-signed by the clinical supervisor. Any documentation or forms requiring written input from the instructor on temporary certification shall be co-signed by the supervising instructor. If supervision of the instructor includes direct observation, documentation of that process shall be maintained by the supervising instructor on a form in the same content and format as the Instructor Evaluation Report, HSMV Form 77010, incorporated by reference in Rule 15A-10.043, F.A.C. Persons granted temporary certification who fail to meet all requirements cannot continue to provide DUI services and cannot reapply for certification until completing the required preservice course and all other requirements except as provided for above.

(a) The official educational institution transcripts shall be sent directly to the Department from the institution and shall bear the seal of that institution.

(b) All college/university degrees shall be earned through an accredited college/university that is recognized by the U.S. Department of Education. An applicant with a degree from an institution outside the U.S. shall submit documentation of equivalency of that degree from an approved equivalency service designated by the Department.

(7) Initial Certification: The criteria for certification of instructors, evaluators, Special Supervision Services Evaluators and clinical supervisors shall not be waived.

(a) Shall be granted to every approved applicant by the Department for the remainder of that year and the following calendar year.

(b) Applicants shall submit a Florida Department of Law Enforcement (FDLE) report that is not older than 90 calendar days from the date the application is submitted. If the applicant is from another state, the DUI program shall require a report from the identified state.

(c) The Department shall review the FDLE or the identified state of residence report and lifetime driver record prior to certification and evaluate all criminal or traffic offenses based upon: job relativity, type and seriousness of the offense, date of the offense, age at time of the offense, disposition, repeated offenses and candid disclosure of any offense.

(8) Recertification: The Department shall provide all instructors, evaluators, Special Supervision Services Evaluators, and clinical supervisors upon certification with the Standard Certificates, HSMV Form 77044, incorporated by reference in Rule 15A-10.043, F.A.C.

(a) Shall be granted for a period of two years.

(b) Applicant shall submit a FDLE or the identified state of residence report that is not older than 90 calendar days from the date the application is submitted, 45 calendar days prior to the expiration of certification. If the applicant is from another state, the DUI program shall require a report from the identified state.

(c) The Department shall review the FDLE or the identified state of residence report and lifetime driver record prior to certification and evaluate in accordance with paragraph 15A-10.022(7)(c), F.A.C., above.

(9) Temporary certification as Level I and Level II Instructor: The recertification training shall be provided by an organization or person approved by the Department. Each organization or individual shall apply on the Application for Provider Status, HSMV Form 77045, incorporated by reference in Rule 15A-10.043, F.A.C., and be approved by the Department. Every event of the provider shall be approved by the Department. The provider shall submit each event for prior approval on the Individual Training Event, HSMV Form 77046, incorporated by reference in Rule 15A-10.043, F.A.C. Attendance shall be confirmed by submission of the Training Documentation, HSMV Form 77047, incorporated by reference in Rule 15A-10.043, F.A.C.

(a) If an applicant has not completed pre-service training and requirements described in subsections 15A-10.022(2), (6) and (7), F.A.C., they shall be granted a temporary certification not to exceed six months from the date of issuance or until first available required pre-service training following issuance of the temporary certificate. If the first available pre-service training is not attended, the temporary certification shall expire upon the first day of the pre-service training.

(b) Shall be extended by the Department if the applicant is unable to complete the first available required pre-service training due to documented exceptional circumstances beyond the applicant's control, such as:

1. Natural disaster.
2. Call to active military.
3. Serious illness or death in applicant's immediate family.
4. Serious illness of applicant as documented by the attending physician.

(c) Applicant shall observe the course of which they are being certified to conduct prior to being temporarily certified and document observation on Pre-Service Training Course and/or Evaluation Observation, HSMV Form 77041(2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(d) Persons under temporary certification are permitted to perform the function for which they are certified under the supervision of certified instructor.

(e) Persons under temporary certification shall co-teach a minimum of one course of which they are being certified to conduct; evidence of co-teaching shall be documented by the Instructor Observation Report, HSMV Form 77010 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(f) Persons under temporary certification who fail to meet all requirements by the temporary certification's expiration date, cannot continue to provide DUI services and cannot re-apply for certification until completing the required pre-service training and all other requirements described in subsections 15A-10.022(2), (6) and (7), F.A.C., above. Persons under temporary certification are subject to expiration outline in paragraph 15A-10.022(9)(a), F.A.C., above, regardless of the temporary certification's expiration date.

(10) Temporary certification as DUI Evaluator, SSS Evaluator or clinical supervisor: An abbreviated provider form, Application for Conference Approval, HSMV Form 77048, incorporated by reference in Rule 15A-10.043, F.A.C., can be submitted by nationally recognized organizations for a specific course or by a certified individual requesting approval of the conference.

(a) If applicant has not completed pre-service training and requirements described in subsections 15A-10.022(3), (4), (6) and (7), F.A.C., above, they shall be granted a temporary certification in accordance to paragraphs 15A-10.022(9)(a) and (b), F.A.C., above.

(b) Persons under temporary certification are permitted to perform the function for which they are certified under the supervision of the clinical supervisor who holds a standard certificate.

(c) All DUI evaluations, psychosocial evaluations, periodic updates and other required forms completed by persons under temporary certification, shall be co-signed by the clinical supervisor.

(d) The clinical supervisor shall provide a minimum of one hour of face-to-face individual clinical supervision a month to persons under temporary certification. Such supervision shall be documented.

(e) Persons under temporary certification who fail to meet all requirements by the temporary certification's expiration date, cannot continue to provide DUI services and cannot re-apply for certification until completing the required pre-service training and all other requirements described in paragraphs 15A-10.022(3), (4), (6) and (7), F.A.C., above. Persons under temporary certification are subject to expiration outline in paragraph 15A-10.022(9)(a), F.A.C., above, regardless of the temporary certification's expiration date.

(11) The criteria for certification of instructors, DUI Evaluators, SSS Evaluators and clinical supervisors shall not be waived. Persons certified by the Department shall be responsible to provide to the Department documentation of each training event to be considered for recertification. All recertification documentation shall be received by December 31 biennially for the following two year certification period. Services cannot be provided by any person who fails to complete certification requirements in the time required.

(12) The Department shall provide all instructors, evaluators, SSS Evaluators, and clinical supervisors upon certification. The procedure for processing an appeal on the certification application will be pursuant to Section 120.60(2), F.S.

(13) Recertification Training:

(a) Training shall be provided by an organization or person approved by the Department. The DUI program shall utilize the Bureau of Driver Education and DUI Programs Guidelines for Advanced Training, HSMV Form 77033, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, for the selection of the organization that will provide the training.

(b) Each organization or person shall submit the Application for Provider Status, HSMV Form 77045 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(c) The organization or person shall obtain approval for training events by submittal of the Individual Training Event, HSMV Form 77046 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, 30 calendar days prior to the event.

(d) The Application for Conference Approval, HSMV Form 77048 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, shall be submitted by a nationally recognized organization or the certified person requesting approval for the training event. Documentation submission shall not exceed one calendar year following the concluding day of the training event.

(f) Required documentation shall be received no later than December 31st for the following two-year certification period.

(e) Certified persons shall be responsible for providing the Department with required documentation for each training event for consideration.

(g) Recertification training shall transfer to the subsequent certification period only.

(h) Certified persons shall complete 12 hours of Department approved recertification training for the initial certification period.

(i) Certified persons shall complete 24 hours of Department approved recertification training for subsequent certification periods.

(j) Nine of the 24 hours of the Department approved recertification training are permitted to be distance learning training.

(k) Certified persons who fail to complete certification requirements are not permitted to provide DUI services.

(14) All certified DUI Instructors shall be subject to a review by DUI staff with managerial or supervisory responsibilities or a certified instructor for a minimum of two hours annually in each of the course certifications in which they are actively providing instruction. Active is defined as instructing two or more courses in a 12 month period. The review shall take form of a direct classroom observation of each certified instructor. The review shall be documented on the Instructor Observation Report, HSMV Form 77010 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(15) The procedure for processing an appeal on the certification application will be pursuant to Section 120.60, Florida Statutes.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History–New 1-4-95, Amended 3-4-97, _____.

15A-10.0221 Clinical Supervision.

(1) A clinical supervisor is responsible for the following:

(a) Provide a minimum of two hours of face-to-face individual clinical supervision per month to certified evaluators who provide a minimum of 80 hours per month of evaluation time.

(b) Provide a minimum of one hour of face-to-face individual clinical supervision per month to certified evaluators who provide less than 80 hours per month of evaluation time.

(c) Observe or review a recording of a periodic update, a psychosocial evaluation or a DUI evaluation of each certified evaluator performing such services a minimum of once every 12 months.

(d) Review a minimum of three randomly selected client case records a minimum of once per month.

(e) Conduct monthly clinical staffings and require the attendance of all certified evaluators who have provided services during that month.

(f) Participate in the annual reviews of all SSS clients.

(2) Where the clinical supervisor has conducted the psychosocial evaluation, a case management plan shall be developed with a case staffing committee, which will minimally include another certified DUI evaluator, a certified DUI clinical supervisor or SSS Evaluator.

(3) Clinical supervisors who carry a SSS caseload shall be observed by a certified DUI clinical supervisor, a certified DUI evaluator or a certified DUI SSS Evaluator a minimum of once every 12 months.

(4) The DUI program shall retain documentation of all clinical supervision case reviews, case staffings and observations for a minimum of two years.

Rulemaking Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History–New _____.

15A-10.023 Education.

(1) ~~A Each organization conducting a~~ DUI program shall have sufficient classroom space to comfortably accommodate all clients with a minimum of ~~20 twenty~~ (20) square feet of space per client, unless otherwise authorized by local officials. All classrooms shall ~~will~~ be private with no interference. A classroom shall not be located within 250 feet of any business that sells alcoholic beverages. However, a classroom shall not be required to be relocated when a business selling alcoholic beverages locates to within 250 feet of the classroom. Restroom facilities shall also be available and in compliance with federal, state and local laws. Clients shall be scheduled for class within the briefest period of time consistent with fiscal constraints.

(2) The instructor shall provide clients with appropriate handouts. Each instructor shall utilize the structured Department ~~have a comprehensive~~ curriculum guide for each course. The administration shall ensure that communication occurs between the evaluator and instructor on individual clients, as needed toward a final disposition. Such communications shall be documented in the client file.

(3) Only films and electronic presentations specified in the Department approved standardized curriculum shall be used for instruction.

(4) The instructor shall require photograph identification issued or provided by a government entity of the client at the first class session.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History–New 1-4-95, Amended 3-4-97, _____.

15A-10.024 Level I Course.

The structured Department approved Level I course curriculum shall be utilized. ~~The Level I course shall include behavioral objectives for the clients.~~ It shall consist of a minimum of 16 42 hours of classroom instruction including didactic and interactive educational methodologies, and not less than two hours of drug abuse information. The total time for breaks made available to clients shall not exceed 100 eighty (80) minutes per 16 twelve (12) hours of the Level I course. Individual class sessions shall not exceed six hours in length.

Classes are limited to an average attendance of 25 ~~thirty~~ (30) clients, not to exceed 30 ~~thirty-five~~ (35) enrollees. ~~The course shall have a curriculum consisting of the following elements:~~

- ~~(1) Orientation~~
- ~~(2) Definition of the DUI problem~~
- ~~(3) Law enforcement role~~
- ~~(4) Judicial role~~
- ~~(5) Department of Highway Safety and Motor Vehicles role~~
- ~~(6) Physiological effects of alcohol and other drugs on the body and their relationship to the driving task~~
- ~~(7) Sociological effects of alcohol and other drug abuse~~
- ~~(8) Causative factors underlying alcohol and other drug abuse~~
- ~~(9) Community treatment services~~

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History–New 1-4-95, Amended _____.

15A-10.025 Level II Course.

(1) ~~The structured Department approved standardized Level II course curriculum shall be utilized used. It shall be a minimum of twenty-one (21) hours of classroom instruction in length. The total time for breaks shall not exceed 140 minutes per 21 hours of the Level II course. Individual class sessions shall not exceed six hours in length. Classes are limited to an average attendance of 15 clients, not to exceed 18 enrollees. Modifications cannot be used unless approved by the Department utilizing the Criteria Checklist for Level II Curricula, HSMV Form 77049, incorporated by reference in Rule 15A-10.043, F.A.C.~~

(2) ~~The total time for breaks made available to clients shall not exceed one hundred forty (140) minutes per twenty one (21) hours of the Level II course. Attendance shall be determined if the person has previously attended the Level I class or has had a previous been convicted two or more times of an offense requiring DUI program attendance. If attending in pre-conviction status, attendance at Level II will be made if Level I has already been completed. If a client is convicted of another offense while attending the Level I program the client he shall complete both that Level I and a Level II program before receiving a certificate of completion. A second evaluation shall be conducted if the client was not referred to treatment as a result of the first evaluation. The course shall be taught by using primarily interactive educational techniques in a group consisting of an average of 15 people.~~

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History–New 1-4-95, Amended 3-4-97, _____.

15A-10.0251 Level I and Level II Combined Course.

(1) The structured Department approved Level I and Level II Combined Course curriculum shall be utilized. It shall be a minimum of 21 hours of classroom instruction. The total time

for breaks shall not exceed 140 minutes per 21 hours of the Level I and Level II Combined course. Individual class sessions shall not exceed six hours in length. Classes are limited to an average attendance of 15 clients, not to exceed 20 enrollees.

(2) The DUI program shall submit the Combined Curriculum Needs Assessment HSMV Form 77087(2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, to the Department. If approved, the Department shall grant the use of the Level I and II Combined Course for a term not to exceed two years.

Rulemaking Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History–New _____.

15A-10.026 Certificates of Completion and Client Status Reporting, ~~HSMV Form 77057.~~

(1) Certificates of completion shall not be issued until the education and evaluation components of the DUI program have been completed. The certificates of completion shall contain language to the effect that failure to satisfactorily complete any prescribed treatment, if referred, shall may result in the cancellation of the driver license. Only the client status report submitted to the CDS HSMV Form 77057, the certificate of completion or letter of completion from a licensed DUI program, will be accepted by the Department as proof of completion of all DUI program requirements.

(2) Education and evaluation components shall be completed within 90 calendar days of enrollment. If a client fails to complete either or both of the components by the end of that 90 calendar day period, the program shall submit the Client Status Report to the CDS, HSMV Form 77057 to the Department indicating that the client has failed to complete DUI. If a client returns to the program more than 90 days after the original enrollment to complete the program, the client shall be required to pay the entire registration fee and complete both the education and evaluation components.

(3) The DUI program shall monitor a client who is referred to treatment until their completion or failure to complete treatment. The DUI program shall submit the Client Status Report to the CDS. A client who completed the education and evaluation components but failed to complete required treatment shall be required to complete only treatment upon return to the program. The program shall submit the HSMV Form 77057 to the Department once treatment has been completed.

(4) A client who completed the education and evaluation components but failed to complete treatment shall be required to complete only the referral to treatment upon return to the program. The program shall submit the Client Status Report to the CDS to the Department once treatment has been completed.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 316.193, 322.271, 322.291, 322.292 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.027 Client Evaluation.

(1) Each DUI program shall provide client evaluation services, as described in the DUI program's operations and procedure manual. The program shall utilize the structured Department approved Evaluation Manual for clinical procedures of the evaluation process ~~an evaluation manual~~. An evaluation of risk factors shall be conducted on all persons enrolled in the DUI program to assess whether there is sufficient risk for abuse or dependence of any substance or combination of substances to warrant a referral to treatment. A person certified as an evaluator by the Department shall conduct the evaluations. ~~The component shall include a psychosocial evaluation to determine the existence of a possible alcohol or other drug abuse problem.~~ If a client is enrolled in the program for more than one arrest or conviction, only one evaluation shall be conducted.

(2) The evaluation shall include the administration of the DRI or another Department approved objective test ~~Driver Risk Inventory~~. A testing environment shall be free of distractions by persons or objects, which would influence or interfere with the testing process. In the event a client's test results are determined to be invalid, the DUI program shall offer the client the opportunity to complete the test again.

(3) ~~The evaluation shall be conducted A client face-to-face with the client interview shall be conducted.~~ The DUI program shall complete all fields in their entirety of the Client Data Information and Interview, HSMV Form 77004 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, in all cases to document the evaluation ~~face-to-face interview~~.

(4) ~~The psychosocial evaluation shall be conducted prior to attending attendance at the class, where feasible. The DRI or other Department approved objective test Driver Risk Inventory shall be administered and scored prior to the evaluation.~~

(5) The results of the evaluation clinical interview, objective testing, documented blood alcohol reading, offense or arrest-related report record and official driver record shall be integrated in reaching a decision about the referral to need for treatment according to the Evaluator Guide. A summary of the client's classroom participation shall may also be considered in the event that the client completes a class session prior to the evaluation taking place. When the disposition evaluation results in a departure deviation from the suggested outcome of the Client Data Information and Interview, HSMV Form 77004 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, the HSMV Form Evaluator Guide, the Client

Data Information and Interview, HSMV Form 77004, shall be reviewed, signed by the clinical supervisor, and shall be retained for two (2) years.

(6) The DUI program shall maintain a record of all departures from and to treatment, including the justification for departure and documentation that the Client Data Information and Interview, incorporated by reference, Form 77004, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, was reviewed by the clinical supervisor. The need for treatment shall be documented in the file and discussed with the client. Where treatment is deemed appropriate, the program shall refer the client to a licensed treatment provider or a provider that is exempt from licensure. The DUI program shall forward a copy of the Client Data Information and Interview, HSMV Form 77004 to the treatment provider prior to the client's intake appointment. The program shall ensure that appropriate confidentiality safeguards are followed and that the referral is made on the Treatment Referral and/or Documentation, HSMV Form 77005.

(7) The referral to treatment shall be documented in the file and discussed with the client. Where treatment is deemed appropriate, the program shall refer the client to a Department of Children and Families (DCF) or Department of Health (DOH) licensed treatment provider or a provider that is exempt from DCF or DOH licensure. The DUI program shall forward a copy of the Client Data Information and Interview, HSMV Form 77004 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, to the treatment provider prior to the client's intake appointment. The program shall ensure that appropriate confidentiality safeguards are followed and that the referral is made on the Treatment Referral and/or Documentation, HSMV Form 77005 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. Any client wishing to contest a referral to treatment shall be required to comply with the procedure outlined in Section 316.193(5), F.S. The DUI program shall ensure that the agency approved by the court to conduct the second psychosocial evaluation shall have access to the original evaluation, that is, shall provide a copy of the evaluation upon request.

(8) Any client wishing to contest a referral to treatment shall be required to comply with the procedure outlined in Section 316.193(5), Florida Statutes. The DUI program shall provide the original evaluation to the treatment provider approved by the court to conduct the second evaluation. The client evaluation shall be conducted by a person certified as an evaluator by the Department. Certified evaluators shall be under the supervision of a certified clinical supervisor. The

clinical supervisor shall be certified as an evaluator, Special Supervision Services Evaluator, and clinical supervisor. The clinical supervisor shall:

(a) Provide a minimum of two hours of face to face individual clinical supervision per month to evaluators.

(b) Provide a minimum of one hour of face to face individual clinical supervision per month to evaluators who provide less than 80 hours per month of evaluator time.

(c) Observe an interview, or review a recording of such, at least once every six months.

(d) Review a minimum of three client case records at least monthly.

(e) Monthly case staffings with all involved staff. Clinical supervisors who routinely conduct a minimum of ten (10) evaluations per week, shall present a minimum of one evaluation at each monthly case staffing. Documentation of all required clinical supervision case reviews, case staffings, and observations shall be retained by the program for a minimum of two years.

(9) Certified evaluators shall be under the supervision of a certified clinical supervisor.

Rulemaking Specific Authority 322.02, 322.292, 322.293 FS. Law Implemented 322.292, 316.193, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.028 Treatment Referral.

(1) Each DUI program shall establish a treatment referral system for persons determined to have sufficient risk for abuse or dependence of any substance or combination of substances an alcohol or other substance abuse problem. The DUI program shall not utilize 12-Step programs or self-help groups as referrals to treatment. Twelve step programs and self-help groups shall not be utilized by the DUI program for treatment referrals. The treatment provider agency is permitted to may refer clients to 12-Step twelve step programs and self-help groups. The DUI program shall provide (The client with shall be given a listing of approved treatment providers. The list shall have with identifying information on location information and a description of services provided, fees, intake procedures and criteria for admission. The client shall be free to choose the treatment provider agency from the DUI program's list of approved providers. The client shall schedule an appointment with a treatment provider. An appointment with a treatment agency shall be scheduled by the client within 20 calendar twenty (20) days following the evaluation.

(2) The program shall maintain a policies and step-by-step procedures manual which may be included as part of the operating policies and procedures manual, and shall address deal with the following matters:

(a) Treatment referral.

(b) Follow-up process including the receipt of client information from the treatment provider agency.

(c) Client grievances.

(d) Written agreements or contracts.

(e) Recommended criteria established by the Department Listing and description of the treatment providers including criteria for their selection.

(3) In its criteria for treatment providers selection, the DUI program shall minimally require and be responsible for the following that:

(a) All treatment providers shall be licensed by the Department of Children and Families (DCF) pursuant to Chapter 397, Florida Statutes, or DOH pursuant to Chapter 491, Florida Statutes, or exempt from such licensure. A copy of the current license shall be on file with the DUI program. If the DCF or DOH license has expired and the current license is unavailable, a letter shall be secured from the district DCF or DOH office stating that the provider is in good standing and holds licensure status. Documentation of licensure exemption shall be on file with the DUI program.

(b) The DUI program shall ensure the treatment provider notifies the DUI program when a DUI client schedules an intake appointment. Such requirement shall be included in the contract or written agreement made between the DUI program and the treatment provider. Each provider to which referrals are made shall enter into a contract or written agreement with the DUI program unless the treatment provider and the DUI program are the same organization. The only manner in which the DUI program can refer clients to that organization's treatment component is to secure a waiver pursuant to Application for Treatment Waiver, HSMV Form 77050, incorporated by reference in Rule 15A-10.043, F.A.C. If a waiver is granted and the organization which conducts the substance abuse evaluation and education is authorized to provide treatment services to DUI clients, licensure under Chapter 397, F.S., or documentation of licensure exemption for the provision of such services shall be obtained from DCF. In considering an application for treatment waiver, the Department shall consider the following criteria:

1. The number of DCF licensed or exempt facilities in the area served by the applicant.

2. Fee schedule.

3. Waiting period to receive services.

4. Distance in mileage between applicant's treatment facility and other providers in the area served by the applicant.

5. Days and hours of operation of all other DCF licensed or exempt facilities in the service area.

6. Admission criteria and admission criteria restrictions of all other DCF licensed or exempt facilities in the service area.

7. Average length of treatment prescribed by each DCF licensed or exempt facility in the service area.

8. Willingness of each DCF licensed or exempt provider in the service area to comply with the pertinent rule requirement.

9. Services to minorities and special needs clients.

10. Willingness of the applicant facility to cooperate with other DUI programs in the area in complying with the rule requirements.

(c) ~~The DUI program shall secure documentation from all treatment providers including the Treatment Progress Report HSMV Form 77031 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, treatment plans, and discharge summaries. The DUI program shall secure feedback from treatment providers when the client has initiated services and when there is a change in the client's level of participation in treatment. The DUI program shall use the Client Tracking Form, HSMV 77003 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, to note the reasons for any inability to obtain the required records. Treatment planning shall be the responsibility of the treatment provider receiving the referral and the treatment plan shall be individualized to each client's needs. Such requirements shall be included in the contract or written agreement made between the DUI program and the treatment provider.~~

(d) ~~Treatment planning shall be the responsibility of the treatment provider receiving the referral and the treatment plan shall be individualized to each client's needs. Such requirements shall be included in the contract or written agreement made between the DUI program and the treatment provider. Under no circumstances, shall a DUI program that is licensed to provide DUI services through the Department, direct the treatment planning of its clients. The treatment provider must confer regularly with the DUI program for the purpose of staffing, tracking, and coordinating. Confer regularly is defined as a face to face meeting once each quarter between the treatment provider representative and the DUI program representative. Confering may occur by telephone in between the quarterly face to face contacts.~~

(e) ~~The DUI program shall confer regularly with the treatment provider and hold a face-to-face meeting with the treatment providers a minimum of once a quarter, for the purpose of staffing, tracking, and coordinating. Confering regularly includes communicating by telephone, written or electronic correspondence in between the quarterly face-to-face contacts. The treatment provider must notify the DUI program when there is a change in client's level of participation in treatment. This requirement shall be included in the contract or written agreement with the treatment provider.~~

(f) ~~The DUI program shall require notification from the treatment provider when there is a change in client's level of participation in treatment. This requirement shall be included in the contract or written agreement with the treatment~~

~~provider. The treatment provider shall comply with any other criteria specific to the local community and client population as stipulated by the DUI program.~~

(4) ~~When referring IID violation monitoring clients for a third or subsequent violation, the DUI Program shall provide the treatment provider with the following: If a client is already engaged in treatment at the time of the evaluation with a provider not on the DUI program's list of approved providers, the DUI program shall ensure that the provider meets the following criteria:~~

(a) ~~Client Data Information and Interview HSMV Form 77004 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, or documentation that such was not obtainable. Authorized by a Florida state agency to provide substance abuse services as defined in Chapter 397, F.S., or by the appropriate state agency if located outside of Florida;~~

(b) ~~Ignition Interlock Treatment Referral and/or Documentation HSMV Form 77084 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. Provide information on client status and disposition on appropriate letterhead stationary; and~~

(c) ~~Ignition Interlock Device Interview Report HSMV Form 77085 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. Meets the conditions listed in the Treatment Referral and/or Documentation, HSMV Form 77005. Such criteria shall also apply in those cases where the client has completed treatment prior to the evaluation but after the present DUI.~~

(d) ~~Report of DRI taken by the client within the last six months of the referral to treatment or if taken more than six months from the referral to treatment, the DUI program shall require the client to complete the DRI.~~

(e) ~~Summarization of client IID events log from the most recent calibration, including any documentation the client has provided to justify readings.~~

(f) ~~Client's historical IID events data.~~

(g) ~~In addition to the initial referral, the DUI program will provide the Ignition Interlock Device Report, HSMV Form 77085 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 and the summarization of the client IID event logs from the most recent calibration to the treatment provider within 10 calendar days of the corresponding IID violation monitoring appointment.~~

(5) If a client has completed treatment since the DUI offense or is already engaged in treatment at the time of the evaluation with a provider not on the DUI program's list of approved providers, the DUI program shall ensure that the provider meets the following criteria: If treatment documentation shall be secured from an out-of-state provider, a contract or written agreement is not required. The DUI program shall have evidence of its efforts to secure documentation that the provider is appropriately licensed or approved in that state or country, that substance use is the focus of the client's treatment, that monthly reports are received from the provider and the provider notifies the DUI program of any change in the client's status.

(a) Authorized by a Florida state agency to provide substance abuse services as defined in Chapter 397 or 491, Florida Statutes, or by the appropriate state regulatory authority if located outside of Florida.

(b) Provides information on client status, treatment plan and discharge summary on appropriate letterhead stationery, which shall be verified by DUI staff.

(6) If treatment documentation shall be secured from an out-of-state provider, a contract or written agreement is not required. The DUI program shall have evidence of its efforts to secure documentation showing the following: The DUI program shall secure documentation from all treatment providers including the Feedback HSMV Form 77031 incorporated by reference in Rule 15A-10.043, F.A.C.

(a) The treatment provider is appropriately approved, licensed, or certified by another state's regulatory authority.

(b) Substance use is the focus of the client's treatment.

(c) Notification of any change in the client's status.

(7) If treatment documentation indicates that the person has been seen by a treatment provider only for the purpose of prescribing or reviewing medication and not receiving alcohol or other drug treatment, then referral to a licensed treatment provider shall may be made to determine the need for treatment.

(8) All programs shall submit a Quarterly Treatment Referral Report, HSMV Form 77051 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 ~~incorporated by reference in Rule 15A-10.043, F.A.C.~~, on client treatment referrals for review by the Department. The DUI program shall submit such report within 30 calendar days following the end of each quarter. This report shall be received by the Department within thirty (30) days following the end of each quarter.

(9) Each treatment provider that receives referrals from the DUI program, shall enter into a contract or written agreement with the DUI program unless the treatment provider and the DUI program are the same organization. The only manner in which the DUI program can refer clients to its organization's treatment component is to secure a Department issued

treatment waiver. The DUI program shall submit the Application for Treatment Waiver, HSMV Form 77050 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(a) If a treatment waiver is granted, the organization is permitted to conduct the substance abuse education course, evaluation and provide treatment services to DUI clients.

(b) The DUI program with the treatment waiver shall secure licensure under Chapter 397, Florida Statutes, or documentation of licensure exemption for the provision of such services. Treatment waivers shall be granted for a maximum period of three years.

(c) The Department shall obtain information from the current treatment providers in the area served by the applicant utilizing the Treatment Provider Information, HSMV Form 77056 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(d) When determining whether a treatment waiver is appropriate, the Department shall consider the following criteria:

1. The number of DCF or DOH licensed or exempt facilities in the area served by the applicant.

2. Fee schedule, including availability of sliding fee scales and services for indigent and Medicaid/Medicare clients.

3. The waiting period for services.

4. Distance in mileage between applicant's treatment provider and other providers in the area served by the applicant.

5. Days and hours of operation of each DCF or DOH licensed or exempt facilities in the service area.

6. Admission criteria and restrictions of each DCF or DOH licensed or exempt facilities in the service area.

7. Average length of treatment prescribed by each DCF or DOH licensed or exempt provider in the service area.

8. Willingness of each DCF or DOH licensed or exempt provider in the service area to comply with the pertinent rule requirement.

9. Services to minorities and special needs clients.

10. Willingness of the applicant organization to cooperate with other DUI programs in the area in complying with the rule requirements.

11. Review of the completed Treatment Provider Information, HSMV Form 77056 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292, 322.291 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.029 Special Supervision Services (SSS) and Statutory Eligibility.

(1) Administrative Rule Chapter 15A-10, F.A.C., shall apply to the administration of SSS with the exception of Rules All administrative rules except 15A-10.003, 15A-10.009, 15A-10.015, 15A-10.016, 15A-10.018, 15A-10.019, 15A-10.023, 15A-10.024, 15A-10.025, 15A-10.0251 and 15A-10.026, F.A.C. 15A-10.027, and 15A-10.028 shall apply to the administration of the Special Supervision Services (SSS).

(2) Each ~~potential~~ applicant for the SSS program shall be advised of the eligibility requirements and provided with the Information Sheet Special Supervision Services, HSMV Form 77012 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 ~~in Rule 15A-10.043, F.A.C.~~ Each SSS applicant shall provide a letter of eligibility from the Bureau of Administrative Reviews, which indicates that the SSS applicant has had a hearing and meets the basic statutory eligibility for application to SSS.

(3) The DUI program shall advise each ~~person applying for the SSS applicant~~ of all program rules and regulations prior to accepting the ~~screening program registration~~ fee from said SSS applicant. ~~The A Screening Form, HSMV Form 77013 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 in Rule 15A-10.043, F.A.C., shall be completed by each SSS applicant, which will document relevant background information related to eligibility requirements. Each SSS applicant shall sign a Release of Information, HSMV Form 77011(2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, to the Department.~~

(4) Once eligibility for application is determined by the DUI program, the SSS applicant shall pay the Department approved registration fee. ~~Applicants may apply thirty (30) days prior to meeting the required abstinence to provide them the opportunity to secure the restricted license in a more timely manner. The responsibility for Obtaining a driver history record as well as an offense or arrest related report record shall be the responsibility of the DUI program upon receipt of the registration fee.~~

(5) No person shall be eligible for acceptance into reinstatement in the SSS program Special Supervision Services who has previously been reinstated and had that reinstatement cancelled due to ~~current~~ substance abuse. In such a situation, the entire statutory revocation period shall be served.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.271, 322.292 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.030 SSS Application and Evaluation Process.

(1) The SSS applicant shall be evaluated and supervised by the DUI program which serves the county in which the SSS applicant resides, ~~the county in which the applicant is employed, or the county in which the applicant attends school~~ unless the program(s) of residence or employment or school attendance do(es) not object to attendance at another program. In such a case, the program, which performs the psychosocial evaluation and supervision shall retain documentation on the letterhead of the program(s) serving the SSS applicants county of residence, employment or school attendance evidence in the file. ~~The documentation shall state that such the program(s) serving the applicant's county of residence or employment or school attendance do(es) not object to the attendance at another program.~~

(2) The SSS applicant shall not be evaluated until the following forms, which are incorporated by reference and obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 and information have all material required in subsection (4) of Rule 15A-10.029, F.A.C., and (4) below has been received by the DUI program;—After all required information has been received the program shall notify the client and either schedule or provide instructions for scheduling the psychosocial evaluation.

(a) Information Sheet Special Supervision Services, HSMV Form 77012 (2010).

(b) Screening, HSMV Form 77013 (2010).

(c) Statement of Abstinence by Applicant, HSMV Form 77014 (2010).

(d) Personal History, HSMV Form 77015 (2010).

(e) Request to Release or Obtain Information, HSMV Form 77011 (2010).

(f) Referral for Required Chemical Testing, HSMV Form 77021 (2010) and results of chemical testing.

(g) Client Rights/Appeal Process, HSMV Form 77018 (2010).

(h) Statement of Abstinence from References, HSMV Form 77019 (2010).

(i) Substance abuse treatment records, mental health treatment records, medical records for the last five years.

(j) Previous DUI program records that are available.

(k) Arrest and conviction records.

(l) Complete lifetime driver history record.

(3) Prior to the psychosocial evaluation, the SSS applicant shall complete the Reinstatement Review Inventory (RRI) or a Department approved objective test. The client shall be required to provide the program with appropriate releases where applicable to allow for the obtaining of the necessary information.

(4) The evaluation shall be conducted by a certified SSS Evaluator. The evaluation process shall include the following: The DUI program shall utilize in the registration process the Information Sheet Special Supervision Services, HSMV Form 77012, incorporated by reference in Rule 15A-10.043, F.A.C.; Statement of Abstinence by Applicant, HSMV Form 77014, incorporated by reference in Rule 15A-10.043, F.A.C.; Personal History Form, HSMV Form 77015, incorporated by reference in Rule 15A-10.043, F.A.C.; Request to Release or Obtain Information, HSMV Form 77011, incorporated by reference in Rule 15A-10.043, F.A.C.; Florida Department of Law Enforcement Request, HSMV Form 77017, incorporated by reference in Rule 15A-10.043, F.A.C.; Client Rights/Appeal Process, HSMV Form 77018, incorporated by reference in Rule 15A-10.043, F.A.C.; and Request for Information from Driver License Records, HSMV Form 73250, incorporated by reference in Rule 15A-10.043, F.A.C., to request the driver history record or secure same through electronic retrieval. In addition, the program may require the applicant to further document abstinence. The DUI program shall utilize, for this purpose, the Statement of Abstinence from References, HSMV Form 77019, incorporated by reference in Rule 15A-10.043, F.A.C. Information secured by the DUI program from a third party shall not be released to the Department of Highway Safety and Motor Vehicles or other agencies. As appropriate a specific release form in accordance with 42 U.S.C. 290dd-2, and Chapter 397, F.S., shall be completed to allow the DUI program to release this information.

(a) Face-to-face interview and the completion of the Psychosocial Evaluation, HSMV Form 77020 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(b) An analysis and summary of substance abuse treatment records, mental health treatment records, medical treatment records for the last five years and the previous DUI program records that are available.

(c) The complete lifetime driver history record.

(d) Arrest and conviction records for obtaining information on any substance abuse related violations.

(e) Results of chemical testing or evidence of the refusal or the failure to take such test(s) when required.

(5) Upon completion of the evaluation process, the SSS Evaluator shall forward the results to a staffing committee at the DUI program. The staffing committee shall minimally be composed of the SSS Evaluator who conducted the evaluation and the clinical supervisor. Prior to the psychosocial evaluation, the DUI program shall schedule administration of the Driver Risk Inventory (DRI), the Minnesota Multi Phasic Personality Inventory (MMPI), or a Department approved objective test.

(6) If the SSS applicant is recommended for the SSS program, the staffing committee shall review, provide additional information necessary for individualization and approve an individualized case management plan. The Case Management, HSMV Form 77086 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, shall be utilized for the development of the case management plan. In order to assist the DUI program in making its recommendation concerning the applicant's eligibility for a restricted license, an evaluation shall be conducted by a certified Special Supervision Services Evaluator. The following shall be included:

(a) Face to face interview and the completion of the Psychosocial Evaluation, HSMV Form 77020, incorporated by reference in Rule 15A-10.043, F.A.C.

(b) An analysis and summary of substance abuse treatment, mental health treatment, medical treatment and previous DUI program records.

(c) The complete driver history record. Manual requests shall be processed on the Request for Information from Driver License Records, HSMV Form 73250.

(d) Arrest and conviction records for the purpose of obtaining information on any substance abuse related violations. The DUI program shall use the Florida Department of Law Enforcement Request, HSMV Form 77017, to obtain this information from FDLE upon payment of the applicable fee.

(e) Results of chemical testing or evidence of the refusal or the failure to take such test(s) when required. Refusal or failure to submit to chemical testing upon request shall result in a denial by the program. Chemical testing shall be completed on all applicants to Special Supervision Services at some time during the period from the payment of the registration fee to the issuance of the license by the Department. If accepted, the client shall be required to submit to chemical testing at the request of the program at least once and no more than twice per year unless the rationale for more frequent testing is documented in the client file.

1. For chemical testing services, DUI programs shall contract with a laboratory, or a collection site which is contracted with a laboratory, licensed in forensic toxicology by the Agency for Health Care Administration, Department of Lab Licensure. The contract with the collection site shall require that the protocol for Drug Free Workplace chemical testing, as stipulated in Chapter 59A-24, F.A.C., is followed by both the collection site and the laboratory.

2. Applicants shall be informed at application of the chemical testing requirements and the methods for such testing. Active clients who have received a license prior to January 1, 1994, shall be apprised of these requirements by the DUI program. Any such chemical test shall be conducted at the

expense of the applicant or client. Refusal to submit to chemical testing by any applicant or client will automatically result in a recommendation of denial or cancellation.

3. Where the DUI program is also the collection site, it shall have a contract with the appropriately licensed lab which requires the protocol as required in 1. above.

4. When the DUI program requires chemical testing for alcohol or other drugs at a designated facility, the program shall provide the applicant or client with the Referral for Required Chemical Testing, HSMV Form 77021, incorporated by reference in Rule 15A-10.043, F.A.C. The DUI program may contact the applicant or client by telephone to require the client to report for chemical testing. If this requirement is made by telephone, the DUI program person making such request shall document this request on the Client Tracking Form, HSMV Form 77003.

5. The DUI program shall notify the Department of any confirmed positive test report of alcohol or drug use by the applicant or the client by the end of the next business day.

(7) Upon admission into the SSS program, if there is evidence that the SSS client has failed to remain abstinent or failed to meet the program's requirements: After completion of the psychosocial evaluation, the program's clinical supervisor or program director shall review all documentation and determine when an applicant's file is complete. After review of the file, the supervisor may determine that additional supporting documents and information are required. Interviews with significant others, as identified by the client, such as a mother, wife, husband, may be requested at any time during the evaluation process.

(a) The evidence shall be documented.

(b) If SSS client is cancelled from the program, the cancellation shall take place immediately.

(c) The DUI program shall forward a Letter Recommending Cancellation, HSMV Form 77027 (2010), incorporated by reference which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, to the Department.

(d) The DUI program shall provide written notification to the SSS client including the reason(s) for cancellation and information regarding the appeal process.

(e) The DUI program shall retain the SSS client file for the balance of the revocation period or a minimum of 10 years if the SSS client is under permanent revocation.

(f) If they are cancelled based on the substance use, the SSS client is not eligible to reapply to the SSS program and must wait out their revocation period.

(8) If the SSS applicant is not recommended for the SSS program: When the evaluation process is complete, the results shall be forwarded to a staffing committee at the DUI program

which shall be composed minimally of the Special Supervision Services Evaluator conducting the evaluation and the clinical supervisor:

(a) The DUI program shall provide written notification to the SSS applicant including the reason(s) for denial and information regarding the appeal process.

(b) The DUI program shall forward a Letter of Recommendation, HSMV Form 77023 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, to the Department.

(c) Any SSS applicant who is denied shall have the right to reapply providing all statutory requirements are met, including the minimum applicable period of abstinence.

(d) The reapplication process shall include:

1. Administration of a complete psychosocial evaluation.

2. Administration of an objective test approved by the Department.

3. Review of the HSMV, FDLE records and any treatment records.

(e) If the reapplication occurs within six months of the original date of the psychosocial evaluation, a review of such evaluation, evidenced by the SSS Evaluator's initial and date on each page, review of HSMV, FDLE and treatment records since the original application, is sufficient. The entire charge shall not exceed the amount set forth by the Department.

(f) If the reapplication occurs outside six months of the original date of the psychosocial evaluation, the SSS applicant shall comply with the process outlined in subsections 15A-10.030(2) through (6), F.A.C.

(g) If the SSS applicant is not recommended based on a positive result of a chemical test for alcohol or other drugs, the SSS applicant is permitted to request a second test on the same sample as determined by the Medical Review Officer (MRO), conducted at a qualified laboratory, as stipulated in paragraphs 15A-10.030(12)(a)-(k), F.A.C., or an equivalent protocol required by a state's regulatory authority, if the site is outside of Florida, selected by the SSS applicant at the SSS applicant's expense.

(9) If the SSS applicant does not complete the application process: The staffing committee shall decide on a case management plan as well as the imposition of any other requirements that the client, if granted a restricted license, shall fulfill to successfully continue in the program.

(a) The DUI program shall notify the SSS applicant in writing of incomplete application status.

(b) The DUI program shall maintain the SSS applicant's record in active status for a minimum six months from the date of the last written notification. Such record shall minimally include:

1. The SSS applicant's name, address, date of birth and driver license number.

2. Reason application was not completed.

3. Screening Form, HSMV Form 77013 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

4. Letter of Recommendation, HSMV Form 77023 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(b) If the SSS applicant reactivates their application within six months of the original date of the psychosocial evaluation, the process outlined in paragraphs 15A-10.030(8)(d) and (e), F.A.C., shall apply.

(c) If the SSS applicant chooses to reactivate the application process outside six months of the original date of the psychosocial evaluation, the process outlined in paragraph 15A-10.030(8)(f), F.A.C., shall apply. The SSS applicant will be required to obtain a new letter of eligibility from Bureau of Administrative Reviews, as the letter expires after six months of its issuance.

(10) All application requirements shall be completed prior to forwarding the results of the evaluation to the Department. The DUI program shall utilize the Letter of Recommendation, HSMV Form 77023 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, when forwarding the results to the Department. If an applicant does not complete the application process, the DUI program shall maintain the application as active for a period of six months from the date of last contact. Such record shall minimally include the applicant's name, address, date of birth, driver license number, reason application was not completed, and Screening Form, HSMV Form 77013. The DUI program shall use the Letter of Incomplete Application, HSMV Form 77022, incorporated by reference in Rule 15A-10.043, F.A.C., which shall indicate that the applicant failed to complete the application process, thereby precluding any recommendation by the DUI program. If the applicant chooses to reactivate the application process at anytime after the six months, the entire fee shall be repaid, including the state assessment fee.

(11) The DUI program shall maintain SSS client files at the location where and when services are being rendered to the SSS client. SSS client files shall be maintained by the DUI program that is licensed to provide services to the circuit in which the SSS client resides, attends school is employed and with which the SSS client is enrolled. In cases where the applicant is not recommended for the restricted license, the DUI program shall provide written notification to the applicant including the reasons for the denial and information regarding the appeal process. Any applicant who is denied shall have the right to reapply provided all statutory requirements are met, including the minimum applicable period of abstinence. The

reapplication process shall include the administration of a complete psychosocial evaluation including an objective test, unless the reapplication occurs within six months of the original psychosocial evaluation. The entire fee may be charged for reapplication after six months. In the event of a reapplication within six months, the fee to review the HSMV and FDLE records, the psychosocial evaluation, and any treatment records completed since the original application shall not exceed \$75.

(12) Chemical Testing: All application requirements shall be completed prior to forwarding the results of the evaluation to the Department. The DUI program shall utilize the Letter of Recommendation, HSMV Form 77023, incorporated by reference in Rule 15A-10.043, F.A.C., when forwarding the results to the Department.

(a) The DUI program shall inform the SSS applicant of the chemical testing requirements during the application process and utilize Request for Chemical Testing, HSMV Form 77021 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(b) Chemical testing shall be conducted at the expense of the SSS applicant or client.

(c) Refusal or failure to submit chemical testing upon request shall result in a denial or cancellation by the DUI program. The SSS applicant or client must wait 90 calendar days to reapply to SSS program, pursuant to the process set out in Rule 15A-10.030, F.A.C. Refusal to submit includes presenting to the collection site at the incorrect time, date or not providing a suitable sample, as determined by the MRO. If the SSS applicant or client claims that a medical condition prevented the presentation of a suitable sample, the burden of providing medical documentation shall rest with the SSS applicant or client.

(d) Chemical testing shall be completed by all SSS applicants within the timeframe between the payment of the application and when the DUI program conducts the psychosocial evaluation.

(e) If accepted in the SSS program, the SSS client shall be required to submit to chemical testing at the request of the DUI program at least twice per year. Justification for more frequent testing shall be documented in the file.

(f) The DUI program is permitted contact the SSS applicant or client by telephone and require them to report for chemical testing. If this contact is made by telephone, the DUI program shall document the request on the Client Tracking Form, Form 77003 which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(g) The DUI program shall designate a specific a timeframe for reporting for chemical testing. The timeframe shall allow at least four hours but no more than 24 hours for the SSS applicant or client to report for chemical testing. If the

SSS client or applicant is referred for chemical testing during a periodic update appointment or during a face-to-face segment of the application process, the four hour minimum shall not apply.

(h) The DUI program shall notify the Department of any confirmed positive test for alcohol or drug use by the SSS applicant or client by the end of the next business day.

(i) The DUI program shall contract with a laboratory, or a collection site, licensed in forensic toxicology by the Agency for Health Care Administration, Department of Lab Licensure, for chemical testing services. If contracting with a site outside of Florida, the laboratory shall be licensed or recognized by that state's regulatory authority.

(j) The contract with the site shall require that the protocol for Drug Free Workplace chemical testing, as stipulated in Chapter 59A-24, F.A.C., or an equivalent protocol required by a state's regulatory authority, if the site is outside of Florida. The DUI program shall require all positive chemical test results be reported by the laboratory or collection site.

(k) Where the DUI program is also the collection site, it shall have a contract with the laboratory in accordance to the protocol in paragraph 15A-10.030(12)(j), F.A.C.

(13) In the event the DUI program receives a third party report of alcohol or substance use by the SSS applicant or client, the DUI staff shall document the report on the Client Incident Report/Log, HSMV Form 77008 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. After the applicant is admitted to the program, evidence of failure to maintain abstinence or failure to meet the program's requirements shall be documented and shall result in a recommendation of immediate cancellation. The client shall be notified in writing of the reason for cancellation and availability of appeal process. The client file shall be retained by the program for the balance of the revocation period except in the case of those on permanent revocation. In such cases the client file shall be retained for a minimum period of ten years.

Rulemaking Specific Authority 322.02, 322.292, 322.293 FS. Law Implemented 316.193, 322.271, 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.031 SSS Appeal Process.

(1) Any SSS applicant wishing to contest a DUI program's determination of eligibility, unfavorable initial recommendation or a favorable recommendation contingent upon participation in treatment, shall be allowed to appeal such recommendation to any other DUI program licensed by the Department in that circuit or any adjacent circuit, excluding its own program. The DUI program shall delay notifying the recommendation to the Department, pending the completion of the appeal process.

~~(a) Upon notification that such an appeal has been taken, the original program shall delay notification of the recommendation to the Department until the appeal process is complete.~~

~~(b) The DUI program receiving the appeal shall provide the opportunity for a face to face meeting with the applicant.~~

~~(c) If the appeal concerns the results of an evaluation, the DUI program reviewing the appeal shall conduct its own face to face evaluation.~~

~~(d) If the second program supports the original recommendation, such recommendation shall become the final recommendation of the DUI program. If the second program rejects the original recommendation, the final decision shall be made by the Department.~~

~~(e) If the second program disagrees with the determination or recommendation by the original program, the second program shall notify the applicant and the original DUI program in writing. The second program shall also submit all documentation to the Bureau of Administrative Review office which conducted the reinstatement hearing.~~

(2) Any SSS client in the program who wishes to contest an unfavorable recommendation of cancellation by the DUI program shall be allowed to appeal such recommendation to any DUI program licensed by the Department in that circuit or any adjacent circuit, excluding the cancelling DUI program. The DUI program shall not delay notification to the Department of its cancelling recommendation pending such appeal. Any client in the program who wishes to contest an unfavorable recommendation of termination by the DUI program shall be allowed to appeal such recommendation to any DUI program licensed by the Department in that circuit or any adjacent circuit, excluding its own program. However, the DUI program shall not delay notification to the Department of its termination recommendation pending such appeal.

~~(a) The DUI program reviewing the appeal shall review all the written documentation related to the issue or issues resulting in termination.~~

~~(b) The DUI program reviewing the appeal shall provide an opportunity for a face to face meeting with the client.~~

~~(c) If the appeal concerns the results of an evaluation, the DUI program reviewing the appeal shall conduct its own face to face evaluation.~~

~~(d) If the second program disagrees with the recommendation of termination, the final decision shall be made by the Department.~~

~~(e) If the second program disagrees with the recommendation by the original program, the second program shall notify the client and the original DUI program in writing. The second program shall also submit all documentation to the Bureau of Administrative Review office which conducted the reinstatement hearing.~~

(3) The SSS applicant or client has 20 calendar days to notify the original DUI program in person of the intention to appeal, after receiving notification in writing from the original DUI program's unfavorable recommendation for cancellation, denial, determination of ineligibility or a unfavorable initial recommendation contingent upon participation in treatment. The SSS applicant or client waives their right to appeal if notification of such is not given in person to the original DUI program within the 20 calendar day timeframe. If an applicant is given an adverse original recommendation or a client is recommended for termination based on a positive result of a chemical test for alcohol or other drugs, the program shall be required to have contracted with a laboratory, or a collection site which has contracted with a laboratory, licensed in forensic toxicology by the Agency for Health Care Administration and follow the protocol of the Drug Free Workplace as referenced in Chapter 59A-24, F.A.C. At the applicant's or client's request a second test, on the same sample, shall be conducted at a laboratory selected by the applicant or client and at the expense of the applicant or client. The laboratory shall be licensed in forensic toxicology by the Agency for Health Care Administration and shall conduct such test in accordance with the Drug Free Workplace protocol.

(4) If the SSS applicant or client is canceled or given an unfavorable recommendation based on a positive result of a chemical test for alcohol or other drugs, the SSS applicant or client is permitted to request a second test on the same sample, at their expense. The SSS applicant or client shall select the laboratory based on the requirements in subsection 15A-10.030(12), F.A.C. Any program, in relation to which participation in the appeal process would result in financial hardship, may apply to the Department for an exception to participation. The Department shall grant such exception if the program's expenses in conducting the appeal process exceed its revenue from such process by 50% or more over a six (6) month period. However, no waiver shall be granted if SSS in its entirety has revenues that equal or exceed expenses.

(5) Both DUI programs involved the appeal process shall utilize the SSS Appeal Tracking, HSMV Form 77080 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. The following time periods apply:

(a) The following are procedures to be followed by the original DUI program: The applicant or client has 10 days to notify the first DUI program in person of the intention to appeal after receiving notification in writing from the first program of the decision to deny or cancel. The applicant or client shall then sign a release of information form allowing the relevant information to be sent to the second DUI program hearing the appeal.

1. The original DUI program shall utilize the DUI Program SSS Appeal Case Review, HSMV Form 77082 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

2. The original DUI program shall send the notification of cancellation or denial, via Certified Mail or similar method of correspondence tracking approved by the Department, to the SSS applicant or client.

3. The original DUI program shall forward all relevant material to the second DUI program within 20 calendar days from the date the SSS applicant or client signed the Release or Request to Obtain Information, HSMV Form 77011 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

4. The original DUI program shall notify the Department via Letter of Recommendation, HSMV Form 77023 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

(b) The following are procedures to be followed by the second DUI program: The first program shall have 20 days to forward all relevant material to the second program.

1. The second DUI program shall utilize the DUI Program SSS Appeal Case Review, HSMV Form 77082 (2010), incorporated by reference which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

2. The second DUI program is permitted to conduct a face-to-face meeting with the SSS applicant or client.

3. If the appeal concerns the result of a psychosocial evaluation, the second DUI program is permitted to conduct its own face-to-face psychosocial evaluation.

4. The second DUI program shall review all relevant material sent by the original DUI program to determine if additional information is necessary and obtain such information.

5. Once the second DUI program is in receipt of relevant material from the original DUI program, it shall notify the SSS applicant or client of their requirement to complete the Application for Appeal, HSMV Form 77024 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, pay fees and schedule a face-to-face meeting or psychosocial evaluation, if applicable.

6. The face-to-face meeting or psychosocial evaluation, if applicable, shall be scheduled within 30 calendar days of the date of the latest receipt of relevant material from the original DUI program or the date the second DUI program notifies the

SSS applicant or client, whichever is later. The SSS applicant or client shall be given the opportunity to present information to the second DUI program.

7. If the SSS applicant or client does not contact the second DUI program within 30 calendar days of the notification to complete the requirements, the SSS applicant or client's right to appeal is waived. The second DUI program shall notify the SSS applicant or client in writing and copy the same to the original DUI program.

8. If the SSS applicant or client contacts the second DUI program and schedules an appointment to complete the requirements, but fails to keep or reschedule the appointment within 30 calendar days, the SSS applicant or client's right to appeal is waived. The second DUI program shall notify the SSS applicant or client in writing and copy the same to the original DUI program.

9. The second DUI program shall make a recommendation to the SSS applicant or client and the DUI program in writing within 20 calendar days of the face-to-face meeting or psychosocial evaluation, if applicable.

~~(e) Upon receipt the second program shall review the information to determine what, if any, additional information shall be necessary for completion of the process. The applicant or client is notified by the second program to complete Application for Appeal, HSMV Form 77024, incorporated by reference in Rule 15A 10.043, F.A.C., to pay fees, and schedule a meeting. The meeting may include a face to face evaluation unless it does not relate to the issue(s) raised in the appeal and shall be held within 30 days of the date of the latest receipt of information from the first program or the date the second program notifies the applicant or client, whichever is later. Whether there is a face to face evaluation, the applicant or client shall be given the opportunity to present information in person to the second program. If the applicant or client fails to contact the second program within 30 days of notification to complete HSMV Form 77024, the first program is notified of same with a copy sent to the applicant or client and the right to appeal is waived. If the applicant or client contacts the second program, sets an appointment to complete paperwork, pay fees, schedules a meeting or evaluation but fails to attend or reschedule that appointment, the first program is notified of same by the second program at the end of the 30 day period and the right to appeal is waived. In all cases, the meeting or evaluation shall be held within 30 days from the date of the latest receipt of information from the first program or the date the second program notifies the applicant or client, whichever is later.~~

~~(d) The second program shall make a recommendation to the applicant or client in writing within 20 days of the meeting or evaluation.~~

~~(e) When both DUI programs agree on a cancellation, the second program notifies the client and the first program of the decision in writing. When both programs agree in the case of a~~

~~denial, the second program notifies the first program of its decision. The first program notifies the Department via the Letter of Recommendation, HSMV Form 77023 and the client in writing. In all cases, the client is to receive notification within 20 days of the date of the meeting or evaluation.~~

~~(f) Within 30 days of notification of disagreement by the second program, the hearing officer shall meet with the applicant or client, conduct a hearing, gather and summarize all information and forward to the DUI Programs Section.~~

~~(g) The DUI Programs Section will review all material, and shall consult with the hearing officer and the DUI programs involved and, within 50 days, render a recommendation to the hearing officer. The hearing officer shall mail the signed Final Order Denying Appeal, HSMV Form 77052, incorporated by reference in Rule 15A-10.043, F.A.C. or Final Order Granting Appeal, HSMV Form 77053, incorporated by reference in Rule 15A-10.043, F.A.C., to the applicant or client within 10 days with copies to both DUI programs involved. This notification is to be retained in the applicant's or client's file by the DUI program until the end of the revocation period.~~

~~(h) If the Department reverses the recommendation for cancellation or denial, the client shall be served by the DUI program licensed in the client's county of residence, employment, or school attendance unless that program does not have any objection to the client attending another program.~~

~~(6) If the second DUI program agrees with the original DUI program's recommendation, such recommendation shall become the final recommendation made to the Department. If the applicant or client wishes to contest the final decision of the Department a writ of certiorari may be filed in circuit court within thirty (30) days in accordance with Section 322.31, F.S.~~

~~(7) If the second DUI program disagrees with the original DUI program's recommendation, the second DUI program shall provide the SSS applicant or client with the Request for Bureau Administrative Review (BAR) Special Supervision Services (SSS) Appeal Hearing HSMV Form 78063 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, to provide to BAR to schedule a hearing. Upon notification from BAR, the second DUI program shall submit all relevant material within 10 calendar days. The applicant or client shall waive the right to appeal if notification of such is not given in person to the original program within 10 days in relation to the appeal process. Once notification of intent to appeal is made by the applicant or client, the right to proceed with the appeal is waived if the applicant or client does not schedule an appointment for a meeting or evaluation with the second program within the 30 day period referenced in paragraph (5)(e) above. All times shall begin from the date of completion of the preceding step, not including that date, and shall extend to the first day after the expiration of the time period which is~~

not a weekend or holiday. The Department shall have the authority to waive any appeal process time period deadline which has not been followed as a result of action or inaction by the DUI program and has caused the applicant or client to not proceed with the appeal process.

(a) BAR will review all relevant material and conduct a hearing to gather evidence and summarize all information within 30 calendar days of receipt of HSMV Form 78063 and the filing fee. The SSS applicant or client and the DUI programs involved shall participate in the hearing. BAR will forward a recommendation to the Department.

(b) The Department, within 50 calendar days of receipt of BAR's recommendation, shall provide a final decision.

(c) If the Department upholds the appeal, the SSS applicant or client shall be served by the DUI program licensed in the SSS applicant or client's county of residence, employment, or school attendance, unless that DUI program does not have any objection to the SSS applicant or client attending another DUI program.

(d) If the Department denies the appeal, the SSS applicant or client is permitted to reapply as set out in Rule 15A-10.030, F.A.C. If the SSS client was cancelled from the SSS program or denied based on substance use, the SSS client is not eligible to reapply.

(8) All timeframes shall begin from the date of completion of the preceding step, not including the completed date, and shall extend to the first day after the expiration of the timeframe, which is not a weekend or a holiday.

(9) The Department has the authority to waive any appeal process timeframe when it has not been followed as a result of action or inaction by the second or original DUI program and has rendered the SSS applicant or client unable to proceed with the appeal process.

(10) In all cases, the Department will notify the SSS applicant or client of any final action taken against their driving privileges.

(11) If the SSS applicant or client wishes to contest the final decision of the Department or a DUI program, they have the right to file a writ of certiorari in the circuit court within thirty (30) days in accordance with Section 322.31, Florida Statutes.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.271, 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.032 SSS Case Management Plan.

(1) A case management plan shall be developed ~~determined~~ after consideration of the initial psychosocial evaluation. It shall be individualized based on documents obtained during the SSS application process and shall ~~may~~ be revised if after consideration of further information obtained from any subsequent periodic updates appointments indicates a need for revision visits.

(2) The DUI program shall utilize the Case Management Plan, HSMV Form 77086 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, to develop and revise the case management plan. The goal of the plan is to allow the DUI program to monitor a SSS client's compliance with the program requirements and assist the SSS client in managing their participation in the program. The plan shall be reviewed a minimum of three times a year, as documented on the case management plan. The DUI program shall utilize the Periodic Update, HSMV Form 77025, incorporated by reference in Rule 15A-10.043, F.A.C., for each supervision visit to record the results of that session. Under no circumstances shall supervision be conducted in a group setting.

(3) If the client is referred for alcohol and drug treatment while in supervision, it may be included in the client's case management plan. the DUI program shall utilize the SSS Treatment Referral Form, HSMV Form 77026, incorporated by reference in Rule 15A-10.043, F.A.C., and the Request to Release or Obtain Information, HSMV Form 77011, incorporated by reference in Rule 15A-10.043, F.A.C., shall be completed, a copy retained in the file and updated when appropriate. The client shall be given a listing of approved providers with identifying information on location, fees, intake procedures and criteria for admission. The client shall be free to choose the treatment agency.

(4) Arrest and driving records shall be obtained every six months utilizing Florida Department of Law Enforcement Request, HSMV Form 77017 and Request for Information from Driver License Records, HSMV Form 73250.

(5) The case management plan shall document the following:

(a) Relapse indicators.

(b) Documentation of continued participation in any required treatment or twelve step self help groups.

(c) Reported criminal and driving arrests and convictions.

(d) Employment status.

(e) Information gathered through personal contact with significant others, as defined by the client, such as a mother, father, or husband.

(f) Any additional factors identified by the program.

(6) The clinical supervisor shall:

(a) Provide a minimum of two hours of face to face individual clinical supervision per month to full time Special Supervision Services Evaluators (SSSE), who provide a minimum of 80 hours per month of SSSE time.

(b) Provide a minimum of one hour of face to face individual clinical supervision per month to part time SSSE's who provide less than 80 hours per month of SSSE time.

(c) Observe a periodic update or evaluation or review a recording of such at least once every six months.

(d) Review a minimum of three client case records at least monthly.

~~(7) Where the clinical supervisor has conducted the Special Supervision Services psychosocial evaluation, a case management plan shall be developed with a case staffing committee which will minimally include another certified DUI evaluator, a certified DUI clinical supervisor or Special Supervision Services evaluator.~~

~~(8) Clinical supervisors who carry a Special Supervision Services caseload shall be observed by a certified DUI clinical supervisor, a certified DUI evaluator or a certified DUI Special Supervision Services evaluator at least once every six months.~~

~~(9) Documentation of all clinical supervision requirements shall be retained by the DUI program. If the Special Supervision Services Evaluator also provides evaluator services, this requirement is not in addition to that provided in subsection 15A-10.027(8), F.A.C. Rather SSS cases should be included in that clinical supervision.~~

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.271, 322.292 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.033 SSS Military Leave.

In the event a client in SSS ~~the Special Supervision Services~~ is called to active military duty or assigned temporary duty outside Florida, which would interrupt participation in the program, the SSS client is permitted to ~~may~~ continue in the program for up to 12 months in an interim status without strictly complying with program requirements. In such cases, the following procedures shall be observed:

(1) The restricted driver license shall be retained during the period of the interim status.

(2) Applicable fees and record checks shall be suspended for the interim period.

(3) The DUI program shall utilize the Request to Release or Obtain Information, HSMV Form 77011 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, signed by the SSS client to allow for the exchange of information with the SSS client's commanding officer.

(4) The DUI program shall utilize the Monthly Update, HSMV Form 77032 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 in Rule 15A-10.043, F.A.C., to be completed by a commanding officer, or that officer's designee, and submitted monthly to the DUI program. Any incident of substance use shall also be reported on this form. The program shall may terminate participation in the program when such form is not received within 30 calendar days of the end of the month in which the form is due.

(5) The SSS client shall contact the DUI program within 10 calendar days of return to Florida. Failure to contact the program within 10 calendar days shall result in termination from the program. Reapplication shall be as set out in Rule 15A-10.030, F.A.C.

(6) Upon return to the program the following shall occur:

(a) The psychosocial evaluation shall be updated to reflect the SSS client's current-status at no fee if the SSS client has been in interim status for six months or less. If the interim status is more than six months, the DUI program shall charge the standardized fee.

(b) The SSS client shall revert to a minimum of three monthly periodic updates for visits in the first three months following the return and shall thereafter be reinstated into the program at the level attained prior to being placed on interim status, upon clinical staffing review.

(c) The SSS client shall submit to all required chemical tests.

(d) The SSS client shall comply with any program requirements necessary to update their client's file and shall resume paying monthly fees.

(e) The CMP shall be updated to reflect the SSS client's status.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.271, 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.034 SSS Frequency of Periodic Update Appointments.

(1) ~~All clients shall be required to report for individual supervision at least once a month for the first twelve months after acceptance by the Department. The first periodic update appointment shall be conducted during the calendar month immediately following the date of the acceptance letter issued by the DUI Program Department. Appointments shall be documented on the Appointment Receipt, HSMV Form 77028 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 in Rule 15A-10.043, F.A.C. After the initial year, frequency of supervision shall be based on the recommendation of a formal staffing which shall consider gains and outcomes of treatment services, demonstrated behaviors indicating client's progress and consistency. The DUI program shall utilize the Client Annual Review Form, HSMV Form 77029, incorporated by reference in Rule 15A-10.043, F.A.C., and the Staff Annual Review Form, HSMV Form 77030, incorporated by reference in Rule 15A-10.043, F.A.C., for the formal staffing. The reasons for the recommendation shall be documented in the client file. The staffing shall minimally include the evaluator/supervisor and the clinical supervisor. The date of acceptance by the DUI program Department becomes the anniversary date for the purpose of determining the frequency~~

of periodic update supervision appointments unless the required number of appointments have not been attended by that date in the following year. In such cases, the anniversary date shall be the date upon which the required number of periodic update appointments ~~has~~ have been met.

(2) The DUI program shall utilize the Periodic Update, HSMV Form 77025 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, for each supervision visit to record the results of that session. Under no circumstances shall supervision be conducted in a group setting. The following shall be addressed during a periodic update: In the second year, the client shall be seen a minimum of once every other month. Third and fourth year clients seen at least once each calendar quarter. After the fourth year a client shall be seen at least three times a year with the exception of those under permanent revocation.

(a) Relapse indicators.

(b) Documentation of continued participation in any required treatment or 12-Step self help groups, if applicable.

(c) Reported criminal and driving arrests and convictions. An arrest or offense related report and driving records shall be obtained at least once per year but no more than twice a year.

(d) Employment status.

(e) IID client violation monitoring, if applicable.

(f) Information gathered as needed, through personal contact with significant others.

(g) Any additional factors identified by the program.

(3) SSS clients in the first year after acceptance by the Department shall be required to report for the individual supervision at least once per month. In no event, shall there be a period of less than 20 calendar days or more than 40 calendar days between appointments. In no event, shall there be a period of less than 20 days or more than 40 days between appointments for clients who shall be seen on a monthly basis. In relation to clients that shall be seen every other month, in no event shall there be a period between appointments of less than 45 days or more than 75 days. For clients who shall be seen once each calendar quarter, in no event shall there be a period between appointments of less than 60 days or more than 120 days. For clients that are to be seen three times a year, in no event shall there be a period between appointments of less than 90 days or more than 150 days.

(4) After the first year, reducing the frequency of periodic update appointments shall be based on recommendation of a formal staffing. The justification for the recommendation shall be documented in the client file. The formal staffing shall minimally include the SSS Evaluator routinely servicing the SSS client and the clinical supervisor. The following shall be utilized for consideration and conducting of the formal staffing: Florida residents who are already accepted into the Special Supervision Services, and are required by their employment or a documented family emergency to live outside

of Florida, may continue in the program for a total maximum period of twelve (12) months, in an interim status without strictly complying with program requirements. Florida residents who are already accepted into SSS and are required to live outside the program area within Florida may continue to participate in the program where they were accepted, under such terms as that program may require for up to a maximum of sixty (60) days during the revocation period. A client may appeal denial of interim status as provided in Rule 15A-10.031, F.A.C. Clients living outside the program area within Florida for longer than sixty (60) days, shall be transferred to the program serving the area of relocation in accordance with the provisions of Rule 15A-10.037, F.A.C. The following procedures shall be followed for clients approved for interim status participation:

(a) Gains and outcomes of treatment services, if applicable. The client shall provide the DUI program documentation from his employer, if not self employed, of the required employment outside of Florida including the anticipated length of such employment.

(b) Demonstrated behaviors indicating SSS client's progress and consistency in the SSS program. The DUI program shall obtain from the client the anticipated departure date, out-of-state address, employment information and telephone number where he may be contacted.

(c) Full compliance with DUI program rules and case management plan. The DUI program shall utilize the Monthly Update, HSMV Form 77032, incorporated by reference in Rule 15A-10.043, F.A.C., which shall be completed by the employer, or, if self-employed, three forms by business persons, law enforcement officers or judicial officers.

(d) Client Annual Review, HSMV Form 77029 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. The client shall provide to the DUI program an arrest record from the county of temporary residence every ninety (90) days.

(e) Staff Annual Review, HSMV Form 77030 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. The restricted driver license shall be retained during the period of the interim status.

(f) IID program compliance, if applicable. The SSS fee will remain in effect during the interim period.

(g) The DUI programs shall utilize the Request to Release or Obtain Information, HSMV Form 77011 to allow for the exchange of information.

(h) The responsibility for supervision sessions or required treatment for SSS clients shall not be transferred to another state.

(i) The client shall contact the DUI program within ten (10) calendar days of return to Florida.

(j) Failure of the client to comply with any of the above procedures may result in termination from the program. Reapplication shall be as set out in Rule 15A-10.030, F.A.C.

(k) Upon return to regular status in the program the following shall occur:

1. The psychosocial evaluation shall be updated to reflect the current status at no fee.

2. The client shall revert to a minimum of three visits in the first three months following the return and thereafter be reinstated into the program at the level attained prior to being placed on interim status.

3. The client shall submit to all required chemical tests.

4. The client shall comply with any program requirements necessary to update the client's file.

(5) SSS clients in their second year shall be considered for a reduction in periodic update appointments to a minimum of once every other month. Justification for reduced supervisions shall be evidenced by the documentation and procedure set forth in paragraphs 15A-10.034(4)(a)-(f), F.A.C., above. In no event, shall there be a period between appointments of less than 45 calendar days or more than 75 calendar days.

(6) Justification for a reduction in periodic update appointments for SSS clients in their third and/or fourth year to a minimum of once each calendar year quarter shall be evidenced by the documentation and procedure set forth in paragraphs 15A-10.034(4)(a)-(f), F.A.C., above. In no event, shall there be a period between appointments of less than 60 calendar days or more than 120 calendar days.

(7) Justification for a reduction in periodic update appointments for SSS clients after their fourth year to a minimum of three times a year be evidenced by the documentation and procedure set forth in paragraphs 15A-10.034(4)(a)-(f), F.A.C., above. In no event, shall there be a period between appointments of less than 90 calendar days or more than 150 calendar days. SSS clients who are under a permanent revocation, are not eligible for a reduction in periodic update appointments to a minimum of three times per year.

(8) SSS clients who have the IID are not eligible for a reduction in periodic update appointments while the IID is installed in the vehicle. SSS clients shall report to the vendor for calibration a minimum of once every 30 calendar days.

(9) Justification for a reduction in periodic update appointments for SSS clients who are under a permanent revocation and in their sixth year and have completed their IID time requirement to a minimum of once each calendar year quarter in the event shall be evidenced by the documentation and procedure set forth in paragraphs 15A-10.034(4)(a)-(f), F.A.C., above.

(a) The last three years of the IID time requirement does not include instances of violations, pursuant to Chapter 15A-9, F.A.C.

(b) If reduced, the period between appointments shall be no less than 60 calendar days or no more than 120 calendar days.

(10) Florida residents who are already accepted into SSS, and are required by their employment or a documented family emergency to live outside of Florida, shall continue in the program for a total maximum period of 12 months, in an interim status without strictly complying with program requirements. Florida residents who are already accepted into SSS and are required to live outside the program area within Florida shall continue to participate in the program where they were accepted, under such terms as that program shall require for up to a maximum of 60 calendar days during the revocation period. A SSS client is permitted to appeal denial of interim status as provided in Rule 15A-10.031, F.A.C. SSS clients living outside the program area within Florida for longer than 60 calendar days, shall be transferred to the program serving the area of relocation in accordance with the provisions of Rule 15A-10.037, F.A.C. The following procedures shall be followed for SSS clients approved for interim status:

(a) The SSS client shall provide the DUI program documentation from his employer of the required employment outside of Florida including the anticipated length of such employment. If self-employed, the SSS client shall provide documentation of self-employment to the DUI program.

(b) The DUI program shall obtain from the SSS client the anticipated departure date, out-of-state address, employment information and telephone number.

(c) The DUI program shall utilize the Monthly Update, HSMV Form 77032 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, which shall be completed by the employer. If self-employed, the SSS client shall provide three Monthly Update, HSMV Forms 77032 (2010), incorporated by reference, incorporated by reference which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, completed by business persons, law enforcement officers or judicial officers.

(d) The SSS client shall provide to the DUI program an arrest record from the county of temporary residence every 45 calendar days. The SSS client shall submit to all required chemical tests.

(e) The restricted driver license shall be retained during the period of the interim status.

(f) The SSS fee will remain in effect during the period of interim status.

(g) The DUI programs shall utilize the Request to Release or Obtain Information, HSMV Form 77011 (2010), incorporated by reference, which is obtainable by contacting

the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, to allow for the exchange of information.

(h) The responsibility for supervision sessions for SSS clients shall not be transferred to another state.

(i) The DUI program shall require telephone contact with the SSS client during the period of interim status, at which time, the evaluator shall complete a Periodic Update, HSMV Form 77025 (2010), incorporated by reference which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517. The telephone contact shall occur no less than 20 calendar days and at least 40 calendar days apart. The SSS client shall be responsible for initiating telephone contact and all costs associated with the telephone contact.

(j) The SSS client shall contact the DUI program within 10 calendar days of return to Florida.

(k) Failure of the SSS client to comply with any of the period of interim status procedures shall result in termination from the program. Reapplication shall be as set out in Rule 15A-10.030, F.A.C.

(l) Upon return to regular status in the program the following shall occur:

1. The psychosocial evaluation shall be updated to reflect the SSS client's current status at no fee if the SSS client has been in interim status for six months or less. If the interim status is more than six months, the DUI program shall charge the standardized fee.

2. The SSS client shall revert to a minimum of three monthly periodic updates for the first three months following the return and shall thereafter be reinstated into the program at the level attained prior to being placed on interim status, upon clinical staffing review.

3. The SSS client shall submit to all required chemical tests.

4. The SSS client shall comply with any program requirements necessary to update the client's file.

5. The CMP shall be updated to reflect the SSS client's current status.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.02, 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.035 SSS Missed Periodic Update Appointments.

(1) Any SSS client failing to appear for a scheduled periodic update supervision appointment shall be notified of the missed appointment by Certified Mail or similar method of correspondence tracking approved by the Department, by the end of the following business day. Failure to receive such notice shall not negate the SSS client's responsibility to contact the program to reschedule the missed appointment. Failure to contact the program within five (5) business days after the missed appointment to reschedule for the purpose of

rescheduling the appointment shall result in notification to the Department of the SSS client's failure to comply with program requirements.

(2) The SSS client shall be responsible for rescheduling the missed appointments. An Appointment Receipt, HSMV Form 77028 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, shall be issued for all rescheduled appointments. If possible, the SSS client should be rescheduled for the same month in which a previously scheduled appointment was missed. If the same month rescheduling is not possible, the SSS client shall be rescheduled for two appointments in the succeeding month for those on monthly supervision. The rescheduling of a missed appointment should not affect any subsequently scheduled appointments and in no case shall result in attendance at less than the required number of appointments for a given year. Notwithstanding any of the foregoing, the DUI program shall have the discretion to space the missed appointments outside the normal schedule in the interest of effective supervision.

(3) If the SSS client misses two consecutive appointments, the program shall recommend cancellation of the license unless the SSS client has good cause for missing the appointment. Two consecutive appointments is defined as the original appointment and the rescheduled appointment. Good cause is defined as natural disaster, death in the immediate family, or illness documented by the attending physician. The DUI program shall notify the Department when the client misses two consecutive appointments on the Letter Recommending Cancellation, HSMV Form 77027, unless good cause is documented.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.271, 322.292 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.036 SSS Violation of Restricted Licenses.

Any violation by a SSS Special Supervision Services client of the Department's terms and provisions of a restricted license, with the exception of substance use, shall, upon conviction, result in a revocation of such license. The SSS client is permitted to reapply for Reapplication for the reinstatement of their restricted license by the client may be made after a period of six (6) months from the date the revocation order was issued, provided that the SSS client applicant has remained continuously in SSS the Special Supervision Services for the six (6) months immediately preceding, except if the violation was due to substance use. If the SSS client's violation of the restricted license is based on substance use, the SSS client shall be cancelled immediately and is not eligible for reapplication into the SSS program. If the SSS client is convicted on a second violation of the restricted license a recommendation for permanent cancellation from the Special Supervision Services shall be issued.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.271, 322.292 FS. History—New 1-4-95, Amended _____.

15A-10.037 SSS Transfer Procedure.

(1) If a SSS client requests a transfer ~~When a client is transferred~~ from one DUI program to another as a result of change in employment, residence, school attendance, or the enrolling DUI program does not have any objection to the SSS client attending another program and the receiving program has agreed to serve the SSS client. The enrolling DUI program: ~~or other reason, the complete original file shall be sent by certified mail, return receipt requested to the receiving program. The DUI program shall utilize the Client Transfer Record, HSMV Form 77009, incorporated by reference in Rule 15A-10.043, F.A.C.; a fully executed Request to Release or Obtain Information, HSMV Form 77011, shall accompany the original file to the receiving program. The transferring program shall maintain a copy of the entire file for its records until the end of the revocation period. A copy of the Client Transfer Record, HSMV Form 77009, shall be sent to the Department by the transferring program as notice of the transfer.~~

(a) Shall send the Client Transfer Record, HSMV Form 77009 (2010) and a Request to Release or Obtain Information HSMV Form 77011(2010), which are incorporated by reference and obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517;

(b) Shall send the complete original file to the receiving program by Certified Mail or similar method of correspondence tracking approved by the Department, at the expense of the SSS client;

(c) Shall maintain a copy of the entire file for its records until the end of the revocation period or a minimum of 10 years for SSS clients under permanent revocation; and

(d) Shall charge the standardized, Department approved transfer fee.

(2) If the receiving DUI program accepts the transfer request and the SSS client fails to enroll at the receiving program within 20 calendar days from the date of SSS client's signature on the Request to Release or Obtain Information HSMV Form 77011 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, the receiving program shall send Recommendation of Cancellation, HSMV Form 77027 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517, of the restricted license to the Department, with a copy sent to the original program. If the client fails to report in person to the receiving program within 15 calendar days from the date of

~~client's signature on the release of information form, the receiving program shall recommend cancellation of the restricted license to the Department.~~

~~(3) The DUI program may charge the standardized, Department approved a transfer fee.~~

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.271, 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.038 SSS Fees.

(1) The Department approved fees are the only fees to be charged for SSS, with the exception of Department approved ancillary fees. The fee for SSS application will increase each year on October 1, rounded to the nearest five dollars. The amount of the increase is the lesser amount of three percent or the percentage increase (if any) in the Consumer Price Index as determined by the U.S. Department of Labor for the 12 month period ending on the preceding June 30. The fees approved by the Department shall include:

<u>(a) SSS Application Fee</u>	<u>\$396.00</u>
<u>(b) Eligibility screening fee</u>	<u>\$25.00</u>
<u>(c) Psychosocial evaluation reschedule fee</u>	<u>\$75.00</u>
<u>(d) Periodic update appointment fee</u>	<u>\$65.00</u>
<u>(e) IID violation monitoring during period update appointment fee</u>	<u>\$10.00</u>
<u>(f) SSS annual review periodic update fee</u>	<u>\$65.00</u>
<u>(g) Periodic update reschedule fee</u>	<u>\$55.00</u>
<u>(h) Reapplication within six months fee</u>	<u>\$75.00</u>
<u>(i) Reapplication outside six months fee</u>	<u>\$150.00</u>
<u>(j) Appeal process fee:</u>	<u>\$75.00</u>
<u>(k) Appeal process including psychosocial evaluation fee</u>	<u>\$150.00</u>

~~The fees approved by the Department shall be \$25.00 for the eligibility screening fee, \$286.00 for the initial evaluation and \$55.00 for supervision sessions fee. If the applicant meets the criteria for eligibility, the screening \$25.00 fee will be applied toward the initial evaluation fee of \$286.00. If the applicant does not meet the criteria, the eligibility screening \$25.00 fee is retained by the program. The initial evaluation fee of \$294.00\$286.00 shall include the state evaluation fee paid to the Department at registration and on an annual basis, and the applicable fees for receipt of the driving and Florida Department of Law Enforcement records. If the applicant reschedules a psychosocial appointment five or more calendar days prior to the appointment date, no reschedule fee shall be charged. Otherwise, absent exception circumstances as defined in subsection 15A-10.035(3), F.A.C., a reschedule fee will be charged. The state assessment fee shall be collected on each anniversary date of the client's original application in addition to the \$55.00 supervision session fee. The state assessment shall be submitted to the Department within thirty (30) days following the last day of the month in which the assessment was collected. The state assessment shall be submitted with a~~

completed Assessment Fee Report form, HSMV Form 77007. All fees shall be nonrefundable and not subject to waiver. Any subsequent requests for fee increases will be subject to the approval of the Department.

(2) If the SSS applicant meets the criteria for eligibility, the screening fee will be applied toward the initial application fee. If the SSS applicant does not meet the criteria, the eligibility screening fee is retained by the program. The appeal process fees approved by the Department shall reflect the actual administrative cost of the process. If the process involves the conducting of a complete psychosocial evaluation, the fee shall not exceed \$150.00; in all other cases, including a reapplication within six months, the fee shall not exceed \$75.00.

(3) The initial application fee shall include the state assessment fee paid to the Department at registration and the applicable fees for receipt of the driving and FDLE records.

(4) If the SSS applicant reschedules a psychosocial evaluation five or more calendar days prior to the appointment date, no reschedule fee shall be charged. Otherwise, absent of the exception circumstances as defined in subsection 15A-10.035(3), F.A.C., a reschedule fee will be charged.

(5) The state assessment fee shall be collected on each anniversary date of the SSS client's original application in addition to the periodic update appointment fee.

(6) The appeal process fees approved by the Department shall reflect the actual administrative cost of the process. The fees shall not exceed the Department approved fees. The DUI program shall provide documentation of the fees for the appeal process, including the fee for conducting a complete psychosocial evaluation and reapplication within six months to SSS applicants and clients.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292, 322.293 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.039 SSS Referrals to Treatment.

(1) The SSS program DUI Special Supervision Services shall consider the treatment referral criteria established in Rule 15A-10.028, F.A.C., for the Level I and Level II clients in assessing SSS clients. Referral to treatment shall also be indicated if one or more of the following three criteria are met:

(a) SSS aApplicant or client reports abstinence but cannot provide corroboration of stated abstinence.

(b) Prior treatment requirements from the DUI program or the court were never completed.

(c) The SSS applicant or client indicates significant life problems that may jeopardize abstinence.

(d) Suggested use of alcohol or other drugs based on required monitoring devices.

(e) The DUI program receives notification that the SSS client has received a third violation of their IID requirement from the Department.

(2) The DUI program shall not refer any person applying for a restricted permit under the Special Supervision Services to its own treatment provider, unless a waiver is granted by the Department through use of the Application for Treatment Waiver, HSMV Form 77050.

(3) Twelve step programs and self help groups shall not be utilized by the DUI program in lieu of a referral to treatment but may be utilized as a continuing support system. The treatment provider may also refer the applicant or client to twelve step programs and self help groups.

(4) The DUI program shall secure documentation from the treatment provider. That documentation shall meet the following conditions:

(a) It shall be from a DCF licensed treatment provider pursuant to Chapter 397, F.S., or exempt from licensure. A copy of the current license shall be on file with the DUI program. If the DCF license has expired and the current license is unavailable, a letter shall be secured from the district DCF office stating the provider is in good standing and holds current licensure. Documentation of licensure exemption shall be on file with the DUI program.

(b) It shall be on appropriate letterhead stationery.

(c) It shall be an original document addressed to the DUI Special Supervision Services.

(d) It shall address alcohol or other drug issues as the major focus of treatment.

(e) It shall be submitted monthly to the DUI program if the client is still actively in treatment.

(f) If treatment documentation indicates that the person has been seen only by a treatment provider for the purpose of prescribing or reviewing medication and not receiving alcohol or other drug treatment, then referral to a licensed provider may be made to determine the need for treatment.

(2)(5) In the event further resolution of clinical issues is seen as necessary by the DUI program, the SSS applicant or client is to be referred to an appropriate facility for resolution of the identified clinical issues.

(3)(6) Any treatment provider involved with an SSS applicant or client shall inform the DUI program upon learning that the SSS applicant or client has not remained abstinent or has been driving for reasons other than stated on the license.

(4)(7) The criteria in subsection 15A-10.039(1), F.A.C., above shall be followed except in those cases where prudent clinical judgment would suggest an alternative disposition. In such cases, documentation should clearly reflect the relevant clinical issues leading to the alternative disposition.

(5)(8) When a treatment referral is required by the DUI program, the SSS applicant or client shall must receive an explanation of the referral to required treatment, and documentation of the treatment referral requirements shall be entered in the file. The DUI program shall utilize the SSS Treatment Referral Form, HSMV Form 77026 (2010), and the Request to Release or Obtain Information, HSMV Form 77011

(2010), which are incorporated by reference and obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.040 Case Monitoring Services.

(1) A DUI program is permitted to ~~may~~ elect to provide case monitoring services for SSS Special Supervision Services ~~Special Supervision Services~~ applicants.

(a) The program shall not mandate SSS applicant participation.

(b) The fee shall be the Department approved fee ~~\$55~~ per session.

(c) Face-to-face case monitoring sessions shall occur once a month.

(2) Prior to implementation of the service, the Department shall be notified in writing and the program shall submit proposed procedures, and policies for approval by the Department.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History—New 1-4-95, Amended 3-4-97, _____.

15A-10.041 Denial, ~~Suspension~~ or Revocation of a DUI Program License or Personnel Certification and Probationary Status of a DUI Program License.

(1) The Department is authorized to deny an application for an original or renewal of a DUI program license or personnel certification for any of the following:

(a) Failure to satisfy the required qualifications as provided in Chapter 15A-10, F.A.C.

(b) Failure to submit a complete application form including supporting documentation following notification of any deficiency.

(c) Non-compliance with ~~A violation of~~ Chapter 15A-10, F.A.C.

(d) Providing DUI program services without a valid license or certification.

(e) Current abuse of alcohol or other drugs by an applicant for certification.

(f) Prior revocation of such license or certification by the Department.

(g) Refusal to comply with the application procedures required by these rules following notification of any deficiency.

(2) The Department is authorized to revoke ~~suspend~~ any DUI program license or personnel certification for any of the following:

(a) A violation of any state or Federal law applicable to the operation of a DUI program.

(b) Conviction for an alcohol or drug related offense of a DUI program manager or certified personnel unless the program takes action to ensure that program services are not adversely affected.

(c) Any violation of Chapter 15A-10, F.A.C.

(d) Mental incapacitation of the DUI program manager or certified personnel.

(e) Current abuse of alcohol or other drugs by DUI program manager or certified personnel.

(f) Refusal to provide any documentation or information requested by the Department.

(g) Obtaining a DUI program license or personnel certification by fraud or misrepresentation.

(h) Obtaining or assisting a person to obtain a drivers license by fraudulent means.

(i) Providing DUI program services while the DUI program license or personnel certification is not valid.

(3) The Department is authorized to restrict a DUI program license to probationary status. Probationary status shall not exceed one year from the date it is ordered by the Department. The Department shall issue probationary status for the following: The Department is authorized to rescind a DUI program license or personnel certification for any of the following:

(a) Following any action taken by Department regarding a DUI program license. A violation of any state or Federal law applicable to the operation of a DUI program.

(b) Failure to satisfy deficiencies in a DUI program's final site visit report. Any second or subsequent suspension of a DUI program license or personnel certification.

(c) Providing DUI program services while the DUI program license is not valid. Obtaining a DUI program license or personnel certification by fraud or misrepresentation.

(d) Non-compliance with any state or Federal law applicable to the operation of a DUI program. Obtaining or assisting a person to obtain a drivers license by fraudulent means.

(e) First offense of obscene advertising. Providing DUI program services while the DUI program license or personnel certification is under suspension.

(f) Non-compliance with Chapter 15A-10, F.A.C.

(4) Suspension, Decertification or revocation of the license ~~revocation~~ shall become effective on the date indicated by the Department's order.

(5) If the Department finds that immediate serious danger to the public health, safety, or welfare exists, the Department is authorized to summarily revoke ~~suspend~~ the license of any DUI program or any personnel certification without preliminary hearing pursuant to Section 120.60(6), Florida Statutes.

(6) Any DUI program license or personnel certification, which is ~~suspended or~~ revoked shall be surrendered to the Department upon request.

(7) Except as otherwise provided in this rule, prior to final Department action denying, ~~suspending,~~ or revoking a DUI program license or personnel certification, the DUI program or person shall have the opportunity to request a formal or informal administrative hearing to show cause why the action should not be taken, pursuant to Section 120.60, Florida Statutes.

(8) Any individual who is currently enrolled and has not completed a DUI course or service from a program which is subsequently ~~revoked, suspended~~ shall receive a refund from the program, less the state assessment fee, ~~and~~ The individual shall have the opportunity to secure the services at another licensed program. The state assessment fee shall not be repaid in this situation.

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 120.57, 120.60, 322.292 FS. History–New 1-4-95, Amended 3-4-97, _____.

15A-10.042 Complaints.

(+) Any complaint against a DUI program shall be submitted to the Department in writing. The Department and all DUI programs shall provide to the complainant upon request a Driving Under the Influence Programs Complaint Form, HSMV Form 77054 (2010), incorporated by reference, which is obtainable by contacting the Bureau of Driver Education and DUI Programs, Neil Kirkman Building, Tallahassee, Florida 32399-0517 in Rule 15A-10.043, F.A.C., upon request.

~~(2) Every written complaint shall result in a completed Client Complaint Resolution Form, HSMV Form 77055, incorporated by reference in Rule 15A-10.043, F.A.C.~~

Rulemaking Specific Authority 322.02, 322.292 FS. Law Implemented 322.292 FS. History–New 1-4-95, Amended 3-4-97, _____.

15A-10.043 Forms.

Rulemaking Specific Authority 322.02, 322.292 ~~322.293~~ FS. Law Implemented 322.02, 322.292, 322.293, 316.193, 322.291 FS. History–New 1-4-95, Amended 3-4-97, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Barbara Lauer

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie Jones

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 13, 2010

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.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.:	RULE TITLE:
61G7-5.0033	Consolidated and Combined Financial Statements

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify which entities may file consolidated or combined financial statements.

SUMMARY: To clarify which entities may file consolidated or combined financial statements.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost has been prepared and is available by contacting Richard Morrison, Executive Director, at the address listed below. The following is a summary of the SERC:

- (1) Approximately 429 licensed Employee Leasing Companies in the state of Florida will be required to comply with the rule.
- (2) The amended rule will apply to all employee leasing companies or employee leasing groups who submit a consolidated audited or reviewed annual financial statement.
- (3) The only costs to be incurred are rulemaking costs.
- (4) No cost to any other state or local government entities for implementing and enforcing the proposed rule.

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: 468.522, 468.525(3)(e) FS.

LAW IMPLEMENTED: 468.525(3)(e) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-5.0033 Consolidated and Combined Financial Statements.

(1) All reviewed or audited financial statements submitted to the Department by Florida licensed employee leasing companies shall be presented in accordance with Generally Accepted Accounting Principles (GAAP), as defined by Rule 61H1-20.007, F.A.C.

(2) An employee leasing company or an employee leasing company group that is a subsidiary or a member of another entity that may otherwise be included in the consolidated financial statements of a parent or a controlling entity, may submit individual reviewed or audited financial statements to satisfy the filing requirements of Section 468.525(3)(e), F.S.

(3) An employee leasing company or an employee leasing company group may be included in the consolidated financial statements of a licensed or non-licensed parent or controlling entity to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as there are Board-approved cross guarantees between the parent or controlling entity and all Florida-licensed employee leasing companies included in such statements.

(4) A Florida-licensed employee leasing company, employee leasing company group, employee leasing company groups, or any combination thereof, may submit combined audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S. as applicable, so long as there are Board-approved cross-guarantees between all employee leasing companies and all entities covered in the combined financial statement are Florida-licensed employee leasing companies. Other entities may not be included in combined financial statements.

~~(1) An employee leasing company or an employee leasing group may submit consolidated audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as the entity exercising control over the entities that are reporting on a consolidated basis is a member of the employee leasing company group, or in the case of an ELC license, as long as the entity exercising control is a properly licensed employee leasing company and there are cross guarantees for all entities licensed under Chapter 468, Part XI, Florida Statutes. Consolidation principles provided in Generally Accepted Accounting Principles (GAAP) Rule 61H1-22.003, F.A.C., shall be followed when electing to submit consolidated financial statements. Non-licensed entities may be included in the consolidated statements so long as the foregoing requirements are met.~~

~~(2) An employee leasing company group may submit combined audited or reviewed financial statements to meet the requirements of Section 468.525(3)(e), F.S., as applicable, so long as all entities covered in the combined financial statement reports are members of the Florida licensed employee leasing company group. Other entities may not be included in combined financial statements.~~

~~Rulemaking Specific Authority 468.522, 468.525(3)(e) FS. Law Implemented 468.525(3)(e) FS. History-New 5-26-96, Amended 9-5-04, 11-9-06,_____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 21, 2010

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-10.0012
RULE TITLE: Workers' Compensation Liability Statement

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove duplicate information from the rule text which is already in the associated form.

SUMMARY: Duplicate information that is already in the associated form will be removed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared. The Board determined the proposed rule will not have an adverse impact on small business.

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: 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS.

LAW IMPLEMENTED: 468.525(3)(e), 468.529 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G7-10.0012 Workers' Compensation Liability Statement.

Each audited or reviewed financial statement submitted to the Board pursuant to Section 468.525(3)(e), F.S., and Rules 61G7-5.0031 and 61G7-5.0032, F.A.C., shall include a statement, signed by the chief executive officer (CEO) and chief financial officer (CFO) of the employee leasing company

as well as the independent certified public accountant (CPA) auditing or reviewing the financial statement, in substantially one of the following forms:

(1) For the period(s) represented in the attached financial statements, we had a guaranteed cost policy for workers' compensation provided by an admitted insurance carrier licensed to do business in the State of Florida. This policy does not have a deductible feature or other retention and is not subject to additional premium or assessment on the basis of claims and loss experience. We have no financial exposure to workers' compensation insurers with respect to policies covering prior periods. Thus, we have no additional liability for workers' compensation that must be presented on our financial statements.

Year End: _____
Signed: _____
CEO CFO
Date: _____ Date: _____

~~Acknowledgment by independent accountants:
We have examined the above assertion made by management of (employee leasing company) in connection with workers' compensation liability as of _____. Our examination was made in accordance with standards established by the American Institute of Certified Public Accountants and, accordingly, included such procedures as we considered necessary in the circumstances.
In our opinion, the assertion represented by management referred to above fairly presents, in all material respects, the workers' compensation liability as of _____ in accordance with generally accepted accounting principles.~~

CPA Date
Or, _____

(2) Workers' compensation constitutes a very significant cost in the operation of an employee leasing company. Many employee leasing companies choose to provide workers' compensation coverage through insurance arrangements that may involve certain retention of risks. The determination of an appropriate accrual that adequately reflects the cost retained by the employee leasing company is essential to the fair representation of the employee leasing company's financial position and results of operation for the reporting period, in accordance with generally accepted accounting principles. Ultimate costs for workers' compensation must include a reserve for loss development and a provision for incurred but not reported claims, as determined through the utilization of a variety of generally acceptable actuarial methodologies. We hereby represent that our financial statements' accrual for workers' compensation is based upon a methodology that accounts for loss development and incurred but not reported

claims for the period covered by the attached financial statements, and for all prior periods for which we may have continued financial exposure, as follows:

- (a) through (c) No change.
- (d) Through other methodologies described in detail on Exhibit A hereto, resulting in a loss development factor of _____, which our independent accountants consider adequate to enable them to express an opinion on the financial statements as required by Section 468.525(3)(e), F.S., and Rules 61G7-5.0031 and 61G7-5.0032, F.A.C.

Year End: _____
Signed: _____
CEO CFO
Date: _____ Date: _____

~~Acknowledgment by independent accountants:
We have examined the above assertion made by management of (employee leasing company) in connection with the methodology used in determining workers' compensation liability as of _____. Our examination was made in accordance with standards established by the American Institute of Certified Public Accountants and, accordingly, included such procedures as we considered necessary in the circumstances.
In our opinion, the assertion represented by management referred to above presents the methodology used in determining workers' compensation liability as of _____, which fairly presents, in all material respects, the workers' compensation liability in accordance with generally accepted accounting principles.~~

CPA Date

CPA Date

Rulemaking Specific Authority 468.522, 468.524(2), 468.525(3), 468.526, 468.530(3), 468.531 FS. Law Implemented 468.525(3)(e), 468.529 FS. History--New 1-17-99, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Employee Leasing Companies
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Employee Leasing Companies
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2010
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 30, 2010

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 Acupuncture

RULE NO.: 64B1-9.001 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes this rule amendment to update the disciplinary guidelines pursuant to SB 1986/456.072(1)(i-II).

SUMMARY: The rule amendment will update the disciplinary guidelines.

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

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: 457.104 FS.

LAW IMPLEMENTED: 456.072, 456.079, 457.109 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B1-9.001 Disciplinary Guidelines.

(1) When the Board finds any person has committed any of the acts set forth in Section 456.072(1) or 457.109(1), F.S., it shall issue a final order imposing appropriate penalties as recommended in the following disciplinary guidelines.

(a) through (cc) No change.

(dd) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, under 18 U.S.C. s. 669, ss. 285-287, s. 371, s. 1001, s. 1035, s. 1341, s. 1343, s. 1347, s. 1349, or s. 1518, or 42 U.S.C. ss. 1320a-7b, relating to the Medicaid program. Section 456.072(1)(ii), F.S. The usual recommended penalty for the first offense shall be revocation and a fine of \$10,000, or in the case of application for licensure, denial of licence.

(ee) Failing to remit the sum owed to the State for an overpayment from the Medicaid Program pursuant to a final order, judgment, or Stipulation or settlement. Section 456.072(1)(jj), F.S. The usual recommended penalty shall be Reprimand and a fine of \$2,500 up to Revocation and a fine of \$5,000

(ff) Being terminated from the state Medicaid Program pursuant to Section 409.913, F.S., any other state Medicaid program, or the federal Medicare program, unless eligibility to participate in the program from which the practitioner was

terminated has been restored. Section 456.072(1)(kk), F.S. The usual recommended penalty shall be Probation and a fine of \$1,000 up to Revocation and a fine of \$10,000.

(gg) Being convicted of, or entering a plea of guilty or nolo contendere to, any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction which related to health care fraud. Section 456.072(1)(ll), F.S. The usual recommended penalty shall be revocation and a fine of \$10,000, or in the case of application for licensure, denial of license.

(2) through (5) No change.

Rulemaking Specific Authority 456.079(1), 457.104 FS. Law Implemented 456.072, 456.079, 457.109 FS. History--New 12-8-86, Amended 8-6-89, Formerly 21AA-9.001, 61F1-9.001, Amended 11-21-95, Formerly 59M-9.001, Amended 8-3-00, 5-20-02, 5-24-04, 1-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Acupuncture

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Acupuncture

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 17, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 9, 2010

DEPARTMENT OF HEALTH

Board of Nursing

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

PURPOSE AND EFFECT: The purpose of this amendment is to include renewal fees for persons who are licensed as CNS and ARNP's.

SUMMARY: The rule amendment will include renewal fees for persons who are licensed as CNS and ARNP's.

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

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: 456.013.(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS.

LAW IMPLEMENTED: 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-7.001 Fees.

The following fees are prescribed by the Board.

(1) through (9) No change.

(10) For renewal of an RN/CNS/ARNP license certificate, two hundred five dollars (\$205.00).

(10) through (12) renumbered (11) through (13) No change.

(d) For renewal of an RN/CNS/ARNP license certificate, one hundred thirty (\$130.00).

~~(14)~~(13)(a) through (c) No change.

(d) For an RN/CNS/ARNP license certificate, ninety-five dollars (\$95.00).

(14) through (18) renumbered (15) through (19) No change.

Rulemaking Specific Authority 456.013(2), 456.017, 456.025, 456.036, 464.006, 464.014(1) FS. Law Implemented 456.013(2), 456.017(1)(c), 456.025, 456.036, 464.008, 464.009, 464.012, 464.013, 464.014 FS. History—New 9-12-79, Amended 3-5-81, 12-28-82, 11-17-83, Formerly 21O-15.01, Amended 9-23-86, 2-5-87, 10-21-87, 11-19-89, 3-13-90, 1-1-92, 6-24-93, Formerly 21O-15.001, 61F7-7.001, Amended 9-13-94, 11-6-94, 4-12-95, Formerly 59S-7.001, Amended 8-18-98, 11-2-98, 6-20-00, 7-7-02, 9-26-05, 9-4-06, 5-20-07, 12-21-08,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Nursing

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Nursing

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 5, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2010

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.001 RULE TITLE: Examination Requirements

PURPOSE AND EFFECT: The purpose of this amendment is to correct the title of the examination necessary for certification by Florida licensed optometrists. The NBEO no longer gives the TMOD exam standing on its own, but has incorporated it into part II of the examination.

SUMMARY: The rule will correct the title of the examination necessary for certification by Florida licensed optometrists. The NBEO no longer gives the TMOD exam standing on its own, but has incorporated it into part II of the examination.

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

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: 456.017(1), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(1), 463.006(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.001 Examination Requirements.

(1) through (3) No change.

(4) Certification Examination. A licensee applying for certification must obtain a passing score on ~~the TMOD~~ part II of the NBEO or must have obtained a passing score on the state certification examination.

Rulemaking Authority 456.017(1), 463.005, 463.006(2) FS. Law Implemented 456.017(1), 463.006(2) FS. History—New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, 7-15-02, 3-8-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2010

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-5.002 RULE TITLE: Criteria for Approval

PURPOSE AND EFFECT: The purpose of the amendment is to update references to other rules.

SUMMARY: The rule amendment will update references to other rules.

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

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: 463.005(1) FS.

LAW IMPLEMENTED: 463.007(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-5.002 Criteria for Approval.

(1) In determining whether to approve a program of continuing professional education, the Board shall consider whether the program contributes to the improvement, advancement, and extension of one’s professional skill and knowledge to the benefit of the patient he or she serves. Continuing education courses in Florida jurisprudence as stated in paragraphs 64B13-5.001(1)(e) ~~and (f)~~, F.A.C., shall be provided by an individual or organization with demonstrated competence in Florida Law pertaining to optometric practice as evidenced by the individual or organization’s credentials, education and experience.

(2) Approval of non-transcript quality continuing education programs.

(a) No change.

(b) A non-transcript quality continuing education program shall be approved upon presentation of the following information by the program or course provider or by a licensed practitioner who attended the course:

1. through 3. No change.

4. Evidence that the fees specified in subsections 64B13-6.001(14) and (15) ~~and (16)~~, F.A.C., have ~~has~~ been paid; provided however, should the provider not seek approval of the course, the licensed practitioner seeking approval of the course shall pay the fee.

5. No change.

(3) Approval of transcript quality continuing education programs.

(a) No change.

(b) A transcript quality continuing education program shall be approved upon presentation of the following:

1. through 6. No change.

7. Evidence that the fees specified in subsections 64B13-6.001(14) and (15) ~~and (16)~~, F.A.C., have ~~has~~ been paid.

(c) No change.

(4) No change.

Rulemaking Authority 463.005(1) FS. Law Implemented 463.007(4) FS. History—New 11-13-79, Formerly 21Q-5.02, Amended 12-16-86, 12-11-88, 7-10-91, 10-28-92, Formerly 21Q-5.002, 61F8-5.002, Amended 11-29-94, 7-5-95, 8-18-96, Formerly 59V-5.002, Amended 3-21-00, 5-8-02, 8-19-03, 12-26-05, 12-25-06, 4-21-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2009

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: RULE TITLE:

64B13-7.005 Terms of Probation

PURPOSE AND EFFECT: The purpose of the amendment is to delete language not supported by statutory authority in paragraph (1)(b), clarify and limit the authority of the probation committee, and update the name of the consultant approved by the Department for the impaired practitioners program.

SUMMARY: The rule amendment will delete language not supported by statutory authority in subparagraph (1)(b)m., clarify and limit the authority of the probation committee, and update the name of the consultant approved by the Department for the impaired practitioners program.

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

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: 463.005 FS.

LAW IMPLEMENTED: 463.0072(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-7.005 Terms of Probation.

(1) Any licensee ordered to serve probation by final order of the Board, shall be subject to the following:

(a) No change.

(b) Any deviation from the requirements of the probation without prior written consent of the Board shall constitute a violation of this probation. ~~Upon recommendation of the Probation Committee or the Probable Cause Committee that a violation of this probation has occurred, the Board may suspend or take other lesser action against the Respondent’s~~

license. The Respondent will be given notice of the possible action and an opportunity to show why the Board should not take action against the respondent's license.

(c) No change.

(d) Respondent shall appear before the Board ~~or Probation Committee~~ at the first meeting of the Board ~~or Probation Committee~~ after said probation commences, at the last meeting of the Board ~~or Probation Committee~~ preceding termination of probation, and at such other times as requested by the Board ~~or Probation Committee~~.

(e) No change.

(f) Respondent shall submit reports to the Probation committee at intervals specified by the Board ~~or the Probation Committee~~. The Reports shall include:

1. through 6. No change.

7. Notarized copies of a number specified by the Board ~~or Probation Committee~~ of patient records of patients examined or treated by the respondent within the previous 60 days. To protect patient confidentiality the patients' names should be suitably covered on the copies.

8. Other information as may be specified by the Board ~~or the Probation Committee~~.

(g) through (h) No change.

(2) If specified in the Final Order, the respondent shall be subject to the following probationary terms:

(a) through (c) No change.

(d) Respondent shall see a psychiatrist or psychologist approved by the Board ~~or Probation Committee~~ at intervals specified by the Board ~~or the Probation Committee~~ for evaluations and treatment.

(e) No change.

(f) Respondent shall comply with all of the conditions of his/her after care contract with the Florida Professionals Resource Physician's Recovery Network.

(g) through (k) No change.

Rulemaking Specific Authority 463.005 FS. Law Implemented 456.072(2) FS. History--New 7-18-90, Formerly 21Q-7.005, 61F8-7.005, Amended 11-29-94, 5-29-95, Formerly 59V-7.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2009

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-10.001 RULE TITLE: Application for Certification

PURPOSE AND EFFECT: The purpose of the amendment is to conform the rule to Rule 64B13-4.001, F.A.C.

SUMMARY: The rule amendment will conform the rule to Rule 64B13-4.001, F.A.C.

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

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: 463.005(1), 463.0055 FS.

LAW IMPLEMENTED: 463.0055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-10.001 Application for Certification.

To be certified to administer and prescribe topical ocular pharmaceutical agents a licensed practitioner must submit a completed application, DPR/OPT/006(A), revised 1/89, hereby incorporated by reference, provided by the Board; remit the application fee for certification specified in subsection 64B13-6.001(9), F.A.C.; and demonstrate compliance with the following requirements:

(1) through (2) No change.

(3) Successful completion of part II of the NBEO a Board approved examination testing knowledge of general and ocular pharmacology with particular emphasis on the topical application and side effects of pharmaceutical agents.

Rulemaking Specific Authority 463.005(1), 463.0055 FS. Law Implemented 463.0055 FS. History--New 11-20-86, Amended 7-6-88, 3-16-89, Formerly 21Q-10.001, 61F8-10.001, Amended 10-4-94, Formerly 59V-10.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Optometry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2009

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The Board is correcting the concentration percentage of Bromfenac and permits the prescription of a higher concentration of medication.

SUMMARY: This rule corrects the concentration percentage of Bromfenac and permits a higher concentration of medication.

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

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: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bruce Deterding, Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (3) No change.
- (4) ANTIBACTERIAL
 - (a) through (k) No change
 - (l) Gatifloxacin – 0.5% ~~0.3%~~
 - (m) through (p) No change
- (5) NON-STEROIDAL AND STEROIDAL ANTI-INFLAMMATORY AGENTS
 - (a) through (l) No change
 - (m) Bromfenac – .09% ~~0.90%~~
 - (n) through (o) No change.
 - (6) through (9) No change.

Rulemaking Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History–New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, 6-26-08, 10-16-08, 3-23-09, 6-28-09, 10-18-09, 4-21-10, 11-16-10,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 5, 2010

FLORIDA HOUSING FINANCE CORPORATION

RULE NO.: 67-48.002
RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose of this Rule Subsection is to establish the procedures by which the Corporation shall Administer the Application process, determine Housing Credit amounts and implement the provisions of the Housing Credit (HC) Program authorized by Section 42 of the IRC and Section 420.5099, Florida Statutes.

The intent of this Rule Subsection is to encourage public-private partnerships to invest in residential housing; to stimulate the construction and rehabilitation of residential housing which in turn will stimulate the job market in the construction and related industries; and to increase and improve the supply of affordable housing in the state of Florida.

SUMMARY: Prior to the opening of an Application Cycle, the Corporation (1) researches the market need for affordable housing throughout the state of Florida and (2) evaluates prior Application Cycles to determine what changes or additions should be added to the QAP. The proposed amendments to the Rule Subsection and adopted reference material include changes that will create a formulated process for selecting Developments that will apply in Florida Housing’s Programs.

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

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: 420.507 FS.

LAW IMPLEMENTED: 420.5099 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kevin Tatreau, Director of Multifamily Development Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULE IS:

67-48.002 Definitions.

(1) through (94) No change.

(95) “QAP” or “Qualified Allocation Plan” means, with respect to the HC Program, the 2011 ~~2009~~ Qualified Allocation Plan which is adopted and incorporated herein by reference, effective upon approval by the Governor of the state of Florida, pursuant to Section 42(m)(1)(B) of the IRC and sets forth the selection criteria and the preferences of the Corporation for Developments which will receive Housing Credits. The QAP is available on the Corporation’s Website under the 2011 ~~2009~~ Universal Application link labeled Related References and Links or by contacting the Housing Credit Program at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

(96) through (122) No change.

Rulemaking Authority 420.507 FS. Law Implemented 420.5087, 420.5089(2) FS. History—New 7-22-96, Amended 12-23-96, 7-10-97, 1-6-98, Formerly 9I-48.002, Amended 11-9-98, 2-24-00, 2-22-01, 3-17-02, 4-6-03, 3-21-04, 2-7-05, 1-29-06, 4-1-07, 3-30-08, 5-31-09, 8-6-09, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Tatreau, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Oellerich, Chairman of the Board, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32031-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 22, 2010

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 36, No. 14, April 9, 2010

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-6.0781	Procedures for Appealing a District School Board Decision Denying Application for Charter School

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 36, No. 33, August 20, 2010 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF REVENUE

RULE NO.:	RULE TITLE:
12-22.008	Warrants and Liens List

NOTICE OF RESCHEDULING A PUBLIC HEARING

The Department of Revenue announced a public hearing on December 7, 2010, during a regular meeting of the Governor and Cabinet, to consider approval of the proposed amendments to the following rules noticed in the October 8, 2010 (Vol. 36, No. 40), Florida Administrative Weekly:

Rule 12-22.008, F.A.C. (Warrants and Liens List – Confidentiality and Disclosure of Tax Information), pp. 4850-4852

Rule 12A-1.0615, F.A.C. (Hotel Reward Points Programs – Sales and Use Tax), pp. 4857-4860

Consideration of the adoption of these proposed rules during the December 7, 2010, regular meeting of the Governor and Cabinet has been postponed. The Department will conduct an additional public hearing to receive further comment on these proposed rules. Notice for the additional public hearing will be published in the next available issue of the Florida Administrative Weekly.

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.”

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.:	RULE TITLE:
61G5-22.006	Facials (Including Skin Care and Hair Removal)

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 39, October 1, 2010 issue of the Florida Administrative Weekly.

The correction is as follows:

DATE RULE DEVELOPMENT PUBLISHED IN THE FAW: January 22, 2010. This change does not affect the substance of the rule.

THE PERSON TO BE CONTACTED REGARDING THIS NOTICE OF CORRECTION IS: Robyn Barineau, Executive Director, 1940 North Monroe Street, Tallahassee, Florida 32399-0750