

(a) The room and board payment is calculated by subtracting a personal needs allowance (\$93.58 per month) from the client's third party monthly benefit. The room and board (\$543.42) payment is then subtracted from the remaining benefit amount. If the third party benefit minus the client's personal needs allowance and room and board amount exceeds \$637, the balance less federal exceptions shall be subject to the provisions in subsection (5) below.

(b) For clients receiving residential habilitation services in a facility licensed pursuant to Section 393.067, Florida Statutes, whose monthly third party benefits minus the personal needs allowance are less than \$543.42, the provider will receive a room and board payment equal to the difference between \$543.42 and the amount the client receives from third party benefits.

(5) Fees assessed:

(a) For clients receiving residential habilitation services in a facility licensed pursuant to Section 393.067, Florida Statutes, whose monthly third party benefits minus the personal needs allowance are greater than \$543.42, the client or client's representative payee must send a payment to Agency for Persons with Disabilities that is equal to the difference between the total amount of monthly third party benefits that the client received and the total cost of the room and board payments plus the client's personal allowance (\$637.00).

(b) Payments made pursuant to paragraph (5)(a) must be sent to the local APD area office by the 15th day of the month after receipt of the third party benefit payments. If the 15th of the month falls on a weekend or national holiday, then the payment due date will be the next business day immediately thereafter. Checks or money orders should be made payable to Agency for Persons with Disabilities (or APD). Individuals or organizations serving as the representative payees for third party benefit payments should submit a single check or money order to the Agency each month.

(c) Clients or representative payees for clients may include federally approved exemptions or deductions in the calculation of the fees assessed pursuant to this subsection.

(6) Mandatory Monthly Reports to the Agency.

(a) Every client or representative payee for a client, including a facility or program licensed pursuant to Section 393.067, Florida Statutes, must report to the appropriate APD area office by the 15th day of the month. The report must include a calculation for each client that includes:

a. The total third party benefit payments that the client receives;

b. The amount to be subtracted from the client's third-party benefits for payment of the client's room and board and for the client's personal needs allowances;

c. Each individual federally approved deduction or exemption that the client has included in the calculation; and

d. The total amount owed to the provider pursuant to subsection (4) of this rule or the total amount of the fee assessed pursuant to subsection (5) of this rule.

(b) If the monthly report described in this subsection indicates that a fee should be assessed to the client's third party benefits pursuant to subsection (5) of this rule, the client or representative payee for the client must also include a payment of the assessed fee with the monthly report.

(c) If the 15th day of the month falls on a weekend or national holiday, then the payment due date will be the next business day immediately thereafter.

(7) Review of Assessed Fees.

(a) Substantially affected individuals may request a review the fees assessed upon their third party benefit payments by submitting a request for review to the applicable area office in writing.

(b) If the substantially affected individuals still disagree with the fees assessed upon their third party benefit payments after their request for review, they may request an administrative hearing pursuant to Section 393.125, Florida Statutes.

Rulemaking Authority 393.501(1), 402.33 FS. Law Implemented 402.33 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Ball, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 315M, Tallahassee, Florida 32399, (850)414-8479

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Mike Hansen, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 21, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2011

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

DEPARTMENT OF CITRUS

RULE NO.: 20-64.001 RULE TITLE: Grades Established

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 46, November 18, 2011 issue of the Florida Administrative Weekly.

Pursuant to review by JAPC, the following correction is made to this rule:

20-64.001 Grades Established.

Florida State Grades for processed citrus products shall be identical with applicable United States Standards for Grades of Orange Juice, Eff. 1-10-83; United States Standards for Grades of Grapefruit Juice, Eff 9-12-83; United States Standards for Grades of Canned Tangerine Juice, Eff 7-1-69; United States Standards for Grades of Frozen Concentrated Blended Grapefruit Juice and Orange Juice, Eff. 9-21-68, incorporated herein by reference. Any product failing to meet the grade of minimum quality standards prescribed herein shall be labeled substandard, or in the case of bulk containers, the shipment shall be accompanied by an inspection certificate with the bill of lading and invoice for each shipment clearly bearing the legend “substandard.”

Rulemaking Authority 601.10(7), 601.11 FS. Law Implemented 601.10(7), 601.11, 601.48 FS. History—Formerly 105-1.19(1), Revised 1-1-75, Formerly 20-64.01, Amended.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-210.200 Definitions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly.

The date of the previously noticed public hearing is changed as follows:

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 16, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.: RULE TITLES:
62-212.300 General Preconstruction Review Requirements
62-212.400 Prevention of Significant Deterioration (PSD)

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly.

The date of the previously noticed public hearing is changed as follows:

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 16, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: RULE TITLE:
62-296.341 Regional Haze – Reasonable Progress Control Technology

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly.

The date of the previously noticed public hearing is changed as follows:

A HEARING WILL BE HELD BEFORE THE ENVIRONMENTAL REGULATION COMMISSION AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 16, 2012, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Douglas Building, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida

All other information remains the same as previously noticed.

DEPARTMENT OF HEALTH

Division of Medical Quality Assurance

RULE NO.: RULE TITLE:
64B-4.007 Military Spouse Temporary Professional License Fee

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 37, No. 50, December 16, 2011 issue of the Florida Administrative Weekly.

The correct date that the notice of rule development was published was September 9, 2011.

THE PERSON TO BE CONTACTED REGARDING THE ABOVE NOTICE IS: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C10, Tallahassee, Florida 32399-3260

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-1.007 List of Approved Forms; Incorporation

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 40, October 7, 2011 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). Changes are being made to the various forms to

address multiple comments from JAPC, including financial responsibility, Exhibit 1 – Report on Professional Liability Claims and Actions, among other items. In addition, names of the forms referenced in the rule will be corrected to reflect the actual names set forth on the forms.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.009 RULE TITLE: Applications

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 40, October 7, 2011 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). Changes are being made to the various forms to address multiple comments from JAPC, including financial responsibility, Exhibit 1 – Report on Professional Liability Claims and Actions, among other items. In addition, names of the forms referenced in the rule will be corrected to reflect the actual names set forth on the forms.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joy A. Tootle, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-55.0021 RULE TITLE: Discipline of Electrolysis Facilities

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 39, September 30, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.003 RULE TITLE: Documentation of Eligibility for Licensure

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE NO.: 64B14-4.005 RULE TITLE: Documentation of Eligibility for Registration

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 37, No. 43, October 28, 2011 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.010 RULE TITLE: Temporary Certificate for Practice in an Area of Critical Need

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 37, No. 36, September 9, 2011 issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The changes to the application form include “Exhibit 1, Report on Professional Liability Claims and Actions” among other items.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Jusevitch, Executive Director, Board of Osteopathic Medicine, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-28.006 RULE TITLE: Education Course Requirements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 1, January 6, 2012 issue of the Florida Administrative Weekly. The correct language reads, If requested within 21 days of the date of this notice, a hearing will be scheduled and announced in the FAW.

Section IV
Emergency Rules

NONE