

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
6A-6.0253 Diabetes Management

PURPOSE AND EFFECT: The purpose and effect of this rule is to address the management and care of students with diabetes.

SUBJECT AREA TO BE ADDRESSED: The management and care of students with diabetes.

RULEMAKING AUTHORITY: 1002.20(3)(j) FS.

LAW IMPLEMENTED: 1002.20(3)(j) FS.

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

DATE AND TIME: July 12, 2012, 9:00 a.m. – until completion

PLACE: Department of Education, 325 West Gaines Street, Room 1721, Turlington Building, Tallahassee, Florida 32399, Call in information: 1(888)670-3525, When prompted, enter your Conference Code (1556084838) followed by #.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Monica Verra-Tirado, Chief, Bureau of Exceptional Education and Student Services, K-12 Public Schools, Department of Education, 325 West Gaines Street, Room 614, Tallahassee, Florida 32399, (850)245-0475. To submit a comment or request a rule development, go to: <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

6A-6.0253 Diabetes Management.

(1) Definitions.

(a) Diabetes. Diabetes is a disease that impairs the body's ability to produce or properly use insulin, a hormone that is needed to convert food into energy.

(b) Diabetes Medical Management Plan (DMMP). A DMMP is a medical authorization for diabetes treatment that includes medication orders from a student's healthcare provider for routine and emergency care.

(c) Emergency Care Plan (ECP). An ECP is a child-specific action plan to facilitate quick and appropriate responses for an individual emergency in the school setting. The ECP may be a component of the Individualized Healthcare Plan (IHP) that is developed in accordance with Section 1006.062(4), F.S., and Rule 64F-6.004, F.A.C. The ECP shall

specify when the emergency number (911) will be called and describe a plan of action when the student is unable to self-administer medication or self-manage treatment as prescribed.

(d) Individualized Health Care Plan (IHP). An IHP is a written plan of care developed at the local level to outline the provision of student healthcare services intended to achieve specific student outcomes. The IHP is part of the nursing process that is detailed in the National Association of School Nurses Position Statement: Individualized Healthcare Plans (2008), hereby incorporated by reference, available online at <http://www.nasn.org/Portals/0/positions/2008psindividualized.pdf>. The IHP is developed from the DMMP by a registered nurse (RN) in collaboration with the family, student, student's health care providers, and school personnel for the management of diabetes while in school, participating in school-sponsored activities, and in transit to or from school or school-sponsored activities. The IHP is child-specific and includes a written format for nursing assessment (health status, risks, concerns, and strengths), nursing diagnoses, interventions, delegation, training, expected outcomes, and goals to meet the health care needs of a student with diabetes and to protect the safety of all students from the misuse or abuse of medication, supplies, and equipment.

(e) Self-Administration. Self-administration means that a student with diabetes is able to self-manage medication, supplies, and equipment in the manner directed by a licensed healthcare provider without additional assistance or direction.

(2) In compliance with Section 1002.20(3)(j), F.S., and the local School Health Services Plan under Section 381.0056, F.S., school districts are to have appropriate personnel, whether licensed nurses or trained school personnel, assigned to each school a student with diabetes would otherwise attend if he or she did not have diabetes. School districts are to ensure that such personnel are available to provide the necessary diabetes care throughout the school day and during school-sponsored activities.

(3) With written consent from the healthcare provider and parent, a student with diabetes shall be allowed to carry and self-administer medication, supplies, and equipment based on the student's diabetes medical management plan.

(4) The Department of Education, in collaboration with the Department of Health, shall develop technical assistance regarding the care of students with diabetes, and shall identify and provide sources to school districts for training school personnel.

Rulemaking Authority 1002.20(3)(j) FS. Law Implemented 1002.20(3)(j) FS. History—New _____.

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:
 25-4.004 Certificates of Public Convenience
 and Necessity
 25-4.005 Transfer of Certificate of Public
 Convenience and Necessity As to
 All or Portion of Service Area

PURPOSE AND EFFECT: These rules are to be amended in order to implement statutory changes to Chapter 364, F.S., made by the Regulatory Reform Act of 2011.
 Undocketed.

SUBJECT AREA TO BE ADDRESSED: Application and transfer of certificates of necessity or authority for telecommunications services.

RULEMAKING AUTHORITY: 350.127(2) FS.
 LAW IMPLEMENTED: 364.33, 364.335 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: Kathryn G.W. Cowdery, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

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

PUBLIC SERVICE COMMISSION

RULE NOS.: RULE TITLES:
 25-24.565 Certificate of Public Convenience
 and Necessity Required
 25-24.567 Application for Certificate
 25-24.568 Improper Use of a Certificate
 25-24.569 Application for Approval of Sale,
 Assignment or Transfer of
 Certificate
 25-24.572 Cancellation of a Certificate
 25-24.705 Scope and Waiver
 25-24.710 Terms and Definitions
 25-24.715 Certificate of Public Convenience
 and Necessity Required
 25-24.720 Application for Certificate
 25-24.725 Certificates Not Transferable
 25-24.730 Application for Approval of Sale,
 Assignment, or Transfer of
 Certificate
 25-24.735 Cancellation of a Certificate
 25-24.800 Scope

25-24.805 Certificate of Public Convenience
 and Necessity Required
 25-24.810 Application for Certificate
 25-24.815 Application for Approval of Sale,
 Assignment or Transfer of
 Certificate
 25-24.820 Revocation of a Certificate

PURPOSE AND EFFECT: These rules would be repealed consistent with changes made to Chapter 364, F.S., by the Regulatory Reform Act of 2011, including repeal of certain implementing statutes.
 Undocketed

SUBJECT AREA TO BE ADDRESSED: Application, transfer and cancellation or revocation of certificates of public convenience and necessity for shared tenant service, alternative access vendor service, and competitive local exchange service

RULEMAKING AUTHORITY: 350.127(2) FS.
 LAW IMPLEMENTED: 350.113, 350.127(1), 364.01, 364.02, 364.32, 364.33, 364.335, 364.337, 364.339, 364.345 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: Kathryn G.W. Cowdery, Florida Public Service Commission, Office of the General Counsel, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6216, kcowdery@psc.state.fl.us

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

DEPARTMENT OF CORRECTIONS

RULE NO.: RULE TITLE:
 33-601.210 Custody Classification

PURPOSE AND EFFECT: The proposed rule adds language specifying that all custodial assignments at private facilities will require the approval of the Department of Corrections Representative, strikes the requirement that a post-sentence investigation will be requested if not included in the inmate's record at the time of first assessment, and changes a title.

SUBJECT AREA TO BE ADDRESSED: Classification and Central Records.

RULEMAKING AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.210 Custody Classification.

(1) No change.

(2) (a) through (d) No change.

(e) All custody assignments will require the approval of the Institutional Classification Team. At private correctional facilities, all custody assignments will require the approval of the Department of Corrections Representative.

(f) through (l) No change.

(3) No change.

(4) (a) through (i) No change.

(j) At the time of the first assessment and review, should the inmate record not contain ~~either~~ a pre-sentence ~~or post sentence~~ investigation, the classification officer is responsible for requesting such document(s) from the Probation and Parole Services Office in the region from which the inmate was committed. ~~Care should be exercised to be sure that at least sixty (60) days have lapsed since the post sentence investigation was originally requested prior to making this follow-up.~~

(k) through (l) No change.

(m) The department may in selected cases recommend to the Florida Parole Commission that an inmate be placed on parole at an earlier date than scheduled. Note should be made of an inmate's presumptive parole release date (PPRD) when considering such possibilities. If it is felt that such significant progress has taken place since the setting of the PPRD that it should be moved forward to an earlier date, then such recommendations should be made to the Parole Commission in an assessment and review setting forth the basis for recommending a change in the PPRD. All assessments and reviews containing parole recommendations will be reviewed and approved or disapproved by the Institutional Classification Team and forwarded to the State Classification Office for approval or disapproval. The assessment and review shall then be submitted to the Chief of the Bureau of Classification ~~Management and Central Records~~ who, on behalf of the Secretary, shall make a recommendation to the Parole Commission. A copy of the report shall be forwarded to the Parole Commission.

Rulemaking Authority 944.09, 958.11 FS. Law Implemented 20.315, 921.20, 944.09, 944.17(2), 944.1905, 958.11 FS. History—New 12-7-81, Formerly 33-6.09, Amended 6-8-82, 10-26-83, 6-8-86, 7-8-86, 10-27-88, 1-1-89, 7-4-89, 10-12-89, 1-2-91, Formerly 33-6.009, Amended 7-21-91, 8-30-92, 5-13-96, 6-12-96, 11-19-96, 10-15-97, Formerly 33-6.0045, Amended 9-19-00, 2-25-07, 11-4-08, 7-4-10,_____.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-601.713	Inmate Visiting – Definitions
33-601.731	Suspension of Visiting Privileges
33-601.732	Reinstatement of Suspended Visiting Privileges

PURPOSE AND EFFECT: The amended rules update definitions, clarify the factors to consider before suspending visiting privileges, updates Form NI1-102, limits concurrent suspension time for subsequent offenses, and specifies the authority of the regional director.

SUBJECT AREA TO BE ADDRESSED: Inmate Visiting, Suspension of Visiting Privileges, and Reinstatement of Suspended Visiting Privileges.

RULEMAKING AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09, 944.23, 944.8031 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.713 Inmate Visiting – Definitions.

(1) through (16) No change.

~~(17) “Major Rule Violation” for the purpose of Rules 33-601.713 through 33-601.737, F.A.C., refers to any assault, battery, or attempted assault or battery; any intentional lewd or lascivious exhibition in the presence of staff or visitors; any spoken or written threat towards any person; inciting, attempting to incite, or participating in any riot, strike, mutinous act or disturbance; fighting; possession of weapons, ammunition, explosives, or escape paraphernalia; and any escape or escape attempt.~~

~~(18) Lewd or Lascivious Exhibition—An inmate commits a lewd or lascivious exhibition when the inmate:~~

~~(a) Intentionally masturbates;~~

~~(b) Intentionally exposes the genitals without authorization; or~~

~~(c) Intentionally commits any other sexual act that does not involve actual physical or sexual contact with the victim, including, but not limited to, sadomasochistic abuse, sexual bestiality, or the simulation of any act involving sexual activity in the presence of a staff member or volunteer.~~

Rulemaking Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 5-27-02, 9-29-03, 3-7-04, 12-6-04, 9-8-11,_____.

33-601.731 Suspension of Visiting Privileges.

(1) Suspension of Inmate Visiting Privileges.

(a) ~~Suspension, including indefinite suspension,~~ of an inmate's visiting privileges shall be considered by the ICT as a management tool independent of any disciplinary action taken pursuant to Rules 33-601.301 through 33-601.314, F.A.C. The ICT shall consider the following factors when contemplating a suspension of an inmate's visitation privileges:

1. Allowing for continued visiting privileges would present a threat to the safe and secure operation of the institution, or to the security and operational integrity of visiting area;

2. The severity of the precipitating conduct/offense(s);

3. The inmate's placement or pending placement into a special status such as close management, administrative confinement, disciplinary confinement, or maximum management would on its own result in the appropriate visitation restriction;

4. The suspension of visiting privileges will be a significant detriment to the inmate's successful reentry into society by hindering maintenance of community and family ties.

(b) ~~Indefinite S~~suspension of an inmate's visiting privileges shall be considered by the ICT as a management tool only when an inmate is found guilty of the following offenses:

1. Any ~~major~~ rule violation as defined as Rule 33-601.713, F.A.C. which occurred during visiting, is visiting-related conduct, or is reasonably connected to the visitation process;

2. No change.

3. Possessing any firearms, dangerous weapons, explosives or explosive devices;

4. Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of a staff member, contracted staff member or visitor;

(c) ~~An inmate shall be subject to suspension of visiting privileges by the IOCT as a management tool when the inmate is found guilty of the following disciplinary offenses:~~

5. Participation in a sexual assault or battery;

6. ~~4.~~ Committing or engaging in sexual misconduct (i.e., nudity, sexual acts with or without others, willful exposure of private body parts, or soliciting sexual acts from others);

7. Participation in an escape or attempted escape;

8. Possession of escape paraphernalia or any other item that presents a threat to the safe and secure operation of the institution;

9. An incident causing death;

10. Any physical assault on staff causing injury or that could have caused injury;

11. The taking of a hostage(s);

12. ~~2.~~ Possessing or passing money;

13. ~~3.~~ Possessing or using drugs or refusing to submit to substance abuse testing;

14. ~~4.~~ Possessing or using intoxicating beverages;

15. ~~5.~~ Possessing a recording device.

6. ~~Violation of visiting rules.~~

(c) ~~(d)~~ The ICT shall suspend the visiting privileges of any inmate subject to a pending investigation for escape, attempted escape, or possession of escape paraphernalia until the investigation is complete. If the inmate is found guilty, the ICT shall consider suspension of the inmate's visiting privileges pursuant to paragraph (1)(b) of this rule. If the inmate is not found guilty, the ICT shall immediately reinstate the inmate's visiting privileges.

(d) ~~(e)~~ If an inmate is found guilty of an offense listed in paragraph (1)(b) ~~(e)~~, the ICT shall suspend the inmate's visiting privileges for the length of time specified on Form NII-102, Visiting Privileges Suspension Matrix, <http://www.flrules.org/Gateway/reference.asp?No=Ref-00539> Form NII-102 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500. The effective date of the form is September, 2011. If an inmate's visiting privileges are suspended pursuant to this rule and the inmate receives a subsequent guilty finding for one of the offenses listed in paragraph (1)(b) ~~(e)~~, the inmate is subject to an increased period of suspension as follows:

1. If the subsequent offense occurs within two years of a guilty finding for the same offense, the inmate's visiting privileges shall be suspended for the length of time specified on Form NII-102 for subsequent offenses. This period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of one two years from the time of the subsequent offense.

2. If the subsequent offense is different from the previous offense, the inmate's visiting privileges shall be suspended for the length of time specified on Form NII-102 for an initial violation. However, this period of suspension shall be concurrent with any period of suspension remaining as a result of the previous offense, not to exceed a total of one two years from the time of the subsequent offense.

(e) In lieu of suspending an inmate's visiting privileges, the ICT is authorized to consider placement of an inmate in non-contact visitation status as provided in Rule 33-601.735, F.A.C., for offenses listed in paragraph (1)(b) ~~(e)~~.

(f) The regional director shall consider, as a management tool, visiting suspensions outside the timeframe limits of the Visiting Privileges Suspension Matrix, Form NII-102, up to and including indefinite suspensions, for those inmates who have demonstrated through continued behavior to be a chronic and recurring management problem or it has been determined that the inmate committed such an egregious act(s) that threatens the safety of others, threatens the security, order or effective management of the institution, or otherwise

demonstrates an inability to respect and honor the visiting privileges bestowed upon him/her. The ICT shall submit a detailed recommendation to the regional director outlining the reasons for its recommendation. The recommendation and the regional director’s decision shall be recorded in the department’s electronic inmate database and the inmate will be notified accordingly.

(2) through (4) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.47, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 10-4-07, 1-8-09, 10-23-11,_____.

33-601.732 Reinstatement of Suspended Visiting Privileges.

(1) The warden or designee shall approve or deny requests for reinstatement of an inmate’s suspended visiting privileges except in those cases in which the regional director was the suspending authority. The inmate shall submit a written request for reinstatement to the warden or if applicable, the regional director on Form DC6-236, Inmate Request. Form DC6-236 is incorporated by reference in Rule 33-103.00519, F.A.C.

(a) Reinstatement of indefinitely suspended privileges shall only be considered after two years from imposition.

1. The regional director ~~warden or designee~~ shall review the request, render a final decision and notify the inmate concerned.

2. No change.

(b) Privileges suspended for two years or less shall not be considered for reinstatement by the regional director for a period of one year. Should the inmate be denied, the inmate may not make another request for six months from the last decision requesting reinstatement.

(c) Privileges suspended for one year or less shall not be considered for reinstatement by the warden or designee until at least six months from the date of suspension. Should the inmate be denied reinstatement, the inmate may not make another request.

(d) The regional director, warden or designee shall consider the following factors in considering whether an inmate’s visitation privileges shall be reinstated:

1. through 3. No change.

(2) No change.

Rulemaking Authority 944.09 FS. Law Implemented 944.09, 944.23, 944.8031 FS. History–New 11-18-01, Amended 5-27-02, 9-29-03, 2-13-12,_____.

COMMISSION ON ETHICS

RULE NOS.:	RULE TITLES:
34-5.006	Probable Cause Determination
34-5.0291	Award of Attorney’s Fees

PURPOSE AND EFFECT: The Commission previously submitted a Notice of Rule Development but erroneously referenced a rule that was not being changed – Rule 34-5.0006, F.A.C. The rules that are being amended, Rules 34-5.006 and 34-5.0291, F.A.C., are correctly identified in this notice.

SUBJECT AREA TO BE ADDRESSED: The subject of this rulemaking includes the Commission’s procedural rule for probable cause determinations in complaint proceedings, and the rule that implements Section 112.317(7), Florida Statutes, that allows for respondents to recover their costs and attorney’s fees against complainants.

RULEMAKING AUTHORITY: 112.322(9) FS.

LAW IMPLEMENTED: Art. II, Section 8(f) and (h), Fla. Const., 112.322, 112.324 FS.

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

DATE AND TIME: Friday, June 15, 2012, 8:30 a.m.

PLACE: Senate Office Building, Room 37S, 404 S. Monroe Street, Tallahassee, FL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Millie Fulford, (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Julia Cobb Costas, Assistant General Counsel, Florida Commission on Ethics, (850)488-7864 or costas.julie@leg.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

34-5.006 Probable Cause Determination.

(1) through (2) No change.

(3) Advocate’s Recommendation. The Advocate shall review the investigator’s report and shall make a written recommendation to the Commission for the disposition of the complaint, including a statement of what charges shall be at issue at the probable cause hearing. If the Advocate recommends that a public hearing be held, the recommendation shall include a statement of what charges shall be at issue at the hearing. A copy of the recommendation shall be furnished to the respondent. The respondent shall be given not less than 7 days from the date of mailing of the Advocate’s recommendation, within which time to file with the Commission a written response to the recommendation. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot

the ultimate disposition of the matter by the Commission, so long as the recommendation is furnished to the respondent within a reasonable period of time under the circumstances.

(4) Notice of Probable Cause Hearing and Right to Attend. The respondent, the complainant(s), their counsel, and the Advocate shall be permitted to attend the hearing at which the probable cause determination is made. Notice of the probable cause hearing shall be sent to the respondent, complainant(s), and Advocate at least 14 days before the hearing. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the Commission, so long as the notice is furnished within a reasonable period of time under the circumstances.

(5) through (6) No change.

Rulemaking Specific Authority 112.322(9) FS. Law Implemented Art. II, Section 8(f), (h), Fla. Const., 112.322, 112.324 FS. History—New 4-7-77, Amended 9-21-77, 7-13-80, 2-21-83, 11-14-85, Formerly 34-5.06, Amended 2-19-91, 7-7-91, 7-5-92, 7-28-98,_____.

34-5.0291 Award of Attorney’s Fees.

(1) No change.

(2) The Commission shall make such a determination only upon a petition for costs and attorney’s fees filed with the Commission by the public officer or employee complained against within 30 days following a dismissal of the complaint. Such petition shall state with particularity the facts and grounds which would prove entitlement to costs and attorney’s fees and shall include the amount of such costs and attorney’s fees expended by, or on behalf of, such petitioner through the date of the filing of the petition. Staff shall forward a copy of said petition to the complainant by certified mail, return receipt requested.

(3) If the facts and grounds alleged in the petition complaint are not sufficient to state a claim for costs and reasonable attorney’s fees, the Commission shall dismiss the petition after an informal proceeding. If the Commission determines it appears that the facts and grounds are sufficient, the Chair after considering the Commission’s workload, shall direct that the hearing of the petition be held before the Division of Administrative Hearings, the full Commission, or a single Commission member serving as hearing officer. Commission hearing officers shall be appointed by the Chair. The hearing shall be a formal proceeding under Chapter 120, F.S. and the Uniform Rules of the Administration Commission, Chapter 28-106, F.A.C. All discovery and hearing procedures shall be governed by the applicable provisions of Chapter 120, F.S., and Chapter 28-106, F.A.C. The parties to the hearing shall be the petitioner (i.e., the public officer or employee who was the respondent in the complaint proceeding) ~~respondent~~ and the complainant(s), who may be represented by legal counsel.

(4) The petitioner respondent has the burden of proving the grounds for an award of costs and attorney’s fees.

(5) through (6) No change.

Rulemaking Specific Authority 112.322(9), FS. Law Implemented 112.317(7), 112.322, 112.324, FS. History—New 2-16-95, Amended 7-28-98, 7-30-00,_____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE NO.: RULE TITLE:
58A-1.010 Program Forms

PURPOSE AND EFFECT: The purpose of this rule development is to revise DOEA Form 701A, Department of Elder Affairs Prioritization Form, September 2008, and DOEA Form 701C, Department of Elder Affairs Congregate Meals Assessment, September 2008, to bring the forms up to date.

SUBJECT AREA TO BE ADDRESSED: Amendments to the forms will address the data elements to be collected from persons seeking the services coordinated through the Department of Elder Affairs.

RULEMAKING AUTHORITY: 430.08, 430.101 FS.

LAW IMPLEMENTED: 430.04(1), 430.101 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW: A rule development workshop will initially be conducted via a public comment forum on the Internet. Interested parties may comment on the 701A and 701C forms, and make suggestions by following the directions obtained from the Department’s webbiest at: tap://elderaffairs.state.fl.us.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jessica Tice, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone Number: (850)414-2453, Email address: ticej@elderaffairs.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE BY ACCESSING THE PROPOSED 701A AND 701C FORMS AT: <http://elderaffairs.state.fl.us>.

DEPARTMENT OF MANAGEMENT SERVICES

E911 Board

RULE NO.: RULE TITLE:
60FF1-5.003 E911 State Grant Programs

PURPOSE AND EFFECT: The Board proposes a substantial rewrite of the rule to modify W Form 3A, “Application for the E911 State Grant Program” and to update the procedures for applying for the state grant program.

SUBJECT AREA TO BE ADDRESSED: E911 state grant programs.

RULEMAKING AUTHORITY: 365.172(6)(a)11. FS.

LAW IMPLEMENTED: 365.172(6)(a)3.b., 365.173(2)(i), 365.172(9)(a), (b), (c) 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: Christopher Campbell, Director, Division of Telecommunications, Designee of Secretary for the Department of Management Services, E911 Board, 4030 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NOS.:	RULE TITLES:
61C-1.002	Licensing and Inspection Requirements
61C-1.008	License Fees

PURPOSE AND EFFECT: The proposed rule development will update the rule to reflect the deregulation of roominghouses by Chapter 2012-165, Laws of Florida, and correct subsection citations within Rule 61C-1.008, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule development addresses roominghouse deregulation and references to rule subsections.

RULEMAKING AUTHORITY: 509.032, 509.241, 509.251 FS.

LAW IMPLEMENTED: 213.0535, 509.013, 509.032, 509.221, 509.241, 509.251, 509.302, 559.79 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: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, Telephone: (850)488-1133

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-302.532	Estuary-Specific Numeric Interpretations of the Narrative Nutrient Criterion

PURPOSE AND EFFECT: The Department of Environmental Protection proposes to develop estuary-specific numeric nutrient standards for the following Panhandle estuaries: Perdido Bay, Pensacola Bay (including Escambia Bay), Choctawhatchee Bay, St. Andrews Bay, St. Joseph’s Bay, and Apalachicola Bay. The Perdido Bay, Pensacola Bay (including Escambia Bay), and Choctawhatchee Bay estuaries will be addressed at the first public workshop on June 26, 2012. The St. Andrews Bay, St. Joseph’s Bay, and Apalachicola Bay estuaries will be addressed on June 27, 2012.

SUBJECT AREA TO BE ADDRESSED: Rule development will address estuary-specific numeric nutrient standards for total nitrogen and total phosphorus for the following Panhandle estuaries: Perdido Bay, Pensacola Bay (including Escambia Bay), Choctawhatchee Bay, St. Andrews Bay, St. Joseph’s Bay, and Apalachicola Bay.

RULEMAKING AUTHORITY: 403.061, 403.062, 403.087, 403.504, 403.704, 403.804 FS.

LAW IMPLEMENTED: 403.021(11), 403.061, 403.087, 403.088, 403.141, 403.161, 403.182, 403.502, 403.702, 403.708 FS.

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

DATE AND TIME: Tuesday, June 26, 2012, 9:00 a.m. CDT
 PLACE: Florida Department of Environmental Protection, Northwest District Office, 160 W. Governmental Street, Suite 308, Room 402, Pensacola, Florida

DATE AND TIME: Wednesday, June 27, 2012, 9:00 a.m. CDT
 PLACE: Gulf Coast State College, Gibson Lecture Hall, 5230 W. U.S. Highway 98, Panama City, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Eric Shaw at (850)245-8429 or via email at Eric.Shaw@dep.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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Eric Shaw, Standards and Assessments Section, Florida Department of Environmental Protection, 2600 Blair Stone Road, MS 6511, Tallahassee, FL 32399-2400, telephone (850)245-8429; email Eric.Shaw@dep.state.fl.us

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-14.0032
RULE TITLE: Use of Physician Anesthesiologist
PURPOSE AND EFFECT: To relocate the provision on dentist treating patients who have been administered anesthesia by a physician anesthesiologist in the dental outpatient facility.
SUBJECT AREA TO BE ADDRESSED: Treating dental patients who have been administered anesthesia by a physician anesthesiologist.
RULEMAKING AUTHORITY: 466.004(4), 466.017(3) FS.
LAW IMPLEMENTED: 466.017(3) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-7.001
RULE TITLE: Disciplinary Guidelines
PURPOSE AND EFFECT: The Board proposes the rule amendments to clarify language, to update existing penalties, and to set forth additional violations and appropriate penalties.
SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.
RULEMAKING AUTHORITY: 456.078, 468.1135(4) FS.
LAW IMPLEMENTED: 456.063, 456.072, 456.076, 456.078, 468.1295, 468.1296 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 Speech Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.:	RULE TITLES:
65E-5.100	Definitions
65E-5.110	Delegation of Authority
65E-5.120	Forms
65E-5.1302	Admissions to State Treatment Facilities
65E-5.1303	Discharge from Receiving and Treatment Facilities
65E-5.1304	Discharge Policies of Receiving and Treatment Facilities
65E-5.1305	Discharge from a State Treatment Facility
65E-5.1703	Emergency Treatment Orders for the Administration of Psychotherapeutic Medications

PURPOSE AND EFFECT: Certain subsections of Rule 65E-5.100 defining terms are being repealed because they are redundant to statute. The repealed subsections (2), (4), (16), and (17) merely reference definitions found in Sections 394.455(1), 394.4573(1)(b), 394.455(28) and 394.455(29), F.S., respectively. Subsection (6), which defines emergency treatment orders (ETOs) is being revised to clarify that ETOs for seclusion and restraint are to be addressed in subsection 65E-5.180(7), F.A.C.; while ETOs for psychotherapeutic medications are to be addressed in Rule 65E-5.1703, F.A.C. The remaining definitions in Rule 65E-5.110, F.A.C., are being renumbered accordingly.
 Rule 65E-5.110, F.A.C., is being repealed because it is not mandated by statute and there are no adverse consequences to repeal. The rule requires that delegation of a facility administrator’s authority be done in writing, except routine delegations which must be incorporated in facility policies and procedures. This is a management issue that should be left to the discretion of facilities.
 Rule 65E-5.120, F.A.C., is being repealed because it is not mandated by statute and there are no adverse consequences to repeal. The rule merely provides information and does not create requirements. Subsection (3) of Rule 65E-5.1302, F.A.C., is being deleted because it merely restates a requirement found in Section 394.469, F.S.
 Rule 65E-5.1303, F.A.C., is being expanded to include the provisions currently found in Rules 65E-5.1304 and 65E-5.1305, F.A.C.; the latter two rules are being repealed. Thus the provisions of these three rules are effectively being consolidated into a single rule, reducing the total number of rules in effect. All of these Rules 65E-5.1303, 65E-5.1304, and 65E-5.1305, F.A.C., relate to the same topic (discharge planning). There are no substantive changes to these rules.

Rule 65E-5.1703, F.A.C., is being amended to clarify that the requirements for an emergency treatment order (ETO) are different from the requirements for seclusion and restraint. The ETO requirements are addressed in Rule 65E-5.1703, F.A.C. The seclusion and restraint requirements are contained in subsection (7) of Rule 65E-5.180, F.A.C., which is not being amended. This change clarifies and simplifies reporting requirements for service providers.

SUBJECT AREA TO BE ADDRESSED: Mental health services.

RULEMAKING AUTHORITY: 394.457(5), 394.46715 FS.

LAW IMPLEMENTED: 394.455, 394.457, 394.4573, 394.459(2), 394.459(3), 394.459(11), 394.4598, 394.460, 394.4625, 394.463(2)(f), 394.4655, 394.467, 394.468, 394.469 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Anson, MSW, Baker Act & Marchman Act Policy Director Policy & Planning, Section Substance Abuse & Mental Health Program Office Department of Children & Families, 1317 Winewood Blvd., Bldg 6, #209, Tallahassee, FL 32399, (850)717-4330, joe_anson@dcf.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-5.100 Definitions.

As used in this chapter the following words and phrases have the following definitions:

(1) No change.

~~(2) Administrator means a person as defined in Section 394.455(1), F.S.~~

~~(2)(3)~~ Assessment means the systematic collection and integrated review of individual-specific data. It is the process by which individual-specific information such as examinations and evaluations are gathered, analyzed, monitored and documented to develop the person's individualized plan of treatment and to monitor recovery. Assessment specifically includes efforts to identify the person's key medical and psychological needs, competency to consent to treatment, patterns of a co-occurring mental illness and substance abuse, as well as clinically significant neurological deficits, traumatic brain injury, organicity, physical disability, developmental disability, need for assistive devices, and physical or sexual abuse or trauma.

~~(4) Case manager means a person as defined in Section 394.4573(1)(b), F.S.~~

~~(3)(5)~~ Discharge plan means the plan developed with and by the person which sets forth how the person will meet his or her needs, including living arrangements, transportation, aftercare, physical health, and securing needed psychotherapeutic ~~psychotropic~~ medications for the post-discharge period of up to 21 days.

~~(4)(6)~~ Emergency treatment order (ETO) means a the written emergency order for psychotherapeutic ~~psychotropic~~ medications, ~~seclusion, and restraints ordered by a physician in response to a person presenting an imminent danger to self or others, and~~ as described in Rule 65E-5.1703, F.A.C.; or a written emergency order for seclusion or restraint, as described in subsection (7) of Rule 65E-5.180, F.A.C., of this rule chapter.

~~(5)(7)~~ Examination means the integration of the physical examination required under Section 394.459(2), F.S., with other diagnostic activities to determine if the person is medically stable and to rule out abnormalities of thought, mood, or behavior that mimic psychiatric symptoms but are due to non-psychiatric medical causes such as disease, infection, injury, toxicity, or metabolic disturbances. Examination includes the identification of person-specific risk factors for treatment such as elevated blood pressure, organ dysfunction, substance abuse, or trauma.

~~(6)(8)~~ Health care proxy means a competent adult who has not been expressly designated by an advance directive to make health care decisions for a particular incapacitated individual, but is authorized pursuant to Section 765.401, F.S., to make health care decisions for such individual.

~~(7)(9)~~ Health care surrogate means any competent adult expressly designated by a principal's advance directive to make health care decisions on behalf of the principal upon the principal's incapacity.

~~(8)(10)~~ Person means an individual of any age, unless statutorily restricted, with a mental illness served in or by a mental health facility or service provider.

~~(9)(11)~~ Personal Safety Plan is a form used to document information regarding calming strategies that the person identifies as being helpful in avoiding a crisis. The plan also lists triggers that are identified that may signal or lead to agitation or distress.

~~(10)(12)~~ Pro re nata (PRN) means an individualized order for the care of an individual person which is written after the person has been seen by the practitioner, which order sets parameters for attending staff to implement according to the circumstances set out in the order. A PRN order shall not be used as an emergency treatment order.

~~(11)(13)~~ Protective medical devices mean a specific category of medical restraint that includes devices, or combinations of devices, to restrict movement for purposes of protection from falls or complications of physical care, such as geri-chairs, posey vests, mittens, belted wheelchairs, sheeting,

and bed rails. The requirements for the use and documentation of use of these devices are for specific medical purposes rather than for behavioral control.

~~(12)~~(14) Recovery Plan may also be referred to as a “service plan” or “treatment plan.” A recovery plan is a written plan developed by the person and his or her recovery team to facilitate achievement of the person’s recovery goals. This plan is based on assessment data, identifying the person’s clinical, rehabilitative and activity service needs, the strategy for meeting those needs, documented treatment goals and objectives, and documented progress in meeting specified goals and objectives.

~~(13)~~(15) Recovery Team may also be referred to as “service team” or “treatment team.” A recovery team is an assigned group of individuals with specific responsibilities identified on the recovery plan who support and facilitate a person’s recovery process. Team members may include the person, psychiatrist, guardian/guardian advocate, community case manager, family member, peer specialist and others as determined by the person’s needs and preferences.

~~(16) Restraint for behavior management purposes is defined in Section 394.455(28)(a), F.S. A drug used as a restraint is defined in Section 394.455(28)(b), F.S. Physically holding a person during a procedure to forcibly administer psychotropic medication is a physical restraint.~~

~~(17) Seclusion for behavior management purposes is defined in Section 394.455(29), F.S.~~

~~(14)~~(18) Seclusion and Restraint Oversight Committee is a group of people at an agency or facility that monitors the use of seclusion and restraint at the facility. This committee is intended to assist in the reduction of seclusion and restraint use at the agency or facility. Membership includes, but is not limited to, the facility administrator/designee, medical staff, quality assurance staff, and a peer specialist or advocate, if employed by the facility or otherwise available. If no such person is employed by the facility, an external peer specialist or advocate may be appointed.

~~(15)~~(19) Standing order means a broad protocol or delegation of medical authority that is generally applicable to a group of persons, hence not individualized. As limited by this chapter, it prohibits improper delegations of authority to staff that are not authorized by the facility, or not permitted by practice licensing laws, to independently make such medical decisions; such as decisions involving determination of need, medication, routes, dosages for psychotherapeutic psychotropic medication, or use of restraints or seclusion upon a person.

Rulemaking Specific 394.457(5), 394.46715 FS. Law Implemented 394.455, 394.455(1), 394.457, 394.4573(1)(b), 394.459(2), 394.4625, 394.4655, 394.467, 765.101, 765.401 FS. History–New 11-29-98, Amended 4-4-05, 1-8-07, 5-7-08, _____.

65E-5.110 Delegation of Authority.

Rulemaking Specific Authority 394.457(5), 394.46715 FS. Law Implemented 394, 394.457(5)(a), 394.4655 FS. History–New 11-29-98, Amended 4-4-05, Repealed _____.

65E-5.120 Forms.

Rulemaking Specific Authority 394.457(5) FS. Law Implemented 394.457(5) FS. History–New 11-29-98, Amended 4-4-05, Repealed _____.

65E-5.1302 Admissions to State Treatment Facilities.

(1) through (2) No change.

~~(3) If a person awaiting transfer to a state treatment facility improves to the degree that he or she no longer meets the criteria for involuntary placement or that such transfer is unnecessary, the receiving facility shall discharge the person as specified in Section 394.469, F.S.~~

Rulemaking Specific Authority 394.457(5) FS. Law Implemented 394.4573(2), 394.469 FS. History–New 11-29-98, Amended 4-4-05, _____.

65E-5.1303 Discharge from Receiving and Treatment Facilities.

(1) Before discharging a person who has been admitted to a facility, the person shall be encouraged to actively participate in treatment and discharge planning activities and shall be notified in writing of his or her right to seek treatment from the professional or agency of the person’s choice and the person shall be assisted in making appropriate discharge plans. The person shall be advised that, pursuant to Section 394.460, F.S., no professional is required to accept persons for psychiatric treatment.

(2) Discharge planning shall include and document consideration of the following:

(a) The person’s transportation resources;

(b) The person’s access to stable living arrangements;

(c) How assistance in securing needed living arrangements or shelter will be provided to individuals who are at risk of re-admission within the next 3 weeks due to homelessness or transient status and prior to discharge shall request a commitment from a shelter provider that assistance will be rendered;

(d) Assistance in obtaining a timely aftercare appointment for needed services, including continuation of prescribed psychotherapeutic psychotropic medications. Aftercare appointments for psychotherapeutic psychotropic medication and case management shall be requested to occur not later than 7 days after the expected date of discharge; if the discharge is delayed, the facility will notify the aftercare provider. The facility shall coordinate with the aftercare service provider and shall document the aftercare planning;

(e) To ensure a person's safety and provide continuity of essential psychotherapeutic psychotropic medications, such as prescribed psychotherapeutic psychotropic medications, prescriptions, or multiple partial prescriptions for psychotherapeutic psychotropic medications, or a combination thereof, shall be provided to a person when discharged to cover the intervening days until the first scheduled psychotherapeutic psychotropic medication aftercare appointment, or for a period of up to 21 calendar days, whichever occurs first. Discharge planning shall address the availability of and access to prescribed psychotherapeutic psychotropic medications in the community;

(f) The person shall be provided education and written information about his or her illness and psychotherapeutic psychotropic medications including other prescribed and over-the-counter medications, the common side-effects of any medications prescribed and any adverse clinically significant drug-to-drug interactions common between that medication and other commonly available prescribed and over-the-counter medications;

(g) The person shall be provided contact and program information about and referral to any community-based peer support services in the community;

(h) The person shall be provided contact and program information about and referral to any needed community resources;

(i) Referral to substance abuse treatment programs, trauma or abuse recovery focused programs, or other self-help groups, if indicated by assessments; and

(j) The person shall be provided information about advance directives, including how to prepare and use the advance directives.

(3) Should a person in a receiving or treatment facility meet the criteria for involuntary outpatient placement rather than involuntary inpatient placement, the facility administrator may initiate such involuntary outpatient placement, pursuant to Section 394.4655, F.S., and Rule 65E-5.285, F.A.C., of this rule chapter.

(4) Receiving and treatment facilities shall have written discharge policies and procedures which shall contain:

(a) Agreements or protocols for transfer and transportation arrangements between facilities;

(b) Protocols for assuring that current medical and legal information, including day of discharge medication administered, is transferred before or with the person to another facility; and

(c) Policy and procedures which address continuity of services and access to necessary psychotherapeutic medications.

(5) When a state mental health treatment facility has established an anticipated discharge date for discharge to the community which is more than seven days in advance of the person's actual discharge, at least 7 days notice must be given

to the community agency which has been assigned case management responsibility for the implementation of the person's discharge plan. When an impending discharge is known 7 days or less prior to the discharge, the staff of the state mental health treatment facility shall give verbal and written notice of the impending discharge to the community case management agency within 1 working day after the decision to discharge is made. Recommended form CF-MH 7001, Jan. 98, "State Mental Health Facility Discharge Form," which is incorporated by reference, may be used for this purpose.

(6) On the day of discharge from a state mental health treatment facility, the referring physician, or his or her designee, within state law and approved facility protocols and practice guidelines shall immediately notify the community aftercare provider or entity responsible for dispensing or administering medications. Recommended form CF-MH 7002, "Physician to Physician Transfer," as referenced in subsection 65E-5.1302(2), F.A.C., may be used for this purpose.

Rulemaking Specific Authority 394.457(5), 394.46715 FS. Law Implemented 394.4573(2), 394.459(11), 394.460, 394.4655, 394.468 FS. History--New 11-29-98, Amended 4-4-05, _____.

65E-5.1304 Discharge Policies of Receiving and Treatment Facilities.

Rulemaking Specific Authority 394.457(5) FS. Law Implemented 394.459(11) FS. History--New 11-29-98, Amended 4-4-05, Repealed _____.

65E-5.1305 Discharge from a State Treatment Facility.

Rulemaking Specific Authority 394.457(5) FS. Law Implemented 394.4573, 394.459(11), 394.468 FS. History--New 11-29-98, Amended 4-4-05, Repealed _____.

65E-5.1703 Emergency Treatment Orders for the Administration of Psychotherapeutic Medications.

(1) An emergency treatment order shall be consistent with the least restrictive treatment interventions, including the emergency administration of psychotherapeutic psychotropic medications or the emergency use of restraints or seclusion. Use of seclusion or restraint in an emergency situation is addressed in subsection 65E-5.180(7), Florida Administrative Code and is not addressed in this rule. This rule pertains only to the use of psychotherapeutic medication in an emergency situation.

(a) The issuance of an emergency treatment order requires a physician's review of the person's condition for causal medical factors, such as insufficiency of psychotherapeutic psychotropic medication blood levels, as determined by drawing a blood sample; medication interactions with psychotherapeutic psychotropic or other medications; side effects or adverse reactions to medications; organic, disease or medication based metabolic imbalances or toxicity; or other biologically based or influenced symptoms.

(b) All emergency treatment orders may only be issued ~~written~~ by a physician licensed under the authority of Chapter 458 or 459, F.S.

(c) The physician must review, integrate and address such metabolic imbalances in the issuance of an emergency treatment order.

(d) The use of an emergency treatment order must be consistent with the least restrictive treatment requirements, and ~~for persons must include:~~

~~1. Absent more appropriate interventions, an emergency treatment order is for immediate administration of rapid response psychotherapeutic ~~psychotropic~~ medications to a person to expeditiously treat symptoms, that if left untreated, present an immediate danger to the safety of the person or others.~~

~~2. Absent more appropriate medical interventions, an emergency treatment order for restraint or seclusion of a person to expeditiously treat symptoms that if left untreated, present an imminent danger to the safety of the person or others.~~

~~(d) An emergency treatment order, as used in this chapter, excludes the implementation of individualized behavior management programs as described and authorized in Rule 65E-5.1602, F.A.C., of this rule chapter.~~

(2) An emergency treatment order for psychotherapeutic ~~psychotropic~~ medication supersedes the person's right to refuse psychotherapeutic ~~psychotropic~~ medication if based upon the physician's assessment that the individual is not capable of exercising voluntary control over his or her own symptomatic behavior and that these uncontrolled symptoms and behavior are an imminent danger to the person or to others in the facility. When emergency treatment with psychotherapeutic ~~psychotropic~~ medication is ordered for a minor or an incapacitated or incompetent adult, facility staff shall document attempts to promptly contact the guardian, guardian advocate, or health care surrogate or proxy to obtain express and informed consent for the treatment in advance of administration where possible and if not possible, as soon thereafter as practical.

(3) The physician's initial order for emergency treatment may be by telephone but such a verbal order must be reduced to writing upon receipt and signed by a physician within 24 hours.

(4) Each emergency treatment order shall only be valid and shall be authority for emergency treatment only for a period not to exceed 24 hours.

(5) The need for each emergency treatment order must be documented in the person's clinical record in the progress notes and in the section used for physician's orders and must describe the specific behavior which constitutes a danger to the person or to others in the facility, and the nature and extent of the danger posed.

(6) Upon the initiation of an emergency treatment order the facility shall, within two court working days, petition the court for the appointment of a guardian advocate pursuant to the provisions of Section 394.4598, F.S., to provide express and informed consent, unless the person voluntarily withdraws a revocation of consent or requires only a single emergency treatment order for emergency treatment.

(7) If a second emergency treatment order is issued for the same person within any 7 day period, the petition for the appointment of a guardian advocate pursuant to the provisions of Section 394.4598, F.S., to provide express and informed consent shall be filed with the court within 1 court working day.

(8) While awaiting court action, treatment may be continued without the consent of the person, but only upon the daily written emergency treatment order of a physician who has determined that the person's behavior each day during the wait for court action continues to present an immediate danger to the safety of the person or others and who documents the nature and extent of the emergency each day of the specific danger posed. Such orders may not be written in advance of the demonstrated need for same.

(9) To assure the safety and rights of the person, and since emergency treatment orders by a physician absent express and informed consent are permitted only in an emergency, any use of psychotherapeutic ~~psychotropic~~ medications other than rapid response psychotherapeutic ~~psychotropic~~ medications requires a detailed and complete justification for the use of such medication. Both the nature and extent of the imminent emergency and any orders for the continuation of that medication must be clearly documented daily as required above.

Rulemaking Specific Authority 394.457(5) FS. Law Implemented 394.459(3), 394.4598, 394.463(2)(f), 458, 459 FS. History—New 11-29-98, Amended 4-4-05,_____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-23.003 RULE TITLE: Establishment of Revolving Fund
 PURPOSE AND EFFECT: The change updates the procedures for requesting the establishment of, continuation of, or changes to the revolving fund. Further, the amendment revises the Department's mailing address.
 SUBJECT AREA TO BE ADDRESSED: The revolving fund.
 RULEMAKING AUTHORITY: 17.14, 17.29 FS.
 LAW IMPLEMENTED: 216.271 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Tuesday, June 26, 2012, 9:00 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rita Smith @ (850)413-5769 or Rita.Smith@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rita Smith, Financial Administrator, Bureau of Financial Reporting, Division of Accounting & Auditing, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0354, (850)413-5769 or Rita.Smith@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-23.005 RULE TITLE: Reimbursement of Revolving Funds

PURPOSE AND EFFECT: The rule amendment is required to remove obsolete information. Further, the amendment revises the Department’s mailing address.

SUBJECT AREA TO BE ADDRESSED: The revolving funds. RULEMAKING AUTHORITY: 17.14, 17.29 FS.

LAW IMPLEMENTED: 215.42, 216.271 FS.

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

DATE AND TIME: Tuesday, June 26, 2012 (immediately following the workshop for Rule 69I-23.003, F.A.C., scheduled for 9:00 a.m.)

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Rita Smith @ (850)413-5769 or Rita.Smith@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rita Smith, Financial Administrator, Bureau of Financial

Reporting, Division of Accounting & Auditing, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0354, (850)413-5769 or Rita.Smith@myfloridacfo.com

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-15.002 RULE TITLE: Associate of Arts Degree in Mortuary Science

PURPOSE AND EFFECT: This rule implements the educational requirements for licensure as a funeral director under Sections 497.373 and 497.374, F.S. The provisions amending this rule were approved by the Board of Funeral, Cemetery, and Consumer Services on 12-2-2010.

SUBJECT AREA TO BE ADDRESSED: Educational requirements for licensure as a funeral director.

RULEMAKING AUTHORITY: 497.103, 497.161(1)(a), 497.373(1)(d) FS.

LAW IMPLEMENTED: 497.373, 497.374 FS.

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

DATE AND TIME: June 27, 2010, 10:00 a.m.

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@myfloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Douglas Shropshire, Executive Director, Board of Funeral, Cemetery, and Consumer Services, Division of Funeral, Cemetery, and Consumer Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, FL 32399-0361, (850)413-4984, shropshired@MyFloridaCFO.com. Direct any request for rule development workshop to Mr. Shropshire

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

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-17.001
RULE TITLE: Examination Fees for Embalmers and Funeral Directors; Manner of Application

PURPOSE AND EFFECT: This proposed rule specifies procedures and summarizes the requirements for application and licensure as a funeral director or as an embalmer. The provisions amending this rule were approved by the Board of Funeral, Cemetery, and Consumer Services on 12-2-2010.

SUBJECT AREA TO BE ADDRESSED: Licensure of funeral directors and embalmers.

RULEMAKING AUTHORITY: 497.103(2)(c), (5), 497.141(2), 497.144, 497.368, 497.373 FS.

LAW IMPLEMENTED: 497.140, 497.144, 497.368, 497.369, 497.373; 497.374 FS.

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

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

PLACE: Room 332, Pepper Building, 111 W. Madison Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: LaTonya Bryant-Parker, at (850)413-4957 or LaTonya.Bryant-Parker@myfloridaCFO.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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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 LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE NO.: 2A-8.005
RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: The proposed rule amendments are intended to reflect changes to benefits with regard to the recent changes in the Consumer Price Index.

SUMMARY: The proposed rule amendments reflect revised benefit payments in response to adjustments to the Consumer Price Index.

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: 112.19 FS.

LAW IMPLEMENTED: 112.19 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: Rick Nuss, Chief, Bureau of Criminal Justice Programs, Department of Legal Affairs, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE FULL TEXT OF THE PROPOSED RULE IS:

2A-8.005 Adjustments to Reflect Consumer Price Index.

(1) Section 112.19(2)(j), F.S., requires the Bureau to adjust the statutory amount on July 1 of each year based on the Consumer Price Index for all urban consumers published by the United States Department of Labor, using the most recent figures available. The Bureau will utilize the previous March Consumer Price Index published by the United States Department of Labor and the benefits shall be adjusted from the benefit amount of the year before.

(2) The Consumer Price Index amount in March ~~2012~~ ~~2010~~ increased 2.7 percent. Therefore, the statutory amount for the period July 1, ~~2012~~ ~~2011~~ through June 30, ~~2013~~ ~~2012~~, is:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2); ~~\$63,843.86~~ ~~\$62,465.39~~.

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2); ~~\$63,843.86~~ ~~\$62,465.39~~.

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2); ~~\$192,455.70~~ ~~\$187,396~~.

Rulemaking Authority 112.19 FS. Law Implemented 112.19 FS. History--New 12-10-03, Amended 8-17-04, 7-26-05, 7-26-06, 7-15-07, 7-20-08, 7-20-09, 7-4-10, 7-18-11, _____.