

## Section I

### Notice of Development of Proposed Rules and Negotiated Rulemaking

**DEPARTMENT OF EDUCATION**

**State Board of Education**

**RULE NO.:** 6A-1.0081  
**RULE TITLE:** Charter School and Charter Technical Career Center Monthly Financial Statements and Financial Conditions.

**PURPOSE AND EFFECT:** The purpose of this rule development is to revise the components of required monthly and/or quarterly charter school financial reports by incorporating a standard form. The rule also revises a sponsor’s responsibilities if a deteriorating financial condition exists.

**SUBJECT AREA TO BE ADDRESSED:** Monthly financial reports.

**RULEMAKING AUTHORITY:** 1002.33(27) FS.

**LAW IMPLEMENTED:** 1002.33(9) FS.

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

**DATE AND TIME:** September 10, 2013, 3:00 p.m. – 4:00 p.m.

**PLACE:** Conference call number: 1(888)670-3525, participant code 5799626888.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Adam Miller, Director of Charter Schools, 325 W Gaines Street, Suite 1044, Tallahassee, Florida 32399-0400. To submit a comment on this rule development, go to <https://app1.fldoe.org/rules/default.aspx>.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT:** <https://app1.fldoe.org/rules/default.aspx>.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

**RULE NO.:** 69A-37.0527  
**RULE TITLE:** Retention of Certification

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendments is to conform Rule 69A-37.0527, F.A.C., “Retention of Certification,” to the provisions of recently enacted amendments and to make other clarifications and updates. The retention requirements and retention time periods were amended by the Florida Legislature in SB1410, which became effective July 1, 2013. The specific effect of the proposed rule amendments is to provide individuals whose firefighter retention status was inactive prior to the

implementation of the new Section 633.414 Florida Statutes (2013), a period of one year from the effective date of the proposed rule amendments to become compliant by completing the retention examination.

**SUBJECT AREA TO BE ADDRESSED:** Compliance with requirements for retention of firefighter and volunteer firefighter certificates.

**RULEMAKING AUTHORITY:** 633.128(2)(a), 633.418(1)(a) FS.

**LAW IMPLEMENTED:** 633.106, 633.128, 633.408, 633.414 FS.

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

**DATE AND TIME:** September 12, 2013, 2:30 p.m. – 4:00 p.m.

**PLACE:** Florida State Fire College, Auditorium, 11655 NW Gainesville Road, Ocala, Florida 34482

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: Bill Wentlandt, Assistant Superintendent, Bureau of Firefighter Standards and Training, Division of State Fire Marshal at [bill.wentlandt@myfloridacfo.com](mailto:bill.wentlandt@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:** Bill Wentlandt, Assistant Superintendent, Bureau of Firefighter Standards and Training, Division of State Fire Marshal at (352)369-2829 or [bill.wentlandt@myfloridacfo.com](mailto:bill.wentlandt@myfloridacfo.com).

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

## Section II

### Proposed Rules

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

**RULE NO.:** 59G-1.040  
**RULE TITLE:** Pre-Admission Screening and Resident Review

**PURPOSE AND EFFECT:** The purpose of new Rule 59G-1.040, F.A.C., is to specify Florida Medicaid’s process required for Pre-Admission Screening and Resident Review (PASRR). The PASRR is a federally mandated process to help ensure individuals in need of long-term care services reside in

the most appropriate and least restrictive setting possible, are not inappropriately placed in nursing homes, and receive the services they need in that setting. The PASRR process is required for all applicants to Medicaid-certified nursing facilities, which include children under age 21 years, regardless of payor. The rule also ensures that every applicant receives a PASRR Level II evaluation and determination if indicated in the PASRR Level I. This rule supersedes the PASRR process and forms currently in the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, incorporated by reference in Rule 59G-4.200, Florida Administrative Code.

**SUMMARY:** SUMMARY: This rule is mandated by federal law to ensure that Medicaid-certified nursing facility applicants and residents with mental illness, intellectual disabilities, or related conditions are identified and admitted or allowed to remain in a nursing facility only if there is a verified need for nursing facility services. Additionally, if a need for specialized services is determined, federal guidelines require that such services must be provided.

**NOTE:** The Agency has determined that the electronic uploading materials incorporated by reference in paragraph 59G-1.040(2)(e) and subparagraph 59G-1.040(2)(k)1. would constitute a violation of federal copyright law. This material is available for public inspection and examination at the Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308. Please contact Margaret Reilly at the contact information provided below for questions.

**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, 409.905(8), 409.912, 409.913 FS.

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

**DATE AND TIME:** Wednesday, September 18, 2013, 3:00 p.m. – 4:00 p.m.

**PLACE:** Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, 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: Margaret Reilly at the Bureau of Medicaid Services, (850)412-4639. 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:** Margaret Reilly, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4639, e-mail: margaret.reilly@ahca.myflorida.com

**THE FULL TEXT OF THE PROPOSED RULE IS:**

59G-1.040 Pre-Admission Screening and Resident Review.

(1) Purpose.

(a) The Pre-Admission Screening and Resident Review (PASRR) is a federal requirement mandated by the Nursing Home Reform Act, as amended. It is intended to ensure that Medicaid-certified nursing facility applicants and residents with a diagnosis of or suspicion of serious mental illness or intellectual disabilities, or related conditions, are identified and admitted or allowed to remain in the nursing facility only if there is a verified need for such services.

(b) PASRR is required for all applicants to Medicaid-certified nursing facilities, regardless of payor.

(c) Florida's PASRR process promotes community-focused, patient-centered care by ensuring psychological, psychiatric, and functional needs are considered along with personal goals and preferences when planning long-term care services. Multiple state agencies and providers work together to ensure the individual's long-term care needs are met in the most integrated setting appropriate.

(2) Definitions.

(a) Adult(s) – Individuals who are age 21 and older.

(b) CARES – The Florida Department of Elder Affairs' Comprehensive Assessment and Review for Long-Term Care Services program.

(c) Child(ren) – Individuals who are age three through 20.

(d) Early Steps – Florida's early intervention system, administered by the Florida Department of Health, Children's Medical Services, that offers services to eligible infants and toddlers (birth through age three) with significant delays or a condition likely to result in a developmental delay. Early intervention is provided to support families and caregivers in developing the competence and confidence to help their child learn and develop.

(e) Intellectual Disability (ID) – Individuals are determined to have ID (mild, moderate, severe, or profound) according to the criteria in the American Association on Intellectual Disabilities' manual entitled, Intellectual Disability: Definition, Classification, and Systems of Supports (11th Ed. 2010), incorporated by reference. ID includes related conditions, i.e., individuals who have a severe, chronic disability that meets all of the following conditions:

1. Is attributable to:

a. Cerebral palsy or epilepsy; or

b. Any other condition, other than mental illness, found to be closely related to ID because this condition results in impairment of general intellectual functioning or adaptive behavior similar to that of persons diagnosed with ID, and requires treatment or services similar to those required for these persons;

2. Is manifested before the person reaches age 22;

3. Is likely to continue indefinitely; and

4. Results in substantial functional limitations in three or more of the following areas of major life activity:

a. Self-care;

b. Understanding and use of language;

c. Learning;

d. Mobility;

e. Self-direction; or

f. Capacity for independent living.

(f) Legal Guardian – The parents for a child under age 18, or a person appointed by the courts to exercise the legal rights of the individual who is being evaluated.

(g) Level I PASRR Screener – The Agency for Health Care Administration (AHCA), or the entity to which AHCA delegates this responsibility, shall perform the Level I PASRR screening for all children. The CARES program or the entity to which CARES delegates this responsibility shall perform the Level I PASRR screening for all adults. AHCA and CARES will collectively be referred to as the Level I PASRR Screener.

(h) New Admission – An individual admitted to a nursing facility for the first time or not admitted as a readmission.

(i) Nursing Facility (NF) – A Medicaid-certified nursing facility.

(j) Readmission. – An individual who is readmitted within 90 days to an NF from a hospital to which the individual was originally transferred by that NF for receiving care.

(k) Serious Mental Illness (SMI) – An individual is considered to have an SMI, if the individual meets the following requirements on diagnosis, level of impairment, and duration of illness:

1. Diagnosis: A major mental disorder under the Diagnostic and Statistical Manual of Mental Disorders (4th Ed. 2000), incorporated by reference, such as a schizophrenic, mood, paranoid, panic, or other severe anxiety disorder; somatoform disorder; personality disorder; other psychotic disorder; or another mental disorder that may lead to a chronic disability, but not a primary diagnosis of dementia, including Alzheimer's disease or a related disorder, or a nonprimary diagnosis of dementia unless the primary diagnosis is a major mental disorder.

2. Level of Impairment: Functional limitations in major life activities within the past three to six months that would be appropriate for the individual's developmental stage; an individual typically has at least one of the following characteristics on a continuing or intermittent basis, or is likely to exhibit one of the following characteristics without continued treatment or intervention:

a. Serious difficulty interacting appropriately and communicating effectively with other persons, a possible history of altercations, evictions, firing, fear of strangers, or avoidance of interpersonal relationships and social isolation;

b. Serious difficulty in sustaining focused attention for long enough to permit the completion of tasks commonly found in work settings or in work-like structured activities occurring in school or home settings, manifest difficulties in concentration, inability to complete simple tasks within an established time period, makes frequent errors, or requires assistance in the completion of these tasks; or

c. Serious difficulty in adapting to typical changes in circumstances associated with work, school, family, or social interaction, manifests agitation, exacerbated signs and symptoms associated with the illness, or withdrawal from the situation, or requires intervention by the mental health or judicial system;

3. Recent Treatment: A treatment history indicating the individual has experienced at least one of the following:

a. Psychiatric treatment more intensive than outpatient care more than once in the past two years (for example, partial hospitalization or inpatient hospitalization); or

b. Within the last two years, due to the mental disorder, experienced an episode of significant disruption to the normal living situation, for which supportive services were required to maintain functioning at home, or in a residential treatment

environment, or which resulted in intervention by housing or law enforcement officials.

(l) Significant Change – A major decline or improvement in the resident's status. A major decline in a resident's status involves changes that require intervention to correct the decline through staff involvement and/or through implementation of standard disease-related clinical interventions that: (i) are anticipated to effect more than one area of the resident's health status; (ii) requires interdisciplinary review or revision of the care plan; or, both (i) and (ii). A major improvement in a resident's status involves changes in a resident's circumstances that: (i) are anticipated to effect more than one area of the resident's health status; (ii) requires interdisciplinary review or revision of the care plan; or, both (i) and (ii).

(m) Specialized Services – Services that are not covered in the NF per diem and are required for appropriate placement in the NF setting for individuals with ID or SMI whose needs are such that continuous supervision, treatment, and training by qualified mental health or intellectual disability personnel is necessary. Specialized services are specified by the state and, combined with the services provided by the NF, result in continuous and aggressive implementation of an individualized plan of care. Specialized services for ID are directed toward the acquisition of the behaviors necessary for the individual to function with as much self-determination and independence as possible and toward the prevention or deceleration of regression or loss of current optimal functional status, to include behavior analysis services and training services. Specialized services for SMI are utilized to address episodes of mental illness and are rendered at levels required to avert or eliminate the need for acute inpatient psychiatric care.

(3) The Level I PASRR Screener or, for children under age three, the Early Steps program, must be notified whenever an individual is referred to an NF for admission.

(4) Level I PASRR.

(a) A Level I PASRR screening determines whether an individual referred for admission into an NF has or is suspected of having an SMI or an ID diagnosis or related conditions.

(b) A Level I PASRR must be completed for all individuals who are new admissions to an NF regardless of the source of payment.

(c) Individuals not requiring a Level I PASRR prior to admission to an NF, referred to as provisional admissions, are as follows:

1. In cases of delirium, a Level I PASRR must be completed within seven days after the delirium clears;

2. For emergency admissions requiring protective services, a Level I PASRR must be completed within seven days of admission;

3. An individual admitted to an NF for a caregiver's respite, unless the stay exceeds 30 days; however, a Level I PASRR must be completed in advance of the expiration of the 30 days, if the stay is expected to exceed the time limit;

4. An individual who is admitted to an NF under the 30-day hospital discharge exception, pursuant to Title 42, Code of Federal Regulations, section 483.106(b)(2); however, if the individual's stay exceeds the 30 days, a Level I PASRR must be completed no later than the 40<sup>th</sup> day; or

5. A child admitted to an NF under age three; however, a Level I PASRR must be completed within seven days of the child's third birthday, if the child is still residing in the NF.

(d) The Level I PASRR must be completed by the Level I PASRR Screener prior to an individual's admission to an NF subject to the exceptions in subparagraphs (4)(c)1.-5.

(e) Within two days after the Level I PASRR is completed, if the individual has or is suspected of having a diagnosis of SMI and/or ID, the Level I PASRR Screener must send the individual and his or her legal guardian written notice stating that the individual has or is suspected of having SMI and/or ID and is being referred for a more in-depth Level II PASRR evaluation. Within the same two days, the Level I PASRR Screener must also send all of the following documentation to the Agency for Persons with Disabilities (APD) for individuals suspected of having ID, or to the Department of Children and Families (DCF) for individuals suspected of having SMI:

1. Level I PASRR;

2. Documented informed consent;

3. Medical certification for NF/home and community-based services;

4. Other medical documentation including relevant case notes or records of treatment/medication administration record;

5. Psychiatric or psychological evaluation, if available;

6. An assessment conducted by the Department of Elder Affairs (DOEA), if appropriate;

7. An assessment conducted by the Children's Multidisciplinary Assessment Team (CMAT), if appropriate; and

8. An assessment conducted by the Early Steps program, if appropriate.

(f) The Level I PASRR Screener is responsible for documenting on a Level I PASRR screening whether the individual is seeking a provisional admission into an NF and the type of provisional admission. They are also responsible

for documenting and tracking the appropriate time limits for when a Level I PASRR must be completed for these provisional admissions and making certain that the individual is referred for a Level II PASRR prior to the expiration of the time period.

(5) Level II PASRR, in General.

(a) The Level II PASRR is an in-depth evaluation of the individual and a determination of the need for NF services. If an NF is the most integrated setting appropriate to meet the individual's long-term care needs, the Level II PASRR must also evaluate what specialized services, if any, are needed for the individual.

(b) All Level II PASRR evaluations are individualized.

(c) A Level II PASRR is required if the Level I PASRR indicated a diagnosis or suspicion of SMI and/or ID, and it must be completed under the following circumstances and within the following timeframes:

1. Within 40 days of admission, if the individual was admitted to the NF under the hospital discharge exemption and is later found to require more than the allowed 30-day stay;

2. If a child under age three is admitted to the NF, then a Level II PASRR must be completed within seven days of the child's third birthday;

3. If the individual does not enter the NF within 30 days of the Level II PASRR evaluation, a new Level II PASRR must be completed prior to admission to the NF;

4. If an individual is transferred to the hospital from the NF and is admitted to the hospital for more than 90 consecutive days, a new PASRR Level II must be completed prior to the individual's return to the NF;

5. If there is a significant change in the resident's mental or physical condition, the nursing facility must notify the Level I PASRR Screener in accordance with 42 USC 1396r, and a new Level II PASRR must be completed; or

6. If an individual is admitted to an NF for a caregiver's respite, a Level II PASRR must be completed in advance of the expiration of 30 days, if the stay is expected to exceed the 30-day time limit.

(d) The following entities must complete the Level II PASRR, regardless of payor:

1. DCF for those individuals diagnosed or suspected of having a diagnosis of SMI;

2. APD for those individuals diagnosed or suspected of having a diagnosis of ID; and

3. When a Level I PASRR results in a suspicion of both SMI and ID, DCF and APD will coordinate to complete the Level II PASRR.

(e) The Level II PASRR evaluation must assess the appropriate placement to meet the individual's needs.

1. In determining appropriate placement, the evaluator must prioritize the individual's physical and mental needs, taking into account the severity of each condition. The determination of whether an NF is appropriate must include:

a. Evaluation of physical status (for example, diagnoses, date of onset, medical history, and prognosis);

b. Evaluation of mental status (for example, diagnoses, date of onset, medical history, likelihood that the individual may be a danger to self or others); and

c. Functional assessment (ability to perform activities of daily living).

(f) The Level II PASRR must be completed prior to admission to an NF, and it must be issued in the form of a written determination summary report which:

1. Confirms or rules out SMI or ID;

2. Identifies the name and professional title of each person who performed the evaluation(s) and the date on which each portion of the evaluation was administered;

3. Summarizes the medical and social history, including the positive traits, developmental strengths and weaknesses, or developmental or mental health needs of the individual;

4. Identifies whether NF services and specialized services are needed, and identifies any specific SMI or ID services that are required to treat individual needs;

5. If specialized services are not recommended, identifies any specific SMI or ID services that are of a lesser intensity than specialized services;

6. Identifies placement options that are available to the individual, including whether the individual's needs could be met in a community setting and what services would be needed for the individual to live in such a setting;

7. Documents that the individual and legal guardian, if appropriate, have been educated about all placement options, including information about the benefits of integrated settings, and have addressed any concerns or objections raised by the individual or legal guardian;

8. Documents that a pre-admission counseling packet was reviewed and provided to the individual or legal guardian, if appropriate, including a signed receipt of the packet; however, in the event the individual or legal guardian refuses to sign off on the packet, the Level II PASRR evaluator will document their refusal;

9. Includes the basis for the summary report's conclusions;

10. Notifies the individual and legal guardian of the right to appeal the determination; and

11. Interprets and explains the summary report to the individual and legal guardian.

12. If the Level II PASRR rules out SMI or ID, the screener does not have to complete the items indicated in subparagraphs (5)(f)4.-8.

(g) The completed Level II PASRR evaluation must be sent to:

1. The PASRR Level I Screener;
2. The evaluated individual or, if appropriate, legal guardian;
3. The admitting or retaining NF, if applicable;
4. The evaluated individual's attending physician; and
5. The discharging hospital, if applicable.

(h) PASRR Level II evaluations must involve:

1. The individual being evaluated, and the legal guardian, if the individual is under age 18, or a legal guardian has been appointed by the courts; and

2. The individual's family; if the individual or the legal guardian agrees to family participation.

(6) Level II PASRR for Individuals for Whom a Level I PASRR Indicated a Suspicion of SMI.

(a) DCF must ensure completion of the Level II PASRR evaluations for individuals age three years and older whose Level I PASRR indicated a suspicion of SMI.

(b) Level II PASRR evaluations for individuals with a suspected SMI diagnosis must:

1. Confirm or rule out the presence of SMI. A qualified mental health professional must confirm or reject the suspicion of SMI indicated in the Level I PASRR by performing a comprehensive history and a physical examination of the person, including:

- a. Complete medical history;
- b. Review of all body systems;
- c. Specific evaluation of the person's neurological system in the areas of motor functioning, sensory functioning, gait, deep tendon reflexes, cranial nerves, and abnormal reflexes;
- d. Additional evaluations conducted by appropriate specialists, where abnormal findings are the basis for an NF placement;
- e. Comprehensive drug history including current or immediate past use of medications that could mask symptoms or mimic SMI;
- f. Psychosocial evaluation of the person, including current living arrangements and medical and support systems; and
- g. Comprehensive psychiatric evaluation including a complete psychiatric history, evaluation of SMI functioning, memory functioning, and orientation, description of current attitudes and overt behaviors, affect, suicidal or homicidal ideation, paranoia, and degree of reality testing (presence and content of delusions) and hallucinations.

2. Include a functional assessment of the individual's ability to engage in activities of daily living and the level of support that would be needed to assist the individual to

perform these activities while living in the community. The assessment must determine whether this level of support can be provided to the individual in an alternative community setting or whether the level of support needed is such that an NF placement is required. The functional assessment must address the self-monitoring of health status, self-administering and scheduling of medical treatment, including medication compliance, or both, and self-monitoring of nutritional status, handling money, dressing appropriately, and grooming; and

3. Determine the need for specialized services. Specialized services for an SMI diagnosis are:

- a. Those services not already covered in the NF per diem;
- b. Services that are utilized to address an episode of mental illness and that are rendered in an NF at levels required to avert or eliminate the need for inpatient psychiatric care;
- c. Developed and supervised by a qualified mental health professional and include one or all of the following:

- i. Psychiatric consultation and evaluation;
- ii. Psychotropic medication management;
- iii. Psychological evaluation; and/or
- iv. Psychotherapy

(7) Level II PASRR Evaluations for Individuals for Whom a Level I PASRR Indicated a Suspicion of ID.

(a) APD must ensure completion of the Level II PASRR evaluations for individuals age three and older whose Level I PASRR indicated a suspicion of ID.

(b) Level II PASRR evaluations for individuals with a suspected ID diagnosis must:

1. Confirm or rule out the suspicion of ID; a licensed psychologist must be utilized to identify the intellectual functioning measurement of individuals with ID;

2. Confirm the need for NF placement; and

3. Determine the need for specialized services by assessing:

- a. The individual's medical problems;
- b. The level of impact these problems have on the individual's independent functioning;
- c. All current medications used by the individual and the current response of the individual to any prescribed medications in the following drug groups:

- i. Hypnotics;
- ii. Antipsychotics (neuroleptics);
- iii. Mood stabilizers and antidepressants;
- iv. Antianxiety-sedative agents; and
- v. Anti-Parkinson agents.
- d. Self-monitoring of health status;
- e. Self-administering and scheduling of medical treatments;
- f. Self-monitoring of nutritional status;
- g. Self-help development, such as toileting, dressing, grooming, and eating;

h. Sensorimotor development, such as ambulation, positioning, transfer skills, gross motor dexterity, visual motor perception, fine motor dexterity, eye-hand coordination, and extent to which prosthetic, orthotic, corrective, or mechanical supportive devices can improve the individual's functional capacity;

i. Speech and language (communication) development, such as expressive language (verbal and nonverbal), receptive language (verbal and nonverbal), extent to which nonoral communication systems can improve the individual's function capacity, auditory functioning, and extent to which amplification devices (for example, hearing aid) or a program of amplification can improve the individual's functional capacity;

j. Social development, such as interpersonal skills, recreation-leisure skills, and relationships with others;

k. Academic/educational development, including functional learning skills;

l. Independent living development, such as meal preparation, budgeting and personal finances, survival skills, mobility skills (orientation to the neighborhood, town, city), laundry, housekeeping, shopping, bed making, care of clothing, and orientation skills (for individuals with visual impairments);

m. Vocational development, including present vocational skills;

n. Affective development, such as ability to express emotions, making judgments, and making independent decisions; and

o. The presence of identifiable maladaptive or inappropriate behaviors of the individual based on systematic observation (including, but not limited to, the frequency and intensity of identified maladaptive or inappropriate behaviors).

(c) Specialized services for individuals with ID are:

1. Those services not already covered in the NF per diem;

2. Behavior analysis services, pursuant to Rule 65G-4.009, Florida Administrative Code;

3. Training services, to include:

a. Services intended to support the participation of recipients in daily, meaningful, valued routines of the community, which for older children and adults may include work-like settings that do not meet the definition of supported employment; and

b. Training in the activities of daily living, self-advocacy, and adaptive and social skills that are age and culturally appropriate; the service expectation is to achieve the goals defined by each individual or, if appropriate, the individual's legal guardian; the training, activities, and routine established

by the adult day training program must be meaningful to the individual and provide an appropriate level of variation and interest; this training is provided in accordance with a formal implementation plan, developed under the direction of the individual or, if appropriate, the individual's legal guardian.

(8) NF Residents No Longer Requiring NF Services, but Requiring Specialized Services.

(a) Any NF resident with SMI or ID who no longer requires the level of services provided by an NF but does require specialized services and who has continuously resided in an NF for at least 30 consecutive months before the date of determination, may choose to continue to reside in the facility or to receive covered services in an alternative appropriate institutional or noninstitutional setting. In consultation with the resident or, if appropriate, the resident's legal guardian, APD or DCF, as appropriate, must:

1. Inform the resident of the institutional and noninstitutional alternatives available for the resident;

2. Offer the resident the choice of remaining in the facility or receiving covered services in an alternative, appropriate institutional or noninstitutional setting;

3. Clarify the effect on eligibility for services if the resident chooses to leave the facility (including its effect on readmission to the facility); and

4. Provide for (or arrange for the provision of) such specialized services for the resident's SMI or ID.

(b) Unless the individual or legal guardian, if appropriate, refuses placement outside the NF, any NF resident with SMI or ID who does not require the level of services provided by an NF but does require specialized services, and who has resided in an NF for less than 30 consecutive months before the date of determination, must be discharged to an appropriate setting where the individual will receive the needed specialized services. In consultation with the resident and, if appropriate the resident's legal guardian, APD or DCF (as appropriate) must:

1. Arrange for the safe and orderly discharge of the resident from the facility;

2. Prepare and orient the resident for such discharge; and

3. Provide for (or arrange for the provision of) such specialized services for the resident's SMI or ID.

(9) NF Resident Not Requiring NF Services or Specialized Services.

(a) Unless the individual or legal guardian, if appropriate, refuses placement outside the NF, any NF resident with SMI or ID who does not require the level of services provided by an NF and does not require specialized services, regardless of length of stay, must be discharged. APD or DCF (as appropriate) must:

1. Arrange for the safe and orderly discharge of the resident from the facility; and

2. Prepare and orient the individual for such discharge.

(10) Appeals.

(a) PASRR determinations that are contrary to the wishes of the individual or legal guardian are appealable through the administrative fair hearing process.

(b) The individual or legal guardian will receive notice of all PASRR determinations along with notice of the administrative fair hearing process and rights.

(11) Records.

(a) Nursing facilities are required to maintain copies of all PASRR screenings, evaluations, and re-evaluations in the resident’s file, even after the resident has been discharged or has been transferred to another facility.

(b) The Level I PASRR Screener must retain all documentation from the Level I and Level II PASRR screening process for repository.

(12) Oversight.

(a) AHCA, APD, DCF, and DOEA must enter into memoranda of understanding outlining each respective agency’s role in the PASRR process.

(b) The Level I PASRR Screener must perform a quality assurance review of Level II PASRR screenings to determine compliance with the requirements outlined in this rule, federal regulations, state law, and the executed memorandum of understanding. If deficiencies are found, the Level I PASRR Screener will notify the agency performing the Level II PASRR of the deficiencies. Within five business days of receipt of the notice, the agency will correct all deficiencies and submit an amended Level II PASRR.

(13)(a) Annual Reporting to the Secretary of the United States Department of Health and Human Services.

(b) Florida Medicaid must report annually to the Secretary of Health and Human Services the number and disposition of residents not requiring NF services, but requiring specialized services; and residents not requiring NF services and not requiring specialized services.

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.905(8), 409.912, 409.913 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Margaret Reilly  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 26, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: February 11, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:       RULE TITLE:

61G15-20.0010   Application for Licensure by Examination

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the revised “Application for Licensure by Examination,” form FBPE/001, “Fundamentals of Engineering Application,” form FBPE/003 and “Fundamentals of Engineering Foreign Degree Application,” form FBPE/004, into the current rule.

SUMMARY: The rule amendment will incorporate the revised “Application for Licensure by Examination,” form FBPE/001, “Fundamentals of Engineering Application,” form FBPE/003 and “Fundamentals of Engineering Foreign Degree Application,” form FBPE/004, into the current 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: 471.008, 471.013, 471.015 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303



THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.0010 Application for Licensure by Examination.

(1) Any person desiring to be licensed as a professional engineer shall submit a completed application to the Board. The instructions and application Form FBPE/001(06/13 06-04), entitled, "Application For Licensure By Examination", which is hereby incorporated by reference, ~~effective 9-27-01~~, copies of which may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; or from the Board's website at <http://www.fbpe.org/licensure/application-process>. The Board shall certify as eligible to take the licensure examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that they:

(a) through (b) No change.

(2) Any person desiring to take ~~an~~ the fundamentals examination for the purpose of determining whether he or she is qualified to practice as an engineering intern in this state shall submit a completed application to the Board. There are two engineer intern applications from which to choose, the instructions and application Form FBPE/003 (06/13 06-04), entitled, "Fundamentals of Engineering Application Application for Engineer Intern", which is hereby incorporated by reference, ~~effective 9-27-01~~, or the instructions and application Form FBPE/004 (06/13 06-04), entitled "Application for Foreign Engineer Intern Fundamentals of Engineering Foreign Degree Application", which is hereby incorporated by reference ~~effective 9-27-01~~, copies of which may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; or from the Board's website at <http://www.fbpe.org/licensure/application-process>. The Board shall certify as eligible to take the Fundamentals examination only those applicants who have completed the application form, remitted the application and examination fee required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that they are in the final year of, or have graduated from, "a Board approved engineering program" as defined by subsection 61G15-20.001(2), F.A.C.

*Rulemaking Specific Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History--New 9-27-01, Amended 11-19-03,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 30, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: RULE TITLE:

61G15-20.0015 Application for Licensure by Endorsement  
PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the revised "Application for Licensure by Endorsement," form FBPE/002, into the current rule.

SUMMARY: The rule amendment will incorporate the revised "Application for Licensure by Endorsement," form FBPE/002, into the current 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: 471.008, 471.013, 471.015 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.0015 Application for Licensure by Endorsement.

(1) Any person desiring to be licensed as a professional engineer by endorsement shall submit a completed application form to the Board. The instructions and application Form FBPE/002 (06/13 ~~06-04~~), entitled "Application For Licensure By Endorsement", which is hereby incorporated herein by reference, effective ~~9-27-04~~, copies of which may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; or from the Board's website at http://www.fbpe.org/licensure/application-process. The Board shall certify as eligible for licensure by endorsement applicants who have completed the application form, remitted the application fee for licensure by endorsement required by Chapter 61G15-24, F.A.C., and who have demonstrated to the Board that:

- (a) through (b) No change.
- (2) through (6) No change.

*Rulemaking Authority 471.008, 471.013, 471.015 FS. Law Implemented 471.013, 471.015 FS. History--New 9-27-01, Amended 4-9-07, 10-15-09, 11-16-10,\_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Professional Engineers  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2013  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 30, 2013

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: RULE TITLE:  
61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to incorporate the revised "Special Inspector Application and Instructions" form FBPE/TBI/006, into the current rule.

SUMMARY: The rule amendment will incorporate the revised "Special Inspector Application and Instructions" form FBPE/TBI/006, into the current 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: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.015, 471.033 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Zana Raybon, Executive Director, Board of Professional Engineers, 2639 North Monroe Street, Suite B-112, Tallahassee, FL 32303

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-35.003 Qualification Program for Special Inspectors of Threshold Buildings

- (1) No change.
- (2) Applications.

(a) The instructions and application form for Special Inspector, Form FBPE/TBI/006(08/00) is hereby incorporated by reference, effective 4-19-01, "Special Inspector Application and Instructions". Copies of Form FBPE/TBI/006(06/13 ~~08/00~~) may be obtained from the Board office at 2639 North Monroe Street, Suite B-112, Tallahassee, Florida 32303; or from the Board's website at http://www.fbpe.org/licensure/application-process.

(b) All applications for certification as a Special Inspector shall be submitted to the Board on Form FBPE/TBI/006(06/13 ~~08/00~~).

(c) Applications shall contain the following basic information pertaining to the applicant:

- 1. through 5. No change.
- 6. Completed form FBPE/TBI/006(06/13 ~~08/00~~).

(d) No change.

(3) through (4) No change.

*Rulemaking Authority 471.008, 471.033(2) FS. Law Implemented 471.015(7), 471.033 FS. History—New 4-19-01, Amended 7-7-02, 4-5-04, 11-29-04, 2-4-13, \_\_\_\_\_.*

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2013

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: July 30, 2013

### Section III Notice of Changes, Corrections and Withdrawals

**COMMISSION ON ETHICS**

- |            |  |
|------------|--|
| RULE NOS.: | RULE TITLES:   |
| 34-5.001   | Staff Procedures Upon Receipt of a Complaint of Breach of Public Trust                                 |
| 34-5.002   | Review for Sufficiency of Allegations of Breach of Public Trust and Order of Preliminary Investigation |

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 160, August 16, 2013 issue of the Florida Administrative Register.

**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: based on past experiences with complaint procedures 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), F.S.

**COMMISSION ON ETHICS**

- |            |  |
|------------|--|
| RULE NOS.: | RULE TITLES:   |
| 34-16.001  | Scope and Applicability of Chapter   |
| 34-16.002  | Amount of Time for Individual Members of the Public to Address the Commission  |
| 34-16.003  | Procedure for Group Representative to Address the Commission   |
| 34-16.004  | Procedure for Informing Commission of Individual's Desire to be Heard or to Indicate Designation of a Representative Speaker |
| 34-16.005  | Designation of Specified Time Period for Public Comment  |

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 39, No. 161, August 19, 2013 issue of the Florida Administrative Register.

**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: based on past experiences with Commission meetings, 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), F.S.

**Water Management Districts**

**Northwest Florida Water Management District**

- |            |                        |
|------------|------------------------|
| RULE NOS.: | RULE TITLES:           |
| 40A-2.101  | Content of Application |
| 40A-2.901  | Forms                  |

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the Notice of Proposed Rule published in Vol. 39, No. 160, of the August 16, 2013, issue of the Florida Administrative Register:

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Northwest Florida Water Management District.

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

The person to be contacted regarding the proposed rule is: Angela Chelette, Northwest Florida Water Management District, Bureau of Ground Water Regulation, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, [angela.chelette@nwfwm.d.state.fl.us](mailto:angela.chelette@nwfwm.d.state.fl.us) or Terri Peterson, Administrative Assistant, Northwest Florida Water Management District, Bureau of Ground Water Regulation, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, [terri.peterson@nwfwm.d.state.fl.us](mailto:terri.peterson@nwfwm.d.state.fl.us).

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE NO.: 64B7-25.001  
 RULE TITLE: Examination Requirements  
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 123, June 25, 2013 issue of the Florida Administrative Register.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Paragraph (1)(b) should now read:
  - (b) Submits a completed application on form DH-MQA 1115, "Massage Therapist Licensure Application with Instructions Application For Licensure," (Rev.11/12 ~~10/09~~). The form and the attached instructions are incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at [http://www.doh.state.fl.us/mqa/massage/ap\\_message.pdf](http://www.doh.state.fl.us/mqa/massage/ap_message.pdf) or <http://www.flrules.org/Gateway/reference.asp?No=Ref>. To apply on-line, visit [http://www.doh.state.fl.us/mqa/massage/ma\\_lic\\_req.html](http://www.doh.state.fl.us/mqa/massage/ma_lic_req.html);

2. Florida Statutes 456.034 shall be removed from the Rulemaking Authority.

3. Florida Statutes 456.034 and 456.017(5) should be removed from the Law Implemented section.

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

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-15.002  
 RULE TITLE: Certified Nursing Assistant Authorized Duties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 122, June 24, 2013 issue of the Florida Administrative Register.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

The rule shall now read as follows:

(1) Provider Qualifications. In-Service Training Providers shall:

(a) Be one of the following:

1. A facility licensed by the Agency for Health Care Administration;

2. A continuing education provider as approved by the Board of Nursing; or

3. A Certified Nurse Assistant association, as recognized by the Board.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe R. Baker, Jr., Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, Florida 32399

**DEPARTMENT OF HEALTH**

**Division of Disease Control**

RULE NO.: 64D-2.005  
 RULE TITLE: Blood and Human Tissue Donations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 39, No. 95, May 15, 2013 issue of the Florida Administrative Register has been withdrawn.

Section IV  
 Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule
Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on August 22, 2013, the
Department of Business and Professional Regulation, Division
of Hotels and Restaurants, Bureau of Elevator Safety, received
a petition for Winter Haven MOB (1). Petitioner seeks a
variance of the requirements of ASME A17.1b, Section
2.20.4, 2.18.5.1 and 8.11.2.1.3(cc)(1) & (3) as adopted by
subsection 61C-5.001(1)(a), Florida Administrative Code that
requires steel ropes of a minimum diameter of 9.5 mm which
poses a significant economic/financial hardship. Any
interested person may file comments within 5 days of the
publication of this notice with Mark Boutin, Bureau of
Elevator Safety, 1940 North Monroe Street, Tallahassee,
Florida 32399-1013 (VW2013-282).

A copy of the Petition for Variance or Waiver may be
obtained by contacting: Mark Boutin, Bureau of Elevator
Safety, 1940 North Monroe Street, Tallahassee, Florida
32399-1013

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:

64B12-16.008: Enforcement

The Board of Opticianry hereby gives notice of the issuance of
an Order regarding the Petition for Variance or Waiver for
Lydia Schmidt, filed on December 14, 2012. The Petitioner
was seeking a permanent variance or waiver of Rule 64B12-
16.008, F.A.C., with regards to the time limit an
Apprenticeship Sponsor Attestation form must be provided to
the Board. The Notice of Petition for Variance or Waiver was
published in Volume 39, No. 1, of the January 2, 2013, Florida
Administrative Register. The Board considered the Petition at
a duly-noticed public meeting held telephonically, on June 7,
2013.

The Board's Order, filed on July 3, 2013, denies the Petition
for Variance or Waiver. The Board determined that the
Petitioner has not demonstrated that application of the rule
would create a substantial hardship or violate the principles of
fairness.

A copy of the Order or additional information may be
obtained by contacting Sue Foster, Executive Director, Board
of Opticianry, 4052 Bald Cypress Way, Bin # C08,
Tallahassee, Florida 32399-3258.

Notice of Variances and Waivers

DEPARTMENT OF BUSINESS AND PROFESSIONAL
REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on August 22, 2013, the
Department of Business and Professional Regulation, Division
of Hotels and Restaurants, Bureau of Elevator Safety, received
a petition for Winter Haven MOB (2). Petitioner seeks an
emergency variance of the requirements of ASME A17.1,
Section 2.10.2.1 and 2.4.6.2(c), as adopted by subsection 61C-
5.001(1), Florida Administrative Code to install a folding car
top handrail which poses a significant economic/financial
hardship. Any interested person may file comments within 5
days of the publication of this notice with Mark Boutin,
Bureau of Elevator Safety, 1940 North Monroe Street,
Tallahassee, Florida 32399-1013 (VW2013-283).

A copy of the Petition for Variance or Waiver may be
obtained by contacting: Mark Boutin, Bureau of Elevator
Safety, 1940 North Monroe Street, Tallahassee, Florida
32399-1013.

Section VI

Notice of Meetings, Workshops and Public
Hearings

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council announces public meetings
to which all persons are invited.

DATES AND TIMES: November 5, 2013, 9:00 a.m. – 5:00
p.m.; November 6, 2013, 9:00 a.m. – 5:00 p.m.; November 7,
2013, 9:00 a.m. – 12:00 p.m.

PLACE: Embassy Suites Hotel, 3974 NW South River Drive,
Miami, Florida 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Florida Rehabilitation Council General Business.

Public Forum will occur on November 5, 2013, 11:00 a.m. –
12:00 p.m.

A copy of the agenda may be obtained by contacting: Roy Cosgrove, (850)245-3317 or at roy.cosgrove@vr.fldoe.org. 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: Roy Cosgrove, (850)245-3317 or at roy.cosgrove@vr.fldoe.org. 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). For more information, you may contact: Roy Cosgrove, (850)245-3317 or at roy.cosgrove@vr.fldoe.org.

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**DEPARTMENT OF LAW ENFORCEMENT**

**Criminal Justice Standards and Training Commission**  
The Criminal Justice Standards and Training Commission announces a public meeting to which all persons are invited.  
**DATE AND TIME:** Tuesday, September 17, 2013, 10:00 a.m.  
**PLACE:** Valencia College, Criminal Justice Institute Auditorium Room 100, 8600 Valencia College Lane, Orlando, FL 32825

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**  
The above meeting will be held to determine whether probable cause exists to pursue disciplinary action against the certification of sworn correctional, law enforcement, or correctional probation officers.

A copy of the agenda may be obtained by contacting: Lori Morea at (850)410-8625 or email at lorimorea@fdle.state.fl.us.

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: Lori Morea at (850)410-8625 or email at lorimorea@fdle.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). For more information, you may contact: Lori Morea at (850)410-8625 or email at lorimorea@fdle.state.fl.us.

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**REGIONAL PLANNING COUNCILS**

**South Florida Regional Planning Council**  
The South Florida Regional Planning Council announces a workshop to which all persons are invited.  
**DATE AND TIME:** Wednesday, September 4, 2013, 9:30 a.m.

**PLACE:** South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021  
**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Seven50 Leadership Subcommittee Workshop. To discuss the report prepared by consultants of the topic of inclusive regional leadership.

A copy of the agenda may be obtained by contacting: (954)985-4416.

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: (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: (954)985-4416.

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**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**  
The Southwest Florida Water Management District (SWFWMD) announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, September 10, 2013, 5:01 p.m. (this is a change of time from the published calendar)

**PLACE:** SWFWMD Tampa Service Office, 7601 Hwy 301 North, Tampa, FL 33637

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Governing Board Tentative Budget Hearing: Governing Board adoption of District tentative millage rate and budget for Fiscal Year 2013-14. All or part of this meeting may be conducted by means of communications media technology in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: WaterMatters.org – Boards, Meetings & Event Calendar;(800)423-1476 (FL only) or (352)796-7211

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: SWFWMD Human Resources Bureau Chief at

(800)423-1476 (FL only) or (352)796-7211, ext. 4702; TDD (FL only) (800)231-6103; or email to ADACoordinator@swfwmd.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Luanne.stout@watermatters.org; (800)423-1476 (FL only) or (352)796-7211, ext. 4605(Ad Order EXE0274).

**DEPARTMENT OF ELDER AFFAIRS**

**Long-Term Care Ombudsman Program**

The Department of Elder Affairs Long-Term Care Ombudsman Program announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 6, 2013, 10:00 a.m. – 11:00 a.m.

**PLACE:** Call-in (888)670-3525, conference code 780 930 7873

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** State Council Committee Business.

A copy of the agenda may be obtained by contacting: Department of Elder Affairs/LTCOP, 4040 Esplanade Way, Tallahassee, FL 32399; telephone: (850)414-2323, or email: LTCOPInformer@elderaffairs.org.

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 72 hours before the workshop/meeting by contacting: the above referenced number. 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).

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

The Agency for Health Care Administration announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 17, 2013; 1:00 p.m. – 4:00 p.m.

**PLACE:** Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308. Those not able to attend in person may participate via conference phone by calling (888)670-3525 and entering the participant pass code 4265177105.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:**

The purpose of this meeting is to discuss regular agenda topics and activities of the Medical Care Advisory Committee and to solicit the input of the Medical Care Advisory Committee members, beneficiaries and other stakeholders on the state’s development of its draft Comprehensive Quality Strategy. This strategy and opportunity for public comment are in accordance with the 1115 Managed Medical Assistance Waiver (previously known as Medicaid Reform Waiver), approved by the Centers for Medicare and Medicaid Services (Federal CMS) on June 14, 2013. The Medical Care Advisory Committee will provide input to the state on its draft Comprehensive Quality Strategy, and there will also be an opportunity for public comment at the meeting.

As specified in Special Term and Condition #118 of the Waiver, the state must adopt and implement a comprehensive and holistic, continuous quality improvement strategy, known as the Comprehensive Quality Strategy (CQS), that focuses on all aspects of quality improvement in Medicaid, including fee-for-service populations; fee-for-service provider service networks; and capitated managed care plans, including Medicaid Reform, the Managed Medical Assistance program, and managed long-term services and supports.

The Agency for Health Care Administration (Agency) will post the draft Comprehensive Quality Strategy to its website for 30 days from September 1, 2013 to September 30, 2013 to solicit public input from interested stakeholders in the development of its CQS prior to submitting to Federal CMS. The draft CQS can be found on the Agency’s website at the following link: [http://ahca.myflorida.com/Medicaid/quality\\_mc/index.shtml](http://ahca.myflorida.com/Medicaid/quality_mc/index.shtml).

Written comments will be accepted for a period of 30 days from September 1, 2013 to September 30, 2013. Please submit your comments regarding the draft CQS to: Ms. Wendy Smith, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308, [quality\\_in\\_mc@ahca.myflorida.com](mailto:quality_in_mc@ahca.myflorida.com).

**DESCRIPTION OF DEMONSTRATION WAIVER:** Florida's 1115 Research and Demonstration Waiver was initially approved by Federal CMS October 19, 2005. The Agency implemented the demonstration on July 1, 2006 in Broward and Duval Counties, and expanded to Baker, Clay and Nassau Counties July 1, 2007. On December 15, 2011, Federal CMS approved an extension of the demonstration through June 30, 2014.

the demonstration that allows for implementation of an improved model of managed care to all counties in Florida and the continuation of the Low Income Pool program. The amendment also changed the name of the demonstration to the Florida Managed Medical Assistance program. The program is guided by principles designed to improve coordination and patient care while fostering fiscal responsibility.

A copy of the agenda may be obtained by contacting: Ms. Carla Sims at (850)412-4013 or via email at [Carla.Sims@ahca.myflorida.com](mailto:Carla.Sims@ahca.myflorida.com).

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: Ms. Carla Sims at (850)412-4013 or via email at [Carla.Sims@ahca.myflorida.com](mailto:Carla.Sims@ahca.myflorida.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).

For more information, you may contact: Ms. Carla Sims at (850)412-4013 or via email at [Carla.Sims@ahca.myflorida.com](mailto:Carla.Sims@ahca.myflorida.com).

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**  
Economic Self-Sufficiency Program

The Office of Public Benefits Integrity announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 3, 2013, 10:00 a.m.

**PLACE:** 1317 Winewood Blvd., Building 1, Room 132 Tallahassee, Florida 32399-0700

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this meeting is to validate evaluator scores.

**INVITATION TO NEGOTIATE - ITN# 07F13GC1**

Public Assistance Benefit Overpayment Recovery

A copy of the agenda may be obtained by contacting: Emily Pierce at [emily\\_pierce@dcf.state.fl.us](mailto:emily_pierce@dcf.state.fl.us).

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: Tammy Lary at [Tammy\\_Lary@dcf.state.fl.us](mailto:Tammy_Lary@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).

For more information, you may contact: Tammy Lary at [Tammy\\_Lary@dcf.state.fl.us](mailto:Tammy_Lary@dcf.state.fl.us).

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**  
Agency for Persons with Disabilities

The Agency for Persons with Disabilities announces a public meeting to which all persons are invited.

**DATE AND TIME:** September 12, 2013, 2:00 p.m. – 4:00 p.m.

**PLACE:** Conference phone number: (888)670-3525, participant code: 5106539718, then #; Agency for Persons with Disabilities, 4030 Esplanade Way, Conference Room 301, Tallahassee, FL 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This meeting is intended to obtain public input related to housing for Floridians with developmental disabilities.

A copy of the agenda may be obtained by contacting: <http://apdcare.org/publications/legal>; Tracey Tolbert, 4030 Esplanade Way Suite 380, Tallahassee, FL 32399, (850)488-4358.

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: Tracey Tolbert, 4030 Esplanade Way Suite 380, Tallahassee, FL 32399, (850)488-4358.

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).

For more information, you may contact: Tracey Tolbert, 4030 Esplanade Way Suite 380, Tallahassee, FL 32399, (850)488-4358.

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**SOUTHWOOD SHARED RESOURCE CENTER**

The Southwood Shared Resource Center announces a public meeting to which all persons are invited.



DATE AND TIME: Wednesday, September 4, 2013, 10:00 a.m.

PLACE: SSRC Administrative Offices, Conference Room 103, 2002 Old St. Augustine Road, Building C, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: SSRC Technology Workgroup Meeting to review LBRs.

A copy of the agenda may be obtained by contacting: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com.

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: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Rick Mitchell, (850)488-9895, rick.mitchell@ssrc.myflorida.com.

ABC GROUP, LLC

The Florida Department of Transportation (FDOT), District Three announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 10, 2013, 5:30 p.m. – 6:30 p.m. EDT

PLACE: St. Joe Bay State Buffer Preserve Center, 3915 State Road 30A, Port St. Joe, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The Florida Department of Transportation invites you to attend a public information meeting concerning the upcoming resurfacing of State Road (S.R.) 30A from S.R. 30E (Cape San Blas Road) to U.S. 98 (S.R. 30) in Gulf County. The purpose of the meeting is to provide interested persons an opportunity to obtain information on the upcoming construction project. The meeting will be conducted in an open house format (no formal presentation is scheduled). FDOT representatives will be available to discuss the project, answer questions and receive comments.

A copy of the agenda may be obtained by contacting: Dale Harris, FDOT Construction Project Manager, at (850)767-4990.

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: Dale Harris at the number listed above, or by email at Dale.Harris@dot.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).

Section VII  
Notice of Petitions and Dispositions  
Regarding Declaratory Statements

DEPARTMENT OF HEALTH

Board of Acupuncture

Notice is hereby given that the Board of Acupuncture has received a Petition for Declaratory Statement filed by Herman Vega, on August 13, 2013. The Petitioner seeks a Declaratory Statement from the Board with regard to Rule 64B1-4.011, and seeks the agency's opinion as it applies to the petitioner. The petitioner is seeking the Board's interpretation as to whether an Acupuncturist may conduct testing and physical exam of body systems as to whether a driver is physically qualified to drive a commercial motor vehicle. The board will address this at the next available board meeting.

Except for good cause shown, motions for leave to intervene must be filed within 21 days after the publication of this notice.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Anthony Jusevitch, Executive Director, Board of Acupuncture/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256 or by email at MQA\_Acupuncture@doh.state.fl.us.

Comments on this petition should be filed with the Board of Acupuncture within 14 days of publication of this notice.

Section VIII  
Notice of Petitions and Dispositions  
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

Cherane Pefley vs. Department of Revenue and Palm Beach County; Case No.: 13-2881RP

Y. T. vs. Agency for Persons with Disabilities; Case No.: 13-2945RU

J. S. vs. Agency for Persons with Disabilities; Case No.: 13-2946RU

N. F. vs. Agency for Persons with Disabilities; Case No.: 13-2951RU

J and J Investigation, LLC, Jon S. Kahlkopf vs. Department of Agriculture and Consumer Services, Division of Licensing; Case No.: 13-2956RU

D. R. vs. Agency for Persons with Disabilities; Case No.: 13-2969RU

J. C. vs. Agency for Persons with Disabilities; Case No.: 13-3022RU

N. B. vs. Agency for Persons with Disabilities; Case No.: 13-3027RU

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

Thyssenkrupp Elevator Corporation vs. Department of Business and Professional Regulation, Division of Hotels and Restaurants; Case No.: 13-2044RP; Rule No.: 61C-5.013; Dismissed

Cherane Pefley vs. Department of Revenue and Palm Beach County; Case No.: 13-2881RP; Dismissed

Section IX  
Notice of Petitions and Dispositions  
Regarding Non-rule Policy Challenges

NONE

Section X  
Announcements and Objection Reports of the  
Joint Administrative Procedures Committee

NONE

Section XI  
Notices Regarding Bids, Proposals and  
Purchasing

HEALTHY START COMMUNITY COALITION OF  
OKALOOSA-WALTON COUNTIES, INC.

REQUEST FOR PROPOSAL

Healthy Start Services for December 1, 2013 through June 30, 2014; with the successful bidder being considered for full fiscal year services beginning July 1, 2014 through June 30, 2015.

The HEALTHY START Community Coalition of Okaloosa and Walton Counties, Florida announces the following Request for Proposals (RFP) to which all persons are invited to bid.

The Healthy Start Coalition is soliciting competitive sealed proposals from organizations or agencies to provide Healthy Start Services in Okaloosa County, Florida. Services must be delivered in accordance with the local Healthy Start Service Delivery Plan (SDP), and Standards and Guidelines that will include, but are not limited to, the following:

- Universal Risk Screening
- Assessment Services
- Care Coordination
- Wraparound Services

The proposing agency must demonstrate the ability for Collaboration, Special Considerations Identified in Service Delivery Plan (SDP), Cultural Competency, Participant Engagement and Retention, and Quality Assurance/Quality Improvement/Performance Measures.

Services will be required to be delivered as a unit for December 1, 2013 through June 30, 2014. The typical fiscal year for the Coalition runs from July 1st through June 30th. With successful performance of the abbreviated period of seven (7) months delivery, a successful bidder may be considered for up to two (2) renewals of award. These services will be funded through federal, state and local allocations.

Additional services may be included in the RFP. A bidder's Conference is not anticipated. Questions from any bidding agency must be emailed to [info@healthystartokawalton.org](mailto:info@healthystartokawalton.org). Answers to appropriate questions will be emailed to all prospective bidders at the same time, as a measure of fair competition.

The Request for Proposals will be available for distribution on or about August 27, 2013. The deadline for Letter of Intent to Bid is September 6, 2013. The deadline for receipt of proposals is noon (CST) on October 15, 2013. Successful bidder's contract begins December 1, 2013, pending evaluations of bids and proposal selection.

Call or email for -or- pick-up a copy of the RFP at the address below. Please provide email address, mailing address, and phone number for the appropriate bidder's agency rep, in order that questions and answers may be submitted to you.

Healthy Start Contact:

Ardelle Bush – [info@healthystartokawalton.org](mailto:info@healthystartokawalton.org)

Healthy Start Community Coalition of Okaloosa and Walton Counties

201 Miracle Strip Pkwy., SE, Suite C

Fort Walton Beach, FL 32548

Phone: (850)833-9284, Fax: (850)833-9484

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## Section XII Miscellaneous

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
RULE NO.: RULE TITLE:

62-4.244: Mixing Zones: Surface Waters

### NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, F.S., from the provisions of paragraph 62-4.244(5)(c), F.A.C., to the City of Delray Beach, File No. 0303553-009-BV, to allow a 2,000 meter mixing zone for beach fill placement in

conjunction with the City of Delray Beach Nourishment Project. The beach nourishment site is located between R-175+300' and R-188, in Palm Beach County, Sections 16, 21 and 28, Township 46 South, Range 43 East, in the Atlantic Ocean, Class III Waters. The two offshore borrow areas extend parallel to the beach, about 2,000 feet offshore of R-175 through R-191.

The variance is being granted because there is no practicable means known or available for the adequate control of the pollution involved. The request for a variance was received on June 20, 2013.

The Department's file on this matter is available for public inspection at the Department of Environmental Protection's website: [ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/palm\\_bch/issued/0303553\\_Delray\\_Beach\\_Nourishment/008-JN%20and%20009%20BV/](ftp://ftp.dep.state.fl.us/pub/ENV-PRMT/palm_bch/issued/0303553_Delray_Beach_Nourishment/008-JN%20and%20009%20BV/).

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201, F.A.C., a petition for an administrative hearing must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including

the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Petitions for an administrative hearing must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative hearing under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation is not available in this proceeding.

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S., by filing a Notice of Appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date this action is filed with the Clerk of the Department.

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**Section XIII**  
**Index to Rules Filed During Preceding**  
**Week**

RULES FILED BETWEEN August 19, 2013  
and August 23, 2013

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CORRECTIONS**

33-401.401	8/22/2013	9/11/2013	39/142	
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**COMMISSION ON ETHICS**

34-7.025	8/21/2013	9/10/2013	39/124	
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**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

40E-3.036	8/19/2013	9/8/2013	38/22	38/35
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

61-39.002	8/20/2013	9/9/2013	39/123	
61-39.003	8/20/2013	9/9/2013	39/123	
61-39.004	8/20/2013	9/9/2013	39/123	
61-39.005	8/20/2013	9/9/2013	39/123	
61-39.007	8/20/2013	9/9/2013	39/123	
61-39.008	8/20/2013	9/9/2013	39/123	

**Division of Hotels and Restaurants**

61C-5.013	8/21/2013	9/10/2013	39/37	39/96; 39/140
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**Regulatory Council of Community Association Managers**

61E14-5.003	8/20/2013	9/9/2013	39/36	39/128
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**Florida Building Commission**

61G20-4.001	8/20/2013	9/9/2013	39/103	
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**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-9.003	8/20/2013	9/9/2013	39/127	
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**Board of Optometry**

64B13-4.004	8/19/2013	9/8/2013	39/136	
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**Board of Osteopathic Medicine**

64B15-15.004	8/20/2013	9/9/2013	39/127	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**Board of Speech-Language Pathology and Audiology**

64B20-4.001	8/20/2013	9/9/2013	39/136	
64B20-4.003	8/20/2013	9/9/2013	39/136	
64B20-4.004	8/20/2013	9/9/2013	39/136	

**FISH AND WILDLIFE CONSERVATION COMMISSION**

68-1.009	8/20/2013	9/9/2013	39/122	
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**Freshwater Fish and Wildlife**

68A-9.004	8/20/2013	9/9/2013	39/122	
68A-15.065	8/20/2013	9/9/2013	39/122	
68A-23.002	8/20/2013	9/9/2013	39/125	
68A-23.005	8/20/2013	9/9/2013	39/125	

**Marine Fisheries**

68B-2.001	8/20/2013	9/1/2013	39/94	39/146
68B-2.002	8/20/2013	9/1/2013	39/94	39/146
68B-2.008	8/20/2013	9/1/2013	39/94	39/146
68B-32.003	8/20/2013	9/1/2013	39/94	39/146
68B-32.006	8/20/2013	9/1/2013	39/94	39/146
68B-32.009	8/20/2013	9/1/2013	39/94	39/146
68B-33.005	8/20/2013	9/1/2013	39/94	39/146
68B-33.011	8/20/2013	9/1/2013	39/94	39/146
68B-34.003	8/20/2013	9/1/2013	39/94	39/146
68B-34.005	8/20/2013	9/1/2013	39/94	39/146
68B-34.006	8/20/2013	9/1/2013	39/94	39/146
68B-41.004	8/20/2013	9/1/2013	39/94	39/146
68B-41.005	8/20/2013	9/1/2013	39/94	39/146
68B-57.009	8/20/2013	9/1/2013	39/94	39/146
68B-58.007	8/20/2013	9/1/2013	39/94	39/146
68B-58.011	8/20/2013	9/1/2013	39/94	39/146

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**LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO CHAPTER 2010-279, LAWS OF FLORIDA**

**DEPARTMENT OF HEALTH**

**Division of Emergency Medical Operations**

64J-2.006	7/12/13	*****	39/29	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Worker's Compensation**

69L-7.020	10/24/11	*****	37/24	37/3
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