

Section III
Notices of Changes, Corrections and
Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: RULE TITLE:
59C-1.044 Organ Transplantation
 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. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly.

59C-1.044 Organ Transplantation.

(1) Agency Intent. This rule implements the provision of paragraph 408.036(1)(~~f~~)(~~e~~), F.S., which requires the agency to review the establishment of organ transplantation programs under the certificate of need program which shall include heart, kidney, liver, bone marrow, lung, lung and heart, pancreas and islet cells, and intestines. Applications for organ transplantation programs shall be reviewed against the applicable review criteria in Section 408.035, F.S., and the standards and need determination criteria set forth in this rule. This rule defines the minimum requirements for personnel, equipment, and support services for organ transplantation programs. In addition, the rule includes a need methodology for the establishment of organ transplantation programs by type. An applicant shall apply for each type of organ transplantation program. A separate certificate of need is required for pediatric organ transplant programs by type. Applicants for each type of transplantation program shall meet the requirements specified in subsections (3), (4), and (5). Additional requirements for heart transplantation programs are specified in subsection (6); for liver transplantation programs in subsection (7); for kidney transplantation programs in subsection (8); for allogeneic and autologous bone marrow transplantation programs in subsection (9); and for lung, heart and lung, pancreas and islet cells, and intestines transplants, in subsection (10). The following organ transplantation programs shall be restricted to teaching or research hospitals: liver, adult allogeneic bone marrow, pediatric allogeneic and autologous bone marrow, lung, heart and lung, pancreas and islet cells, and intestines.

(2) Definitions.

(a) Bone Marrow Transplantation. Human blood precursor cells, stem cells, administered to a patient to restore normal hematological and immunological functions following ablative or nonablative therapy with curative or life-prolonging intent. Human blood precursor cells may be obtained from the patient in an autologous transplant or from a medically acceptable related or unrelated donor, and may be derived from bone marrow, circulating blood, or a combination of bone marrow and circulating blood. If chemotherapy is an integral part of the treatment involving bone marrow transplantation, the term "bone marrow transplantation" includes both the transplantation and the chemotherapy. (Section 627.4236(1), F.S.).

(b) Organs. Organs as used in this rule include heart, kidney, liver, bone marrow, lung, heart and lung, pancreas and islet cells, and intestines.

(c) Pediatric Patient. A patient under the age of 15 years.

(d) Research Hospital. A hospital which devotes clearly defined space, staff, equipment, and other resources for research purposes, and has documented teaching affiliations with an accredited school of medicine in Florida or another state.

(e) Research Program. An organized program that conducts clinical trial research, collects treatment data, assesses outcome data, and publishes statistical reports showing research activity and findings.

(f) Service Planning Area. Planning for organ transplantation programs shall be done on a regionalized basis. Certificate of need applications shall be competitively reviewed within each of the four service planning areas delineated below:

1. Service planning area one includes district 1, district 2, district 3 excluding Lake County, and district 4 excluding Volusia County.

2. Service planning area two includes district 5, district 6, and district 8 excluding Collier County.

3. Service planning area three includes district 7, district 9 excluding Palm Beach County, and includes Lake and Volusia Counties.

4. Service planning area four includes district 10, district 11, and Collier and Palm Beach Counties.

(g) Teaching Hospital. Any hospital which meets the conditions specified in Section 408.07(~~45~~)(~~49~~), F.S.

(h) Transplantation Program. The offering of surgical services by a hospital through which one or more types of organ transplants are provided to one or more patients; and the offering of some or all phases of bone marrow transplantation.

(3) through (4) No change.

(5) Data Reporting Requirements. Facilities with organ transplantation programs shall submit data regarding each transplantation program to the agency or its designee, ~~twice a year. The first submission shall be by August 1 of each year, and shall cover the period between January 1 through June 30~~

of the same calendar year. The second submission shall be by February 1 of each year, and shall cover the period between July 1 through December 31 of the preceding year. The following data shall be provided for each type of organ transplanted:

- (a) The number of patients by county origin and by zip code.
- (b) The average gross revenue per admission.
- (c) The average length of stay.
- (d) Mortality rates.

Within 45 days after the end of each calendar quarter, facilities with organ transplantation programs, shall report to the agency, or its designee, the total number of transplants by organ type which occurred in each month of the quarter.

(6) through (11) No change.

Specific Authority 408.15(8), 408.034(3), ~~(6)(5)~~ FS. Law Implemented 408.034(3), 408.035, 408.036(1)(f), ~~(h), (m), 408.032(17), 408.033(1)(b)4., 11~~, FS. History—New 1-1-77, Amended 11-1-77, 6-5-79, 4-24-80, 2-1-81, 4-1-82, 11-9-82, 2-14-83, 4-7-83, 6-9-83, 6-10-83, 12-12-83, 3-5-84, 5-14-84, 7-16-84, 8-30-84, 10-15-84, 12-25-84, 4-9-85, Formerly 10-5.11, Amended 6-19-86, 11-24-86, 1-25-87, 3-2-87, 3-12-87, 8-11-87, 8-7-88, 8-28-88, 9-12-88, 4-19-89, 10-19-89, 5-30-90, 7-11-90, 8-6-90, 10-10-90, 12-23-90, Formerly 10-5.011(1)(x), Formerly 10-5.044, Amended 8-24-93, 12-13-94, _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.: 64B7-26.002
 RULE TITLE: Licensure of Massage Establishments
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 42, of the November 19, 2007, issue of the Florida Administrative Weekly. The change is in response to letters from the Joint Administrative Procedures Committee dated January 8, 2008, February 18, 2008, July 28, 2008 and December 5, 2008. The change is as follows:

The rule shall read as:

64B7-26.002 Licensure of Massage Establishments.

(1) Each establishment, shall obtain a license from the Department as required by Section 480.043(1), Florida Statutes, by submitting a completed form BMT3 (Rev. 4/08 7/97), Massage Establishment Licensure Application Application for License Massage Establishment, incorporated herein by reference, together with the fee set forth in Rule 64B7-27.003, F.A.C. The form and the attached instructions

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_business.pdf;

(2) through (4) No change.

Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(1), (2), 483.043(7) FS. History—New 11-27-79, Formerly 21L-26.02, Amended 1-7-86, Formerly 21L-26.002, Amended 3-9-95, 9-25-95, Formerly 61G11-26.002, Amended 7-16-98, 1-26-00, _____.

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

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: 64D-4.002
 RULE TITLE: Definitions
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 5, February 6, 2009 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF FINANCIAL SERVICES

Division of Accounting and Auditing

RULE NO.: 69I-20.050
 RULE TITLE: Voluntary Disclosure Agreements, Examinations and Audits
 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. 34, No. 27, July 3, 2008 issue of the Florida Administrative Weekly.

CORRECTION TO NOTICE OF CHANGE PUBLISHED ON FEBRUARY 13, 2009

69I-20.050 Voluntary Disclosure Agreements, Examinations and Audits.

(1) The Department's mission goal is to collect and return unclaimed property to its rightful owners in accordance with the Florida Disposition of Unclaimed Property Act, Chapter 717, F.S. To achieve these results, the Department is encouraging businesses ("Holders") inside and outside the State of Florida who are in possession of unclaimed property to comply with Florida's Unclaimed Property Law. This compliance can be achieved using a program called voluntary disclosure. This program provides the following benefits to a Holder holder:

- (a) It relieves the Holder of associated expense and liability holding unclaimed property; and
- (b) Penalties and fines are not assessed by the Department;

~~(c) The reach back period for the review of the Holder's records is five years instead of ten years; and~~

~~(d) The audit period for verification of the disclosure is two years from the date that the report and remittance is accepted by the Department.~~

(2) To participate in this program, the Holder must not:

(a) Be currently under examination or audit; ~~or~~

(b) Have filed an annual report of unclaimed property with the Department;

(c) Have agreed to a Department-assisted or Contractor-assisted self-audit;

(d) Have been requested to conduct a Department-assisted or contractor-assisted self-audit; or

(e) Have been notified by the Department or by one of the Department's contract auditors of the intention or desire to conduct an examination or audit of the Holder.

(3) through (5) No change.

(6) If companies in the same or similar line of business regularly report unclaimed property such as payroll or vendor checks, unclaimed accounts payable, and unclaimed escrow accounts, and the Holder does not, or if companies of the same approximate size regularly report unclaimed property such as payroll or vendor checks, unclaimed accounts payable, and unclaimed escrow accounts of a certain dollar amount, and the Holder has reported a lower dollar amount, an unclaimed property audit or self-audit should be conducted.

(a) The Department's contract auditors shall follow the procedures in Form DFS-UP-200, General Audit Process for the Identification, Authorization, General Ledger and/or Securities Audits, Contractor-Assisted Self-Audits, Collection and Delivery of Unclaimed Property for the State of Florida, effective _____.

(b) The Department's contract auditors shall provide Holders with Form DFS-UP-210, Procedures Applicable to the State Authorized Unclaimed Property General Ledger and Securities Audits and Contractor-Assisted Self-Audits, Conducted by Contractors, effective _____.

(c) The Department's auditors and supervisors shall follow the procedures in Form DFS-UP-220, State of Florida Bureau of Unclaimed Property Audit Manual, effective _____.

(d) The Department's auditors and supervisors shall follow the procedures in Form DFS-UP-230, State of Florida Bureau of Unclaimed Property Self-Audit Manual, effective _____.

(e) The forms referred to herein are hereby incorporated by reference and available from the Florida Department of Financial Services, Bureau of Unclaimed Property, 200 East Gaines Street, Tallahassee, Florida 32399-0358. ~~Once the report and remittance have been reviewed and accepted by the Department, the Department will notify the Holder of the commencement of the two-year audit period.~~

Specific Authority 717.117(1), 717.138 FS. Law Implemented 717.117, 717.119, 717.129, 717.1301, 717.133(5) FS. History--New 1-3-05, Amended _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.:
69J-7.006

RULE TITLE:
Grants Directly from the Department to Homeowners

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 34, No. 25, June 20, 2008 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.:
9BER09-1

RULE TITLE:
Community Development Block Grant Neighborhood Stabilization Program (NSP)

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Unless these funds are expended quickly in the areas most affected by foreclosures and subprime lending, homes will deteriorate and neighborhoods will suffer blight and degradation.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: Promulgation of Rule Chapter 9BER09-1 using emergency rule procedures is the only available mechanism that adequately provides for the expeditious disbursement and use of the federal funds to address foreclosed and abandoned residential properties in order to stabilize and improve Florida neighborhoods.

SUMMARY: This rule enables the Department of Community Affairs to distribute and administer CDBG Neighborhood Stabilization Program (NSP) funds in accordance with the provisions of Title III of Division B of the Housing and Economic Recovery Act of 2008 (HERA), Public Law 110-289.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Jacquelyn Dupree, Administrator, CDBG Program, Division of Housing and Community