

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-28.001
 RULE TITLE: Biennial Renewal of Massage Therapist’s License

PURPOSE AND EFFECT: The Board proposes this rule amendment to delete duplicative rule provisions and to reference the Department of Health biennial renewal schedule.

SUBJECT AREA TO BE ADDRESSED: Biennial Renewal of Massage Therapist’s License.

RULEMAKING AUTHORITY: 456.013(7), 456.034, 480.035(7), 480.0415, 480.044 FS.

LAW IMPLEMENTED: 456.013(7), 456.034, 480.0415, 480.044(1)(f), (m) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Jusevitch, Executive Director, Board of Massage Therapy/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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 EDUCATION

State Board of Education

RULE NO.: 6A-1.09941
 RULE TITLE: State Uniform Transfer of High School Credits

PURPOSE AND EFFECT: The purpose of this rule amendment is be consistent with changes made to Section 1008.22(9)(b), Florida Statutes, by the 2010 Legislature. The amendment specifically requires that when a student transfers into a high school, the school principal shall determine whether the student must take an end-of-course (EOC) assessment in a course for which the student has credit that was earned from the previous school.

SUMMARY: This rule establishes uniform procedures relating to the acceptance of transfer work and credit for students entering Florida’s public schools.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and 2) based on past experiences with rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 1003.25(3), 1008.22(13) FS.

LAW IMPLEMENTED: 1003.25(3), 1008.22(9) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 27, 2012, 9:00 a.m.

PLACE: TERRA Environmental Research Institute, 11005 S.W. 84th Street, Miami, FL 33173

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Jane Tappen, Deputy Chancellor for Curriculum, Instruction and Student Services, Division of Public Schools, 325 West Gaines Street, Tallahassee, Florida, (850)245-0509

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09941 State Uniform Transfer of High School Credits.

The purpose of this rule is to establish uniform procedures relating to the acceptance of transfer work and credit for students entering Florida’s public schools. Effective July 1, 2012, the procedures shall be as follows:

(1) Credits and grades earned and offered for acceptance shall be based on official transcripts and shall be accepted at face value subject to validation if required by the receiving school’s accreditation. If validation of the official transcript is deemed necessary, or if the student does not possess an official transcript or is a home education student, credits shall be validated through performance during the first grading period as outlined in subsection ~~(3)~~(2) of this rule.

(2) If a student transfers into a Florida high school from out of country, out of state, a private school, or a home school, and that student’s transcript shows credit received in Algebra 1, or an equivalent course; Geometry, or an equivalent course; or Biology 1, or an equivalent course, the decision as to

whether the student must take Florida’s statewide, standardized end-of-course (EOC) assessment in Algebra 1, Geometry, or Biology 1, respectively, shall be made by the school principal as follows:

(a) A transfer student will not take Florida’s.

1. Algebra 1 EOC Assessment if the student passed a statewide, standardized EOC assessment in that course, if administered by the transferring school, or achieved a passing score on the high school statewide assessment in mathematics required by the state from which the student transferred for purposes of satisfying the requirements of the Elementary and Secondary Education Act, 20 U.S.C. ss. 6301, et seq., or if the student achieves an equivalent score on another assessment as identified pursuant to Section 1008.22(11), Florida Statutes.

2. Geometry EOC Assessment if the student passed a statewide, standardized EOC assessment in that course, if administered by the transferring school, or if the student achieves an equivalent score on another assessment as identified pursuant to Section 1008.22(11), Florida Statutes.

3. Biology 1 EOC Assessment if the student passed a statewide, standardized EOC assessment in that course, if administered by the transferring school, or if the student achieves an equivalent score on another assessment as identified pursuant to Section 1008.22(11), Florida Statutes.

(b) A transfer student will take Florida’s EOC assessments in Algebra 1, Geometry, and Biology 1 under all other circumstances and must pass the EOC in order to earn credit in the course.

~~(3)(2)~~ Validation of credits shall be based on performance in classes at the receiving school. A student transferring into a school shall be placed at the appropriate sequential course level and should have a minimum grade point average of 2.0 at the end of the first grading period. Students who do not meet this requirement shall have credits validated using the Alternative Validation Procedure, as outlined in subsection ~~(4)(3)~~ of this rule.

~~(4)(3)~~ Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one of the following alternatives shall be used for validation purposes as determined by the teacher, principal, and parent:

(a) Portfolio evaluation by the superintendent or designee;

(b) Written recommendation by a Florida certified teacher selected by the parent and approved by the principal;

(c) Demonstrated performance in courses taken through dual enrollment or at other public or private accredited schools;

(d) Demonstrated proficiencies on nationally-normed standardized subject area assessments;

(e) Demonstrated proficiencies on the FCAT and on EOC assessment(s) for course(s) that require a passing score on an EOC assessment in order to award course credit; or

(f) Written review of the criteria utilized for a given subject provided by the former school.

Students must be provided at least ninety (90) days from date of transfer to prepare for assessments outlined in paragraphs ~~(4)(3)~~(d) and (e) of this rule if required.

Rulemaking Specific Authority 1003.25(3), 1008.22(13) FS. Law Implemented 1003.25(3), 1008.22(9)(b) FS. History—New 8-28-00, Formerly 6-1.099, Amended 9-22-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Stewart, Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 4, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

RULE TITLE:

6A-1.09961

Graduation Requirements for Certain Students with Disabilities

PURPOSE AND EFFECT: The purpose of this amendment is to amend the rule that addresses special diploma requirements for certain students with disabilities to include minimum course credit requirements for both special diploma options one and two. Districts will be required to offer both diploma options. The effect will be a rule that establishes minimum state requirements thereby ensuring greater consistency across the state. Additionally, the proposed rule language revises terminology related to specific disabilities in accordance with amendments made to Section 1003.01, Florida Statutes, Definitions. Lastly, obsolete language with regard to minimum student performance standards has been removed from the rule.

SUMMARY: The requirements for graduation with a special diploma are proposed for revision beginning with the 2012-2013 school year. Language within the rule has been updated to correspond to the names of current disability categories. The proposed rule removes obsolete language regarding student performance standards that were based on specific disability categories. The proposed rule identifies specific course and credit requirements for any student with a disability who is eligible for a special diploma based on the statutory and rule requirements. The rule retains two pathways for graduation with a special diploma referenced as “option one” and “option two.” Option one mirrors the course credit requirements for a standard diploma, with specific required courses and a minimum grade point average (GPA) requirement of 2.0. The second diploma option also includes course requirements and a minimum GPA of 2.0, but primarily focuses on preparation for employment and outlines a training plan in which the student will participate in on-the-job training and earn at or above minimum wage. Districts are required to

offer both options. The decision for a student to work toward a special diploma is made by the student's individual educational plan (IEP) team, and must be documented in the IEP. General education, career and technical, and exceptional student education courses may be used to meet the course requirements for options one and two.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for SERC was triggered under Section 120.541(1), Florida Statutes, and; 2) based on past experiences with graduation requirements and rules of this nature, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 1001.02(1), 1003.438 FS.

LAW IMPLEMENTED: 1001.02(1), 1003.438 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 27, 2012, 9:00 a.m.

PLACE: TERRA Environmental Research Institute, 11005 S.W. 84 Street, Miami, FL 33173

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Stewart, Chancellor, Division of Public Schools, 325 W. Gaines Street, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-1.09961 follows. See Florida Administrative Code for present text.)

6A-1.09961 Graduation Requirements for Certain Students with Disabilities.

(1) General requirements. Pursuant to Section 1003.438, Florida Statutes, each district school board shall prescribe special graduation requirements for certain students with disabilities. As defined in Section 1003.428, Florida Statutes, these students include a student who has been identified as a student with an intellectual disability; an autism spectrum disorder; a language impairment; an orthopedic impairment; an

other health impairment; a traumatic brain injury; an emotional or behavioral disability; a specific learning disability, including, but not limited to dyslexia, dyscalculia, or developmental aphasia; or a student who is deaf or hard-of-hearing, or dual sensory impaired. Such special graduation requirements shall include the minimum graduation requirements prescribed by the Commissioner. Any such student completing the special graduation requirements shall be awarded a special diploma in the form prescribed by Rule 6A-1.0995, F.A.C. The district school board shall make provisions for each student to access general, career and technical, and exceptional student education (ESE) courses as appropriate for meeting the graduation requirements of this rule. Students pursuing a special diploma who were enrolled in ninth grade prior to the 2012-2013 school year must meet the requirements identified in subsection (4) of this rule. The special diploma requirements identified in subsections (5) and (6) of this rule will apply to students entering the ninth grade beginning in the 2012-2013 school year.

(2) Special diploma options. District school boards shall award special diplomas to certain students with disabilities as defined in subsection (1) of this rule based on the following two options:

(a) Option one shall include course requirements related to academic and career and technical education in accordance with subsection (5) of this rule;

(b) Option two shall include procedures for determining mastery of employment and community competencies in accordance with subsection (6) of this rule.

(3) Diploma procedures. Each district school board shall offer both options prescribed in subsection (2) of this rule and develop procedures for ensuring that certain students with disabilities as defined in subsection (1) of this rule may select and move between the special diploma options and between courses of study leading to a standard diploma or special diploma, as appropriate.

(a) The individual educational plan (IEP) team shall document whether the student is pursuing a course of study leading toward a standard diploma or a special diploma in the IEP developed during the student's eighth grade year, or an IEP developed during the school year of the student's fourteenth birthday, whichever comes first, in accordance with subparagraph 6A-6.03028(3)(h)8., F.A.C. This decision shall be reviewed annually.

(b) Nothing contained in this rule shall be construed to limit or restrict a student with a disability solely to a special diploma. Parent(s) or guardian(s) shall be notified through the IEP process of the diploma options available.

(c) Special diploma requirements for options one and two shall be included in the district student progression plan adopted pursuant to Section 1008.25, Florida Statutes.

(4) Special diploma requirements for students entering ninth grade prior to the 2012-2013 school year.

(a) For students entering ninth grade prior to the 2012-2013 school year, a special diploma, option one may be awarded to a student who has met the following minimum requirements:

1. Demonstration of proficiency of the applicable student performance standards prescribed in Rule 6A-1.09401(1), F.A.C., as determined through the IEP process; and

2. Completion of the minimum number of course credits for a special diploma, option one as prescribed by the district school board.

(b) For students entering ninth grade prior to the 2012-2013 school year, a special diploma, option two may be awarded to a student who has met the following minimum requirements:

1. Demonstration of mastery of specific employment and community competencies as prescribed by the district school board; and

2. Completion of the minimum number of course credits for a special diploma, option two as prescribed by the district school board.

(5) Minimum graduation requirements for special diploma, option one. For certain students with disabilities as defined in subsection (1) of this rule, a special diploma, option one may be awarded to a student who has met the following minimum requirements:

(a) The student has earned a cumulative 2.0 grade point average (GPA);

(b) The student has earned a minimum of 24 credits in the following courses:

1. Thirteen (13) credits in core academic areas to include:

a. Four (4) credits in language arts;

b. Four (4) credits in mathematics;

c. Three (3) credits in science; and

d. Two (2) credits in social studies.

2. One-half (.5) credit in health; and one-half (.5) credit in physical education, or one (1) credit in physical education to include the integration of health;

3. Four (4) credits in career and technical education for students with disabilities or general career and technical education; and

4. Six (6) credits in electives.

(6) Minimum graduation requirements for special diploma, option two. For certain students with disabilities as defined in subsection (1) of this rule, a special diploma, option two may be awarded to a student who demonstrates mastery of specified employment and community competencies and is at least sixteen (16) years of age. Each district school board's requirements for demonstration of mastery of specified employment and community competencies shall ensure all of the following:

(a) The student has earned a 2.0 cumulative GPA;

(b) The student has earned a minimum of eight (8) credits in the following courses:

1. Four (4) credits in core academic areas, to include:

a. Two (2) credits in language arts; and

b. Two (2) credits in mathematics.

2. Four (4) credits in career and technical education for students with disabilities, general career and technical education, or ESE special skills courses that include an emphasis on community competencies.

(c) The student has mastered all the annual goals, and short-term objectives or benchmarks, if applicable, that were specified on the IEP related to employment and community competencies;

(d) The student has mastered the academic, employment, community, and technology competencies specified in the student's training plan. The training plan shall be developed and signed by the student, parent(s) or guardian(s), teacher, and employer prior to placement in employment and shall identify the following:

1. The expected employment and community competencies;

2. The criteria for determining and certifying mastery of the competencies;

3. The work schedule and the minimum number of hours to be worked per week; and

4. A description of the supervision to be provided by school district staff.

(e) The student is employed in a community-based job for the number of hours a week specified in the student's training plan, for the equivalent of one (1) semester or eighteen (18) weeks of successful employment and is earning at or above minimum wage in compliance with the requirements of the Fair Labor Standards Act.

Rulemaking Specific Authority ~~1001.02(1)~~ ~~1001.03(4)~~, 1003.438 FS. Law Implemented ~~1003.02(1)(a)~~, 1003.438 FS. History--New 10-31-88, Amended 6-14-94, Formerly 6A-1.0996, Amended 10-11-99, Repromulgated 1-25-00, Formerly 6-1.0996, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Stewart, Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 12, 2011

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.0998
 RULE TITLE: Standards for Indicating Progress
 Toward the State Education Goals

PURPOSE AND EFFECT: The purpose is to repeal the rule as it was adopted in 1993 and refers to state education goals, Blueprint 2000, and the Florida Commission on Education Reform and Accountability. Blueprint 2000 and the Florida Commission on Education Reform and Accountability are obsolete.

SUMMARY: This rule is to be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department’s experience in repealing rules that are obsolete and that the adverse impact of regulatory cost, if any, does not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.54(2)(a), Florida Statutes.

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: 229.592(5) FS.

LAW IMPLEMENTED: 229.591(3), 229.592, 229.594 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 27, 2012, 9:00 a.m.

PLACE: TERRA Environmental Research Institute, 11005 S.W. 84th Street, Miami, FL 33173

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Stewart, Chancellor, Division of Public Schools, 325 W. Gaines Street, Tallahassee, FL 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.0998 Standards for Indicating Progress Toward the State Education Goals.

Rulemaking Specific Authority 229.592(5) FS. Law Implemented 229.591(3), 229.592, 229.594 FS. History–New 9-27-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Stewart, Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 14, 2012

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-5.030
 RULE TITLE: Instructional Personnel and School
 Administrator Evaluation Systems

PURPOSE AND EFFECT: The purpose of this rule amendment is to implement changes to Section 1012.34, Florida Statutes, as prescribed in the Student Success Act (SB 736) of 2011 and to establish procedures for Department of Education review, approval and monitoring of school district systems for personnel evaluation under Section 1012.34, Florida Statutes.

SUMMARY: Section 1012.34, Florida Statutes, establishes requirements for instructional personnel and school administrator performance evaluations. This rule amendment will align the evaluations and associated professional development to support continuous improvement of effective instruction and student achievement.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: 1) no requirement for a SERC was triggered under Section 120.541(1), Florida Statutes, and 2) based upon past experiences surrounding evaluation systems, the adverse impact or regulatory cost, if any, do not exceed nor would be expected to exceed any one of the economic analysis criteria set forth in Section 120.541(2)(a), Florida Statutes.

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: 1001.02, 1012.34 FS.

LAW IMPLEMENTED: 1001.42(18), 1006.281, 1012.12(1)(c), 1012.34, 1012.98 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 27, 2012, 9:00 a.m.

PLACE: TERRA Environmental Research Institute, 11005 S.W. 84th Street, Miami, FL 33173

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kathy Hebda, Deputy Chancellor for Educator Quality, Florida Department of Education, 325 West Gaines Street, Suite 1502, Tallahassee, FL 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 6A-5.030 follows. See Florida Administrative Code for present text):

6A-5.030 Instructional Personnel and School Administrator Evaluation Assessment Systems.

Evaluation systems are to be designed and implemented to support continuous improvement of student learning growth by improving the quality of instructional, administrative, and supervisory services in the public schools of the state. This rule provides implementing procedures and criteria for the submission, review and approval of district evaluation systems, as well as monitoring of implementation and reporting on the impact of implementation of evaluation systems and associated professional development on student learning growth and instructional, administrative and supervisory services. This rule applies to all evaluation systems for instructional personnel and school administrators in the public school system.

(1) Submission Process.

(a) Evaluation systems shall be submitted to the Department's Division of Educator Quality for review and approval accompanied by the document entitled Review and Approval Checklist for Instructional Personnel and School Administrator Evaluation Systems, Form No. EQEVAL-2012 (<http://www.flrules.org/Gateway/reference.asp?No=Ref-01023>). The form and documentation required by the form shall be submitted electronically to EdQualityEvalSystems@fldoe.org. This form is incorporated by reference and can be obtained on the Department's website at www.fldoe.org/profdev/pa.asp.

(b) The time period for submission shall be posted on www.fldoe.org/profdev/pa.asp and shall allow a district a minimum of sixty (60) days notice to submit the evaluation system.

(c) Districts shall submit an evaluation system for review and approval when an existing evaluation system is amended to address changes in statute or rule, or when a previously approved system is substantially modified as defined in subsection (5) of this rule.

(d) When an evaluation system is modified less than substantially, the district shall inform the Division of Educator Quality within thirty (30) calendar days. The district will submit such modifications to EdQualityEvalSystems@fldoe.org.

(2) Content of Approved Evaluation Systems. In order to be approved by the Department, an evaluation system shall:

(a) Contain evidence of each of the elements as described in the Review and Approval Checklist for Instructional Personnel and School Administrator Evaluation Systems, Form No. EQEVAL-2012;

(b) Comply with the requirements for an evaluation system found in Section 1012.34, Florida Statutes; and

(c) Demonstrate that the evaluation system is designed to promote continuous improvement of student learning growth and faculty and leadership development through feedback processes. The system shall include procedures to ensure rater accuracy and reliability, training of employees on proficiency expectations, and monitoring of improvement results in student learning growth and instructional personnel and school leader proficiency on evaluation indicators.

(3) Initial Review Process.

(a) The Department shall review the documentation submitted by the district pursuant to paragraph (1)(a) of this rule to determine whether the district has submitted a complete evaluation system that can be considered for approval.

(b) The Department shall provide each school district a written notice that identifies omitted elements that must be submitted before review of the complete evaluation system can begin.

(c) The Department shall provide written notice to the district within fourteen (14) days of receipt of a completed application, that the application is complete. This notice shall be provided electronically to the address noted on the Review and Approval Checklist for Instructional Personnel and School Administrator Evaluation Systems, Form No. EQEVAL-2012.

(4) Approval Process. The Department shall provide written notification of the approval status to the school district superintendent within ninety (90) days of the date the written notice provided in paragraph (3)(c) of this rule is provided to the district. The approval status designations and the effect of these designations are as follows:

(a) Approved. An approved system meets all criteria found in subsection (2) of this rule. A district may implement the evaluation system(s) after receiving notification of Department approval.

(b) Conditionally Approved. Evaluation systems shall be designated conditionally approved if the school district's evaluation system meets the requirements of elements I through VII of the Review and Approval Checklist for Instructional Personnel and School Administrator Evaluation Systems, but fails to satisfy one or more of the other requirements for the evaluation systems found on the Review and Approval Checklist, Section 1012.34, Florida Statutes, or paragraph (2)(b) of this rule. The school district's system designated as conditionally approved shall be revised so that it is in full compliance with all requirements for evaluation

systems, and resubmitted to the Department for review and approval. Notice of conditional approval shall contain the time period when the revised evaluation system shall be submitted and shall allow a district a minimum of fourteen (14) calendar days to submit. Upon receiving notice of conditional approval, the district may implement all approved portions of the evaluation system.

(c) Denied. A school district evaluation system shall be denied if the school district's evaluation system does not meet the requirements of subsection (2) of this rule. A school district's system designated as conditionally approved shall be denied, if the requirements for evaluation systems are not met within sixty (60) days of the Department's written notice granting the conditionally approved status. A district may seek an extension of time if the district demonstrates that unforeseeable or uncontrollable circumstances caused a delay. The Commissioner may grant an extension of thirty (30) days. A district may not implement a denied evaluation system until the system is approved or conditionally approved.

(d) Approval Rescinded. A district's evaluation system approval status may be rescinded based upon monitoring conducted under paragraph (6)(c) of this rule. A system requiring modifications to implementation of elements I through VII of the Review and Approval Checklist for Instructional Personnel and School Administrator Evaluation Systems, Form No. EOVAL-2012, shall result in an approval status of denied. A system requiring modifications to implementation of elements VIII through XII of the Review and Approval Checklist for Instructional Personnel and School Administrator Evaluation Systems, Form No. EOVAL-2012, shall result in an approval status of conditionally approved.

(5) Modifications to an Approved Evaluation System. Modifications to an approved evaluation system may be made pursuant to the following:

(a) An evaluation system is "substantially modified" when:

1. A different research framework is adopted as the basis for the system;
2. Scoring and weighting methods are changed;
3. Rubrics defining performance levels or proficiency level expectations are changed;
4. Evaluation measures or metrics are added or deleted from the system;
5. Processes for observation or feedback are changed;
6. There are changes in processes for informing employees of performance expectations expressed in the evaluation system or in training and maintaining evaluators' proficiency in use of the system; or
7. There are changes in the personnel who may contribute evidence to be used in evaluations.

(b) A substantially modified evaluation system shall be submitted to the Department for approval using Form EOVAL-2012 and shall not be implemented prior to Department approval.

(c) An evaluation system that has been modified less than substantially shall be submitted to the Department in writing. These modifications shall not be implemented prior to receipt of written notice from the Department confirming that the evaluation system has not been substantially modified. The Department shall provide the district written notice within twenty-one (21) days of the Department's receipt of the modified system.

(6) Implementation Monitoring: Districts and the Department shall implement quality control monitoring that identifies the impact of evaluation systems on quality improvements in instructional, administrative, and supervisory services.

(a) The use of data from quality control monitoring shall be used by districts to review and revise organizational policies, infrastructure, practices, procedures, and resource allocations to promote effective implementation and to remove barriers to success. The district monitoring elements shall include:

1. The effectiveness of evaluation system on improvement of student learning growth and faculty and leadership development;
 2. The impact of professional development on instructional personnel and school administrators' proficiency;
 3. Procedures to establish, monitor, and sustain inter-rater accuracy and reliability;
 4. Procedures to establish, monitor, and sustain the accuracy of evaluators' feedback;
 5. Frequency and effectiveness of feedback on proficiency on the indicators;
 6. Implementation of evaluation system(s) at school and district levels;
 7. Use of evaluation data to inform individual, school, and district improvement planning consistent with the requirements of Section 1001.42(18), Florida Statutes;
 8. Use of evaluation data to identify professional development priorities consistent with the requirements of Section 1012.98, Florida Statutes, and Rule 6A-5.071, F.A.C.;
 9. Implementation of assessments that are used to measure student growth and performance for evaluation purposes; and
 10. Alignment of evaluation indicators with contemporary research-based practices associated with improving student learning growth and the quality of instructional, administrative, and supervisory services;
- (b) The Department's monitoring elements are found in sub-subparagraphs (6)(b)1.a. through g. of this rule:

1. Coordination of Data Analysis. In order to assist the Department in monitoring implementation of district evaluation systems and their impact on student learning growth and the quality of instructional, administrative, and supervisory services, a district shall submit the following information thirty (30) days prior to the district’s scheduled review of its district evaluation systems pursuant to subparagraph (6)(b)2. of this rule:

a. Professional development provided on high effect size instructional and leadership strategies;

b. Data collection processes used to gather evidence of impact of professional development on high effect size instructional and leadership strategies;

c. Evidence of alignment of professional development and the district’s evaluation indicators;

d. Data elements included in the district’s Local Instructional Improvement System (LIIS) pursuant to Section 1006.281, Florida Statutes, that align professional development proficiencies with evaluation indicators;

e. Data collection processes used to gather evidence on the quality of school level implementation of state approved initiatives related to student learning growth on Common Core and Next Generation Sunshine State Standards as incorporated by reference in Rule 6A-1.09401, F.A.C.;

f. District data collection processes that track the impact of evaluation system implementation on student learning growth and instructional and administrative proficiency on evaluation indicators; and

g. District use of impact data to modify and improve instructional and administrative evaluation systems.

2. Five Year Continuous Improvement Cycle.

a. The Department shall publish a schedule for review of district evaluation systems for instructional personnel and school administrators in five-year cycles on the Department’s website at www.fldoe.org/profdev/pa.asp. The cycle of review shall commence in the 2014-15 school year.

b. Such reviews shall include the results of annual quality control monitoring and systemic change actions taken based on those results, the issues in subparagraph (6)(b)1. of this rule, and the implementation status of the requirements for evaluation systems specified in subsection (2) of this rule.

c. Such reviews shall include a joint Department and district assessment of the alignment of district evaluation practices for instructional personnel and school administrators on student growth, faculty and leadership development, and professional development on the core standards and expectations.

d. Where a review identifies barriers to implementation of the evaluation system, the district shall develop an action plan to eliminate or mitigate any identified barriers.

e. The reviews shall result in continued approval of a district’s evaluation system or modifications to the system based on the monitoring criteria.

(7) Reporting.

(a) All evaluation systems approved pursuant to this rule shall be posted online by the submitting organization on a district website within thirty (30) days of approval of the evaluation system. The current URL of the district’s posted documentation shall be provided to the Department by submitting the URL to EdQualityEvalSystems@fldoe.org, and it will be included on the Department’s website, www.fldoe.org/profdev/pa.asp. The district website posting shall provide access to the approved evaluation criteria, including rating rubrics, cut scores, and weighting formulas, evaluation system indicators, feedback processes and forms, and summative evaluation performance levels.

(b) The District’s annual report on the status of evaluation system implementation required by Section 1012.34(1)(a), Florida Statutes, shall address the monitoring results listed in subsection (6) of this rule.

Rulemaking Authority 1001.02, 1012.34, 229.053, 231.29 FS. Law Implemented 1001.42(18), 1006.281, 1012.12(1)(c), 1012.34, 1012.98, 230.23(5)(e), 231.29 FS. History—New 6-19-0, Formerly 6B-4.010, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Stewart, Chancellor, Division of Public Schools

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Gerard Robinson, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2012

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

DEPARTMENT OF THE LOTTERY

RULE NOS.:	RULE TITLES:
53-12.001	Statement of Policy
53-12.002	Definitions
53-12.003	Class Specifications
53-12.004	Job Descriptions
53-12.005	Personnel Administration Unit

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal rules determined to be no longer necessary.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-01, the Lottery has conducted a complete overhaul of its personnel program and has determined that the Lottery’s personnel program shall be set forth by policy rather than by rule except for those personnel rules specifically mandated by statute. The above rules are a part of the body of Lottery personnel rules determined to be no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: Repealing these unnecessary rules will not have an adverse impact or impose regulatory costs.

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: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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 RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32301, schmidtd@flalottery.com

THE FULL TEXT OF THE PROPOSED RULES IS:

53-12.001 Statement of Policy.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History–New 2-25-93, Repealed_____.

53-12.002 Definitions.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History–New 2-25-93, Repealed_____.

53-12.003 Class Specifications.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History–New 2-25-93, Repealed_____.

53-12.004 Job Descriptions.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History–New 2-25-93, Repealed_____.

53-12.005 Personnel Administration Unit.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d) FS. History–New 2-25-93, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Glenda Thornton, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia O’Connell, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DEPARTMENT OF THE LOTTERY

RULE NOS.:	RULE TITLES:
53-13.002	Increases to Base Rate of Pay
53-13.003	Salary Additives
53-13.004	Reduction in Pay
53-13.005	Downward Salary Range Adjustments
53-13.006	Computation of Hourly Rate
53-13.007	Overlap in Position
53-13.010	Processing of Pay Changes
53-13.011	Budgetary Limitations

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal rules determined to be no longer necessary.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-01, the Lottery has conducted a complete overhaul of its personnel program and has determined that the Lottery’s personnel program shall be set forth by policy rather than by rule except for those personnel rules specifically mandated by statute. The above rules are a part of the body of Lottery personnel rules determined to be no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: Repealing these unnecessary rules will not have an adverse impact or impose regulatory costs.

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: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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 RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32301, schmidtd@flalottery.com

THE FULL TEXT OF THE PROPOSED RULES IS:

53-13.002 Increases to Base Rate of Pay.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-13.003 Salary Additives.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-13.004 Reduction in Pay.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-13.005 Downward Salary Range Adjustments.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-13.006 Computation of Hourly Rate.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-13.007 Overlap in Position.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-13.010 Processing of Pay Changes.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-13.011 Budgetary Limitations.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Glenda Thornton, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia O'Connell, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DEPARTMENT OF THE LOTTERY

RULE NOS.:	RULE TITLES:
53-14.001	Recruitment
53-14.002	Position Vacancy Announcement
53-14.003	Accepting Employment Applications
53-14.004	Eligibility Determination
53-14.005	Selection
53-14.006	Documentation
53-14.007	Employee Security Checks
53-14.009	Benefits
53-14.010	Employee Records

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal rules determined to be no longer necessary.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-01, the Lottery has conducted a complete overhaul of its personnel program and has determined that the Lottery's personnel program shall be set forth by policy rather than by rule except for those personnel rules specifically mandated by statute. The above rules are a part of the body of Lottery personnel rules determined to be no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: Repealing these unnecessary rules will not have an adverse impact or impose regulatory costs.

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: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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 RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32301, schmidtd@flalottery.com

THE FULL TEXT OF THE PROPOSED RULES IS:

53-14.001 Recruitment.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-14.002 Position Vacancy Announcement.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-14.003 Accepting Employment Applications.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-14.004 Eligibility Determination.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History--New 2-25-93, Repealed _____.

53-14.005 Selection.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-14.006 Documentation.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-14.007 Employee Security Checks.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-14.009 Benefits.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Amended 4-1-02, Repealed _____.

53-14.010 Employee Records.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Glenda Thornton, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia O’Connell, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DEPARTMENT OF THE LOTTERY

RULE NOS.:	RULE TITLES:
53-15.001	Anniversary Dates
53-15.002	Original Appointments
53-15.003	Separations

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal rules determined to be no longer necessary.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-01, the Lottery has conducted a complete overhaul of its personnel program and has determined that the Lottery’s personnel program shall be set forth by policy rather than by rule except for those personnel rules specifically mandated by statute. The above rules are a part of the body of Lottery personnel rules determined to be no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: Repealing these unnecessary rules will not have an adverse impact or impose regulatory costs.

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: 24.105(9)(j) FS.
LAW IMPLEMENTED: 24.105(19)(d) 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 RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32301, schmidtd@flalottery.com

THE FULL TEXT OF THE PROPOSED RULES IS:

53-15.001 Anniversary Date.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-15.002 Original Appointments.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-15.003 Separations.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Glenda Thornton, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia O’Connell, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DEPARTMENT OF THE LOTTERY

RULE NOS.:	RULE TITLES:
53-16.001	Recordkeeping
53-16.002	Continuous and Creditable Service
53-16.003	Hours of Work

- 53-16.005 Holidays and Other Authorized Activities
- 53-16.006 Annual Leave for Administrative and Support Employees
- 53-16.007 Sick Leave
- 53-16.008 Disability Leave
- 53-16.009 Administrative Leave
- 53-16.010 Military Leave
- 53-16.011 Leave of Absence Without Pay

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal rules determined to be no longer necessary.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-01, the Lottery has conducted a complete overhaul of its personnel program and has determined that the Lottery’s personnel program shall be set forth by policy rather than by rule except for those personnel rules specifically mandated by statute. The above rules are a part of the body of Lottery personnel rules determined to be no longer necessary.

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RULEMAKING AUTHORITY: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.015(19)(d) 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 RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32301, schmidtd@flalottery.com

THE FULL TEXT OF THE PROPOSED RULES IS:

53-16.001 Recordkeeping.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-16.002 Continuous and Creditable Service.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-16.003 Hours of Work.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Amended 8-15-93, Repealed.

53-16.005 Holiday and Other Authorized Activities.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Amended, 7-4-93, 10-13-93, 9-16-99, Repealed.

53-16.006 Annual Leave for Administrative and Support Employees.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-16.007 Sick Leave.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repromulgated 4-1-02, Repealed.

53-16.008 Disability Leave.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-16.009 Administrative Leave.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Amended 8-15-93, 10-21-99, 4-1-02, 4-21-03, Repealed.

53-16.010 Military Leave.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-16.011 Leave of Absence Without Pay.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Amended 8-15-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Glenda Thornton, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia O’Connell, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DEPARTMENT OF THE LOTTERY

RULE NOS.: RULE TITLES:
 53-18.001 Disciplinary Actions
 53-18.002 Grievances

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal rules determined to be no longer necessary.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-01, the Lottery has conducted a complete overhaul of its personnel program and has determined that the Lottery’s personnel program shall be set forth by policy rather than by rule except for those personnel rules specifically mandated by statute. The above rules are a part of the body of Lottery personnel rules determined to be no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: Repealing these unnecessary rules will not have an adverse impact or impose regulatory costs.

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: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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 RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32301, schmidtd@flalottery.com

THE FULL TEXT OF THE PROPOSED RULES IS:

53-18.001 Disciplinary Actions

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed_____.

53-18.002 Grievances.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Glenda Thornton, General Counsel

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia O’Connell, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DEPARTMENT OF THE LOTTERY

RULE NOS.: RULE TITLES:
 53-19.001 Scope and Purpose
 53-19.002 Statement of Policy
 53-19.003 Procedures
 53-19.004 Authorized Political Activities
 53-19.005 Dual Employment

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal rules determined to be no longer necessary.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-01, the Lottery has conducted a complete overhaul of its personnel program and has determined that the Lottery’s personnel program shall be set forth by policy rather than by rule except for those personnel rules specifically mandated by statute. The above rules are a part of the body of Lottery personnel rules determined to be no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: Repealing these unnecessary rules will not have an adverse impact or impose regulatory costs.

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: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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 RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32301, schmidtd@flalottery.com

THE FULL TEXT OF THE PROPOSED RULES IS:

53-19.001 Scope and Purpose

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-19.002 Statement of Policy

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-19.003 Procedures

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Amended 1-6-00, Repealed.

53-19.004 Authorized Political Activities

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-19.005 Dual Employment

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Glenda Thornton, General Counsel
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia O’Connell, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DEPARTMENT OF THE LOTTERY

RULE NOS.:	RULE TITLES:
53-20.001	General Provisions
53-20.002	Classification and Pay Plan
53-20.003	Recruitment
53-20.004	Appointment
53-20.005	Attendance and Leave
53-20.006	Benefits

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal rules determined to be no longer necessary.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-01, the Lottery has conducted a complete overhaul of its personnel program and has determined that the Lottery’s personnel program shall be set forth by policy rather than by rule except for those personnel rules specifically mandated by statute. The above rules are a part of the body of Lottery personnel rules determined to be no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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RULEMAKING AUTHORITY: 24.105(9)(j) FS.
LAW IMPLEMENTED: 24.105(19)(d) 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 RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32301, schmidtd@flalottery.com

THE FULL TEXT OF THE PROPOSED RULES IS:

53-20.001 General Provisions.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Amended 3-12-00, 12-3-01, Repealed.

53-20.002 Classification and Pay Plan.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Amended 3-12-00, Repealed.

53-20.003 Recruitment.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Amended 3-12-00, Repealed.

53-20.004 Appointment.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-20.005 Attendance and Leave.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Superseded by 53ER04-65, Amended 4-6-05, Repealed.

53-20.006 Benefits.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Glenda Thornton, General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Cynthia O’Connell, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 8, 2012

DEPARTMENT OF THE LOTTERY

RULE NOS.:	RULE TITLES:
53-21.001	Scope and Purpose
53-21.002	General Provisions
53-21.003	Compensation Procedures

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal rules determined to be no longer necessary.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-01, the Lottery has conducted a complete overhaul of its personnel program and has determined that the Lottery’s personnel program shall be set forth by policy rather than by rule except for those personnel rules specifically mandated by statute. The above rules are a part of the body of Lottery personnel rules determined to be no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: Repealing these unnecessary rules will not have an adverse impact or impose regulatory costs.

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: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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 RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32301, schmidtd@flalottery.com

THE FULL TEXT OF THE PROPOSED RULES IS:

53-21.001 Scope and Purpose.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-21.002 General Provisions.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

53-21.003 Compensation Procedures.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Glenda Thornton, General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE
 PROPOSED RULE: Cynthia O’Connell, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 8, 2012

DEPARTMENT OF THE LOTTERY

RULE NOS.:	RULE TITLES:
53-25.001	Scope and Purpose
53-25.002	Definitions
53-25.003	Administration
53-25.004	Employee Assistance Coordinator’s Responsibilities
53-25.005	District Coordinator’s Responsibilities
53-25.006	Employee Rights and Confidentiality Management and Supervisory Responsibilities
53-25.007	Employee Responsibilities
53-25.008	Voluntary Submission to the Employee Assistance Program
53-25.009	Work Status During Rehabilitation
53-25.010	Diagnostic Evaluation

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to repeal rules determined to be no longer necessary.

SUMMARY: As a result of the comprehensive rule review required by Executive Order 11-01, the Lottery has conducted a complete overhaul of its personnel program and has determined that the Lottery’s personnel program shall be set forth by policy rather than by rule except for those personnel rules specifically mandated by statute. The above rules are a part of the body of Lottery personnel rules determined to be no longer necessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the information expressly relied upon and described herein: Repealing these unnecessary rules will not have an adverse impact or impose regulatory costs.

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: 24.105(9)(j) FS.

LAW IMPLEMENTED: 24.105(19)(d) 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 RULES IS: Diane D. Schmidt, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32301, schmidtd@flalottery.com

THE FULL TEXT OF THE PROPOSED RULES IS:

53-25.001 Scope and Purpose.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-25.002 Definitions.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-25.003 Administration.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-25.004 Employee Assistance Coordinator’s Responsibilities.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-25.005 District Coordinator’s Responsibilities.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-25.006 Employee Rights and Confidentiality.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-25.007 Management and Supervisory Responsibilities.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-25.008 Employee Responsibilities.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-25.009 Voluntary Submission to the Employee Assistance Program.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-25.010 Work Status During Rehabilitation.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

53-25.011 Diagnostic Evaluation.

Rulemaking Specific Authority 24.105(9)(j) FS. Law Implemented 24.015(19)(d) FS. History–New 2-25-93, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Glenda Thornton, General Counsel
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia O’Connell, Secretary
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.071	Durable Medical Equipment and Medical Supply Services Provider Fee Schedules

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.071, F.A.C., is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supply Services Provider Fee Schedules, November 2011. The amendment updates fee schedules so as to coincide with Federal coding changes.

SUMMARY: The amendment updates Durable Medical Equipment (DME) procedure codes, descriptions, and limitations for medical suppliers who provide services to Medicaid recipients.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: A checklist was prepared by the Agency to determine

the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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:

DATE AND TIME: Monday, March 19, 2012, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com. To download a draft copy of this rule, if available, go to <http://ahca.myflorida.com/Medicaid/review/index.shtml>

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.071 Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

Medicaid durable medical equipment and medical supply providers and their billing agents who submit claims on their behalf must be in compliance with the provisions of the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, November 2011 ~~November 2010~~, and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Recipients Under Age 21, November 2011 ~~November 2010~~, which are incorporated by reference. The fee schedules are available from the Medicaid fiscal agent's Web site at mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the

Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History--New 5-7-07, Amended 5-8-08, 9-28-11, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Gabric

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 30, 2012

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.032

RULE TITLE:

Aged and Disabled Adult Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards

PURPOSE AND EFFECT: The purpose is to adopt Rule 59G-13.032, F.A.C., that will incorporate by reference the Aged and Disabled Adult Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011.

SUMMARY: The rule will require providers enrolled in the Medicaid program to be in compliance with the aforementioned incorporated materials.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

Based on information from the SERC, the Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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:

DATE AND TIME: Monday, March 19, 2012, 1:00 p.m. – 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.032 Aged and Disabled Adult Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards.

(1) This rule applies to all aged and disabled adult waiver services providers enrolled in the Medicaid program.

(2) All aged and disabled adult waiver services providers enrolled in the Medicaid program must be in compliance with the Aged and Disabled Adult Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011, which are incorporated by reference. The Aged and Disabled Adult Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards are available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dan Gabric

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-13.052

RULE TITLE:
Assisted Living Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards

PURPOSE AND EFFECT: The purpose is to adopt Rule 59G-13.052, F.A.C., that will incorporate by reference the Assisted Living Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011.

SUMMARY: The rule will require providers enrolled in the Medicaid program to be in compliance with the aforementioned incorporated materials.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

Based on information from the SERC, the Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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: 409.919 FS.
 LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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:

DATE AND TIME: Monday, March 19, 2012, 1:00 p.m. – 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.052 Assisted Living Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards.

(1) This rule applies to all Assisted Living waiver services providers enrolled in the Medicaid program.

(2) All Assisted Living waiver services providers enrolled in the Medicaid program must be in compliance with the Assisted Living Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011, which are incorporated by reference. The Assisted Living Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards are available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Dan Gabric

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-13.086	Developmental Disabilities Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards

PURPOSE AND EFFECT: The purpose is to adopt Rule 59G-13.086, F.A.C., that will incorporate by reference the Developmental Disabilities Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011.

SUMMARY: The rule will require providers enrolled in the Medicaid program to be in compliance with the aforementioned incorporated materials.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

Based on information from the SERC, the Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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: 409.919 FS.
 LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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:

DATE AND TIME: Monday, March 19, 2012, 1:00 p.m. – 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.086 Developmental Disabilities Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards.

(1) This rule applies to all Developmental Disabilities waiver services providers enrolled in the Medicaid program.

(2) All Developmental Disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011, which are incorporated by reference. The Developmental Disabilities Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards are available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Gabric

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-13.102

RULE TITLE: Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards

PURPOSE AND EFFECT: The purpose is to adopt Rule 59G-13.102 that will incorporate by reference the Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011.

SUMMARY: The rule will require providers enrolled in the Medicaid program to be in compliance with the aforementioned incorporated materials.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

Based on information from the SERC, the Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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:

DATE AND TIME: Monday, March 19, 2012, 1:00 p.m. – 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the

agency at least 48 hours before the workshop/meeting by contacting: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.102 Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards.

(1) This rule applies to all Familial Dysautonomia waiver services providers enrolled in the Medicaid program.

(2) All Familial Dysautonomia waiver services providers enrolled in the Medicaid program must be in compliance with the Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011, which are incorporated by reference. The Familial Dysautonomia Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards are available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Gabric

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-13.112	Project AIDS Care Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards

PURPOSE AND EFFECT: The purpose is to adopt Rule 59G-13.112, F.A.C., that will incorporate by reference the Project AIDS Care Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011.

SUMMARY: The rule will require providers enrolled in the Medicaid program to be in compliance with the aforementioned incorporated materials.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

Based on information from the SERC, the Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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:

DATE AND TIME: Monday, March 19, 2012, 1:00 p.m. – 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.112 Project AIDS Care Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards.

(1) This rule applies to all Project AIDS Care waiver services providers enrolled in the Medicaid program.

(2) All Project AIDS Care waiver services providers enrolled in the Medicaid program must be in compliance with the Project AIDS Care Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011, which are incorporated by reference. The Project AIDS Care Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards are available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Dan Gabric

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2011

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

<p>RULE NO.: 59G-13.132</p>	<p>RULE TITLE: Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards</p>
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PURPOSE AND EFFECT: The purpose is to adopt Rule 59G-13.132, F.A.C., that will incorporate by reference the Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011.

SUMMARY: The rule will require providers enrolled in the Medicaid program to be in compliance with the aforementioned incorporated materials.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the agency.

Based on information from the SERC, the Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Also, based on this information at the time of the analysis and pursuant to Section 120.541, F.S., the rule will not require legislative ratification.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 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:

DATE AND TIME: Monday, March 19, 2012, 1:00 p.m. – 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, Florida 32308-5407

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-13.132 Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards.

(1) This rule applies to all Traumatic Brain and Spinal Cord Injury waiver services providers enrolled in the Medicaid program.

(2) All Traumatic Brain and Spinal Cord Injury waiver services providers enrolled in the Medicaid program must be in compliance with the Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Fee Schedule, December 2011, and Minimum Quality Standards, December 2011, which are incorporated by reference. The Traumatic Brain and Spinal Cord Injury Waiver Disposable Incontinence Medical Supplies Fee Schedule and Minimum Quality Standards are available from the Medicaid fiscal agent's Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. Paper copies may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Dan Gabric

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 3, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2011

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE NO.: 60S-4.020 RULE TITLE: Retiree Health Insurance Subsidy

PURPOSE AND EFFECT: To incorporate by reference three Division forms.

SUMMARY: The amendments incorporate by reference three Division forms for purposes of applying for the Retiree Health Insurance Subsidy.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

No State of Estimated Regulatory Cost was prepared. The agency has determined that this rule shall not have an effect on small businesses as defined by Section 288.703, Florida Statutes, nor on small counties or small cities as defined by Section 120.52, Florida Statutes.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Not required because there are no adverse impacts on economic growth, business competitiveness or regulatory costs of more than \$1M in the aggregate within five years of implementation.

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: 112.363(7), 121.031(1) FS.

LAW IMPLEMENTED: 112.363 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:

DATE AND TIME: March 16, 2012, 10:00 a.m., ET

PLACE: Division of Retirement of the Department of Management Services, Director's Conference Room, Suite 208, 1317 Winewood Blvd., Bldg. 8, Tallahassee, Florida 32399-1560

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 2 days before the workshop/meeting by contacting: Richard Clifford, Senior Benefits Analyst, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

THE FULL TEXT OF THE PROPOSED RULE IS:

60S-4.020 Retiree Health Insurance Subsidy.

(1) No change.

(2) Eligible retired members or beneficiaries must make application to the Division for the Health Insurance Subsidy and certify their health insurance coverage for the retiree or beneficiary must be certified in accordance with procedures established by the Division in order to receive the

Health Insurance Subsidy. FRS Pension Plan retirees or beneficiaries shall make application and certify their health insurance coverage to the Division on Form HIS-1 (Rev. 07/05), Florida Retirement System Pension Plan Health Insurance Subsidy Certification Form, herein adopted by reference, which is mailed to the FRS Pension Retiree's address of record when placed on retired payroll and may also be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Retired Payroll Section Toll Free at 1(888)377-7687, if calling from outside the Tallahassee calling area or locally at (850)488-4742, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. FRS Investment Plan retirees or beneficiaries shall make application to the Division for the Health Insurance Subsidy on Form HIS-IP (Rev. 07/04), Florida Retirement System (FRS) Application for Health Insurance Subsidy for Investment Plan Members, herein adopted by reference, and shall certify their health insurance coverage to the Division on Form HIS-IP-2 (Rev 07/04), Florida Retirement System (FRS) Health Insurance Subsidy Certification for Investment Plan Members, herein adopted by reference. Both these forms may be obtained from the Forms page of the Division's website, <http://frs.MyFlorida.com>, or by calling the Division's Bureau of Retirement Calculations Toll Free at 1(888)738-2252, if calling from outside the Tallahassee calling area or locally at (850)488-6491, or if hearing or speech impaired by calling the Division via T.D.D. at the Florida Relay System by dialing 711 or 1(800)955-8771. If the Division receives such application and certification of health insurance coverage within 6 months after retirement FRS benefits commence, the Retiree Health Insurance Subsidy may shall be paid retroactive up to the effective retirement date. If However, if the Division receives the certification of insurance coverage 6 or more months after retirement benefits commence, the member will be eligible to receive retroactive payments for a maximum of 6 months only. Retroactive Retiree Health Insurance Subsidy benefits can only be paid for the months of certified health insurance coverage.

(3) No change.

Rulemaking Specific Authority 112.363(7), 121.031(1) FS. Law Implemented 112.363 FS. History--New 5-18-88, Amended 11-14-91, Formerly 22B-4.020, Amended 3-18-93, 2-24-99,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Sarabeth Snuggs, Director, Division of Retirement

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John P. Miles, Secretary, Department of Management Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 20, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-1.013
RULE TITLE: License Classification

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The elimination of Rule 61A-1.013, F.A.C., identified during the comprehensive review as duplicative of Chapters 210, 561, 564, and 565, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Division of Alcoholic Beverages and Tobacco conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 561.11 FS.

LAW IMPLEMENTED: 210, 561.14, 561.43, 563.02, 564.02, 565.02, 565.03 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: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-1.013 License Classification.

Rulemaking Specific Authority 561.11 FS. Law Implemented 210, 561.14, 561.43, 563.02, 564.02, 565.02, 565.03 FS. History--New 3-1-76, Formerly 7A-1.13, 7A-1.013, Repealed_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.: RULE TITLES:
61A-2.018 License Application Report(s)
61A-2.019 Approved Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rules amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The elimination of Rules 61A-2.018 and 61A-2.019, F.A.C., which were identified during the comprehensive review as unnecessary and not statutorily mandated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Division of Alcoholic Beverages and Tobacco conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 120.52(1)(b), 561.11 FS.

LAW IMPLEMENTED: 120.53, 561.14, 561.15, 561.17, 561.21, 561.25, 561.29 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 RULES IS: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULES IS:

61A-2.018 License Application Report(s).

Rulemaking Specific Authority 120.53(1)(b), 561.11 FS. Law Implemented 120.53(1)(b), 561.14, 561.17 FS. History--New 3-1-76, Formerly 7A-2.18, 7A-2.018, Repealed.

61A-2.019 Approved Forms.

Rulemaking Specific Authority 120.53(1)(b) FS. Law Implemented 120.53 FS. History--New 11-19-81, Formerly 7A-2.19, 7A-2.019, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-3.033 Delinquency, Payment of

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal a rule identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The elimination of Rule 61A-3.033, F.A.C., which was identified during the comprehensive review as not statutorily mandated and unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described

herein: The Division of Alcoholic Beverages and Tobacco conducted an analysis of the proposed rule's potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 561.11 FS.

LAW IMPLEMENTED: 561.29, 561.42(3) 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: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-3.033 Delinquency, Payment of.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.42(3) FS. History—Formerly 12-19-74, Formerly 7A-3.33, 7A-3.033, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-4.003	Delinquent Accounts, Reporting
61A-4.030	Deliveries to Vendors
61A-4.046	Alcoholic Beverages, Samples, Withdrawals
61A-4.0461	Discounts, Alcoholic Beverages
61A-4.061	Malt Beverages; Exclusive Sales Territories
61A-4.063	Alcoholic Beverage Surcharge Implemented for Consumption-on-Premises Vendors

PURPOSE AND EFFECT: The purpose and effect of the proposed rules amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The elimination of Rule 61A-4.003, F.A.C., as it is not mandated by statute, and is duplicative of Rule 61A-3.035, F.A.C.; Rules 61A-4.030, 61A-4.046, 61A-4.0461, 61A-4.061, F.A.C. which are not mandated by statute and are unnecessary; and Rule 61A-4.063, F.A.C., which implements a repealed statute, Section 561.501, Florida Statutes, making the rule unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Division of Alcoholic Beverages and Tobacco conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 561.11 FS.

LAW IMPLEMENTED: 561.01(10), 561.14, 561.42, 561.501, 561.56, 561.57, 563.021, 565.03 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 RULES IS: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULES IS:

61A-4.003 Delinquent Accounts, Reporting.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.01(10), 561.42(3),(4),(5) FS. Florida Beverage Corporation, Inc. et al. v. Wynne, 306 So. 2d 200 (Fla. 1st DCA 1975). History—Repromulgated 12-19-74, Amended 3-1-76, 11-28-76, 1-28-80, Formerly 7A-4.03, 7A-4.003, Repealed.

61A-4.030 Deliveries to Vendors.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.14(1), 561.56, 561.57, 565.03(1) FS. History—Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-4.30, 7A-4.030, Repealed.

61A-4.046 Alcoholic Beverages, Samples, Withdrawals.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.42 FS. History—Repromulgated 12-19-74, Amended 3-1-76, 11-20-85, Formerly 7A-4.46, 7A-4.046, Repealed.

61A-4.0461 Discounts, Alcoholic Beverages.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.01(10), 561.42(1),(6) FS. History—New 3-1-76, Formerly 7A-4.461, Amended 1-9-91, Formerly 7A-4.0461, Repealed.

61A-4.061 Malt Beverages; Exclusive Sales Territories.

Rulemaking Specific Authority 561.11 FS. Law Implemented 563.021 FS. History—New 1-31-89, Formerly 7A-4.061, Amended 8-25-93, Repealed.

61A-4.063 Alcoholic Beverage Surcharge Implemented for Consumption-on-Premises Vendors.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.501 FS. History—New 1-15-91, Amended 11-4-91, 12-22-92, Formerly 7A-4.063, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-5.001	Obtaining of Forms
61A-5.011	Completed Application for the Grant of a New Quota Liquor License
61A-5.700	Application for Alcoholic Beverage License
61A-5.710	Personal Questionnaire
61A-5.761	List of License Application Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rules amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The elimination of Rules 61A-5.001, 61A-5.011, 61A-5.700, 61A-5.710, 61A-5.761, Florida Administrative Code, are not mandated by statute and are not necessary. The subject matter in Rule 61A-5.001, F.A.C., is duplicative of revisions being made to Rule 61A-3.035, F.A.C.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Division of Alcoholic Beverages and Tobacco conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 561.08, 561.11 FS., Chapter 92-285, Laws of Florida.

LAW IMPLEMENTED: 561.01, 561.08, 561.11, 561.15, 561.17, 561.18, 561.181, 561.19, 561.20, 561.22, 561.25, 561.32, 561.033, 561.331 FS., Chapter 92-285, Laws of Florida.

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 RULES IS: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULES IS:

61A-5.001 Obtaining of Forms.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.08, 561.11 FS. History—New 2-16-89, Formerly 7A-5.001, Repealed.

61A-5.011 Completed Application for the Grant of a New Quota Liquor License.

Rulemaking Specific Authority 561.11 FS. Law Implemented 561.08, 561.11, 561.18, 561.19, 561.20 FS. History–New 2-16-89, Formerly 7A-5.011, Repealed.

61A-5.700 Application for Alcoholic Beverage License.

Rulemaking Specific Authority 561.11, 561.08 FS. Law Implemented 561.08, 561.11, 561.17, 561.181, 561.19, 561.32, 561.33, 561.331 FS. History–New 2-16-89, Formerly 7A-5.700, Repealed.

61A-5.710 Personal Questionnaire.

Rulemaking Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11, 561.15, 561.17, 561.18, 561.22, 561.25, 561.42 FS. History–New 2-16-89, Formerly 7A-5.710, Repealed.

61A-5.761 List of License Application Requirements.

Rulemaking Specific Authority 561.08, 561.11 FS. Law Implemented 561.08, 561.11 FS. History–New 2-16-89, Formerly 7A-5.761, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: 61A-7.005
 RULE TITLE: Triennial Renewal Requirements
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The elimination of Rule 61A-7.005, F.A.C., identified during the comprehensive review as not statutorily mandated and unnecessary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Division of Alcoholic Beverages and Tobacco conducted an analysis of the proposed rule’s potential economic impact and determined that it did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 386.2125, 561.695 FS.

LAW IMPLEMENTED: 386.203, 561.695 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: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULE IS:

61A-7.005 Triennial Renewal Requirements.

Rulemaking Specific Authority 386.2125, 561.695(9) FS. Law Implemented 386.203(11), 561.695(6) FS. History–New 6-14-05, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2011

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NOS.:	RULE TITLES:
61A-10.012	Manufacturers’ and Importers’ Representatives, Reports and Responsibilities
61A-10.053	Records Maintenance
61A-10.083	Application for Retail Dealer Permit, Cigarette and Tobacco Products

PURPOSE AND EFFECT: The purpose and effect of the proposed rules amendment will be to repeal rules identified during the comprehensive rule review required by Executive Order 11-01 as duplicative, unnecessarily burdensome, or no longer necessary.

SUMMARY: The elimination of Rules 61A-10.012, 61A-10.053, 61A-10.083, F.A.C., which were identified during the comprehensive review as duplicative of Rules 61-10.009, 61A-10.0091, 61A-5.056, Florida Administrative Code, and Section 210.60, Florida Statutes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Division of Alcoholic Beverages and Tobacco conducted an analysis of the proposed rules' potential economic impact and determined that they did not exceed any of the criteria established in Section 120.541(2)(a), F.S.

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: 210.10, 210.75, 569.009 FS.
LAW IMPLEMENTED: 210.01, 210.085, 210.09, 210.60, 569.002, 569.003 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 RULES IS: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

THE FULL TEXT OF THE PROPOSED RULES IS:

61A-10.012 Manufacturers' and Importers' Representatives, Reports and Responsibilities.

Rulemaking Specific Authority 210.10 FS. Law Implemented 210.01, 210.085, 210.09 FS. History--Repromulgated 12-19-74, Formerly 7A-10.12, Amended 1-24-91, 8-28-91, Formerly 7A-10.012, Amended 9-2-08, Repealed _____.

61A-10.053 Records Maintenance.

Rulemaking Specific Authority 210.75 FS. Law Implemented 210.60 FS. History--New 9-2-08, Repealed _____.

61A-10.083 Application for Retail Dealer Permit, Cigarette and Tobacco Products.

Rulemaking Specific Authority 569.009 FS. Law Implemented 569.002, 569.003 FS. History--New 9-2-08, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: R. Kathleen Brown-Blake, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Ken Lawson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 26, 2012

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.	RULE TITLE:
64B7-25.006	Expiration of Incomplete Applications

PURPOSE AND EFFECT: The Board proposes the repeal of Rule 64B7-25.006, F.A.C., because Section 456.013(1)(a), F.S., provides for the expiration of an incomplete application after one year and the rule duplicates the statute.

SUMMARY: This rule is being repealed because Section 456.013(1)(a), F.S., provides for the expiration of an incomplete application after one year and the rule duplicates the statute.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 480.035(7) FS.

LAW IMPLEMENTED: 456.013, 480.041 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 Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, FL 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-25.006 Expiration of Incomplete Application.

Rulemaking Specific Authority 480.035(7) FS. Law Implemented 456.013, 480.041 FS. History–New 6-22-99, Repealed

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Massage Therapy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 27, 2012

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: RULE TITLE:

64B19-11.001 Examination

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate the revised re-examination application in the appropriate rule.

SUMMARY: The proposed rule amendments incorporate the revised re-examination application in the appropriate rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and

that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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)(b), (c), 490.004(4) FS.

LAW IMPLEMENTED: 456.017(1)(b), (c), (d), (6), 490.005, 490.006(1)(b), 490.007(1) 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: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B19-11.001 Examination.

(1) through (3) No change.

(4)(a) A candidate for licensure by examination who fails to pass one part of the examination shall only be required to retake and pass that part of the examination which was failed. The application for re-examination of the Florida laws and rules examination shall be made on the Re-Examination Application/Laws and Rules Exam form DH-MQA 1221 (revised 10/11 ~~10/09~~), hereby adopted and incorporated by reference. The application for re-examination of the EPPP shall be made on the Re-Examination Application/National Exam form DH-MQA 1222 (revised 10/09), hereby adopted and incorporated by reference. Upon notice from the Department’s Testing Services Unit of an applicant’s unsuccessful scores(s), the Board Office will send the appropriate re-examination form(s) to the affected applicant.

(b) No change.

Rulemaking Authority 456.017(1)(b), (c), 490.004(4) FS. Law Implemented 456.017(1)(b), (c), (d), (6), 490.005, 490.006(1)(b), 490.007(1) FS. History–New 4-4-82, Amended 7-11-84, Formerly 21U-11.03, Amended 2-19-86, 12-30-86, 3-10-87, 11-21-88, 3-5-90, 1-16-92, Formerly 21U-11.003, Amended 6-14-94, Formerly 61F13-11.003, Amended 1-7-96, 6-26-97, Formerly 59AA-11.001, Amended 2-21-99, 5-1-00, 1-10-01, 8-5-01, 4-26-04, 5-10-05, 2-24-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Psychology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2012

DEPARTMENT OF HEALTH

Board of Psychology

RULE NOS.: 64B19-12.002
RULE TITLES: Application and Examination Fee for Licensure by Examination; Review Fee
64B19-12.003 Reexamination Fee

PURPOSE AND EFFECT: The proposed rule amendments are intended to reduce the fee for the laws and rules examination and reexamination from \$150 to \$85.

SUMMARY: The proposed rule amendments reduce the fee for the laws and rules examination and reexamination from \$150 to \$85.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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(2), 490.004(4), 490.005(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 456.017, 490.005(1)(a) 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 RULES IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULES IS:

64B19-12.002 Application and Examination Fee for Licensure by Examination; Review Fee.

(1) through (2) No change.

(3) In addition to the application fee specified above, each applicant for certification for examination shall submit a laws and rules examination fee of \$85.00 \$150.00.

(4) No change.

(5) An applicant who wishes to review the applicant's own Florida laws and rules examination shall remit a fee of \$85.00 \$150.00.

Rulemaking Authority 456.013(2), 490.004(4), 490.005(1)(a) FS. Law Implemented 456.013(2), 456.017, 490.005(1)(a) FS. History--New 2-22-82, Amended 7-2-84, Formerly 21U-12.02, Amended 11-21-88, 8-12-90, 1-16-92, Formerly 21U-12.002, Amended 10-12-93, 6-14-94, Formerly 61F13-12.002, Amended 1-7-96, 6-26-97, Formerly 59AA-12.002, Amended 12-3-98, 6-28-00, 8-8-01, 2-12-04, 10-31-05, 1-28-07, 2-18-10, 5-23-10.

64B19-12.003 Reexamination Fee.

The reexamination fee for only the Florida laws and rules examination is \$85.00 \$150.00. Additional fees will be required by the examination vendor.

Rulemaking Authority 456.017(2), 490.004(4) FS. Law Implemented 456.017(1)(c), (2) FS. History--New 2-22-82, Amended 7-11-84, Formerly 21U-12.03, Amended 7-18-88, 8-12-90, 1-16-92, Formerly 21U-12.003, Amended 10-12-93, Formerly 61F13-12.003, Amended 1-7-96, Formerly 59AA-12.003, Amended 12-3-98, 1-10-01, 8-8-01, 2-12-04, 10-31-05, 4-8-07, 2-18-10.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Psychology

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Psychology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2012

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.712
RULE TITLE: SSI-Related Medicaid Resource Eligibility Criteria

PURPOSE AND EFFECT: The proposed rule amends language to the areas of SSI-Related Medicaid Program resource eligibility criteria including transfer to annuities, home equity, penalty period and compensation for property. Included in this proposed rule amendment are wording changes and technical changes of a non-substantive nature to improve the overall content of the rule.

SUMMARY: The proposed rule amends language to the areas of SSI-Related Medicaid Program resource eligibility criteria.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department considered the factors in Section 120.541, F.S. The proposed rule is not expected to exceed the criteria in paragraph 120.541(2)(a), F.S., therefore legislative ratification is not required under subsection 120.541(3), F.S.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 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: March 21, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

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 7 days before the workshop/meeting by contacting: Cindy Keil. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, Economic Self-Sufficiency Program, (850)717-4113, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, cindy_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(1) Resource Limits. If an individual's total resources are equal to or below the prescribed resource limits at any time during the month the individual is eligible on the factor of resources for that month. The resource limit is the SSI limit specified in Rule 65A-1.716, F.A.C., with the following exceptions:

(a) For Medicaid for the Aged or Disabled Demonstration Waiver (MEDS-AD), ~~Demonstration Waiver~~ an individual whose income is equal to or below 88 percent of the federal poverty level must not have resources exceeding the current Medically Needy resource limit specified in Rule 65A-1.716, F.A.C.

(b) For Qualified Medicare Beneficiary (QMB), an individual cannot have resources exceeding three times the SSI resource limit with increases based on the Consumer Price Index ~~the Medically Needy resource limit~~.

(c) For Working Disabled (WD), an individual cannot have resources exceeding the Medically Needy resource limit.

(d) For Special Low Income Medicare Beneficiary (SLMB), an individual cannot have resources exceeding three times the SSI resource limit with increases based on the Consumer Price Index ~~the Medically Needy resource limit~~.

(e) For Medically Needy, an individual or couple cannot have resources exceeding the applicable Medically Needy resource limit level set forth in subsection 65A-1.716(3), F.A.C.

(f) For the Home and Community Based ~~Waiver~~ Services (HCBS) Waiver Program, an individual cannot have countable resources that exceed \$2,000. If the individual's income falls within the MEDS-AD Demonstration Waiver limit, the individual can have resources up to \$5,000.

(2) Exclusions. The Department follows SSI policy prescribed in 20 C.F.R. § 416.1210 ~~(2011) (2009) and 20 C.F.R. § 416.1218 (2009), incorporated by reference,~~ in determining ~~what is counted as a resource~~ exclusions, with the following exceptions in paragraphs (a) through (f) below, ~~as mandated by federal Medicaid policies, or additional exclusions,~~ as adopted by the Department under 42 U.S.C. § 1396a(r)(2) ~~(2010) (2006), incorporated by reference.~~ SSI policy requires resources in a blocked account to be countable resources. This applies regardless of whether the individual or their representative is required to petition the court to withdraw funds for the individual's care. A blocked account is one in which state law protects an individual's funds by specifically requiring that the funds be made available for the care and maintenance of the individual.

(a) Resources of a comatose applicant (or recipient) are excluded ~~not considered as available~~ when there is no known legal guardian or other individual who can access and expend the resource(s).

(b) through (d) No change.

~~(e) One automobile is excluded, regardless of value.~~

~~(e)(f) No change.~~

~~(f)(g)~~ An individual who is a beneficiary under a qualified state Long-Term Care Insurance Partnership Policy is given a resource disregard equal to the amount of the insurance benefit payments made to or on behalf of the individual for long term care services when determining if the individual's countable resources are within the program limits to qualify for Medicaid

Institutional Care Program (ICP) nursing home care, HCBS Home and Community Based Waiver Services Program, the Program of All Inclusive Care for the Elderly (PACE), or hospice benefits.

(3) Transfer of Resources and Income. According to 42 U.S.C. § 1396p(c) ~~(2010) (2006), incorporated by reference,~~ if an individual, the spouse, or their legal representative, disposes of resources or income for less than fair market value on or after the look back date, the Department must presume that the disposal of resources or income was to become Medicaid eligible and impose a period of ineligibility for ICP nursing facility care services, Institutional Hospice or HCBS Waiver Programs services. The Department will mail a notice to individuals who report a transfer for less than fair market value (Form CF-ES 2264, 02/2007, Notice of Determination of Assets (Or Income) Transfer, incorporated herein by reference), advising of the opportunity to rebut the presumption and of the opportunity to request and support a claim of undue hardship per subparagraph (c)5. below. If the Department determines the individual is eligible for Medicaid on all other factors of eligibility except the transfer, the individual will be approved for general Medicaid services (not ICP, Institutional Hospice or HCBS Waiver Programs long term care services) and advised of their penalty period (Form 2358, 02/2007, Medicaid Transfer Disposition Notice, incorporated herein by reference). Transfers of resources or income made prior to January 1, 2010 (first day of month following effective date) are subject to a 36 month look back period, except in the case of a trust treated as a transfer in which case the look back period is 60 months. Transfers of resources or income made on or after January 1, 2010 (first day of month following effective date) are subject to a 60 month look back period.

(a) The Department follows the policy for transfer of resources assets mandated by 42 U.S.C. §§ 1396p ~~(2010) (2006)~~ and 1396r-5 ~~(2010) (2006), incorporated by reference.~~ Transfer policies apply to the transfer of income and resources.

(b) No change.

1. Individuals and their spouses must disclose their ownership interest in any annuity, including annuities that are not subject to the transfer of resources assets provision, and if purchased on or after November 1, 2007 (and within the look back period) must name the state as a remainder beneficiary (for applicants at the time of approval or for recipients at time of annual review) in the first position for no more than the total amount of medical assistance paid on behalf of the institutionalized individual or in the second position after the community spouse and/or minor or disabled child unless the spouse, child or their representative disposes of the remainder for less than fair market value.

2. A purchase of an annuity (and other transactions that change the course of an annuity payment or treatment of income or principal) made on or after November 1, 2007 (and

within the look back period) will be considered a transfer of resources assets for less than fair market value unless the annuity meets all of the following criteria for applicants at the time of approval and recipients at the time of annual review:

(a) the State of Florida, Agency for Health Care Administration, state is named as the primary beneficiary (or secondary as appropriate pursuant to subparagraph (b)1. above); (b) the annuity is irrevocable and non-assignable; (c) the annuity pays principal and interest in equal amounts during the term of the annuity, with no balloon or deferred payments; and (d) the annuity is actuarially sound based on standards published by the Office of the Chief Actuary of the Social Security Administration called the Period of Life Table as set forth in Rule 65A-1.716, F.A.C. (Life Expectancy Tables). If the annuity meets all of the above criteria, funds in the annuity are excluded as a resource and the periodic payments are counted as income in the eligibility determination and calculation of patient responsibility. Annuities purchased for the community spouse after November 1, 2007 must name the state as primary (or secondary) beneficiary pursuant to subparagraph (b)1. above and must be actuarially sound based on the community spouse's age and the life expectancy tables.

a. Certain transactions, such as additions of principal to an existing annuity or electing to annuitize an existing annuity that occurs on or after November 1, 2007 make an annuity (including an annuity purchased before November 1, 2007) subject to the transfer of resources provisions unless the criteria of (a)2. through (d)2. above are met.

b. Annuities purchased on or after November 1, 2007 (and within the look back period), by or on behalf of the community spouse, must name the State of Florida, Agency for Health Care Administration, as primary (or secondary) beneficiary pursuant to subparagraph (b)1. above and must be actuarially sound based on the community spouse's age and the life expectancy tables. Annuities purchased by or on behalf of the community spouse after approval of ICP, Institutional Hospice or HCBS Waiver Programs for the applicant spouse are not evaluated for transfer of resources provisions.

3. Individual Retirement Accounts (IRAs) or annuities (as described in Section 408 of the Internal Revenue Code) ~~(2010) (2008), incorporated by reference)~~ established by an employee or employer are not considered under the transfer of resources assets provision and are not required to name the state as the primary remainder beneficiary in accordance with subparagraph (b)1. above.

(c) No penalty or period of ineligibility shall be imposed against an individual for transfers described in 42 U.S.C. § 1396p(c)(2) ~~(2010) (2006), incorporated by reference).~~

1. through 5. No change.

(d) Except for allowable transfers described in 42 U.S.C. § 1396p(c)(2) ~~(2010)~~, in all other instances the Department must presume the transfer occurred to become Medicaid eligible unless the individual can prove otherwise.

1. through 2. No change.

3. Promissory notes, loans and mortgages purchased on or ~~signed~~ after November 1, 2007 (and within the look back period) will be considered transfers of resources for less than fair market value assets without fair compensation to become Medicaid eligible unless the promissory notes, loans or mortgages meet all of the following criteria: (a) the repayment term is actuarially sound in accordance with the Life Expectancy Tables as referenced in paragraph (b)2. above; (b) payments must be made in equal amounts during the term of the loan, with no deferral and no balloon payments being possible; and (c) debt forgiveness is not allowed. If these criteria are not met, for purposes of transfer of resources assets, the value of the promissory notes, loans or mortgages will be the outstanding balance due as of the date of application for ICP, Institutional Hospice or HCBS Waiver Programs long term care services.

4. A life estate interest purchased in another individual's home on or after November 1, 2007 (and within the look back period) is considered a transfer of resources assets for less than fair market value. If the individual has not lived in the home for at least one year after the date of the purchase, the full amount of the purchase price paid for the life estate will be considered an uncompensated transfer without considering the value of the life estate. If the individual who purchased the life estate has resided in the home for at least one continuous year after the date of the purchase, the value of the life estate will be considered compensation and will be calculated by multiplying the current market value of the property at the time of the purchase by the life estate factor that corresponds to the individual's age at the time of the purchase. The life estate tables ~~are incorporated by reference~~ from the Social Security Administration's online Program Operations Manual System (SI 01140.120) (04/99), ~~can be incorporated by reference, as found in Appendix A-17 of the Department's online manual located at <http://www.dcf.state.fl.us/programs/access/esspolicymanual.shtml> www.dcf.state.fl.us/ess/ (June 2009).~~ Brief absences from the life estate property such as stays in a rehabilitation facility or vacations may not disrupt the client's residency in the home. The facts of each absence will be evaluated to determine if the home continued to be the individual's principal place of residence such as whether the person's mail was delivered and received there or whether they paid the property taxes.

5. Compensation for a resource may be received in the form of cash, real or personal property or other valuable consideration provided. Compensation is the gross amount paid or to be paid for the resource based on the agreement at the time of transfer, or contract for sale, if earlier. Compensation received in the form of real or personal property is valued according to its fair market value (FMV). Fair market value is defined as the price for which a resource can reasonably be expected to sell on the open market. If

compensation for the resource is in the form of jointly owned real or personal property, the value of the compensation received is the FMV of the fractional interest in the real or personal property transferred or received. Expenses attributed to the sale of a resource do not reduce the value of the compensation.

(e) through (f) No change.

(g) For transfers prior to November 1, 2007 (and within the look back period), periods of ineligibility are calculated beginning with the month in which the transfer occurred and shall be equal to the actual computed period of ineligibility, rounded down to the nearest whole number. For transfers made on or after November 1, 2007 (and within the look back period), periods of ineligibility begin with the later of the following dates: (1) the day the individual is eligible (pursuant to Rules 65A-1.711 through 65A-1.713, F.A.C.) for Medicaid medical assistance under the state plan and would otherwise be receiving institutional level care services in a nursing home facility, an institution with a level of care equivalent to that of a nursing facility, or home or community based services furnished under a waiver based on an approved application for such care but for the application of the penalty period; or (2) the first day of the month in which the individual transfers the asset; or (3) the first day following the end of an existing penalty period. The ~~Department~~ shall not round down, or otherwise disregard, any fractional period of ineligibility of the penalty period but will calculate the period down to the day. There is no limit on the period of ineligibility. Once the penalty period is imposed, it will continue although the individual may no longer meet all factors of eligibility and may no longer qualify for Medicaid long-term care benefits.

1. No change.

a. For transfers prior to November 1, 2007 (and within the look back period), where resources or income have been transferred in amounts or frequency or both that would make the calculated penalty periods overlap, the value of all transferred resources or income is added together and divided by the average cost of private nursing home care.

b. For transfers prior to November 1, 2007 (and within the look back period), where multiple transfers are made in such a way that the penalty periods for each would not overlap, each transfer is treated as a separate event with its own penalty period.

c. For transfers on or after November 1, 2007 (and within the look back period), the uncompensated value of all transfers will be added together to arrive at one total value with a penalty period assigned.

2. If an institutionalized individual is ineligible for ICP, Institutional Hospice or an HCBS Waiver Program medical assistance due to a transfer of resources or income by the community spouse, and the community spouse becomes potentially eligible for ICP, HCBS, or Institutional Hospice services, any remaining penalty period must be apportioned

between the spouses. The Department shall apportion penalty periods by dividing any new or remaining penalty periods by two ~~2~~ and attribute the quotient to each spouse. Any excess months may be attributed to the spouse that caused the penalty or according to the wishes of the couple or their representative.

3. Individuals who are ineligible due solely to the uncompensated value of a transferred resource or income are ineligible for ICP nursing home, Institutional Hospice or HCBS Waiver services payment, but are eligible for other Medicaid benefits.

(4) Spousal Impoverishment. The Department follows 42 U.S.C. § 1396r-5 (2010) for resource allocation and income attribution and protection when an institutionalized individual, including a hospice recipient residing in a nursing facility, has a community spouse. Spousal impoverishment policies are not applied to individuals applying for, or receiving services under HCBS Waiver Programs services, except for individuals in the Long-Term Care Community Diversion Program, the Assisted Living Facility Waiver or the Cystic Fibrosis Waiver.

(a) through (f) No change.

(g) The institutionalized spouse shall not be determined ineligible based on a community spouse's resources if all of the following conditions are found to exist:

1. The institutionalized individual is not eligible for Medicaid Institutional Care Program services because of the community spouse's resources and the community spouse refuses to use the resources for the institutionalized spouse; and

2. through 4. No change.

(5) Other Resource Policies.

(a) Individuals shall not be eligible for ICP, Institutional Hospice or HCBS Waiver Programs on or long-term care services after November 1, 2007, if the individual's equity interest in the individual's home exceeds \$525,000 ~~\$500,000~~.

1. The individual's equity interest is based on the current market value of the home (including all contiguous property), minus any encumbrances such as a mortgage or other associated loans. Long-term care services include Medicaid services authorized under the Institutional Care Program, institutional hospice, home and community based waiver services and the Program of All Inclusive Care for the Elderly (PACE).

2. Unless evidence to the contrary is on file or is received, accept the individual or designated representative's statement as to equity value of a home that is less than \$500,000. For equity value of \$500,000 or more, the individual or designated representative must provide verification of current market value and indebtedness. Verification of the current market value must be obtained from a knowledgeable source commonly involved in the housing industry in the geographic locale, such as a real estate broker, mortgage broker, property appraiser, or builder. The verification must include the current

market value, the name of the person providing the estimate, and the contact information of the business or agency for whom the person providing the estimate works.

~~3.2.~~ Paragraph (5)(a) above does not apply if the individual's spouse, individual's child under age 21 or the individual's blind or disabled child (based on the federal definitions of "blindness" in 20 C.F.R. §§ 416.981-416.986 (2011) ~~(2009)~~, incorporated by reference, and "disability" in 20 C.F.R. §§ 416.905-416.906 (2011) ~~(2009)~~, incorporated by reference of any age is ~~are~~ residing in the institutionalized individual's home.

~~4.3.~~ The home equity provision may be waived when denial of ICP, Institutional Hospice or HCBS Waiver Programs long-term care services would result in demonstrated hardship to the institutionalized individual.

~~5.4.~~ The Department will mail a notice to individuals whose home equity interest exceeds \$525,000 ~~\$500,000~~ (Form CF-ES 2354, 02/2007, Notice of Excess Home Equity Interest, incorporated herein by reference), advising of the opportunity to have the home equity interest policy waived.

(b) An individual's entrance fee in a continuing care retirement community or life care community shall be considered a resource, as set forth in SEC. 1917(g) of the Social Security Act (2011) ~~(2007)~~, which is incorporated herein by reference.

(c) The Department follows SSI policy prescribed in SSA's Program Operations Manual System, SI 01120.010 and SI 01140.215 with regard to block accounts. SSI policy requires resources in a blocked account to be countable resources. This applies regardless of whether the individual or their representative is required to petition the court to withdraw funds for the individual's care. A blocked account is one in which state law protects an individual's funds by specifically requiring that the funds be made available for the care and maintenance of the individual.

(6) Copies of ~~the forms and~~ materials incorporated by reference in this rule are available from the Economic Self-Sufficiency ACCESS Florida Headquarters Office at 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Forms are also available on the Department's web-site at <http://www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx>.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History—New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, 8-10-06 (1)(a), (f), 8-10-06 (1)(f), 8-10-06 (3)(g)1., 11-1-07, 12-24-09,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jeri Flora
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 3, 2010

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: 65D-30.008
 RULE TITLE: Standards for Day or Night Treatment with Host Homes

PURPOSE AND EFFECT: Rule 65D-30.008, F.A.C., is being repealed because the Department has determined that there is no need for this licensing designation.

SUMMARY: Chapter 65D-30, F.A.C. is repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein:

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: 397.321(5), 397.311(18)(d), (e), 397.321(1), 397.419 FS.

LAW IMPLEMENTED: Chapter 397, Parts I, II, and III, as amended by Chapter 2009-132, Laws of Florida.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

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: Elyse Linn, (850)717-4423 or Elyse_Linn@dcf.state.fl.us.. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Elyse Linn, Operations and Review Specialist, Department of Children and Families, 1317 Winewood Boulevard, Building 6, Room 331, Tallahassee, Florida 32399-0700

THE FULL TEXT OF THE PROPOSED RULE IS:

65D-30.008 Standards for Day or Night Treatment with Host Homes.

Rulemaking Specific Authority 397.321(5) FS. Law Implemented 397.311(18)(d), (e), 397.321(1), 397.419 FS. History--New 5-25-00, Amended 4-3-03, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elyse Linn, Substance Abuse and Mental Health Program Office, Department of Children and Families, 1317 Winewood Blvd., Building 6, Room 331, Tallahassee, FL 32399-0700, (850)717-4423

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David Wilkins, Secretary, Department of Children and Families

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2011

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NO.: 65E-14.012
 RULE TITLE: Contract Suspension and Termination

PURPOSE AND EFFECT: The purpose is to repeal unnecessary language concerning contract closeout and revise contract termination language from the community substance abuse and mental health services financial rules that conflicts with the Department's Standard Contract, under Sections 394.74 and 397.03, F.S.

SUMMARY: The proposed rule amends the chapter on community substance abuse and mental health services financial rules to repeal unnecessary language concerning contract closeout and revise contract termination language.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

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

RULEMAKING AUTHORITY: 394.74, 397.03 FS.

LAW IMPLEMENTED: 394.74, 397.03 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: Frank Dichio, Substance Abuse and Mental Health Program Office, 1317 Winewood Boulevard, Building 6, Room 231, Tallahassee, FL 32399-0700, frank_dichio@dcf.state.fl.us, (850)717-4345

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-14.012 Contract ~~Closeout~~, Suspension, and Termination.

~~(1) Closeout.~~

~~(a) Each contract shall be closed out as promptly as is feasible after expiration or termination.~~

~~(b) In closing out department contracts, the following shall be observed:~~

~~1. Upon request, the department shall pay the contractor within 120 days for any allowable reimbursable costs not covered by previous payments up to the limits of the amounts specified in the contract.~~

~~2. The contractor shall, within 120 days, refund any unearned state funds advanced to the contractor.~~

~~3. The contractor shall submit, within 120 days of the date of expiration, all financial, performance, and other reports required by the terms of the contract. The department may extend the due date for any report upon receiving a justified request from the contractor and may waive any report which is not needed.~~

~~4. If a contract is closed out without audit, the department retains the right up to five years to disallow and recover an appropriate amount, after fully considering any recommended disallowances resulting from an audit which may be conducted later.~~

~~5. The closeout of a contract does not affect the contractor's responsibilities with respect to property under Rule 65E-14.010, F.A.C., or with respect to any program income for which the contractor is still accountable.~~

~~(c) Amounts payable to the State. For each contract, the following sum shall constitute a debt or debts owed by the contractor to the State, and shall be recovered from the contractor or its successor or assignees by setoff or other action as provided by law: any contracted funds paid to the contractor by the State in excess of the amount to which the contractor is determined to be entitled under the terms of the contract.~~

~~(d) Violation of terms. When a contractor has materially failed to comply with the terms of a contract, the department may suspend the contract in accordance with subsection (2), below, terminate the contract for cause, as provided in subsection (3), below, or take such remedies as may be legally available and appropriate in the circumstances.~~

~~(1)(2) Suspension.~~

~~(a) When a contractor has materially failed to comply with the terms of a contract, the department may, upon written notice to the contractor, suspend the contract in whole or in~~

part. The notice of suspension will state the reasons for the suspension, any corrective action required of the contractor, and the effective date. The suspension may be made effective at once if a delayed effective date would be unreasonable considering the department's responsibilities to protect the State's interest. Suspensions shall remain in effect until the contractor has taken corrective action satisfactory to the department or given evidence satisfactory to the department that such corrective action will be taken, or until the department terminates the contract.

~~(b) New obligations incurred by the contractor during the suspension period will not be allowed unless the department expressly authorizes them in the notice of suspension, or an amendment to it. Necessary and otherwise allowable costs which the contractor could not reasonably avoid during the suspension period will be allowed if they result from obligations properly incurred by the contractor before the effective date of the suspension and not in anticipation of suspension or termination. At the discretion of the department, third-party in-kind contributions applicable to the suspension period may be allowed in satisfaction of matching requirements.~~

~~(c) Appropriate adjustment to payments under the suspended contract will be made either by withholding subsequent payments or by not allowing the contractor credit for disbursements made in payment of unauthorized obligations incurred during the suspension period.~~

~~(2)(3) Termination. Any contract may be terminated, with or without cause, in accordance with the terms of the contract.~~

~~(a) Termination for cause. The department may terminate any contract in whole, or in part, at any time before the date of expiration, whenever it determines that the contractor has materially failed to comply with the terms of the contract. The department shall promptly notify the contractor in writing of the determination and the reasons for the termination, together with the effective date.~~

~~(b) Termination on other grounds. Except as provided in paragraph (3)(a) of this rule, contracts may be terminated in whole, or in part, only as follows:~~

~~1. By the department with the consent of the contractor, in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial termination, the portion to be terminated, or~~

~~2. By the contractor, upon written notification to the department, setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if, in the case of a partial termination, the department determines that the remaining portion of the contract will not accomplish the purposes for which the contract was made, the department may terminate the contract in its entirety under either paragraph (3)(a) or (3)(b), above.~~

~~(e) Termination settlements. When a contract is terminated, the contractor shall not incur new obligations for the terminated portion after the effective date, and shall be responsible for all outstanding obligations after the effective date of the termination. The department shall not allow credit to the contractor for the state's share of any obligations incurred by the contractor after termination.~~

~~Rulemaking Specific Authority 394.74, 397.03 FS. Law Implemented 394.74, 397.03 FS. History--New 2-23-83, Amended 2-25-85, Formerly 10E-14.12, 10E-14.012, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Frank Dichio

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 9, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 24, 2012

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.:	RULE TITLE:
68A-5.006	Designation of Free-Freshwater Fishing Days; License Requirements and Regulation Compliance

PURPOSE AND EFFECT: The purpose and effect of this rule amendment would be to provide a greater opportunity for individuals and families to enjoy a free Saturday fishing, without the requirement of a license, in Florida's fresh waters. This also enables partners to put on outreach events that adults can participate in without the need to purchase a license. The net effect that we hope to achieve is enhanced recruitment, retention and engagement of anglers that ultimately will lead to a greater commitment to conservation stewardship, more time spent fishing, and a positive local economic impact.

SUMMARY: Rather than the currently established first full-weekend in April being a free freshwater fishing weekend, two separate Saturdays (the first Saturday in April and second Saturday in June) will be set as free freshwater fishing days.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is

required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required.

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: Art. IV, Sec. 9, Fla. Const., 379.354(15) FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Fla. Const., 379.354(15) 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):

DATES AND TIME: During the regular meeting of the Commission, April 25 and 26, 2012, 8:30 a.m.

PLACE: Plantation Golf Resort and Spa, 9301 West Fort Island Trail, Crystal River, FL 34429

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tom Champeau, Director-Division of Freshwater Fisheries Management, 620 S. Meridian Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

68A-5.006 Designation of Free-Freshwater Fishing ~~Days Weekend~~; License Requirements and Regulation Compliance. Notwithstanding the provisions of Section 379.354, F.S., any person may take or attempt to take freshwater fish for noncommercial purposes during "Free-Freshwater Fishing ~~Days Weekend~~" without obtaining or possessing a license as otherwise required by that section. "Free-Freshwater Fishing ~~Day-Spring Weekend~~" is hereby designated as that period, commencing at 12:01 a.m. and ending at 11:59 p.m. on the first Saturday in April, and ending at 11:59 p.m. on the first Sunday in April, and "Free-Freshwater Fishing Day-Summer" is hereby designated as that period, commencing at 12:01 a.m. and ending at 11:59 p.m. on the second Saturday in June, or such other ~~weekend~~ period as may be specified by order of the Commission. Any person taking or attempting to take freshwater fish during said periods shall comply with all other laws or regulations governing the holders of freshwater fishing licenses, and all other conditions and limitations regulating the taking of freshwater fish as are imposed by law or rule.

~~Rulemaking Specific Authority Art. IV, Sec. 9, Fla. Const., 379.1025, 379.354 FS. Law Implemented Art. IV, Sec. 9, Fla. Const., 379.354 FS. History--New 6-20-90, Amended 2-25-99, Formerly 39-5.006, Amended _____.~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tom Champeau, Director-Division of Freshwater Fisheries Management, 620 S. Meridian Street, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Florida Fish and Wildlife Conservation Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 8, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2012

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09981
 RULE TITLE: Implementation of Florida’s System of School Improvement and Accountability

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 38, No. 5, February 3, 2012 issue of the Florida Administrative Weekly.

Rule 6A-1.09981(4)(a)1. should have read:

6A-1.09981 Implementation of Florida’s System of School Improvement and Accountability.

(1) through (3) No change.

~~(4)(5)~~ Criteria for Designating School Performance Grades. School performance grades shall be based on a combination of the following three components, as specified in Section 1008.34(3), F.S.:

(a) Components that apply to all school types:

~~1.(a)~~ Student achievement scores, aggregated for each school, which indicate the percent of eligible students who score at or above FCAT Achievement Level 3 on FCAT 2.0 and statewide EOC assessments in reading, mathematics, and science, and math and the percent of students who score “4.0” or higher on the FCAT Writing assessment; These percentages will also include, for students with disabilities whose sole assessment results are FAA scores, students who score at FAA Performance Level 4 or higher.

Statewide EOC assessment scores used for the performance and learning gains measures in high schools grades will be scores for the assessments administered to students for the first-time. All other scores for students on the same assessment will be counted as retakes.

2. through 3. No change.

(b) through (c) No change.

~~(5)(6)~~ Procedures for Calculating School Performance Grades. The overall school Performance Grade of A, B, C, D or F for school years 2001-2002 and thereafter, as designated in Section 1008.34(2), F.S., shall be based on the sum of the following six (6) school grade component points described below elements:

(a) Points for all school types based on student performance and learning gains (800 points available).

1. through 7. No change.

8. One (1) point for each percent of students in the lowest twenty-five (25) percent in mathematics in the school as defined in subparagraph (4)(a)3. of this rule who make learning gains as defined in subparagraph (4)(a)2. of this rule.

~~The percent of students reflected in each of the six (6) school grade point elements defined in paragraphs (6)(a) through (f) of this rule shall be expressed to the nearest whole number. The corresponding points assigned for each grade point element shall also be expressed to the nearest whole number. In the event that a school does not have at least ten (10) eligible students tested in writing, the district average in writing as defined in subparagraph (5)(a)3. paragraph (6)(e) of this rule shall be substituted. In the event that a school does not have at least ten (10) eligible students tested in science, the district average in science as defined in subparagraph (5)(a)4. of this rule shall be substituted. In the event that a school does not have at least thirty (30) students in the lowest twenty-five (25) percent in reading or in mathematics as defined in subparagraph (4)(a)3. paragraph (5)(e) of this rule, the lowest performing thirty (30) students below satisfactory proficiency, defined as FCAT 2.0 Achievement Levels 1; and 2, and 3, shall be used. In the event there are still not thirty (30) qualified students in the lowest achieving group for reading, the grade point component element defined in subparagraph (5)(a)5. paragraph (6)(d) of this rule shall be substituted for the grade point component element defined in subparagraph (5)(a)7. paragraph (6)(f) of this rule. In the event there are still not thirty (30) qualified students in the lowest achieving group for mathematics, the grade point component defined in subparagraph (5)(a)6. of this rule shall be substituted for the grade point component defined in subparagraph (5)(a)8. of this rule.~~

(b) through (d) No change.

(6) through (7) No change.