

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

<b>RULE CHAPTER NO.:</b>	<b>RULE CHAPTER TITLE:</b>
9B-43	Florida Small Cities Community Development Block Grant Program
<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
9B-43.003	Definitions
9B-43.0031	Definitions
9B-43.004	Eligible Applicants
9B-43.0041	Application and Administrative Requirements
9B-43.005	Application Criteria
9B-43.0051	Grant Administration and Project Implementation
9B-43.006	Application Procedures for All Categories
9B-43.0061	Emergency Set-Aside Assistance
9B-43.007	Scoring System
9B-43.0071	Section 108 Loan Guarantee Program
9B-43.009	Program Requirements for Housing
9B-43.010	Program Requirements for Neighborhood Revitalization
9B-43.012	Program Requirements for Economic Development
9B-43.013	Program Requirements for Commercial Revitalization
9B-43.014	General Grant Administration of All Categories

**PURPOSE AND EFFECT:** To provide clarification of the rule chapter.

**SUBJECT AREA TO BE ADDRESSED:** Florida Small Cities Community Development Block Grant (CDBG) administrative requirements.

**SPECIFIC AUTHORITY:** 120.53, 290.048 FS.

**LAW IMPLEMENTED:** 290.042, 290.04, 290.043, 290.044, 290.046, 290.047, 290.0475 FS.

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

**DATE AND TIME:** October 10, 2006, 9:00 a.m. – 3:00 p.m.

**PLACE:** Randall Kelley Conference Room, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

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: Chris Scholtz, Government Operations Consultant II, Florida Small Cities CDBG Program, 2555 Shumard Oak

Boulevard, Tallahassee, Florida 32399-2100 or call (850)922-1454 (SUNCOM 292-1454) 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:** Monya Newmyer, Community Program Manager, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Florida Building Commission**

<b>RULE CHAPTER NO.:</b>	<b>RULE CHAPTER TITLE:</b>
9B-70	Florida Building Commission – Building Code Training Program
<b>RULE NO.:</b>	<b>RULE TITLE:</b>
9B-70.002	Commission Approval and Accreditation of Advanced Building Code Training Courses

**PURPOSE AND EFFECT:** To review the provisions of these rules in light of the past two years experience and implement changes beneficial to the program.

**SUBJECT AREA TO BE ADDRESSED:** Building Code Education.

**SPECIFIC AUTHORITY:** 553.841(2), 553.841 FS.

**LAW IMPLEMENTED:** 553.841(2), 553.841 FS.

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

**DATE AND TIME:** October 11, 2006, 8:30 a.m. or as soon thereafter as this matter is brought before the Commission pursuant to its agenda

**PLACE:** Embassy Suites Hotel, 3705 Spectrum Blvd., Tampa, Florida 33612

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (voice) or 1(800)955-9771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) No change.

(2) Accreditor Review of Courses. Accreditors shall review instructor-led courses submitted by course developers and providers approved by the Department of Business and Professional Regulation. If an accreditor is also a course developer or provider approved by the Department of Business and Professional Regulation with accredited courses, the accreditor shall not review courses submitted by the person or entity that reviewed the accreditor's course or courses for accreditation. The accreditor shall determine if the course meets the following minimum criteria:

(a) Course Title/Number (Advanced should be in title); Goals and measurable objectives;

(b) Hours of Credit; Topical outline of the course components in order of presentation;

(c) Provider Information (Name, Address, Telephone Number, E-mail address) (no bio); Teaching methods can include one or more, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations; and

(d) Course Description (appropriate for course). This course is designed to \_\_\_\_\_; Teaching resources and course references cited in the course materials.

(e) Course/Learning Objectives; Course materials accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission.

(f) Course Time (Time allotments for course content);

(g) Course Outline/Instructional Methods....detailed description of course content in sequence of how taught and methods used to teach that content. The following Instructional methods may be used, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations;

(h) Code edition;

(i) Course references cited in the outline;

(j) Course Evaluations;

(k) A minimum of 50% of the actual training materials content shall be code related.

(l) Course materials accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission.

(3) Course Accreditation by the Florida Building Commission. Accredited Courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with an insufficient number of courses available through existing

resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

(a) through (d) No change.

(e) The Building Code Information System shall assign an accreditation number to the application upon submittal and the application shall be scheduled for review by the Florida Building Commission. The application shall be reviewed accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at [www.floridabuilding.org](http://www.floridabuilding.org) no later than 23 calendar days prior to the next and action taken on the accreditation and approval of the materials at the regularly scheduled meeting of the Florida Building Commission which occurs more than 30 days from the date the accreditation number is assigned.

(f) Providers shall have 60 calendar days from the date of the code adoption to update existing accredited courses that are affected by the code changes and submit for reaccreditation. Existing courses may continue to be delivered during the 60 calendar day period. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (d) hereof, except that only the revision submitted shall be subject to review.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New 6-8-05, Amended \_\_\_\_\_.

**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."

**BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND**

<p>RULE NOS.:</p> <p>18-2.017</p> <p>18-2.018</p> <p>18-2.021</p>	<p>RULE TITLES:</p> <p>Definitions</p> <p>Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands</p> <p>Land Management Advisory Council</p> <p>PURPOSE AND EFFECT: To provide a procedure and requirements for land managers to use to prepare land management plans and for the Acquisition and Restoration Council to use to review such plans. The Council has been</p>
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using outdated rules for several years that reference previous councils and fail to reference new statutory requirements. This rule amendment will update procedures for preparing management plans for Board of Trustees uplands and for the Council to follow when reviewing such plans, as well as correct technical and other errors. The Department may open any section of Chapter 18-2, F.A.C., necessary to achieve this goal.

**SUBJECT AREA TO BE ADDRESSED:** Procedure and requirements for preparing and reviewing management plans; and updating name of the Council and outdated statutory references.

**SPECIFIC AUTHORITY:** 253.034(1), 259.035(1)(f) FS.

**LAW IMPLEMENTED:** 253.034, 259.032, 259.035 FS.

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

**DATE AND TIME:** October 13, 2006, 10:00 a.m. or immediately following the Aquisition and Restoration Council meeting, whichever is later

**PLACE:** Department of Environmental Protection, Marjory Stoneman Douglas Bldg., Conference Room A (First Floor), 3900 Commonwealth Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Greg Brock, Division of State Lands, MS 140, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000; (850)245-2784; greg.brock@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Greg Brock, Division of State Lands, MS 140, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000; (850)245-2784; greg.brock@dep.state.fl.us

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

**BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND**

**RULE NOS.:** 18-24.001  
18-24.005  
**RULE TITLES:** General and Definitions  
Full Review of Project Proposals

**PURPOSE AND EFFECT:** To provide a procedure and requirements for the Acquisition and Restoration Council to use to amend boundaries of Florida Forever land acquisition projects. The Council has been using and modifying such procedures for several years, and its policy and procedure are now developed to the point that rulemaking can proceed. This

rule amendment will create a uniform procedure for all sellers of land and for the Council to follow when boundary amendments are desired. The Department may open other sections of Chapter 18-24, F.A.C., if necessary to achieve this purpose.

**SUBJECT AREA TO BE ADDRESSED:** Procedure and requirements for boundary amendments.

**SPECIFIC AUTHORITY:** 259.035(1)(f) FS.

**LAW IMPLEMENTED:** 259.035 FS.

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

**DATE AND TIME:** October 13, 2006, 10:00 a.m. or immediately after the Aquisition and Restoration Council meeting on that date, whichever is later

**PLACE:** Department of Environmental Protection, Marjory Stoneman Douglas Bldg., Conference Room A (First Floor), 3900 Commonwealth Blvd., Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Greg Brock, Division of State Lands, MS 140, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000; (850)245-2784; greg.brock@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Greg Brock, Division of State Lands, MS 140, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000; (850)245-2784; greg.brock@dep.state.fl.us

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

**DEPARTMENT OF CORRECTIONS**

**RULE NO.:** 33-103.019  
**RULE TITLE:** Inmate Grievances – Forms

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to modify Form DC2-901, Training Attendance Report, to remove documentation of social security number.

**SUBJECT AREA TO BE ADDRESSED:** Inmate grievance forms.

**SPECIFIC AUTHORITY:** 944.09 FS.

**LAW IMPLEMENTED:** 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) Form DC1-303, Request for Administrative Remedy or Appeal, effective 2-9-05;
- (2) Form DC6-236, Inmate Request, effective 8-1-00.
- (3) Form DC1-306, Grievance Approval Action Form, effective 8-1-00.
- (4) Form DC2-901, Training Attendance Report, effective ~~8-1-00~~.
- (5) Form DC1-307, Acknowledgement of Receipt of Grievance Orientation, effective 10-11-00.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.: 40C-1.106  
 RULE TITLE: Interagency Agreements

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference an amended operating agreement between the St. Johns River Water Management District and the Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and for wetland determinations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment contains the following revisions: (1) the Florida Department of Environmental Protection (DEP) will accept regulatory responsibility for any shore protection structures, including seawalls, within the Mosquito Lagoon, Banana River, or Indian River, including all tributaries thereto, that serve residential dwelling units that are the responsibility of DEP to review; (2) DEP will accept regulatory responsibility for review of non-exempt aquaculture activities; (3) DEP will accept regulatory responsibility for review of all activities on

sovereignty submerged lands leased by DEP’s Division of Recreation and Parks (except for activities proposed by DEP); (4) numerous clarifications are made regarding the division of responsibilities with respect to various facilities and mining activities regulated by DEP; (5) clarifications are made regarding the procedures to be followed for incorrectly submitted applications and petitions, and for permit modifications; (6) expansion of the instances when the District and DEP can deviate from the general division of responsibilities when one agency has a proprietary interest (such as a conservation easement) in the project; (7) DEP will relinquish much of their current mitigation bank and regional offsite mitigation area (“ROMA”) agreement proposal review so that DEP will only review permit applications for mitigation banks and ROMA agreement proposals filed by: (a) entities proposing to use District-owned lands; (b) governmental entities (excluding DEP), solely to offset impacts to single-family residential units for which DEP reviews and takes final action; and (c) the District; and (8) the District will coordinate compliance and enforcement actions with DEP for environmental resource permit (ERP) violations that also constitute a sovereignty submerged lands (SSL) violation, where the resolution of the ERP violation does not fully resolve the SSL violation (so that DEP can address the SSL violation).

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113 FS.

LAW IMPLEMENTED: 373.016(5), 373.046, 373.103, 373.421(2) FS.

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

DATE AND TIME: October 18, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, Governing Board Room, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-1.106 Interagency Agreements.

- (1) No change.
- (3) The following agreements have been entered into by the District and are hereby incorporated by reference:
  - (a) through (g) No change.

(h) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits Under Section 403.814, F.S.~~, between St. Johns River Water Management District and Department of Environmental Protection dated (*effective date*) ~~12-3-98~~.

(i) through (l) No change.

Specific Authority 373.044, 373.046, 373.113 FS. Law Implemented ~~20-53~~, 373.016(5), 373.046, 373.103, ~~373.421(2)~~ FS. History—New 8-1-89. Amended 11-12-92, 10-3-95, 12-3-98, 11-11-03, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-4.091	Publications Incorporated by Reference
40C-4.302	Additional Conditions for Issuance of Permits

**PURPOSE AND EFFECT:** The purpose and effect of this proposed rule amendment is to incorporate by reference an amended operating agreement between the St. Johns River Water Management District and the Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and for wetland determinations.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendment contains the following revisions: (1) the Florida Department of Environmental Protection (DEP) will accept regulatory responsibility for any shore protection structures, including seawalls, within the Mosquito Lagoon, Banana River, or Indian River, including all tributaries thereto, that serve residential dwelling units that are the responsibility of DEP to review; (2) DEP will accept regulatory responsibility for review of non-exempt aquaculture activities; (3) DEP will accept regulatory responsibility for review of all activities on sovereignty submerged lands leased by DEP’s Division of Recreation and Parks (except for activities proposed by DEP); (4) numerous clarifications are made regarding the division of responsibilities with respect to various facilities and mining activities regulated by DEP; (5) clarifications are made regarding the procedures to be followed for incorrectly submitted applications and petitions, and for permit modifications; (6) expansion of the instances when the District and DEP can deviate from the general division of responsibilities when one agency has a proprietary interest (such as a conservation easement) in the project; (7) DEP will relinquish much of their current mitigation bank and regional offsite mitigation area (“ROMA”) agreement proposal review so that DEP will only review permit applications for mitigation banks and ROMA agreement proposals filed by: (a) entities proposing to use District-owned lands; (b) governmental entities (excluding DEP), solely to offset impacts to

single-family residential units for which DEP reviews and takes final action; and (c) the District; and (8) the District will coordinate compliance and enforcement actions with DEP for environmental resource permit (ERP) violations that also constitute a sovereignty submerged lands (SSL) violation, where the resolution of the ERP violation does not fully resolve the SSL violation (so that DEP can address the SSL violation).

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113 FS.

LAW IMPLEMENTED: 373.016(5), 373.046, 373.103, 373.421(2) FS.

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

DATE AND TIME: October 18, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, Governing Board Room, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I “Policy and Procedures,” Part II “Criteria for Evaluation,” Subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K “Legal Description Upper St. Johns River Hydrologic Basin,” “Legal Description Ocklawaha River Hydrologic Basin,” “Legal Description of the Wekiva River Hydrologic Basin,” “Legal Description of the Econlockhatchee River Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Alachua County,” “Legal Description Tomoka River Hydrologic Basin,” “Legal Description Spruce Creek Hydrologic Basin,” “Legal Description of the Sensitive Karst Areas Basin, Marion County,” and “Legal Descriptions of the Lake Apopka Hydrologic Basin,” and Appendix M “Regional Watersheds for Mitigation Banking,” of the document entitled “Applicant’s Handbook: Management and Storage of Surface Waters,” effective \_\_\_\_\_ ~~2-1-05~~.

(b) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits Under Section 403.814, F.S.~~ Between St. Johns River Water Management District and Department of Environmental Protection dated (*effective date*) ~~8-25-94~~.

(c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05,\_\_\_\_\_.

40C-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(2) When determining whether a permit applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant’s violation of any Department rules adopted pursuant to Sections 403.91 - 403.929, F.S., (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to delegation, or any District rules adopted pursuant to part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department’s delegation to the District to enforce Department rules is set forth in the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation, dated January 4, 1988; Operating Agreement concerning Management and Storage of Surface Waters Regulation and Wetland Resource Regulation between the St. Johns River Water Management District and Department of Environmental Regulation, dated August 28, 1992; ~~and~~ Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated August 25, 1994; Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated December 3, 1998; and Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated (effective date), all incorporated by reference in Rule 40C-4.091, F.A.C.

Specific Authority ~~373.016~~, 373.044, 373.046, 373.103, 373.113, ~~373.171~~, 373.414(9), 373.418 FS. Law Implemented 373.016(2), ~~373.042~~, ~~373.409~~, 373.413, 373.414, 373.416, 373.418, 373.426, ~~380.23~~ FS. History—New 10-3-95, Amended 10-11-01,\_\_\_\_\_.

APPLICANT’S HANDBOOK SECTION:

10.1.2 When determining whether a permit applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant’s violation of any

Department rules adopted pursuant to Sections 403.91-403.929, F.S., (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to delegation, or any District rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department’s delegation to the District to enforce Department rules is set forth in the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation, dated January 4, 1988; Operating Agreement concerning Management and Storage of Surface Waters Regulation and Wetland Resource Regulation between the St. Johns River Water Management District and Department of Environmental Regulation, dated August 28, 1992; ~~and~~ Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated August 25, 1994; Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated December 3, 1998; and Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated (effective date), all incorporated by reference in Rule section 40C-4.091, F.A.C.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-8.624  
 RULE TITLE: Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Big Gant Lake, Lake Deaton, Lake Miona, Black Lake, Lake Okahumpka and Lake Panasoffkee in Sumter County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: Wednesday, October 18, 2006, beginning at 6:00 p.m.

PLACE: City of Wildwood Community Center, 6500 County Road 139, Wildwood, FL 34785

WHAT: Public workshop on proposed minimum lake levels and guidance levels for Big Gant Lake, Lake Deaton, Lake Miona, Black Lake, Lake Okahumpka and Lake Panasoffkee in Sumter County, Florida. One or more governing board or basin board members may attend.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-8.624  
 RULE TITLE: Guidance and Minimum Levels For Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lake pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Marion in Levy County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: Tuesday, October 11, 2006, beginning at 6:00 p.m.

PLACE: City of Williston Community Center, 50 Northwest Main Street, Williston, FL 32696

WHAT: Public workshop on proposed minimum lake levels and guidance levels for Lake Marion in Levy County, Florida. One or more governing board or basin board members may attend.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-8.624  
 RULE TITLE: Guidance and Minimum Levels For Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Fort Cooper Lake and Tsala Apopka Lake in Citrus County.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: Tuesday, October 17, 2006, beginning at 6:30 p.m.

PLACE: Citrus County Auditorium, 3610 South Florida Avenue (US Highway 41), Inverness, FL 34452

WHAT: Public Workshop on proposed minimum lake levels and guidance levels for Fort Cooper Lake and Tsala Apopka Lake in Citrus County, Florida.

One or more governing board or basin board members may attend.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

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

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.: 40E-2  
 RULE CHAPTER TITLE: Consumptive Use

PURPOSE AND EFFECT: To identify conditions for permit issuance for consumptive use permits for allocating water from the regional system, including Everglades, Water Conservation Areas, and the Biscayne Aquifer.

SUBJECT AREA TO BE ADDRESSED: Allocation of water from the regional system.

SPECIFIC AUTHORITY: 120.54(5), 120.60, 373.042, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.023, 373.042, 373.0421, 373.103, 373.185, 373.203, 373.216-.249, 373.50 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: October 6, 2006, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, Bill Storch Room, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 9, 2006, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Miami Field Station, 9001 N.W. 58th Street, Miami, Florida 33178

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6817 or (561)682-6817, email: sburns@sfwmd.gov, or Cecile Piverotto, Senior Specialist Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6343 or (561)682-6343, email: cpiverot@sfwmd.gov. For procedural issues, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY PROPOSED RULE TEXT WILL BE AVAILABLE ON SEPTEMBER 29, 2006 on the District's Water Use Regulation website at: [http://www.sfwmd.gov/org/wsd/wateruse/wu\\_availabilityrule.html](http://www.sfwmd.gov/org/wsd/wateruse/wu_availabilityrule.html) or the District's permitting website at: <http://my.sfwmd.gov/permitting>. Once you access this page, click on "rule development" located on the right hand side of the page then LEC Regional Water Availability. For those without internet access, a copy may also be obtained by contacting Jan Sluth at the address, phone or email address provided above.

## **WATER MANAGEMENT DISTRICTS**

### **South Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-8 Minimum Flows and Levels

PURPOSE AND EFFECT: To identify conditions for permit issuance for consumptive use permits for allocating water from the regional system, including Everglades, Water Conservation Areas, and the Biscayne Aquifer.

SUBJECT AREA TO BE ADDRESSED: Allocation of water from the regional system.

SPECIFIC AUTHORITY: §§ 9, 10 P.L. 83-358, 120.54(5), 120.60, 373.042, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: October 6, 2006, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, Bill Storch Room, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 9, 2006, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Miami Field Station, 9001 N.W. 58th Street, Miami, Florida 33178

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6817 or (561)682-6817, email: sburns@sfwmd.gov, or Cecile Piverotto, Senior Specialist Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6343 or (561)682-6343, email: cpiverot@sfwmd.gov. For procedural issues, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY PROPOSED RULE TEXT WILL BE AVAILABLE ON SEPTEMBER 29, 2006 on the District's Water Use Regulation website at: [http://www.sfwmd.gov/org/wsd/wateruse/wu\\_availabilityrule.html](http://www.sfwmd.gov/org/wsd/wateruse/wu_availabilityrule.html) or the District's permitting website at: <http://my.sfwmd.gov/permitting>. Once you access this page, click on "rule development" located on the right hand side of the page then LEC Regional Water Availability. For those without internet access, a copy may also be obtained by contacting Jan Sluth at the address, phone or email address provided above.



**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-20 General Water Use Permits

PURPOSE AND EFFECT: To identify conditions for permit issuance for consumptive use permits for allocating water from the regional system, including Everglades, Water Conservation Areas, and the Biscayne Aquifer.

SUBJECT AREA TO BE ADDRESSED: Allocation of water from the regional system.

SPECIFIC AUTHORITY: 120.54(5), 120.60, 373.042, 373.044, 373.083, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.042, 373.0421, 373.083, 373.103, 373.118, 373.219, 373.223, 373.229, 373.236, 373.239 FS.

RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: October 6, 2006, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District Headquarters, Bill Storch Room, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 9, 2006, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Miami Field Station, 9001 N.W. 58th Street Miami, Florida 33178

Although Governing Board meetings, hearings and workshops are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which any appeal is to be based. Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk’s Office, at (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6817 or (561)682-6817, email: sburns@sfwmd.gov, or Cecile Piverotto, Senior Specialist Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6343 or (561)682-6343, email: cpiverrot@sfwmd.gov. For procedural issues, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY PROPOSED RULE TEXT WILL BE AVAILABLE ON SEPTEMBER 29, 2006 on the District’s Water Use Regulation website at: [http://www.sfwmd.gov/org/wsd/wateruse/wu\\_availabilityrule.html](http://www.sfwmd.gov/org/wsd/wateruse/wu_availabilityrule.html) or the District’s permitting website at: <http://my.sfwmd.gov/permitting>. Once

you access this page, click on “rule development” located on the right hand side of the page then LEC Regional Water Availability. For those without internet access, a copy may also be obtained by contacting Jan Sluth at the address, phone or email address provided above.

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58A-1 Administration of Federal Aging Programs

RULE NOS.: RULE TITLES:

58A-1.001 Definitions  
58A-1.002 Department Duties Under Federal Aging Programs

58A-1.003 Department Assistance to the Advisory Council

58A-1.004 Responsibilities of the Department of Elder Affairs as the State Agency on Aging

58A-1.005 Designation of Area Agencies on Aging

58A-1.0051 Procedures for Rescinding Designation of an Area Agency on Aging

58A-1.006 The Area Agency on Aging’s Area Plan

58A-1.007 Area Agency on Aging Functions and Responsibilities

58A-1.008 Service Providers Under the Area Plan

58A-1.009 Confidentiality and Disclosure of Information

58A-1.010 Program Forms

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update Rule Chapter 58A-1, F.A.C., to reflect current federal and state statutory language, policies, and procedures; to update program forms; to add a new rule for procedures for rescinding designation of an area agency on aging; and to delete duplicate references that are included in the revised Department of Elder Affairs Programs and Services Manual, 2006, which is incorporated by reference in this rule chapter. A notice of proposed rule development regarding revisions to the Department of Elder Affairs Program and Services Manual, July 1994 and revised November 1994, was published in the Florida Administrative Weekly on June 24, 2005.

SUBJECT AREA TO BE ADDRESSED: Definitions used in this rule chapter, departmental duties required under the federal aging programs, assistance provided to the department’s Advisory Council, responsibilities of the department as the state agency on aging, designation of area agencies on aging, rescinding designation of an area agency on aging, area plans,

area agencies on aging functions and responsibilities, service provider eligibility and application process, confidentiality and disclosure of information procedures, and program forms.

SPECIFIC AUTHORITY: 20.41(2), 410.016(2)(k), 430.08, 430.101 FS., ch. 91-115, s. 10, Laws of Fla.

LAW IMPLEMENTED: 20.19(3), 20.41, 409.508(4), 410.011, 410.016, 410.0295, 410.037, 410.302, 410.401, 410.402, 410.403, 410.605, 430.03(6), 430.04, 430.05, 430.06, 430.101 FS., ch. 91-115, s. 10, Laws of Fla.

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

DATE AND TIME: October 11, 2006, 9:30 a.m. – 4:00 p.m. (EST)

PLACE: Department of Health, 4052 Bald Cypress Way, Conference Room 301, Tallahassee, FL 32399-7000

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: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, email address [crochethj@elderaffairs.org](mailto:crochethj@elderaffairs.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, email address [crochethj@elderaffairs.org](mailto:crochethj@elderaffairs.org)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 58A-1.001 Definitions.

In addition to the definitions included in the Department of Elder Affairs Programs and Services Manual, 2006, incorporated by reference in this rule, the following terms are defined in this rule chapter.

~~(1) ADULT DAY CARE is a program of therapeutic social and health activities and services provided to adults who have functional impairments, in a protective environment that provides as non-institutional an environment as possible.~~

~~(2) ADVOCACY or Representation is action taken on behalf of an older person to secure his or her rights or benefits. It includes receiving, investigating and working to resolve disputes or complaints informally. Advocacy or Representation within these rules does not pertain to services provided by an attorney or person under the supervision of an attorney.~~

~~(1)(3) AREA AGENCY ON AGING (AAA): means An agency designated by the Department to develop and administer an Area Plan for a comprehensive and~~

~~coordinated service system for older persons in a Planning and Service Area (PSA). The AAA Area Agency on Aging is may also be referred to as an Area Agency.~~

~~(2)(4) AREA PLAN: means The document submitted by an Area Agency on Aging to the Department of Elder Affairs in order to receive subgrants or contracts under the Older Americans Act. The Area Plan details the manner in which the AAA Area Agency on Aging will provide furnish a comprehensive and coordinated system of services for older persons throughout the planning and service area.~~

~~(5) CASE MANAGEMENT is a client centered series of activities which includes planning, arrangement for, coordination of community-based services for an eligible client. Case Management is a service which may be delivered in the absence of other services. Case Management activities include intake and referral, comprehensive assessment and reassessment, development of a care plan with planned client outcomes, assistance in helping clients to obtain community resources, follow-up contacts for the purpose of monitoring client progress to assure effective delivery of services, and travel time related to the client's case.~~

~~(6) CHORE is performance of house or yard tasks including such jobs as seasonal cleaning, essential errands, yard work, lifting and moving, simple household repairs, pest control, and household maintenance for eligible persons who are unable to do these tasks for themselves because of frailty or other disabling conditions.~~

~~(7) COMPANIONSHIP is visiting a client who is socially or geographically isolated, for the purpose of relieving loneliness and providing continuing social contact with the community by casual conversation, providing assistance with reading, writing letters, or entertaining games.~~

~~(8) CONGREGATE MEALS means a meal provided to an eligible client or other eligible participant, at a congregate meal site which:~~

~~(a) Complies with the Dietary Guidelines for Americans (published by the Secretaries of the Department of Health and Human Services and the United States Department of Agriculture); and,~~

~~(b) Provides a minimum of thirty three and one third percent of the daily Recommended Dietary Allowances (RDA, Food and Nutrition Board of the National Academy of Sciences).~~

~~(9) COUNSELING uses the casework mode of relating to a client (via interview, discussion or lending a sympathetic ear) to advise and enable the older person or his or her family to resolve problems (concrete or emotional) or to relieve temporary stresses encountered by them. This shall either be done on a one-to-one basis or a group basis and shall be conducted by paid, donated, or volunteer staff.~~

~~(a) Counseling includes assisting older individuals with permanency planning for adult children with disabilities.~~

(b) Gerontological Counseling provides emotional support, information and guidance through a variety of modalities including mutual support groups for older adults who are having mental, emotional or social adjustment problems that have arisen as a result of the process of aging. Gerontological Counseling can also be conducted on a one on one basis.

(c) Pre retirement counseling and post retirement assistance is included.

(d) Social Services Counseling provides linkages to other services which might be beneficial to an individual client or a group of clients. Social Service Counseling includes referral and follow up to all manner of social and health services.

(3)(10) DEPARTMENT: means the Department of Elder Affairs established by Section 20.41, F.S., and encompasses responsibilities for all federal aging programs pursuant to ch. 91-115, Laws of Florida.

(11) DISCOUNT is a reduction made on goods or services from a regular or list price.

(12) DISEASE INFORMATION is providing information to individuals, families, caregivers, and the general public about chronic conditions and diseases; what prevention measures and services are available; how to prevent the seriousness of the effects once the condition is present; treatment, rehabilitation, and coping strategies for those factors which cannot change. Services include information concerning diagnosis, prevention, treatment and rehabilitation of age-related diseases and chronic disabling conditions. Osteoporosis, cardiovascular diseases, incontinence, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction are examples of such conditions.

(13) EDUCATION or TRAINING is:

(a) providing formal or informal opportunities for individuals to acquire knowledge, experience or skills. It includes individual or group events designed to increase awareness in such areas as nutrition, crime or accident prevention; promote personal enrichment, for example, through continuing education; to increase or gain skills in a specific craft, trade, job or occupation.

(b) conducting training for individuals, professionals, and paraprofessionals in relevant fields on the identification, prevention and treatment of elder abuse, neglect and exploitation with particular focus on prevention and enhancement of self-determination and autonomy.

(14) EMERGENCY ALERT RESPONSE service means a community based electronic surveillance service system established to monitor the frail homebound elderly by means of an electronic communication link with a response center which will alert and dispatch properly qualified assistance to the client in need on a 24 hour, seven days a week basis.

(15) EMPLOYMENT is assisting an individual to secure paid employment. This includes part time, full time, or temporary employment.

(16) ESCORT is personal accompaniment of individuals to or from service providers. Escorts may also provide language interpretation to people who have hearing or speech impairments or speak a foreign language.

(17) HEALTH PROMOTION Programs are programs that offer individual or group sessions which assist participants to understand how their lifestyle impacts their physical and mental health and to develop personal practices that enhance their total well being.

(18) HEALTH RISK ASSESSMENT is an assessment utilizing one or a combination of diagnostic tools to test older persons for certain risk factors that are known to be associated with a disease or condition. Many factors are modifiable, including diet, risk taking behaviors, coping styles, and life style choices (such as smoking and overeating), and can be measured or identified through risk appraisal questionnaires. An individual may be aware of specific risk factors, such as inadequate nutrition, which make future compromised health more likely. The Health Risk Assessment helps the individual to determine the additive nature of many factors in an individual's life. The risks are greatly increased with each additional factor an individual has. For example, someone who smokes, overeats, doesn't exercise and has a history of heart disease in the family has a greatly elevated risk of future health problems. Any of those factors which are modified can increase the likelihood of a more positive health outcome. Modifying all of the factors above over which the individual has control, all but heredity, greatly increases the possibility of healthy aging.

(19) HEALTH RISK SCREENING is defined as services which utilize diagnostic tools to screen large groups of people or individuals for the presence of a particular disease or condition.

(20) HEALTH SUPPORT is defined as activities to assist persons to secure and utilize medical treatment as well as preventive, emergency and health maintenance services. Examples of Health Support services include obtaining appointments for treatment; locating health and medical facilities; obtaining therapy; obtaining clinic cards for clients; wellness programs, including regular or occasional health screenings to detect illness or a worsening of health conditions of older persons; physical activities, including regular exercise programs, weight control emphasis; and activities to reduce mental fatigue, stress, or boredom.

(21) HOME DELIVERED MEAL is a hot, cold, frozen, dried, canned, or supplemental food (with a satisfactory storage life) meal that meets a minimum of thirty three and one third percent of the daily Recommended Dietary Allowances (RDA, Food and Nutrition Board of the National Academy of Sciences), served in the home to a functionally impaired homebound older person.

~~(22) HOME HEALTH AIDE service is the provision of medically oriented personal health care services by a trained home health agency to an individual in the home under the supervision of a health professional.~~

~~(23) HOME INJURY CONTROL Services are services which are aimed at preventing or reducing the extent of damage due to a fall or other preventable injury of elders in their homes.~~

~~(24) HOMEMAKER service is the accomplishment of specific home management duties including housekeeping, meal planning and preparation, shopping assistance, and routine household activities by a trained homemaker.~~

~~(25) HOME NURSING SERVICE.~~

~~(a) Home nursing service is part time or intermittent nursing care administered to an individual by a licensed practical nurse, registered nurse, or advanced registered nurse practitioner, in the individual's place of residence, pursuant to a plan of care approved by a licensed physician and in accordance with Sections 440.462(6), 400.464(5)(a), 410.0241, and Chapter 464, F.S.~~

~~(b) The objective of home nursing services is to provide services which assist the individual in his or her efforts to maintain an optimal level of health of body and mind, to prevent the occurrence or progression of illness, to provide services that the individual would do for him or herself if able or to provide comfort to the terminally ill.~~

~~(26) HOUSING IMPROVEMENT or EMERGENCY HOME REPAIR is providing home repairs or alterations for an eligible person or assistance in obtaining needed repairs or alterations for the client's home; arranging for home improvement grants or loans; providing assistance to obtain adequate housing; securing fuel and utilities, and provision of pest exterminating services.~~

~~(27) INFORMATION is responding to an inquiry from a person, or on behalf of a person, regarding resources and available services.~~

~~(28) INTERPRETING or TRANSLATING is explaining the meaning of oral or written communication to non-English speaking or handicapped persons unable to perform the functions.~~

~~(29) LEGAL ASSISTANCE.~~

~~(a) Legal Assistance is legal advice and representation by an attorney (including counseling or assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a non-lawyer when permitted by law, to older individuals with economic or social need.~~

~~(b) Legal Assistance for program delivery purposes is defined as services to assist clients to become aware of and protect their civil or legal rights through activities or direct intervention by attorneys or legal paraprofessionals.~~

~~(30) LETTER WRITING or READING is reading or writing business or personal correspondence.~~

~~(31) MATERIAL AID is aid in the form of goods or food such as the direct distribution of commodities, surplus food, the distribution of clothing, smoke detectors, eyeglasses, security devices, etc.~~

~~(32) MEDICAL THERAPEUTIC SERVICES means those corrective or rehabilitative services which are prescribed by a physician or other health care professional in accordance with Sections 400.462(6), 400.464(5)(a), 410.0241 and Chapter 464, F.S. Such services are designed to assist the functionally impaired older person to maintain or regain sufficient functional skills to live independently in his or her place of residence and include physical, occupational, respiratory, hearing disorder or speech language therapy.~~

~~(33) MEDICARE EDUCATION is defined as activities designed to inform older persons on the availability, benefits, and use of preventive health services which are available under Medicare.~~

~~(34) MEDICATION MANAGEMENT screening and education is identification and counseling regarding the medication regime that individuals are using, including prescription and over the counter medications, vitamins and home remedies. These services also help to identify any dietary factors and the effect of alcohol or tobacco which may interact with the medication regime.~~

~~(35) MENTAL HEALTH SCREENING is the provision of examination, diagnostic and treatment planning services for elders who experience acute or chronic mental or emotional problems. Included is referral to psychiatric or psychological services.~~

~~(36) MULTIPURPOSE SENIOR CENTER means a community or neighborhood facility for the organization and provision of health, social, nutritional and educational services and for recreational and group activities for older persons.~~

~~(37) NUTRITION COUNSELING provides individualized advice and guidance to individuals, who are at nutritional risk because of their nutritional history, current dietary intake, medications use or chronic illnesses, about options and methods for improving their nutritional status, provided by a registered licensed dietitian or other health professional functioning within their legal scope of practice.~~

~~(38) NUTRITION EDUCATION.~~

~~(a) CONGREGATE NUTRITION EDUCATION is a formal program of regularly scheduled presentations that promote better health by providing accurate and culturally sensitive nutrition, physical fitness, or health (as it relates to nutrition) information and instruction to participants in a group setting overseen by a dietitian or individual of comparable expertise.~~

~~(b) HOME DELIVERED NUTRITION EDUCATION or Nutrition Education for home bound clients is a formal program that promotes better health by providing accurate and culturally sensitive nutrition, physical fitness, or health (as it~~

relates to nutrition) information and instruction to participants or caregivers in a group or individual setting overseen by a dietitian or individual of comparable expertise.

~~(4)(39)~~ ~~OLDER AMERICANS ACT~~; means ~~the Older Americans Act of 1965, as amended, 42 U.S. Code 3001 – 3058ee. The Act is the principal statutory authority for federal grants for state and local community programs for older persons and is available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.~~

~~(40) OUTREACH is defined as making active efforts to reach target group individuals, either in a community setting or in a neighborhood with large numbers of low income minority elderly, making one-to-one contact, identifying their service need, and encouraging their use of available resources.~~

~~(41) PERSONAL CARE means services to assist the functionally impaired elderly with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating and assistance with securing health care. Personal Care Services do not include medical services.~~

~~(42) PHYSICAL FITNESS PROGRAMS are programs that provide activities for people who want to improve their strength, flexibility, endurance, muscle tone, range of motion, reflexes, cardiovascular health or other aspects of physical functioning.~~

~~(43) PLACEMENT is assisting a person in obtaining a suitable place or situation such as housing or an institution such as a nursing home.~~

~~(5)(44) PLANNING AND SERVICE AREA (PSA); means A geographic area of Florida designated by the Department (the State Unit on Aging) for purposes of planning, development, delivery and administration of services under an Area pPlan. In order for a State to be eligible to participate in programs under the Older Americans Act, the State Agency shall, in accordance with Section 305(a)(1)(E) of the Older Americans Act and federal regulations 45 CFR 1321.7(b), divide the State into distinct planning & service areas or area (PSA's). The Planning and Service Areas (PSA's) and the counties they include are designated as follows over the following counties: PSA 1- Escambia, Okaloosa, Santa Rosa, Walton; PSA 2- Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, Washington; PSA 3- Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, Union; PSA 4- Baker, Clay, Duval, Flagler, Nassau, St. Johns, Volusia; PSA 5- Pasco, Pinellas; PSA 6- Hardee, Highlands, Hillsborough, Manatee, Polk; PSA 7- Brevard, Orange, Osceola, Seminole; PSA 8- Charlotte, Collier, DeSoto, Glades, Hendry, Lee, Sarasota, the Seminole Indian Reservations; PSA 9- Indian River, Martin, Okeechobee, Palm Beach, St. Lucie; PSA 10- Broward; PSA 11- Dade, Monroe.~~

~~(6)(45) PROGRAMS AND SERVICES MANUAL; is The Department of Elder Affairs Programs and Services Manual, 2006 dated July 1994 and revised November 1994. The manual includes service descriptions, policies, and procedures for the operations of programs and services under the jurisdiction of the department. The manual is hereby incorporated by reference in this rule chapter. A copy of the manual is available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida, 32399-7000, in the Office of the Secretary and at each AAA Area Agency on Aging, and the department Web site at <http://elderaffairs.state.fl.us> herein incorporated by reference.~~

~~(46) RECREATION is participation in or attendance at planned leisure events such as, games, sports, arts and crafts, theater, trips and other relaxing social activities.~~

~~(47) REFERRAL is an activity wherein information is obtained on a person's needs and the person is directed to a particular resource; contact with the resource is made for the person as needed; follow-up is conducted with the referred person or resource to determine the outcome of the referral. Agencies making referrals will usually obtain intake information from the client to be used as part of the referral process.~~

~~(48) RESPITE CARE is a demand for relief or rest from the constant or continued supervision, companionship, therapeutic or personal care, of a functionally impaired older person for a specified period of time.~~

~~(49) SCREENING or Assessment is administering standard examinations, screening instruments, procedures or tests for purpose of gathering information about an applicant for services or a current client to determine need or eligibility for services.~~

~~(50) SECRETARY means the Secretary of the Department of Elder Affairs.~~

~~(7)(51) SERVICE PROVIDER; or local project means An entity that is awarded a contract from an Area Agency on Aging to provide services under an Area pPlan.~~

~~(52) SHOPPING ASSISTANCE is assisting a client in getting to and from stores and in the proper selection of items. An individual Shopping Aide may assist more than one client during a shopping trip.~~

~~(8)(53) STATE PLAN ON AGING; means The document submitted by the Florida Department of Elder Affairs to the U.S. Department of Health and Human Services, Administration on Aging, to receive grants under the Older Americans Act; Commissioner on Aging of the U.S. Dept. of Health and Human Services.~~

~~(54) STATE UNIT ON AGING means the Department of Elder Affairs, designated by Section 10 of Chapter 91-115, Laws of Florida, for the administration of programs under the federal Older Americans Act.~~

~~(55) SUPERVISION is overseeing actions or behavior of a client to safeguard his rights and interest for the purpose of protection against harm to self or others.~~

~~(56) TELEPHONE REASSURANCE is communicating with designated clients by telephone on a mutually agreed schedule to determine their safety and to provide psychological reassurance, or to implement special or emergency assistance.~~

~~(57) TRANSPORTATION is travel to or from service providers or community resources.~~

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41(2), 410.011, 410.016, 430.03(6) FS., ch. 91-115, Laws of Fla. History–New 12-23-81, Formerly 10A-11.01, 10A-11.001, Amended 3-28-95, \_\_\_\_\_.

58A-1.002 Department Duties Under Federal Aging Programs.

(1) The Department of Elder Affairs is designated in Chapter 91-115, Laws of Florida, as the sState aAgency to administer all programs made available to Florida under the ~~Federal~~ Older Americans Act. The ~~dDepartment~~ shall administer these programs in accordance eonformity with Title 45, Chapter 13, Code of Federal Regulations and policy guidance issuances from the Administration on Aging within; Office of Human Development Services, of the U.S. Department of Health and Human Services.

(2) Federal regulations governing grants for sState and cCommunity pPrograms on aAging as published in the Federal Register, are applicable to all recipients of grants and contracts funded by the Older Americans Act, including the ~~dDepartment, AAAs Area Agencies~~ and service providers. These Florida administrative rules are intended to complement and clarify requirements, procedures and ~~dDepartmental~~ policies applicable to the Older Americans Act pProgram.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 410.011, 410.016, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History–New 12-23-81, Formerly 10A-11.02, 10A-11.002, Amended 3-28-95, \_\_\_\_\_.

58A-1.003 Department Assistance to the Advisory Council.

(1) The ~~dDepartment~~ shall provides staff support to assist the Department of Elder Affairs Advisory Council established by Section 430.05, F.S. Members of the that cCouncil, entitled by law to reimbursement for travel and per diem expenses, shall submit their expense vouchers and related documentation in accordance with aeording to Section 112.061, F.S.

(2) Staff support for the council by the Department shall will be furnished through the Office of the Secretary of the department. Members of the ~~dDepartment~~ are prohibited from imposing any control, direction, or supervision upon the ~~cCouncil any control, direction, or supervision.~~

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.016(2)(d), (e), (i), 20.19(3), 430.05 FS., ch. 91-115, s. 10, Laws of Fla. History–New 12-23-81, Formerly 10A-11.03, 10A-11.003, Amended 3-28-95, \_\_\_\_\_.

58A-1.004 Responsibilities of the Department of Elder Affairs as the State Agency on Aging.

(1) The Department of Elder Affairs is the State Agency on Aging. The ~~dDepartment~~ has authority and responsibility to plan, develop, and administer policy on programs for older persons and to provide a visible focal point for advocacy, coordination, priority setting, monitoring and evaluation of programs for older persons within the sState. To fulfill its responsibilities, the ~~dDepartment~~ shall:

(a) Develop a sState pPlan as required in Section 305 of the Older Americans Act;:

(b) Administer the sState plan within the state;:

(c) Review and comment on all sState pPlans, budgets, and policies which affect older persons;:

(d) Conduct public hearings on the needs of older persons; in order to receive information and maximize visibility of important issues;:

(e) Provide adequate and effective opportunities for older persons, who are recipients of supportive or nutrition services or who use multipurpose senior centers, to express their views on policy development and program implementation under the sState pPlan on aAging;:

(f) Evaluate, with the assistance of the AAAs, the need for social and nutrition services for older persons and determine the extent to which other public and private programs meet those needs ~~With the assistance of the Area Agencies on Aging, evaluate the need for social and nutrition services for older persons in the State, and determine the extent to which other public and private programs meet those needs;~~:

(g) Ensure, in conjunction with the AAAs, preference is given to older persons with greatest economic or social need, with particular emphasis on low income minorities in the delivery of service ~~In conjunction with Area Agencies on Aging and service providers, give preference to older persons with greatest economic or social need, with particular emphasis on low income minorities, in the delivery of services;~~:

(h) Render, in conjunction with the AAAs, technical assistance to contractors and volunteers ~~In cooperation with Area Agencies, render technical assistance to contractors and volunteers;~~:

(i) Advise the Governor, and key designated legislators, regarding the need for and location of programs related to aging, as stipulated in Section 430.04, F.S.;:

(j) In consultation with the Area Agencies on Aging, Ddevelop, in consultation with the AAAs, and publish for review and comment a formula for funds distribution which addresses those most in need of services, and submit such formula to the Administration on Aging for approval;:

(k) Require outreach efforts;

(l) Set specific objectives for each planning and service area for providing services funded under this title to low-income minority older individuals;

(m) Undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals; and;

(n) Provide a description of the efforts described above in paragraphs (d), (e), and (f) that will be undertaken by the State agency.

(2) The department is responsible for dividing ~~Divide~~ the state into planning and service areas.

(3) The ~~d~~Department is responsible for the designation of the AAA Area Agency on Aging for each PSA in accordance with Title III, Section 305(E) of the Older Americans Act. The ~~d~~Department shall establish and follow procedures to provide due process to affected parties, if the sState agency initiates an action or proceeding to revoke the designation of an area agency on aging; designate an additional planning and service area; divide the sState into different planning and service areas; or otherwise affect the boundaries of the planning and service areas in the state.

(4) The ~~d~~Department shall will develop, promulgate and revise, as necessary, a uniform format for the AAA Area Agency on Aging's Multi-Year aArea pPlan. The Plan will cover four years, with required annual updates. In conjunction with the Plan format:

(a) ~~The Department will develop and revise the format for the Area Plan, after opportunity for comment has been provided to Area Agency on Aging staff.~~

(b) ~~The Department will develop and revise the basic format and minimum requirements for the service provider applications, after opportunity for comment has been provided to Area Agency on Aging staff and selected service provider agencies.~~

(5) ~~Staff of the Department will monitor the administration of each Area Plan. Not less than annually, Department staff will conduct a formal on-site evaluation of the performances of each Area Agency on Aging.~~

(5)(6) The ~~d~~Department shall will coordinate the development of programs and services under ~~of~~ Titles III, V, and VII of the Older Americans Act, and establish policy and minimum standards and procedures for those programs and services ~~them~~ as defined in the Programs and Services Manual incorporated by reference in Rule 58A-1.001, F.A.C. Department of Elder Affairs Programs and Services Manual, dated July 1994 and revised November 1994, available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.

(6)(7) The ~~d~~Department shall will ensure that supplemental funding under the Nutrition Services Incentive Program of the Older Americans Act available U.S.

~~Department of Agriculture food, cash or a combination of food and cash~~ is made available to nutrition service providers funded under the area plan.

(7)(8) The ~~d~~Department shall will coordinate the development of legal services for older individuals ~~of the state.~~

(8)(9) For the purpose of acquiring programmatic and fiscal information for ~~f~~Federal and sState data and analysis, the ~~d~~Department shall establish reporting requirements for AAAs Area Agencies on Aging and service providers in accordance with the Department of Elder Affairs Programs and Services Manual, Chapter 1, Section 4, incorporated by reference in Rule 58A-1.001, F.A.C. I-4, Program Reporting Responsibilities, dated July 1994 and revised November 1994, available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.

(10) ~~Agencies, organizations and individuals affected by actions of the Department may seek review in accordance with the Administrative Procedures Act, Chapter 120, F.S.~~

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 410.011, 410.016, 430.06 FS., ch.91-115, s. 10, Laws of Fla. History—New 12-23-81, Formerly 10A-11.04, 10A-11.004, Amended 3-28-95, \_\_\_\_\_.

#### 58A-1.005 Designation of Area Agencies on Aging.

(1) An aArea aAgency on aAging will be designated in each planning and service area. Of the eligible applying entities, as defined by Section 305 of the Older Americans Act, the ~~d~~Department shall select the that one which demonstrates ~~to the Department~~ that by virtue of location, office, staff, experience and community resources, it is best able to discharge the duties of an aArea aAgency on aAging established by this rule.

(2) Actual designation occurs upon acceptance of the aArea aAgency's aArea pPlan and formal execution of the associated contract.

(3) The designated AAA Area Agency on Aging is responsible for administration of Older Americans Act programs in its planning and service area.

(4) The department State agency on aging shall withdraw an area agency's designation in accordance with Section 305(b)(5)(c) of the Older Americans Act as amended, whenever, after reasonable notice and opportunity for a hearing, it is determined that:

(a) An area agency does not meet the requirements of 45 CFR 1321 and Section 305 of the Older Americans Act, as amended; or

(b) An area plan including amendments is not approved by the ~~d~~Department after reasonable opportunity to comply; or

(c) There is substantial failure in the provisions or administration of an approved plan to comply with provisions of the Older Americans Act of 1965, as amended, the applicable federal regulations, state statutes, or administrative rules.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 410.016(2)(f), 430.03(6) FS., ch.91-115, s. 10, Laws of Fla. History–New 12-23-81, Formerly 10A-11.05, 10A-11.005, Amended 3-28-95, \_\_\_\_\_.

58A-1.0051 Procedures for Rescinding Designation of an Area Agency on Aging.

Pursuant to Section 430.04, F.S., the department has the authority to rescind designation of an area agency on aging under specified conditions. The department’s procedures for rescinding designation shall be as follows:

(1) At least 90 days prior to the effective date of rescinding designation of the AAA, the Secretary shall issue a written notification of the intent to take such action. The notice shall state the reasons for the intent to rescind designation and contain any other pertinent information the Secretary deems necessary. The notice shall be:

- (a) Transmitted to the executive director of the currently designated AAA;
- (b) Transmitted to the board of directors of the currently designated AAA;
- (c) Transmitted to the chief elected official of units of general purpose local government in the PSA;
- (d) Published in a newspaper of general circulation in the PSA; and
- (e) Published in the Florida Administrative Weekly with the announcement that a public hearing will be held in the affected PSA giving the date, time, and place of the hearing as well as the name, telephone number, and address of the contact person regarding public testimony.

(2) The public hearing shall be conducted within 30 days of the notice of intent to rescind designation published in the FAW, but no sooner than 15 days after publication of the notice of intent to rescind designation.

- (a) The Secretary shall be the presiding official at the public hearing or other person designated by the Secretary.
- (b) The public shall be given the opportunity to present testimony regarding the department’s intent to rescind designation of the AAA.
- (c) The department shall have available a recorded transcription of all testimony, which shall be available for public inspection at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.
- (d) The department shall take into consideration all comments received at the public hearing prior to rendering the final decision to rescind designation.

(3) Within 15 days from the date of the public hearing, the Secretary shall render a final decision regarding rescinding the designation. The correspondence shall list the AAA’s hearing rights and time frames. The decision shall be communicated in writing to:

- (a) The executive director of the currently designated AAA;

(b) The board of directors of the currently designated AAA; and

(c) The chief elected official of units of general purpose local government in the PSA; and

(d) A newspaper of general circulation in the PSA.

(4) The entity receiving the rescinded designation shall cooperate fully with the department during the selection and transition period of a newly designated AAA.

(a) The department shall determine the transition period time frame.

(b) Once the department determines the transition period is complete, the entity receiving the rescinded designation shall cease all operations and the newly designated AAA shall be fully responsible for all operations.

Specific Authority 430.08, 430.04 FS. Law Implemented 430.04 FS. History–New \_\_\_\_\_.

58A-1.006 The Area Agency on Aging’s Area Plan.

(1) ~~Prior to preparation and submission of an area plan, An eligible agency or organization desiring to apply for redesignation or initial designation as an aArea aAgency on aAging shall submit obtain an aArea pPlan to the department Format, dated March 1994, available in the Office of the Secretary, and herein incorporated by reference.~~

(2) ~~Preparation and submission of a formal aArea pPlan shall will be in accordance with the prescribed aArea pPlan fFormat as determined by the requirements of the Older Americans Act, as amended, and the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58A-1.001, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.~~

(a) ~~Technical assistance on the Area Plan submission may be sought at any time from the Department.~~

(b) ~~The submission must accurately describe required activities, essential information and include attachments and exhibits required by the Department’s format. The format for the Area Plan will be contained in the Area Plan on Aging Program Module and Contract Module, dated April 1994, available in the Office of the Secretary, and herein incorporated by reference.~~

(c) ~~Also required as integral to the Area Plan, is an annual update of the Program and Contract module which details annual fiscal information and the implementation schedule of programmatic objectives. The format and submission dates of the Annual Update may be revised by the Department for flexibility in annual planning.~~

(d) ~~Area Agencies in their Area Plans shall incorporate procedures for fair hearings. Hearings may be requested by affected service providers in the following situations:~~



1. If an Area Agency proposes to deny a service provider's application to provide services under the area plan, or to terminate or not renew a contract except as provided in Federal regulations;

2. If an Area Agency proposes a reduction in the amount of funds made available to service providers.

(e) In the event a hearing is held by an Area Agency, as specified in paragraph (d) above, a copy of the findings and final report detailing the results of the hearing is to be forwarded to the Department Secretary in writing by the person who conducted the hearing within ten working days of the conclusion of the hearing. The affected party may request a review by the Department Secretary. The Department will review to assure that a fair hearing was held. Further, if the affected party does not concur with the decision of the Secretary, the appeal may be considered by and brought before the Administration on Aging for a ruling.

(f) Additional information concerning Area Plan preparation and submission will be made available by the Department upon the request of any person.

(g) Associated with the Area Plan submission but not developed by the Area Agency on Aging is a contract document prepared by the Department and formally executed between the Department and the Area Agency on Aging upon acceptance of the Area Plan. The Area Plan is incorporated in the contract by reference.

(3) The Area Plan and its associated contract is accepted by the Department for implementation after execution by the Secretary or a designee.

(4) Changes to the Area Plan are to be made based on the following:

(a) The plan shall be amended at any time under the circumstances prescribed in Federal regulations.

(b) Amendments to the area plan will be effected by submission of the Area Agency of new or revised information using the Department's format and having said amendment approved by DOEA.

(c) Amendments to an approved Area Plan must be approved in writing by the Department, prior to implementation.

(d) Minor revisions and non-substantive changes to the plan as determined by the Department may be made at any time by the Area Agency in order to keep the plan current. Examples of a minor revision are changes in telephone numbers and addresses, personnel, and administrative details not affecting the quantity or quality of services to persons assisted by the programs administered. The Area Agency shall notify the Department of minor revisions at least quarterly.

(e) Whenever a change is contemplated by the Area Agency in any cost category or individual salary as budgeted in the Area Plan for Area Agency Administration:

1. Prior written approval from the Department is required if the contemplated change would result in a change in the original approved amount greater than ten percent.

2. Notification of such change shall be included in the next monthly financial report to the Department, if the change would not result in a change in the original amount greater than ten percent.

3. Revised Area Plan pages shall be forwarded to the Department in accordance with time frames established by the Department.

(3)(5) Subject to the availability of fFederal and sState funds and budget authority, the dDepartment will contract with the AAA Area Agency on Aging based on the approved submitted aArea pPlan for the Federal and State amounts indicated in the approved State Plan on Aging. Instructions for submitting payment requests and expenditure reports are contained in each contract for services executed between the Area Agency on Aging and the Department.

(6) In the event an Area Agency on Aging, after written notice of deficiency, fails to comply in a timely manner with the terms of the contract, the Department shall withhold distribution of a part of the total of contract funds designated for the Area Agency on Aging in proportion to the amount of services not furnished by the Area Agency on Aging as a result of the Area Agency on Aging delay. The Department shall promptly release any funds withheld, after corrective action has been taken or upon acceptance of a corrective action plan submitted by the Area Agency on Aging. If the Area Agency on Aging desires to appeal the decision to withhold funds, it may seek review in accordance with the Administrative Procedures Act, Chapter 120, F.S.

(7) Withdrawal of an Area Agency on Aging designation will be done in conformity with Federal Regulations governing the Older Americans Act program and in accordance with the Administrative Procedures Act, Chapter 120, F.S., subsection 58A-1.005(4), F.A.C. above, and the Department's Programs and Services Manual, Chapter IV-1, General Policies, Older American Act, dated July 1, 1994, available at Department headquarters and at each Area Agency on Aging, and incorporated herein by reference.

Specific Authority 430.08 FS. Law Implemented 20.41, 430.03, 430.04 FS. History—New 12-23-81, Formerly 10A-11.06, 10A-11.006, Amended 3-28-95, 10-30-05,\_\_\_\_\_.

58A-1.007 Area Agency on Aging Functions and Responsibilities.

(1) Within the planning and service area, an aArea aAgency on aAging shall:

(a) Serve as an effective and visible advocate and focal point for older persons of the planning and service area; and

(b) Develop and administer the area plan for a comprehensive and coordinated system of services for older persons in accordance with the Programs and Services Manual incorporated by reference in Rule 58A-1.001, F.A.C.

(2) Each AAA Area Agency on Aging shall agree to the following responsibilities:

(a) Establish and maintain a ~~b~~dBoard of ~~d~~directors and an ~~a~~advisory ~~c~~council. The responsibilities, membership, frequency of meeting, by-laws, and minutes of the ~~a~~advisory ~~c~~council shall comply with Section 430.05, F.S., and the Older Americans Act of 1965, as amended.

(b) Establish and maintain ~~an~~ adequate staff to administer the ~~a~~area ~~p~~plan.

(c) Plan social, health, nutrition, and in-home services to meet the current and projected needs of older persons in of the planning and service area, within the limits of available funds.

(d) Contract with service providers to assist socially or economically needy older persons, using priorities for services with special emphasis on low-income minorities, as established ~~locally~~ by local needs assessment information.

(e) ~~Area Agencies on Aging shall~~ Have procedures for handling complaints from persons whose ~~complaint that services have~~ has been denied, terminated, or reduced ~~improperly~~ under any programs funded by the Older Americans Act. The procedures shall be implemented as specified in accordance with the Programs and Services Manual incorporated by reference in Rule 58A-1.001, F.A.C. include at a minimum an opportunity to submit facts and information orally or in writing to support the complaint and a written decision from the Area Agency on Aging containing the reasons for its decision. Area Agencies on Aging shall require service providers funded under the area plan to have procedures for handling such complaints. The Area Agency on Aging shall have the final decision authority regarding client complaints unless the client is alleging discrimination.

(f) Provide programmatic and technical assistance to service providers, and monitor and assess services provided under the area plan to ensure. Monitoring by the Area Agency on Aging shall determine the provider's compliance with state and federal laws and rules.

(g) Provide financial management services, technical assistance, and financial monitoring of the operations of the service providers; and maintain accountability for all contracted funds awarded by contract by the dDepartment.

(h) No change.

(i) Accurately prepare and, ~~in a timely manner~~, submit programmatic and fiscal reports required by ~~d~~departmental policies in a timely manner.

(j) Coordinate with other programs serving for older persons to ensure assure a comprehensive service delivery system.

(k) ~~Ensure that m~~Membership of the AAA Area Agency on Aging governing board shall be composed of persons residing within the planning and service area. Each governing board shall adopt in its by-laws, specific policy concerning conflict of interest regarding board members. No conflict policy shall be less stringent than the Code of Conduct provided in Part III, Chapter 112, F.S., the Florida Code of Ethics.

(3) The AAA Area Agency on Aging is authorized to plan and administer, under contract with the ~~d~~department, the following programs as established by ~~f~~federal requirements, Florida Statutes State law, and ~~policies of the Department of Elder Affairs~~, Programs and Services Manual incorporated by reference in Rule 58A-1.001, F.A.C.:

(a) Older Americans Act of 1965, as amended.

Title III B – Supportive Services and Senior Centers

Title III C – Nutrition Programs

~~Title III D – In-home Services for Frail Older Individuals~~

Title III ~~DF~~ – Disease Prevention and Health Promotion

Title VII – Abuse, Neglect, Exploitation, ~~and Long Term Care Ombudsman Program~~, however, The department State shall directly administer programs from Title VII, Older Americans Act, Programs for Prevention of Elder Abuse, Neglect, and Exploitation; and the Outreach, Counseling, and Assistance Program. Reference Older Americans Act Sections 721 and 741, F.S.

(b) through (e) No change.

(f) Contracted Services Programs.

(g)(f) Medicaid Waiver Aged and Disabled Adults (ADA) and Assisted Living for the Elderly (ALE) pPrograms.

(h)(g) United States Department of Agriculture programs.

(i)(h) Additional federal grant programs as awarded by the federal government.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 409.508(4), 410.016(2)(d), (f), (h), (i), (m), 410.401, 410.402, 410.403, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History–New 12-23-81, Formerly 10A-11.07, 10A-11.007, Amended 3-28-95, \_\_\_\_\_.

58A-1.008 Service Providers Under the an Area Plan.

(1) Any public or private non-profit agency or organization, incorporated under the Laws of Florida, is eligible to receive a subgrant or contract for services funded under the Older Americans Act. A regional or local agency of the state, however, is not eligible to perform as a service provider. An aArea aAgency on aAgina may not provide direct services unless the dDepartment determines that this is necessary in order to ensure assure an adequate supply of a specific that service. Any proposed contract between an Area Agency on Aging and a profit-making organization to provide services under an Area Plan must receive approval prior to contract execution, from the Department.

(2) Any Eligible agency or organizations desiring to provide services apply for a contract under the Area Plan must apply to may request an application from the local AAA Area Agency on Aging after a request for proposal(s) has been issued. The Area Agency on Aging shall respond within ten working days and enclose an application. The application will contain complete instructions, forms, and specific documentation requirements to be completed by an applicant. The Area Agency shall utilize competitive bidding procedures in procurement contracts in accordance with State and Federal regulations.

(a) Applicants may apply for funding based on procedures established at the local Area Agency on Aging. Applicants proposing to provide social, health, in home or nutrition services must provide specified information in the Service Provider Application, DOEA Form #218, dated September 1994, available in the Office of the Secretary, and herein incorporated by reference.

(b) An applicant seeking Older Americans Act funding for the purpose of acquisition, alteration, or renovation of existing facilities, including mobile units, and construction of facilities to serve as multipurpose senior centers, shall make requests to the Area Agency on Aging. The Area Agency on Aging will render technical assistance concerning procedures and required documentation.

(3) Applicants may seek technical assistance regarding the application process from the Area Agency on Aging at any time.

(a) To be considered responsive, a formal application for funding must be:

1. Signed by the senior officer of the applicant agency's governing body or designee.

2. Submitted on the Service Provider Application, DOEA Form #218, dated September 1994, available in the Office of the Secretary, and herein incorporated by reference and in accordance with the application instructions.

3. Provide an acceptable commitment for required non federal financial participation (matching requirement).

4. Contain assurances of compliance with applicable Federal Regulations.

(b) A non responsive application shall be rejected by the Area Agency on Aging; or, at the discretion of the Area Agency on Aging an applicant may be permitted to withdraw the application and resubmit it after correction of deficiencies.

(c) The Area Agency on Aging will acknowledge receipt of an application within ten working days.

(4) The following are minimum standards to be used by the Area Agency on Aging in evaluating applications to provide services under an Area Plan. Each Area Agency on Aging may incorporate in their Area Plan additional criteria for judging applications, based upon local needs and special conditions.

(a) The applicant shall:

1. Propose social, in-home, health or nutritional services in conformity with the Area Plan.

2. Include realistic program objectives which are in compliance with Department service standards as specified in contract terms.

3. Incorporate reasonable, necessary and allowable budget information in compliance with Department grants accounting standards as specified in contract terms.

4. Propose a project staff qualified by experience, education or training, including sufficient numbers of staff to assure proper and efficient programmatic and fiscal accountability.

5. Contain assurances that the project will be operated in accordance with Department standards and requirements as specified in contract terms.

(b) In the event of the receipt of applications from more than one local service provider proposing to provide essentially the same services, the Area Agency on Aging shall consider:

1. The extent of community support for the applicant;

2. The recommendations of the Area Agency on Aging's Board of Directors and Advisory Council, and

3. The prior experience of the applicant in providing social or nutrition services for older persons.

(c) In the event an applicant is dissatisfied with the action taken by the Area Agency on Aging, the applicant may request a hearing under procedures described in the Area Agency's Area Plan for compliants as described in paragraph 58A-1.007(2)(c), F.A.C., above.

(d) If the application is accepted for funding, the service provider will be further instructed by the Area Agency on Aging regarding establishment of project operation and start of service.

(5) Contracts between the Department, and the Area Agency on Aging, lead agency or core service providers shall follow departmental contracting and financial management procedures.

(6) Service providers funded under the Area Plan shall adopt procedures for handling complaints from persons who assert that service has been denied, terminated or reduced improperly under any programs funded by the Older Americans Act. The complaint procedure must permit at least an opportunity to present orally or in writing the reasons why the service should not be changed and that the provider will furnish to the complainant a written explanation of the nature and reasons for the provider's action.

Complaints which remain unresolved by a service provider shall be referred to the Area Agency on Aging by written report from the service provider no later than 30 days following the complainant's notice, with detailed information regarding efforts to resolve the complaint.

Specific Authority 430.08 FS. Law Implemented 430.03, 430.04 FS. History—New 12-23-81, Formerly 10A-11.08, 10A-11.008, Amended 3-28-95, 10-30-05, \_\_\_\_\_.

58A-1.009 Confidentiality and Disclosure of Information. Entities contracted to provide services under the Older Americans Act shall collect, maintain, and exchange information about consumers applying for services only to the extent it is necessary to administer the programs covered under this agreement in accordance with the Health Insurance Portability and Accountability Act (HIPPA) of 1996.

~~(1) Information described in subsection (2) is confidential and exempt from the public records law, Section 119.07(1), F.S. It shall not be disclosed to the public in such a way as to identify the elderly person, unless written consent is provided by the elderly person or his or her guardian.~~

~~(2) Information about functionally impaired elderly or disabled adults, Alzheimer's disease patients, or information on individuals who receive benefits from Departmental programs based on their relationship to eligible persons, where information is received by or through Department files, reports, inspections or in any other way, shall not be disclosed without express written permission from the impaired or disabled adult or the eligible party affected.~~

~~(3) This rule prohibits disclosure of information regarding the client supplied to officers and employees of the Department, to Area Agencies on Aging and their officers and employees, to persons who volunteer their services, and to persons or entities who provide service under contract with the Department, unless otherwise directed as per subsections 58A-1.009(1) and (2), F.A.C.~~

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 410.016(2)(e), 410.0295, 410.037, 410.302, 410.403, 410.605, 430.05 FS., ch. 91-115, s. 10, Laws of Fla. History–New 12-23-81, Formerly 10A-11.09, 10A-11.009, Amended 3-28-95,\_\_\_\_\_.

58A-1.010 Program Forms.

The following forms shall be used for programs regulated by this chapter,; These forms are hereby incorporated by reference, and are available from the Department of Elder Affairs, 4040 Esplanade Avenue, Tallahassee, Florida, 32399-7000, in the Office of the Secretary and at each AAA Area Agency on Aging, and the department Web site at [http://elderaffairs.state.fl.us.](http://elderaffairs.state.fl.us;)

(1) For purposes of assessment:

(a) DOEA Form 701A, Prioritization Form, dated 2006 July, 2000.

(b) DOEA Form 701B, Assessment Instrument, dated 2006 July, 2000.

(c) DOEA Form 701C, Congregate Meals Form, dated 2006 July, 2000.

(2) For purposes of completing forms listed in subsection

(1): DOEA Form 701D, Assessment Instructions (701A, 701B, 701C), dated 2006 July, 2000.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July; 2001.

Specific Authority 430.08, 430.101 FS. Law Implemented 20.41, 430.101 FS. History–New 8-20-00, Amended 8-6-01,\_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Community Care for the Elderly**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58C-1 Community Care for the Elderly

RULE NOS.: RULE TITLES:

58C-1.001 Definitions

58C-1.002 Eligibility

58C-1.003 Administration

58C-1.004 Application Procedures

58C-1.005 Service Provider Requirements

58C-1.007 Contributions and Donations

58C-1.008 Program Forms

58C-1.009 Confidentiality and Disclosure of Information

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update Rule Chapter 58C-1, F.A.C. to reflect current statutory language, policies, and procedures; to add language regarding confidentiality and disclosure of information; to update program forms; and to delete duplicate references that are included in the revised Department of Elder Affairs Programs and Services Manual, 2006, which is incorporated by reference in this rule chapter. A notice of proposed rule development regarding revisions to the Department of Elder Affairs Program and Services Manual, July 1994 and revised November 1994, was published in the Florida Administrative Weekly on June 24, 2005.

SUBJECT AREA TO BE ADDRESSED: Definitions used in this rule chapter, eligibility for Community Care for the Elderly (CCE) services, administration of the CCE program, deletion of the application process, provider requirements under the CCE program, deletion of contributions and donations, program forms, and the addition of language regarding confidentiality and the disclosure of information procedures.

SPECIFIC AUTHORITY: 20.41(2), 410.016(2)(k), 430.04, 430.08, 430.101 FS., ch. 91-115, s. 10, Laws of Fla.

LAW IMPLEMENTED: 20.19(3), 20.41, 409.508(4), 410.011, 410.016, 410.0295, 410.037, 410.302, 410.401, 410.402, 410.403, 410.605, 430.03(6), 430.04, 430.05, 430.06, 430.101 FS., ch. 91-115, s. 10, Laws of Fla.

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

DATE AND TIME: October 11, 2006, 9:30 a.m. – 4:00 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Conference Room 301, Tallahassee, FL 32399-7000

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: Jim Crochet at 4040 Esplanade Avenue, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address [crochethj@elderaffairs.org](mailto:crochethj@elderaffairs.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, 4040 Esplanade Avenue, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address [crochethj@elderaffairs.org](mailto:crochethj@elderaffairs.org)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 58C-1.001 Definitions.

In addition to the definitions included in Section 430.203, F.S., and the Department of Elder Affairs Programs and Services Manual, 2006, incorporated by reference in this rule, the following terms are defined in this rule chapter: As used in this chapter:

(1) "Aging Out Clients": Individuals reaching 60 years of age who are being transitioned from the Department of Children and Families' Community Care for Disabled Adults or Home Care For Disabled Adults services to the department's community-based services.

(2) Assessment Instrument: DOEA Form 701B, the tool prescribed by the department for use in determining a client's level of functioning, existing resources, service needs, and priority for services.

(1) Adult Day Care means a social program which assures that a protective environment and preventive, remedial, and restorative services are provided to functionally impaired adults in need of such care.

(a) Adult Day Health Care means an organized day program of therapeutic, social and health activities and services provided to functionally impaired adults for the purpose of restoring or maintaining optimal capacity of self care.

(2) Area Agency on Aging (AAA) means the agency designated by the Department in a planning and service area defined by the Department to develop and administer the area plan for a comprehensive and coordinated system of services for older persons.

(3) Area Plan: The document developed by each area agency on aging (AAA) and submitted to the department which identifies the planning, administrative and coordination activities to be undertaken by the AAA to ensure a comprehensive and coordinated system of services for older people in the planning an service area (PSA). (Plan of Action)

means a plan developed by an Area Agency on Aging for a comprehensive and coordinated service delivery system in its planning and service area in accordance with 42 U.S.C. 3001 et seq., Older Americans Act of 1965, as amended, on a uniform area plan format prescribed by the State Unit on Aging. This plan identifies such funding resources as: the Older Americans Act (OAA), Community Care for the Elderly (CCE), and other funds; and sets forth measurable objectives; and, identifies the planning, coordination, evaluation activities to be undertaken for the period. The area plan is developed and submitted by the Area Agency on Aging and submitted to the State Unit on Aging. Annual updates of the area plan are required.

(4) Case/Care Plan: The tool used by the case manager to document a client's assessed needs, desired outcomes, services to be provided, and costs associated with the provision of services. The care plan is a plan of action, developed in conjunction with the client, caregiver, and the client's family or representative. It is designed to assist the case manager in the overall management of the client's care means a plan which specifies the ongoing services prescribed for a CCE client to meet the needs identified in the comprehensive assessment. The care plan shall specify the estimated duration, desired frequency, problem statements, and scope of the services to be provided. It shall identify the provider agency, organization or person(s) responsible for providing the service(s). It shall also identify non traditional providers such as families, churches, private agencies and neighbors. The care plan shall include a listing of desired outcomes agreed to with the client or caregiver where client is incapacitated. The case plan shall be signed by the case manager and the client.

(5) Case Management: A means a client centered series of activities which includes planning, arranging arrangement for, and coordinating eoordination of community based services for an eligible CCE Community Care for the Elderly client. Case mManagement is an approved service, even when delivered in the absence of other services. Case management includes intake and referral, travel time related to the client's case, a comprehensive client assessment, development of an individualized care plan with planned client outcomes, and follow-up contacts for the purpose of monitoring the client's situation and to ensure assure timely, effective delivery of service.

(6) Programs and Services Manual: The Department of Elder Affairs Programs and Services Manual, 2006. The manual includes descriptions, policies, and procedures for the operations of programs and services under the jurisdiction of the department. The manual is hereby incorporated by reference in this rule chapter. A copy of the manual is available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, each Area Agency on Aging (AAA), and the department Web site at <http://elderaffairs.state.fl.us>. Chore Service means the performance of house or yard tasks including seasonal cleaning, essential errands, yard

work, lifting and moving, and simple household repairs for eligible persons who are unable to do these tasks for themselves because of frailty or other disabling conditions.

(7) ~~Comprehensive Assessment means an assessment which records an individual's physical health status, ability to perform activities of daily living, existing social support including individual client preferences and mental functioning.~~

(8) ~~Community means a geographic area designated by the Area Agency on Aging after considering the needs, the availability and delivery pattern of local services, and natural boundaries of neighborhoods. A community can be a county, a portion of a county, or two or three counties.~~

(9) ~~Core Service means services limited to adult day care, chore service, counseling, emergency home repair, health maintenance service, home delivered meals, homemaker services, information, medical transportation services, mini-day care, referral, and respite care.~~

(10) ~~Counseling means an interactive process, on a one to one or group basis, wherein a person is provided direct guidance and assistance in the utilization of needed health, mental health, financial, and social services, and help in coping with personal problems through the establishment of a supportive relationship. Counseling may include the purchase of professional mental health and financial management counseling services.~~

(11) ~~Emergency Alert Response Service means a community based electronic surveillance service system established to monitor the frail homebound elderly by means of an electronic communication link with a response center which will alert and dispatch properly qualified assistance to the client in need on a 24 hour, seven days a week basis.~~

(12) ~~Emergency Home Repair means assistance in obtaining critical repairs or alterations to correct deficiencies or situations identified as a barrier to the eligible person's health, safety, or ability to perform activities of daily living or as an impediment to the delivery of services to that eligible person.~~

(13) ~~Health Maintenance Services means those routine health services necessary to help maintain the health of a functionally impaired elderly person, but shall be limited to medical therapeutic services, nonmedical prevention services, personal care services, home health aide services, home nursing services, and emergency response systems.~~

(14) ~~Home Delivered Meals means a nutritionally sound meal that meets one-third of the current daily recommended dietary allowance serviced in the home to a homebound older person.~~

(15) ~~Home Health Aide Service means health or medically oriented tasks provided to an eligible individual in his residence by a home health aide. The home health aide must be employed by a licensed home health agency and supervised by a licensed health professional who is an employee or contractor~~

of the home health agency, in accordance with Chapter 59A-8, F.A.C. This service must be prescribed by a physician or nurse practitioner licensed in the State of Florida.

(16) ~~Home Nursing Service means part time or intermittent nursing care administered to an individual by a licensed practical nurse, registered nurse, or advanced registered nurse practitioner, in the individual's place of residence, pursuant to a plan of care approved by a licensed physician and in accordance with Sections 400.462(6), 400.464(5)(a), 410.0241, and Chapter 464, F.S. Home nursing service must be provided through a licensed home health agency.~~

(17) ~~Homemaker Service means the accomplishment of specific home management duties including housekeeping, meal planning and preparation, shopping assistance, and routine household activities by a trained homemaker.~~

(18) ~~Information means responding to an inquiry from a person, or on behalf of a person, regarding resources and available services.~~

(19) ~~Medical Therapeutic Service means those corrective or rehabilitative services which are prescribed or administered by a physician or other health care professional in accordance with Sections 400.462(6), 400.464(5)(a), 410.0241 and Chapter 464, F.S. Such services are designed to assist the functionally impaired older person to maintain or regain sufficient functional skills to live independently in his or her place of residence and include physical, occupational, respiratory, hearing disorder or speech language therapy. Medical therapeutic services must be provided through a licensed home health agency.~~

(20) ~~Medical Transportation Services means the provision of rides and/or escort services to and from medical services. Medical services are defined as visits to physicians, dentists, psychiatrists, physical therapists, clinics, hospitals, mental health centers, or any similar facility or service provider. The service can include intermediate stops to fill prescriptions and buy medical supplies in conjunction with such visits.~~

(21) ~~Mini-Day Care means a program providing for supervised care in a private home, licensed adult congregate living facility, or adult family care home for up to five impaired persons for a portion of a 24 hour day. A meal and snacks and social and recreational activities are included as part of the service.~~

(22) ~~Personal Care Services means those non-medically oriented tasks provided by a personal care worker to assist the functionally impaired elderly person with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self administered medications and assistance with securing health care from appropriate sources. Personal Care Services shall be provided with the supervision of a nurse licensed under Chapter 464, F.S.~~

(23) Referral means activity wherein a person's needs are determined and the person is directed to a particular resource(s). Contact with the resource(s) is made for the person. Follow-up is conducted with the client and referral agency to determine whether the service was received.

(24) Respite Care means a service to provide supervision, companionship, or personal care, to a functionally impaired older person for a specified period of time. The purpose of the service is to maintain the quality of care to the client for a sustained period of time through temporary, intermittent relief of the primary caregiver.

(7)(25) Service Provider: An means an individual, group or organization that is awarded a subgrant or contract from the dDepartment, lead agency or an aArea aAgency on aAging to provide core or other services under the CCE program Area Agency on Aging Community Care for the Elderly Application plan.

Specific Authority 410.021-.029, 430.08 FS., ch. 80-101, s. 10, ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.021-.029, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History-New 12-23-81, Formerly 10A-11.02, 10A-11.002, Amended 3-28-95, \_\_\_\_\_.

58C-1.002 Eligibility.

To be eligible for CCE services a pPersons must be who meet the following criteria are eligible for CCE core services:

- (1) Shall be Age 60 or over; and
- (2) Shall be Functionally impaired as determined by through an the initial comprehensive assessment and at least an annual reassessment shall be reassessed at least annually;
- (2) Priority shall be given to those persons who are assessed to be at risk of placement in an institution or who are abused, neglected or exploited.

Specific Authority 410.021-.029, 430.08 FS., ch. 80-181, s. 10, ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.023(4), 410.0241(6), 430.03(6), 430.201-.205 FS., ch. 91-115, s. 10, Laws of Fla. History-New 3-11-81, Formerly 10A-10.02, 10A-10.002, Amended 3-28-95, \_\_\_\_\_.

58C-1.003 Administration.

(1) The dDepartment shall plan, develop, and coordinate a statewide program to carry out its responsibilities under the CCE program administer directly or through an Area Agency on Aging, at least one community care service system in each planning and service area where practical.

(2)(a) The AAA, under contract with the department, shall Area Agency on Aging responsibilities include:

(a) Comply with State of Florida procedures regarding solicitation and execution of contracts with service providers; and

- 1. Plan for and approve funds for community care service systems;
- 2. Submit annually to the Department Community Care for the Elderly Contract Module Sections of the Area Plan;

(b)3. Designate lead agencies and aAdminister the CCE Community Care for the Elderly pProgram in accordance with the Department of Elder Affairs Programs and Service Manual incorporated by reference in Rule 58C-1.001, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference;

- 4. Administer Community Care for the Elderly contracts;
- 5. Cooperate with lead agencies to determine core services to be funded;
- 6. Designate lead agencies;
- 7. Advertise funds available for lead agencies and core services;
- 8. Provide technical assistance to lead agency applicants;
- 9. Require annual submission of Service Provider Application, DOEA Form #218, dated September 1994, available in the Office of the Secretary and herein incorporated by reference, for funding of current lead agency and core service providers utilizing applications provided by the Department;
- 10. Notify applicants of acceptability of applications and any further action;
- 11. Assess applicant's ability to be a lead agency and provide core services and case management as well as ability to sub-contract, if applicant indicates plans to do so;
- 12. Provide the Department with review copies of applications;
- 13. Assess fiscal management capabilities;
- 14. Monitor the lead agencies' case management capabilities;
- 15. Assess availability of ten percent match for lead agency budget; match is the minimum funding necessary for the support of project operations and includes in-kind or cash contributions;
- 16. Contract for lead agency and core services according to manuals, rules and contract procedures of the Department. The lead agency shall provide case management and shall subcontract or directly provide core services;
- 17. Monitor and evaluate contracts programmatically and fiscally;
- 18. Make payments to contractors;
- 19. Provide for in service training for lead agencies at least once a year;
- 20. Establish procedures for appeals regarding contracts for lead agencies and core services and for appeals regarding denial, reduction or termination of core services and assessed contributions. Criteria are to assure a timely response and identify how appeals are handled and the time limitations involved;
- 21. Assure that procedures for appeals regarding denial of core services, reduction of core services, or termination of core services are followed by each lead agency.

~~(3)(b) Lead agencies shall responsibilities include: provide case management and core services; collect co-payments and contributions for services; maintain client and program records; and provide reports as specified in the Programs and Services Manual incorporated by reference in Rule 58C-1.001, F.A.C.~~

- ~~1. Coordinate services for functionally impaired elderly;~~
- ~~2. Provide case management;~~
- ~~3. Provide or sub-contract for at least four core services;~~
- ~~4. Compile community care statistics as required by the Department;~~
- ~~5. Monitor its sub-contracts following standards set by the Department and as identified in the Department of Elder Affairs Programs and Services Manual, dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference;~~
- ~~6. Make payments to sub-contractors for core services;~~
- ~~7. Collect contributions and donations for core services provided according to Rule 58C 1.007, F.A.C.;~~
- ~~8. Utilize services provided by recipients of core services in lieu of contributions;~~
- ~~9. Locate in a multi-service senior center when practicable;~~
- ~~10. Provide for in service training for staff including volunteers and core service contractors at least once a year;~~
- ~~11. Accept contributions, gifts and grants to carry out a community care service system;~~
- ~~12. Maximize use of volunteers to provide core services to functionally impaired elderly persons;~~
- ~~13. Demonstrate innovative approaches to program management, staff training, and service delivery that impact on cost avoidance, cost effectiveness and program efficiency;~~
- ~~14. Follow procedures established by the contracting agency for appeals regarding denial, reduction or termination of core services to clients and for appeals regarding contracts for core services.~~
- ~~15. Ensure that quality services are delivered in a timely manner to eligible individuals.~~
- ~~16. Case managers shall ensure that all other resources have been utilized prior to approving the provision of services with Community Care for the Elderly funds.~~
- ~~17. All agencies receiving Community Care for the Elderly funds shall maintain client, fiscal, and program records and provide reports as specified by the Department of Elder Affairs Programs and Services Manual, dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference.~~

Specific Authority 410.021-.029, 430.08 FS., ch. 80-181, s. 10, ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.024, 410.0241, 430.03(6), 430.201-.205 FS., ch. 91-115, s. 10, Laws of Fla. History–New 3-11-81, Formerly 10A-10.03, 10A-10.003, Amended 3-28-95, \_\_\_\_\_.

58C-1.004 Application Procedures.

Specific Authority 430.08 FS. Law Implemented 430.204, 430.205 FS. History–New 3-11-81, Formerly 10A-10.04, 10A-10.004, Amended 3-28-95, 10-30-05, Repealed \_\_\_\_\_.

58C-1.005 Service Provider Requirements.

All service providers shall provide services in accordance with the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58C-1.001, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference.

Specific Authority 410.021-.029, 430.08 FS., ch. 80-181, s. 10, ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.024-.0241, 430.03(6), 430.201-.205 FS., ch.91-115, s. 10, Laws of Fla. History–New 3-11-81, Formerly 10A-10.05, 10A-10.005, Amended 3-28-95, \_\_\_\_\_.

58C-1.007 Contributions and Donations.

Specific Authority 410.021-.029, 430.08 FS., ch. 80-181, s. 10, ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.024(8), 430.03(6), 430.06(2)(c)13. FS., ch. 91-115, s. 10., Laws of Fla. History–New 3-11-81, Formerly 10A-10.07, 10A-10.007, Amended 3-28-95, Repealed \_\_\_\_\_.

58C-1.008 Program Forms.

The following forms shall be used for programs regulated by this rule chapter,; The forms are hereby incorporated by reference, and are available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, in the Office of the Secretary and at each AAA Area Agency on Aging, and the department Web site at <http://elderaffairs.state.fl.us>.

(1) For purposes of assessment:

(a) DOEA Form 701A, Prioritization Assessment Form, dated 2006 July, 2000.

(b) DOEA Form 701B, Assessment Instrument, dated 2006 July, 2000.

(c) DOEA Form 701C, Congregate Meals Form, dated 2006 July, 2000.

(2) For purposes of completing forms listed in subsection (1): DOEA Form 701D, Assessment Instructions (701A, 701B, 701C), dated 2006 July, 2000.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July; 2006 2004.

Specific Authority 430.08, 430.203-.205 FS. Law Implemented 430.201-.207 FS. History–New 8-20-00, Amended 8-6-01, \_\_\_\_\_.



58C-1.009 Confidentiality and Disclosure of Information. Entities contracted to provide services under the CCE program shall collect, maintain, and exchange information about consumers applying for services in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

Specific Authority 430.08, 430.205(b)1. FS. Law Implemented 430.207 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Alzheimer’s Disease Initiative**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
58D-1	Administration of the Alzheimer’s Disease Initiative
RULE NOS.:	RULE TITLES:
58D-1.001	Purpose
58D-1.002	Definitions
58D-1.003	Eligibility
58D-1.004	Program Components
58D-1.005	Program Administration
58D-1.006	Service Provider Responsibilities
58D-1.007	Program Forms
58D-1.009	Confidentiality and Disclosure of Information

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendments is to update Rule Chapter 58D-1, F.A.C., to reflect current statutory language, policies, and procedures; to add language regarding confidentiality and disclosure of information; to update program forms; and to delete duplicate references that are included in the revised Department of Elder Affairs Programs and Services Manual, 2006, which is incorporated by reference in this rule chapter. A notice of proposed rule development regarding revisions to the Department of Elder Affairs Programs and Services Manual, July 1994 and revised November 1994, was published in the Florida Administrative Weekly on June 24, 2005.

**SUBJECT AREA TO BE ADDRESSED:** Purpose of the Alzheimer’s Disease Initiative (ADI), definitions used in this rule chapter, eligibility for the ADI program, ADI program components, administration of the ADI program, service provider requirements under the ADI program, program forms, and the addition of language regarding confidentiality and the disclosure of information procedures.

**SPECIFIC AUTHORITY:** 410.401(2), 410.401(3), 430.08, 430.501-.504 FS.

**LAW IMPLEMENTED:** 410.401-.403, 430.04(6), 430.501-.504 FS., s.10, Ch. 91-115, Laws of Florida.

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

**DATE AND TIME:** October 11, 2006, 9:30 a.m. – 4:00 p.m.  
**PLACE:** Department of Health, 4052 Bald Cypress Way, Conference Room 301, Tallahassee, FL 32399-7000

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: Jim Crochet, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochethj@elderaffairs.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). THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochethj@elderaffairs.org

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

**58D-1.001 Purpose.**

The purpose of these rules is to provide a framework by which the Department of Elder Affairs will administer Sections 430.501 ~~410.401~~ through 430.504 ~~410.403~~, F.S., the Alzheimer’s Disease Initiative. The Alzheimer’s Disease Initiative (~~hereinafter~~ ADI) was established by the Legislature in 1985 to provide services and training to address the special needs of individuals suffering from Alzheimer’s disease and related memory disorders and their caregivers. It also provides for research relating to the cause, prevention, management, and treatment of the disease.

Specific Authority 410.401(3), 430.08 FS. Law Implemented 410.401-.403, 430.04(6), 430.501-.504 FS., s. 10, Ch. 91-115, Laws of Florida. History--New 3-28-95. Amended \_\_\_\_\_.

**58D-1.002 Definitions.**

In addition to the definitions included in the Department of Elder Affairs Programs and Services Manual, 2006, incorporated by reference in this rule, the following terms are defined in this rule chapter:

(1) Alzheimer’s Disease: A progressive brain syndrome with insidious onset which results in impaired memory, language and cognitive dysfunction during an alert state; behavioral changes; and a decline in the ability to perform activities of daily living. Alzheimer’s disease can ultimately result in death. The term as used in these rules includes other “related memory disorders.”

(2) Alzheimer’s Disease Advisory Committee: The committee created pursuant to Section 430.502(2), ~~(3) 410.401(2)~~, F.S., to advise the Department in the performance of its duties pursuant to the ADI.

(3) Alzheimer’s Disease Initiative ~~or ADI~~: The programs and services created and funded under the provisions of Sections 430.501- 430.504 ~~410.401-403~~, F.S.

(4) Alzheimer's Disease Research Brain Bank: The entity designated by the ~~d~~Department to collect post mortem ~~normal control brains and~~ brains of individuals who were clinically diagnosed as having Alzheimer's disease for the purpose of conducting comparative research aimed at learning about, finding a cause, and developing a treatment or cure for the disease.

(5) Alzheimer's Disease Registry: The entity designated by the Department to design and operate a data base to support demographic and epidemiological research on Alzheimer's disease.

(5)(6) Area Agency on Aging (AAA): The agency designated by the ~~d~~Department in a planning and service area (PSA) to develop and administer a plan for a comprehensive and coordinated system of services for older people.

(6) Care Plan: The tool used by the case manager to document the client's assessed needs, desired outcomes, services to be provided, and costs associated with the provision of services. The care plan is a plan of action, developed in conjunction with the client, caregiver, and the client's family or representative. It is designed to assist the case manager in the overall management of the client's care.

~~(7) Area Plan: The document developed by each Area Agency on Aging and submitted to the Department which identifies the planning, administrative and coordination activities to be undertaken by the Area Agency on Aging to assure a comprehensive and coordinated system of services for older people in the designated planning and service area.~~

(7)(8) Case Management: A client centered series of activities which include planning, arranging and coordinating community-based services for an eligible client and caregiver. Case management is an approved service, even when delivered in the absence of other services. Case management can be offered with services for emergency cases without an assessment for a limited period of time. Case management includes a comprehensive client assessment, development of an individualized care plan with planned client outcomes, and follow-up contacts for the purpose of monitoring the client's situation to ensure assure timely, effective delivery of services. Case management is a required service for model day care and respite care providers. ~~It shall be provided to clients and caregivers in accordance with standards established by the Department.~~

(8)(9) Client: ~~For the purposes of these rules, the client is~~ The person with Alzheimer's disease; however, the client's caregiver will receive ~~residual~~ benefits through the provision of education, training, respite, and support services, as needed.

(9)(10) Department: The Department of Elder Affairs, the state agency designated to administer the ADI.

(11) District: ~~The term as used in these rules mean~~ planning and service area.

~~(10)(12) Memory Disorder Clinic: Research oriented programs created pursuant to Sections 430.502(1) and (2) 410.402(1) and (2), F.S., to provide diagnostic and referral services, conduct basic and service-related multidisciplinary research, and develop training materials and educational opportunities for lay and professional caregivers of individuals with Alzheimer's disease. The memory disorder clinics are located at the University of Florida (Gainesville), University of South Florida (Tampa), University of Miami (Miami), Mount Sinai Medical Center (Miami Beach), North Broward Regional Medical Center (Pompano Beach), and Florida Institute of Technology (Melbourne). Mayo Clinic Jacksonville (Jacksonville) was funded by the 1994 appropriations bill as a memory disorder clinic. Memory disorder clinics shall provide:~~

(a) A minimum of four (4) hours of in-service training annually to model day care and respite care providers in the designated service area; and

(b) A minimum of one (1) annual contact with each model day care and respite care provider in the designated service area to plan and develop service-related research projects.

~~(11)(13) Model Day Care Program: Refers to the three specialized day care programs specifically authorized by Section 430.502(4) 410.402(3), F.S. These programs provide a therapeutic setting for the provision of specialized services to persons clients with Alzheimer's disease. They also provide training to health care and social service personnel and caregivers, and serve as a natural laboratory for research.~~

~~(12)(14) Planning and Service Area (PSA): The term as used in these rules means~~ A geographic area of Florida that is designated for purposes of planning, development, delivery and overall administration of services under the ADI.

~~(13)(15) Programs and Services Manual: Department of Elder Affairs Programs and Services Manual, 2006. The manual includes descriptions, policies, and procedures for the operations of programs and services under the jurisdiction of the department. The manual is hereby incorporated by reference in this rule chapter. A copy of the manual is dated July 1994 and revised November 1994, available from at the Office of the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Secretary and at each AAA Area Agency on Aging, and the department Web site at http://elderaffairs.state.fl.us incorporated herein by reference.~~

~~(14)(16) Related Memory Disorders: Other forms of progressive memory disorders that result in diminished memory, language, and other cognitive functions and the inability to perform activities of daily living. Related memory disorders are included under the ADI in these rules.~~

~~(15)(17) Research: The term as used in these rules refers to~~ Investigations undertaken to learn more about the Alzheimer's disease process in order to determine the cause, resulting behavioral changes, treatment, cure, and family or societal impact of Alzheimer's the disease.

~~(16)~~(18) Respite Care: A service to provide supervision and companionship for a specified period of time to a person with a diagnosis of Alzheimer’s disease, or a related disorder, as defined in these rules. The purpose of respite care is to provide temporary relief to the primary caregiver. Service providers may provide ~~offer~~ personal care services, as defined in Section 400.402(16), F.S., and essential supplies to a client under these rules. Respite care may be provided in the following settings:

(a) Facility-Based Respite: Respite care provided in a facility such as a licensed nursing home, adult day care center, assisted living facility ~~adult congregate living facility~~, or other facility operated ~~by a program~~ under an ADI contract ~~with funds provided by the department~~.

(b) No change.

~~(17)~~(19) Service Provider: A private or public organization receiving funds from the ~~d~~Department to provide services to individuals with Alzheimer’s disease or to their caregivers.

~~(18)~~(20) Training: ~~The term as used in these rules refers to~~ The provision of educational activities and instruction to assist health care professionals, and social service providers, and the client’s caregivers in understanding Alzheimer’s disease and to increase their knowledge and caregiving skills.

Specific Authority 410.401(3), 430.08 FS. Law Implemented 410.401-.402, 430.04(6), 430.501-.504 FS., s. 10, Ch. 91-115, Laws of Florida. History–New 3-28-95, Amended.

58D-1.003 Eligibility.

(1) To be eligible to receive model day care services, an individual, ~~regardless of age,~~ must be 18 years of age and have a diagnosis of Alzheimer’s disease or a related memory disorder.

(2) To be eligible to receive all other services funded under the ADI, an individual, regardless of age, must be 18 years of age or older and have a diagnosis of Alzheimer’s disease or a related memory disorder. ~~may be diagnosed as having or be suspected of having Alzheimer’s disease or a related memory disorder to be eligible for all other services funded under the Alzheimer’s Disease Initiative.~~

(3) The caregivers of individuals receiving services funded under the ADI are eligible to receive training and related support services to assist them in caring for the person with Alzheimer’s disease.

Specific Authority 410.401(3), 430.08 FS. Law Implemented 410.402(2)-(4), 430.501-.504 FS., s. 10, Ch. 91-115, Laws of Florida. History–New 3-28-95, Amended.

58D-1.004 Program Components.

(1) In its role as advisor to the ~~d~~Department, the Alzheimer’s Disease Advisory Committee shall provide feedback ~~have responsibility~~ for each of the following components:

- (a) Memory Disorder Clinics;
- ~~(b) Registry;~~
- ~~(b)~~(e) Brain Bank;
- ~~(c)~~(d) Model Day Care; and
- ~~(d)~~(e) Respite Care.

(2) The Alzheimer’s Disease Advisory Committee shall address service, training, research, and coordination among components.

(3) The Alzheimer’s Disease Advisory Committee may enlist services, assistance, and direction from a broad representation of health care professionals, service providers, individuals affiliated with the Alzheimer’s Association, caregivers, and other interested or knowledgeable parties.

Specific Authority 410.401(2), 430.08 FS. Law Implemented 410.401(2), 430.501-.504 FS., s. 10, Ch. 91-115, Laws of Florida. History–New 3-28-95, Amended.

58D-1.005 Program Administration.

(1) The Department of Elder Affairs shall plan, develop and coordinate a statewide program to carry out its responsibilities under the ADI. ~~The Department shall:~~

- ~~(a) Develop a multi-year plan.~~
- ~~(b) Allocate funds for respite services based on the number and proportion of persons seventy five years of age and older within counties in the Planning and Service Areas.~~
- ~~(c) Develop provider application package(s) and contract specifications, including requirements for a research component in each contract, for distribution to the Area Agencies on Aging and service providers.~~
- ~~(d) Establish policies and procedures for service providers.~~
- ~~(e) Provide technical assistance to staff of the Area Agencies on Aging and service providers as requested.~~
- ~~(f) Evaluate Alzheimer’s disease programs.~~
- ~~(g) Monitor services to assess quality of service delivery.~~
- ~~(h) Develop program reports.~~
- ~~(i) Maintain a resource library for staff development. Include training materials pertaining to Alzheimer’s disease and a list of information and referral services throughout Florida.~~
- ~~(j) Provide access to training whenever possible.~~
- ~~(k) Provide staff support to assist the Alzheimer’s Disease Advisory Committee in the performance of its duties.~~

~~(1) Establish guidelines and procedures for the award and allocation of funds received pursuant to Section 410.401(3), F.S., Note, into a Department administrative trust fund.~~

(2) The ~~AAA, Area Agency on Aging~~ under contract with the ~~d~~Department, shall be responsible for the planning and administration of respite and model day care services funded under the ADI and, ~~in turn,~~ shall contract with local service providers for the provision of these services. ~~The Department~~

may retain the budget authority to contract directly with service providers for the implementation of special projects when appropriate. Each ~~AAA~~ Area Agency on Aging shall:

~~(a) In conjunction with the Department, establish priorities, policy and procedures for administration and delivery of services, and include objectives for the Alzheimer's Disease Initiative in the area plan.~~

~~(a)(b) Comply with State of Florida procedures regarding solicitation and execution of agreements with providers of services.~~

~~(c) Review and critique applications to ensure completeness and accuracy of information, and assess the applicant's ability to provide required services and manage a subcontract.~~

~~(d) Assure that all service provider contracts include a requirement for an Alzheimer's disease research component and responsibility for coordination with other Alzheimer's Disease Initiative components.~~

~~(e) Assure that all client information and program reports, including reports of research efforts, are complete and accurate.~~

~~(f) Provide for staff development and training of provider staff.~~

~~(g) Assume contract management responsibilities.~~

~~(h) Assess fiscal management capabilities of service providers.~~

~~(i) Monitor service providers.~~

~~(j) Process payments to service providers.~~

~~(k) Provide technical assistance to service providers as requested or required.~~

~~(l) Establish procedures for appeals by clients and contract service providers.~~

~~(m) Ensure that grievance and appeals procedures are adhered to by service providers.~~

~~(b)(n) Maintain coordination with the mMemory dDisorder cClinics, the Alzheimer's Disease Brain Bank, the Alzheimer's Disease Registry, and all other components of the ADI in the designated PSA ~~planning and service area~~ as outlined in the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

~~(c)(o) Comply with all terms and conditions of the contract with the department and the guidelines specified in the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

~~(p) Make available reports submitted to the Department by the memory disorder clinics, the registry, and the brain bank to other service providers in the designated planning and service area.~~

Specific Authority 430.08 FS. Law Implemented 430.502, 430.503 FS. History—New 3-28-95, Amended 10-30-05, \_\_\_\_\_.

58D-1.006 Service Provider Responsibilities.

Each service provider shall:

(1) through (3) No change.

~~(4) Provide case management services as applicable and as specified in the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

~~(5) Provide respite or model day care services, and maintain coordination with or the services of the memory disorder clinics; and the registry or brain bank as specified in the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

~~(6) Provide pre-service preservice and in-service inservice training for staff and volunteers as specified in the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

(7) through (8) No change.

~~(9) Collect co-payments for services as specified in the Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C. Request contributions and ensure that contributions are only used to expand program services.~~

(10) through (12) No change.

~~(13) Maintain client and program records, and provide reports as required by the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

~~(14) Establish goals and objectives for the Alzheimer's Disease Initiative research component and submit reports as specified by the Department on research activities.~~

Specific Authority 410.401(3), 430.08 FS. Law Implemented 410.402(3)-(5), 410.403, 430.06(2), 430.501-.504 FS., s. 10, Ch. 91-115, Laws of Florida. History—New 3-28-95, Amended \_\_\_\_\_.

58D-1.007 Program Forms.

The following forms shall be used for programs regulated by this rule chapter. The forms are hereby incorporated by reference, and are available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, in the Office of the Secretary and at each AAA Area Agency on Aging, and the department Web site at <http://elderaffairs.state.fl.us>.

(1) For purposes of assessment:

(a) DOEA Form 701A, Prioritization Form, dated 2006 July, 2000.

(b) DOEA Form 701B, Assessment Instrument, dated 2006 July, 2000.

(c) DOEA Form 701C, Congregate Meals Form, dated 2006 July, 2000.

(2) For purposes of completing forms listed in subsection (1): DOEA Form 701D, Assessment Instructions (701A, 701B, 701C), dated 2006 July, 2000.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July, 2006 2004.

Specific Authority 430.08, 430.501-503 FS. Law Implemented 430.501-.504 FS. History–New 8-20-00, Amended 8-6-01,\_\_\_\_\_.

58D-1.009 Confidentiality and Disclosure of Information. Entities contracted to provide services under the ADI shall collect, maintain, and exchange information about consumers applying for services in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

Specific Authority 430.08, 430.501-430.504 FS. Law Implemented 430.501-430.504 FS. History–New \_\_\_\_\_.

**DEPARTMENT OF ELDER AFFAIRS**

**Home Care for the Elderly**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58H-1 Home Care for the Elderly

RULE NOS.: RULE TITLES:

- 58H-1.001 Purpose
- 58H-1.002 Definitions
- 58H-1.003 Program Administration
- 58H-1.004 Access to the Program
- 58H-1.005 Client Eligibility
- 58H-1.006 Caregiver Requirements
- 58H-1.007 Dwelling Requirements
- 58H-1.008 Appeal Proceedings
- 58H-1.009 Program Forms
- 58H-1.010 Confidentiality and Disclosure of Information

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update Rule Chapter 58H-1, F.A.C., to reflect current statutory language, policies, and procedures; to add language regarding confidentiality and disclosure of information; to update program forms; and to delete duplicate

references included in the revised Department of Elder Affairs Programs and Services Manual, 2006, which is incorporated by reference in this rule chapter. A notice of proposed rule development regarding changes to the Department of Elder Affairs Programs and Services Manual, July 1994 and revised November 1994, was published in the Florida Administrative Weekly on June 24, 2005.

SUBJECT AREA TO BE ADDRESSED: Purpose of the Home Care for the Elderly (HCE) program, definitions used in this rule chapter, administration of the HCE program, HCE program access, HCE program eligibility, caregiver requirements, dwelling requirements, appeal procedures, program forms, and the addition of language regarding confidentiality and the disclosure of information procedures.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.606 FS.

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

DATE AND TIME: October 11, 2006, 9:30 a.m. – 4:00 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Conference Room 301, Tallahassee, FL 32399-7000

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: Jim Crochet at 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address [crochetj@elderaffairs.org](mailto:crochetj@elderaffairs.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).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENTS AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address [crochetj@elderaffairs.org](mailto:crochetj@elderaffairs.org)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58H-1.001 Purpose.

The purpose of these rules is to provide a framework for the Department of Elder Affairs to administer Sections 430.601-430.608, F.S. The Home Care for the Elderly (HCE) pProgram provides rules encourage the provision of care for the elderly in family type living arrangements in private homes as an alternative to and prevention of premature or inappropriate institutionalization by providing assistance through financial subsidies and support services to encourage and assist those individuals who live with and willing to provide care for frail elderly individuals in family-type arrangements in private homes on a not for profit basis.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.606 FS. History–New 1-1-96, Amended \_\_\_\_\_.

58H-1.002 Definitions.

~~The following are in addition to definitions found in Sections 430.602 and 430.203(1) and (9), F.S., and the Department of Elder Affairs Programs and Services Manual, 2006, incorporated by reference in this rule, the following terms are defined in this rule chapter:~~

~~(1) ASSESSMENT INSTRUMENT: DOEA Form 701B, the tool prescribed by the department for use in determining the client's level of functioning, existing resources, service needs, and priority for services. ACTIVITIES OF DAILY LIVING (ADL) are functions and tasks for self care, such as ambulating, bathing, dressing, eating, grooming, and other personal care activities.~~

~~(2) BASIC SUBSIDY: is Aa monthly payment made to the caregiver for support and health maintenance; to assist with the cost of housing, food, clothing, medical and dental services, and incidentals; not covered by Medicare, Medicaid and other insurance.~~

~~(3) CARE PLAN: The tool used by the case manager to document a client's assessed needs, desired outcomes, services to be provided, and cost associated with the provision of services. The care plan is a plan of action, developed in conjunction with the client, caregiver, and the client's family or representative. It is designed to assist the case manager in the overall management of the client's care, means a plan which specifies the ongoing services prescribed for a Home Care for the Elderly client to meet the needs identified in the comprehensive assessment. The care plan shall specify the estimated duration, desired frequency, problem statements, and scope of the services to be provided. The care plan shall identify the caregiver, provider agency, or other organization responsible for providing the service(s). The care plan shall include a listing of desired outcomes agreed to with the client and caregiver. The care plan shall be developed, signed and dated by the case manager, the client, and caregiver.~~

~~(4) CAREGIVER: is Aa adult person(s), age 18 or above, who applies and is approved by the case management Lead aAgency to provide care to three (3) or fewer elderly persons client(s) in the private residence of the client or caregiver on a non-profit basis.~~

~~(5) CASE MANAGEMENT: is Aa client centered series of activities which includes planning, arranging arrangement for, and coordinating eoordination—of community-based services for an eligible client. Case mManagement is a service which may be delivered in the absence of other services. Case mManagement activities include intake and referral, comprehensive assessment and reassessment, development of a care plan with planned client outcomes, assistance in helping clients to obtain community resources, follow-up contacts for~~

the purpose of monitoring client progress to ensure assure effective delivery of services, and travel time related to the client's case.

(6) CASE MANAGEMENT AGENCY: The CCE lead agency or other agency under contract with an area agency on aging (AAA) to provide case management services.

~~(7)(6) DWELLING: means Aa family-type home that serves as the primary residence of the client or caregiver.~~

~~(7) HOME CARE CLIENT means an individual who meets all eligibility requirements for this program, and who without home care supportive services could require placement in an institution or nursing home.~~

(8) PLANNING AND SERVICE AREA (PSA): A geographic area of Florida that is designated for the purposes of planning, development, delivery, and overall administration of services under the HCE program.

(9) PROGRAMS AND SERVICES MANUAL: The Department of Elder Affairs Programs and Services Manual, 2006. The manual includes descriptions, policies, and procedures for the operations of programs and services under the jurisdiction of the department. The manual is hereby incorporated by reference in this rule chapter. A copy of the manual is available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, each AAA, and the department Web site at <http://elderaffairs.state.fl.us>.

~~(10)(8) SERVICE PROVIDER: means Aa Community Care for the Elderly CCE lLead aAgency that is awarded a contract to provide case management and other services under the HCE pProgram.~~

~~(11)(9) SPECIAL SUBSIDY: means Aa flexible payment that is has been pre-authorized on the care plan by the Lead Agency cCase mManager to purchase any specialized medical or health care services, supplies or equipment, which are required to maintain the health and well-being of the elderly person. The special subsidy This supplement is separate from and may be utilized in addition to the basic subsidy.~~

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.606 FS. History–New 1-1-96, Amended \_\_\_\_\_.

58H-1.003 Program Administration.

~~The Home Care for the Elderly Program shall be administered directly by the Department through an Area Agency on Aging loated within a Planning and Service Area.~~

(1) The Department of Elder Affairs shall, plan, develop, and coordinate a statewide program to carry out its responsibilities under the Home Care for the Elderly (HCE) statutes, including entering into contracts with AAAs for the provision of HCE services within the designated PSA. The Department's responsibilities include:

~~(a) Coordinating statewide activities necessary to carry out the provisions of the Home Care for the Elderly law;~~

~~(b) Developing program policies and plans;~~

~~(c) Setting service standards and rates;~~

~~(d) Providing for program development and quality through monitoring, technical assistance, staff development and training, and evaluation activities; and~~

~~(e) Contracting with the Area Agency on Aging for provision of Home Care for the Elderly services.~~

~~(2) The AAAs shall comply with the Area Agency on Aging's responsibilities include:~~

~~(a) State of Florida procedures regarding solicitation and execution of contracts with service providers; and~~

~~(b)(a) Terms and conditions of the contract with the department and Administering the HCE Home Care for the Elderly pProgram provisions in accordance with the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C., dated July 1994, revised January 1996, and the Division of Administration Policy Memorandum A0016, dated December 1995, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference;~~

~~(b) Administering the Home Care for the Elderly contracts with Community Care for the Elderly Lead Agencies;~~

~~(c) Contracting with the Lead Agency for provision of Home Care for the Elderly Case Management;~~

~~(d) Providing information regarding available subsidy funding;~~

~~(e) Providing technical assistance to Lead Agencies;~~

~~(f) Requiring Lead Agencies to annually submit the Service Provider Application, (DOEA Form 218, September 1994, revised October 1, 1995, available in the Office of the Secretary and herein incorporated by reference) for funding of current Lead Agency to provide Home Care for the Elderly;~~

~~(g) Providing the Department with review copies of applications;~~

~~(h) Monitoring Lead Agencies' programmatic and fiscal capabilities;~~

~~(i) Making Home Care for the Elderly basic and special subsidy payments after verification schedules have been reviewed;~~

~~(j) Reconciling client data input in Department's Client Information and Registration Tracking System from the Lead Agency and any fiscal verification schedules before making basic or special subsidy payments or Lead Agency Case Management payment;~~

~~(k) Compiling program statistics required by the Department;~~

~~(l) Providing for in-service training for Lead Agencies at least once a year;~~

~~(m) Having and implementing procedures and time frames for appeals regarding contracts for Lead Agencies and for appeals regarding denial, reduction or termination of services to clients pursuant to Rule 58H 1.008, F.A.C.; and,~~

~~(n) Hearing appeals not resolved at the Lead Agency.~~

~~(3) The case management Lead aAgency shall responsibilities include:~~

~~(a) Determining eligibility for the HCE Home Care for the Elderly pProgram using the assessment instrument for functionally impaired and financially eligible elderly;~~

~~(b) Providing case management services as applicable and specified in accordance with the Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C.; and~~

~~(c) Coordinating services;~~

~~(d) Compiling program statistics as required by the Department;~~

~~(e) Determining basic and special subsidy payments to caregivers as required;~~

~~(f) Entering data on clients in Department's Client and Information Tracking System monthly;~~

~~(g) Providing for in-service training for staff including volunteers at least once a year;~~

~~(h) Accepting contributions, gifts and grants to carry out services;~~

~~(i) Maximizing use of volunteers to provide services to functionally impaired elderly persons;~~

~~(j) Having and implementing procedures and time frames for appeals regarding denial, reduction or termination of services to clients pursuant to Rule 58H 1.008, F.A.C.;~~

~~(k) Ensuring that quality services are delivered in a timely manner to eligible individuals; and~~

~~(c)(l) Maintaining client, fiscal, and program records and provide reports as specified by the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C., dated July 1994 and revised January 1996, and the Division of Administration Policy Memorandum A0016, dated December 1995, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference.~~

Specific Authority 430.08, 430.603 FS. Law Implemented 430.60-.606 FS. History-New 1-1-96, Amended \_\_\_\_\_.

58H-1.004 Access to the Program.

~~(1) Requests for the HCE Home Care for the Elderly pProgram services may be initiated by the potential home care applicant client or the applicant's caregiver on behalf of the client.~~

~~(2) The service provider shall not arrange for recruitment and matching of potential providers and recipients to facilitate admittance to the Home Care for the Elderly Program between two unrelated or unfamiliar parties.~~

~~(3) The application process shall include:~~

~~(a) Client assessment and determination of functional and financial eligibility.~~

~~(b) Caregiver eligibility, including an assessment of the home.~~

~~(2)(4)~~ The application process must be completed as specified by the Department's Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.606 FS. History-New 1-1-96, Amended.

58H-1.005 Client ~~Functional and Financial~~ Eligibility.

(1) To be eligible for the HCE Home Care for the Elderly pProgram, an applicant must:

(a) Be age 60 or older; and

~~(b) Have completed on their behalf, an Intake and Comprehensive Uniform Client Assessment, DOEA Form 111A and B, Feb. 1992, for Home Care for the Elderly services;~~

~~(b)(e)~~ Meet the criteria for functional and financial eligibility set forth under subparagraphs 1. through 5. below:-

1. ~~Be~~ Shall have been assessed and determined to be at risk of nursing home placement based on the comprehensive uniform client assessment instrument pursuant to Rule 58H-1.009, F.A.C.; and

2. ~~Have~~ Shall self-declared their income and assets which do not cannot exceed the Institutional Care Program (ICP) limits set by used under Medicaid for eligibility for nursing home care; or;

3. ~~Receive~~ Shall be a recipient of Supplemental Security Income (SSI); or;

4. ~~Receive benefits as a~~ Shall be a recipient of Medicaid for the Aged or Disabled (Meds AD), or Qualified Medicare Beneficiary (QMB), or as a Special Low Income Medicare Beneficiary (SLMB); and

5. ~~Shall H~~ have an approved caregiver who meets the caregiver requirements pursuant to Rule 58H-1.006, F.A.C., and the dwelling requirements pursuant to Rule 58H-1.007, F.A.C.

~~(2) Once eligibility has been determined, the caregiver and client will be notified of their eligibility status for the Home Care for the Elderly Program.~~

~~(a) A Care Plan specifying the services and the amount of monthly basic subsidy, and if authorized, special subsidy for which the client has been determined eligible, will be signed and dated by the caregiver, client and the case manager.~~

~~(b) Subsidy payment shall be based on the financial status of the client receiving care.~~

~~(3) If determined ineligible, the client and caregiver shall be notified of their right to an appeal.~~

Specific Authority 430.08, 430.403 FS. Law Implemented 430.601-.606 FS. History-New 1-1-96, Amended.

58H-1.006 Caregiver Requirements.

(1) Caregivers shall meet the requirements as specified in the Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C. A caregiver in the Home Care for the Elderly Program shall:

~~(a) Be a mature adult, age 18 or above, capable of providing a family type living environment and willing to accept the responsibility for the social, physical and emotional needs of the home care client;~~

~~(b) Be a relative or friend who has been accepted by the client as surrogate family or is a responsible adult with whom the client has made an arrangement to provide home care services;~~

~~(c) Be physically present to provide supervision and to assist in arrangement of services for the client;~~

~~(d) Maintain the residential dwelling free of conditions that pose an immediate threat to the life, safety, health and well being of the home care client pursuant to Rule 58H-1.007, F.A.C.; and;~~

~~(e) Be without record of conviction of abuse, neglect or exploitation of an older person, adult or child; shall not have been the perpetrator in a confirmed report of abuse, neglect or exploitation of another person by the Abuse Registry or other investigation process; and shall be willing to sign a statement which certifies that they are without record of conviction or have not been a perpetrator in a proposed confirmed or confirmed report of abuse, neglect or exploitation of another person by the Abuse Registry or other investigative process and grants written authorization to the Lead Agency to check the Abuse Registry through the Florida Department of HRS. The Lead Agency may grant an exemption from this disqualification following the procedures outlined in the DOEA Programs and Services Manual.~~

~~(2) The case management agency may exempt a caregiver from certain requirements as specified in the Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C.~~

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.606 FS. History-New 1-1-96, Amended.

58H-1.007 Dwelling Requirements.

(1) The dwelling must comply with safety, fire, and sanitation standards as described in the Department's Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C., Chapter H-3, Client Assessment, Section G.

(2) When a home is determined not to meet the standards set forth for the HCE Home Care pProgram, the applicant, ~~client, or caregiver~~ shall be notified in writing.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.606 FS. History-New 1-1-96, Amended.

58H-1.008 Appeal Proceedings.

Specific Authority 430.603 FS. Law Implemented 430.601-.606 FS. History-New 1-1-96, Repealed.



58H-1.009 Program Forms.

The following forms shall be used for programs regulated by this rule chapter. The forms are hereby incorporated by reference, and are available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, in the Office of the Secretary and at each AAA, and the department Web site at http://elderaffairs.state.fl.us. Area Agency on Aging:

(1) For purposes of assessment:

(a) DOEA Form 701A, Prioritization Assessment Form, dated ~~2006 July, 2000~~.

(b) DOEA Form 701B, Assessment Instrument, dated ~~2006 July, 2000~~.

(c) DOEA Form 701C, Congregate Meals Form, dated ~~2006 July, 2000~~.

(2) For purposes of completing forms listed in subsection (1): DOEA Form 701D, Assessment Instructions (701A, 701B, 701C), dated ~~2006 July, 2000~~.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July, ~~2006 2004~~.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.608 FS. History—New 8-20-00, Amended 8-6-01, \_\_\_\_\_.

58H-1.010 Confidentiality and Disclosure of Information.

Entities contracted to provide services under the HCE program shall collect, maintain, and exchange information about consumers applying for services in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.608 FS. History—New \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Certificate of Need**

RULE NO.:                      RULE TITLE:

59C-1.002                      Definitions

PURPOSE AND EFFECT: The agency is proposing to amend the rule that defines terms used in Chapter 59C-1, F.A.C. due to recent statutory changes. A preliminary draft of the rule amendments is included in this Notice.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that defines terms used in Chapter 59C-1, F.A.C.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033(1)(a), 408.036(1)-(3), 408.037(1), 408.039(2), 651.118 FS.

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

DATE AND TIME: October 18, 2006, 2:00 p.m. (EST)

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Weaver Webb, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.002 Definitions.

(1) “Acute care bed” means a patient accommodation or space licensed by the agency pursuant to Chapter 395, Part I, F.S., and regulated under Rule 59C-1.038, F.A.C. Acute care beds exclude neonatal intensive care beds, comprehensive medical rehabilitation beds, beds used to provide mental health services as defined under subsection (29) of this section, hospital inpatient psychiatric beds, hospital inpatient substance abuse beds, beds in distinct part skilled nursing units, and beds in long term care hospitals licensed pursuant to Chapter 395, Part I, F.S.

(2) “Applicant” means any individual, partnership, corporation, or governmental entity which has filed an application for a Certificate of Need or Certificate of Need Exemption with the agency.

(3) “Application” means the forms supplied by the agency to an applicant which are to be completed in order to be eligible to be considered for a Certificate of Need in the case of comparative and expedited Certificate of Need reviews pursuant to Section 408.036(1) or (2), F.S., or a written communication requesting exemption to Certificate of Need review pursuant to Section 408.036(3), F.S., and Rule 59C-1.005, F.A.C.

(4) No change.

(5) “Batching cycle” means the grouping for comparative review of Certificate of Need applications submitted for beds, services or programs having a like Certificate of Need need methodology or licensing category in the same planning horizon and the same applicable service planning area, district, service area, or subdistrict.

(6) through (11) No change.

(12) “Comprehensive medical rehabilitation inpatient beds” means beds designated for the exclusive use for comprehensive medical rehabilitation inpatient services regulated under Rule 59C-1.005 and Rule 59C-1.039, F.A.C.

(13) “Conversion from one type of health care facility to another” means the reclassification of one licensed facility type to another licensed facility type, including reclassification from a general acute care hospital to a long term care hospital or specialty hospital, or from a long term care hospital or specialty hospital to a general acute care hospital, or from a

general acute care hospital to a long term care hospital or specialty hospital provided the specialty hospital is not subject to Section 395.003(9), F.S.

(14) "Conversion of beds" means the reclassification of licensed beds from one category to another, for facilities licensed under Chapter 395, F.S., including conversion to or from acute care beds, neonatal intensive care beds, beds that provide hospital mental health services ~~inpatient psychiatric beds~~, comprehensive medical rehabilitation beds, ~~hospital inpatient substance abuse beds~~, distinct part skilled nursing facility beds, or beds in a long term care hospital; and, for facilities licensed under Chapter 400, Part I, F.S., conversion to or from sheltered beds and community beds.

(15) No change.

(16) "Established program" means a program for the provision of a Certificate of Need regulated institutional health service which has a valid Certificate of Need or Certificate of Need Exemption for the program or existed prior to the requirement for a Certificate of Need or Certificate of Need Exemption and has been continuously in operation, and has performed at least one institutional health service.

(17) "Exemption" means the Certificate of Need review process by which a proposal that would otherwise require a batched or expedited review certificate of need review may proceed without such a review certificate of need.

(18) through (21) No change.

(22) "Hospital inpatient psychiatric beds" means beds designated for the exclusive use of hospital inpatient psychiatric services regulated under Rule 59C-1.005, F.A.C. and Rule 59C-1.040, F.A.C.

(23) "Hospital inpatient substance abuse beds" means beds designated for the exclusive use of hospital inpatient substance abuse services regulated under Rule 59C-1.005, F.A.C. and Rule 59C-1.041, F.A.C.

(24) through (27) No change.

(28) "Long term care hospital" means a hospital licensed under Chapter 395, ~~Part I, F.S.~~, which meets the requirements of ~~42 (C.F.R.) Part 412, subpart B, paragraph 412.23(e), Code of Federal Regulations (1994)~~, and seeks exclusion from the acute care Medicare prospective payment system for inpatient hospital services.

(29) through (31) No change.

(32) "Nursing home" means a health care facility licensed under Chapter 400, Part II, F.S.

(33) through (35) No change.

(36) "Sheltered nursing home beds" mean nursing home beds configured into a nursing home facility licensed pursuant to Chapter 400, Part II, F.S., which are located within a continuing care retirement community certified under Chapter 651, F.S., for which a certificate of need has been issued as sheltered beds, and which are regulated under Rule 59C-1.037, F.A.C.

(37) "State Agency Action Report" means the single written document prepared by the agency after reviewing a Certificate of Need comparative or expedited application, or applications where more than 1 Certificate of Need application is accepted by the agency in the same batching cycle, which sets forth the evaluation of the agency with respect to the application or applications.

(38) No change.

(39) "Substantial change in health services" means:

(a) The offering by a health care facility, through conversion of beds or other means, of a new institutional health service or a health service which has not been offered on a continuing basis by or on behalf of the health care facility within the 12-month period prior to the time such service would be offered, excluding obstetrical services; or

~~(b) The designation of acute care beds in a health care facility as beds regulated under Rule 59C-1.036, F.A.C., or the redesignation of such beds back to acute care beds; or~~

~~(b)(e)~~ The conversion of a general acute care or specialty hospital licensed under Chapter 395, ~~Part I, F.S.~~, to a long term care hospital.

(40) "Termination of an inpatient health service" means the cessation of a health service which currently requires a Certificate of Need or Certificate of Need Exemption. It does not include the temporary cessation of a service lasting 6 months or less.

(41) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost effectiveness of such service. Examples of such service include, but are not limited to, pediatric cardiac catheterization, pediatric open heart surgery, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The types of tertiary services to be regulated under the Certificate of Need Program in addition to those listed in Florida Statutes include:

(a) Heart transplantation;

(b) Kidney transplantation;

(c) Liver transplantation;

(d) Bone marrow transplantation;

(e) Lung transplantation;

(f) Pancreas and islet cells transplantation;

(g) Heart/lung transplantation;

(h) Adult open heart surgery; and

(i) Long term care hospitals. Neonatal and pediatric cardiac and vascular surgery; and

(j) Pediatric oncology and hematology.

~~In order to determine whether services should be added or deleted, the listing shall be reviewed annually by the agency.~~

(42) through (43) No change.

Specific Authority 408.034(6)(~~5~~), 408.15(8) FS. Law Implemented 408.033(1)(a), 408.036(1)(2)(~~3~~), 408.037(1), 408.039(1)(2), 651.118 FS. History—New 1-1-77, Joint Administrative Procedures Committee Objection Filed See F.A.W. Volume 3, No. 10 March 11, 1977, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 7-29-82, 12-23-82. Formerly 10-5.02, Amended 11-17-87, 12-5-90, 1-31-91, 1-1-92, Formerly 10-5.002. Amended 12-14-92, 2-27-94, 6-23-94, 10-18-95, 10-8-97, 12-12-00, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION****Certificate of Need**

RULE NO.:                   RULE TITLE:  
59C-1.021                   Certificate of Need Penalties

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines assessment of administrative fines for noncompliance with conditions placed on a Certificate of Need (CON) and Certificate of Need Exemption. The amendment adds a formula to be used in calculating the dollar amount of the fine for indigent care.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that addresses assessment of administrative fines for failure to comply with conditions placed on a Certificate of Need (CON) and Certificate of Need Exemption.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.040(1)(b), (d), (2)(a), 408.061(6), 408.08(2), 408.044 FS.

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

DATE AND TIME: 2:30 p.m., Tuesday, October 17, 2006

PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Weaver Webb, Certificate of Need, 2727 Mahan Drive, Building 1, Mail Stop 28, Tallahassee, Florida 32308, (850)922-7753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.021 Certificate of Need Penalties.

(1) through (2) No change.

(3) Penalties for Failure to Comply with Certificate of Need or Certificate of Need Exemption Conditions. The agency shall review the annual compliance report submitted by the health care providers who are licensed and operate the facilities or services and other pertinent data to assess compliance with certificate of need or certificate of need

exemption conditions. Providers who are not in compliance with certificate of need or certificate of need exemption conditions shall be fined pursuant to paragraph 408.040(1)(e), Florida Statutes. Failure to report compliance with any condition upon which the issuance of the certificate of need or certificate of need exemption was predicated constitutes noncompliance. For community nursing homes or hospital-based skilled nursing units certified as such by Medicare, the first compliance report on the status of conditions must be submitted 30 calendar days following the eighteenth month of operation or the first month where an 85 percent occupancy is achieved, whichever comes first. The schedule of fines is as follows:

(a) Facilities failing to comply with any conditions or failing to provide the certificate of need office with a report on its compliance with conditions set forth on the ~~c~~Certificate of need or certificate of need exemption, will be assessed a fine, not to exceed \$1,000 per failure per day. In assessing the penalty the agency shall take into account the degree of noncompliance. Fines for noncompliance with an indigent care condition will be assessed using the following formula except when there are found to be mitigating factors or when the condition noncompliance is found to be willful under paragraph (3)(b) of this rule:

CAGP = the service condition agreed to by certificate of need or certificate of need exemption holder

ACTP = the actual percentage of service provided by the certificate of need or the certificate of need exemption holder during the reporting year

FAMT = dollar amount of the fine

FAMT = \$365,000 x (CAGP – ACTP)/CAGP

Indigent care includes charity care and Medicaid. Charity care is defined, for purposes of condition compliance, as the portion of the facility charges reported to the Agency for Health Care Administration for which there is no compensation, other than restricted or unrestricted revenues provided to a facility by local governments or tax districts regardless of the method of payment, for care provided to a patient whose family income for the twelve months preceding the determination is less than or equal to 200 percent of the federal poverty level, unless the amount of charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the facility charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. Medicaid patient days are defined, for purposes of condition compliance, as the patient days reimbursed by Medicaid.

(b) The fine for willful noncompliance will be assessed in an amount equal to FAMT + \$365,000 x .5, but the total fine shall not exceed \$365,000. The existence of one or more of the following circumstances will evidence willful condition noncompliance:

1. The CON or CON exemption holder fails to meet its indigent care condition when the provision percentage is below the rate of indigent care provided by all other facilities in the planning area for the reporting period; or

2. The CON or CON exemption holder has been fined for condition noncompliance for any of the previous 3 years' CON condition compliance reporting periods.

(c) The fine assessed using FAMT will be reduced when there is a finding of mitigating factors and the condition noncompliance is not willful. Examples of mitigating factors include but are not limited to the following:

1. The CON or CON exemption holder's history of condition compliance.

2. The CON or CON exemption holder's overall indigent care service.

3. The CON or CON exemption holder's level of indigent care relative to all other similar providers in the relevant planning area.

4. The conditioned facility showing an operating loss or negative total margin on its most recent audited financial statement.

Specific Authority 408.034(6), 408.15(8) FS. Law Implemented 408.040(1)(b), (d), (2)(a), 408.044, 408.061(6), 408.08(2) FS. History--New 7-25-89, Formerly 10-5.021, Amended 12-13-04,\_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.001  
RULE TITLE: Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update January 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The Department of Health and Human Services, Centers for Medicare and Medicaid, revised the CMS-1500 claim form. The handbook update contains the instructions for the revised claim form. The effect will be to incorporate by reference in rule Update January 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the CMS-1500.

SPECIFIC AUTHORITY: 409.919 FS.

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

IF REQUESTED WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW.

DATE AND TIME: Monday, October 9, 2006, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a ~~paper~~ CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006, updated January 2007, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbook may be obtained by calling Provider Inquiry at (800)377-8216.

(2) The following forms that are included in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference: in Chapter 1, the CMS-1500 Claim Form, Approved OMB-0938-0008 Form CMS-1500 (01-07 42-90), one page double-sided; and in Chapter 2, the Healthy Start Prenatal Risk Screening Instrument, DH 3134, 9/97, one page. The following forms that are included in Chapter 2 of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference in Rule 59G-4.160, F.A.C.: State of Florida, Florida Medicaid Authorization Request, PA01 04/2002, one page; Medically Needy Billing Authorization, DF-ES 2902, June 2003, one page; State of Florida, Sterilization Consent Form, SCF 7/94, one page; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2001, one page; State of Florida, Abortion Certification Form, August 2001, one page. All the forms except for the Healthy Start Prenatal Risk Screening Instrument are available from the Medicaid fiscal agent by calling Provider Inquiry at (800)289-7799 or from its website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Medicaid Forms. The Healthy Start Prenatal Risk Screening Instrument is available from the local County Health Department.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History--New 10-1-03, Amended 7-2-06,\_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

60BB-4 School Readiness Services

PURPOSE AND EFFECT: To adopt rules to establish procedures for early learning coalitions related to school readiness programs' educational requirements.

SUBJECT AREA TO BE ADDRESSED: School readiness programs' performance standards and outcome measures which include, but are not limited to, educational requirements such as developmentally appropriate curricula, character development programs, age-appropriate assessments of children's development and pretests administered to children when they enter a program and posttests administered to children when they leave the program.

SPECIFIC AUTHORITY: 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(5)(c)2.a.-d. FS.

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

DATE AND TIME: October 26, 2006, 10:00 a.m. – 4:00 p.m., or until the close of business

PLACE: Sheraton Tampa Riverwalk Hotel, 200 North Ashley Drive, Tampa, FL 33602, (813)223-2222

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kelley Cramer, Senior Attorney, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

AN AGENDA AND THE PRELIMINARY TEXT OF THE PROPOSED RULE ARE AVAILABLE ONLINE AT: <http://www.floridajobs.org/earlylearning/OELrule.html>

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-14.091	Jobs Compendium Requirement
61D-14.092	Content of Jobs Compendium
61D-14.093	Critical Staff Level List
61D-14.094	Department Approval of Critical Staff Level List Requirement
61D-14.095	Critical Staff Level Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these rules are: a rule requiring a jobs compendium of each licensed slot operations facility to classify all positions for licensure and operational evaluations contained in Rule 61D-14.091, F.A.C.; specify the content of the jobs compendium providing a description of required

information and form for presentation for department approval contained in Rule 61D-14.092, F.A.C.; a requirement for a critical staff level list to reflect the minimum number of employee positions necessary to operate a licensed facility during normal periods of operation and also during special occasions or events contained in Rule 61D-14.093, F.A.C.; procedures for approval of the Critical Staff Level List contained in Rule 61D-14.094, F.A.C.; a requirement that facilities assure staffing levels meet critical staff level requirements for operations contained in Rule 61D-14.095, F.A.C.

SPECIFIC AUTHORITY 551.103, 551.122 FS.

LAW IMPLEMENTED 551.103 FS.

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

DATE AND TIME: October 11, 2006, 10:00 a.m. – Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.:	RULE TITLE:
61G5-20.002	Salon Requirements

PURPOSE AND EFFECT: To address salon personnel requirements.

SUBJECT AREA TO BE ADDRESSED: Salon Requirements.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-6.0035  
RULE TITLE: Application for Provisional and/or Standard Certification

PURPOSE AND EFFECT: The proposed rule amendment clarifies the applicability of rule provisions concerning certain inspector classifications.

SUBJECT AREA TO BE ADDRESSED: Application of Provisional and/or Standard Certification.

SPECIFIC AUTHORITY: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.609 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.0035 Application for Provisional and/or Standard Certification.

(1)(a) through (b) No change.

(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought, with the exception of 1 and 2 family dwelling inspector. For 1 and 2 family dwelling inspector certification, refer to the specific requirements in Rule 61G19-6.017, F.A.C.

(d) through (3) No change.

Specific Authority 468.606, 468.609 FS. Law Implemented 468.609 FS. History—New 11-28-95, Amended 10-1-97, 2-23-99, 6-3-03,

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Building Code Administrators and Inspectors Board**

RULE NO.: 61G19-9.003  
RULE TITLE: Registration of Course Providers

PURPOSE AND EFFECT: The proposed rule amendment clarifies the renewal requirements for Course Providers.

SUBJECT AREA TO BE ADDRESSED: Registration of Course Providers.

SPECIFIC AUTHORITY: 468.606, 468.627(7) FS.

LAW IMPLEMENTED: 468.627 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Commission**

RULE NO.: 61J2-1.013  
RULE TITLE: Registration Categories

PURPOSE AND EFFECT: The purpose of this amendment is to implement the changes in Section 475.161, Florida Statutes, primarily to add the designation of professional limited liability company.

SUBJECT AREA TO BE ADDRESSED: Registration.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.15, 475.183, 475.24 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-1.013 Registration Categories.

(1) Registration in the following categories shall show the name, the business address, effective and expiration date:

- (a) Active broker partnership;
- (b) Active broker corporation;
- (c) Active Limited Liability Company;
- (d) Active Limited Liability Partnership;
- (e) Active professional limited liability company;
- (f) Active Professional Association; and
- (g)(e) Branch office.

(2) An active real estate broker may serve in a non-brokerage capacity as an officer or director with a real estate corporation(s) or a partner in a real estate partnership(s) while maintaining an active license(s) with another real estate brokerage firm(s).

Specific Authority 475.05 FS. Law Implemented 475.15, 475.183, 475.24 FS. History-New 1-1-80, Amended 7-19-83, Formerly 21V-1.13, Amended 6-28-93, Formerly 21V-1.013, Amended 1-18-00,\_\_\_\_\_.

**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 Pharmacy**

RULE NO.: 64B16-28.303  
 RULE TITLE: Destruction of Controlled Substances All Permittees (excluding Nursing Homes)

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow for more flexibility in the destruction of controlled substances by permittees.

SUBJECT AREA TO BE ADDRESSED: Destruction of Controlled Substances All Permittees (excluding Nursing Homes).

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022, 465.018 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.303 Destruction of Controlled Substances All Permittees (excluding Nursing Homes).

(1) through (2) No change.

(3) Another method of destruction requires the pharmacist of record for the permit, ~~one other pharmacist,~~ a licensed physician, pharmacist, mid-level practitioner, or nurse, and a sworn law enforcement office to serve as the witnesses. A copy of the completed D.E.A. Form 41 and a letter providing the proposed date of destruction, the proposed method of destruction and the names and titles of the proposed witnesses must be received by D.E.A. at least two weeks prior to the proposed date of destruction which shall constitute a request for destruction. The drugs may not be destroyed until D.E.A. grants approval of the request for destruction. A copy of the completed and witnessed D.E.A. Form 41 shall be mailed to D.E.A. immediately after destruction.

(4) No change.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022, 465.018 FS. History-New 4-24-87, Formerly 21S-19.003, Amended 7-31-91, Formerly 21S-28.303, 61F10-28.303, Amended 1-30-96, Formerly 59X-28.303, Amended\_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Services**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65A-1	Public Assistance Programs
RULE NO.:	RULE TITLE:
65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria

PURPOSE AND EFFECT: Amendments to the proposed rule revise Medicaid policies in accordance with federal law, the Deficit Reduction Act (DRA) of 2005. The DRA provides for reform in the treatment of assets in the institutional Medicaid eligibility determination.

SUBJECT AREA TO BE ADDRESSED: Proposed amendments revise the language to the rule to be consistent with federal regulations regarding transfer of assets provisions and the treatment of assets.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

DATE AND TIME: October 9, 2006, 3:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

**RULE NO.:** 69O-149.037  
**RULE TITLE:** Calculation of Premium Rates  
**PURPOSE AND EFFECT:** Pursuant to Sections 627.410(6)(a) and 627.6699(6), Florida Statutes, and the existing language of paragraph 69O-149.037(4)(b), Florida Administrative Code, small employer group standard and basic product rates must be filed electronically with the Office of Insurance Regulation (Office), on a 2-50 life basis, using the Rate Collection Systems (CARES). The proposed rule will require all small group rates to be filed electronically with the Office, on a 2-50 life bases, using new software referred to as the Small Employer Rate Collection Systems (SERCS).

**SUBJECT AREA TO BE ADDRESSED:** Small employer group product rates.

**SPECIFIC AUTHORITY:** 624.308(1), 624.424(1)(c), 627.6699(17) FS.

**LAW IMPLEMENTED:** 627.410, 627.6692, 627.6699(3), (6), (12)(e), (13), (13)(i) FS.

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

**DATE AND TIME:** October 11, 2006, 1:30 p.m.  
**PLACE:** Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diane Bradford 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:** Diane Bradford, Life & Health Product Review, Office of Insurance Regulation, E-mail: diane.bradford@fldfs.com.

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

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

**RULE CHAPTER NO.:** 69O-157  
**RULE CHAPTER TITLE:** Long-term Care Insurance  
**PURPOSE AND EFFECT:** To implement HB 947 enacted into law in 2006. The new section will be titled Part III, Long Term Care Partnership Program.

**SUBJECT AREA TO BE ADDRESSED:** Implementation of a qualified state long-term care insurance partnership program in Florida. Development of the rule(s) for this section will be discussed at the workshop.

**SPECIFIC AUTHORITY:** 627.94075 FS.  
**LAW IMPLEMENTED:** 409.9102, 627.9407 FS.

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

**DATE AND TIME:** October 9, 2006, 1:00 p.m.  
**PLACE:** Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Monica Rutkowski, Life and Health Product Review, Office of Insurance Regulation, E-mail: monica.rutkowski@fldfs.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:** Monica Rutkowski, Life and Health Product Review, Office of Insurance Regulation, E-mail: monica.rutkowski@fldfs.com

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

**Section II  
Proposed Rules**

**DEPARTMENT OF EDUCATION**

**Florida School for the Deaf and the Blind**

**RULE NO.:** 6D-7.006  
**RULE TITLE:** Student Progression Plan and Requirements for Graduation

**PURPOSE AND EFFECT:** The purpose of this Rule is to indicate that the Florida School for the Deaf and the Blind’s Student Progression Plan and Requirements for Graduation has been revised to comply with state and federal mandates.

**SUMMARY:** This rule establishes guidelines for promotion and graduation of students enrolled in the Florida School for the Deaf and the Blind.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** No Statement of Estimated Regulatory Cost was prepared.

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.