

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE NO.: 5M-2.004
 RULE TITLE: Notice of Intent to Implement

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a rule amendment to require nutrient management in Notices of Intent for Water Quality/Quantity BMPs for Indian River Area Citrus Groves. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

DATE AND TIME: December 14, 2006, 10:00 a.m.

PLACE: UF/IFAS Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida 34945, phone: (772)468-3922, ext.113

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER NO.: 5M-5
 RULE CHAPTER TITLE: Best Management Practices (BMPS) for the Peace River Manasota Basin Area

RULE NO.: 5M-5.004
 RULE TITLE: Notice of Intent to Implement

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a rule amendment to require nutrient management in Notices of Intent for Best Management

Practices for Citrus Groves in the Peace River and Manasota Basins. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

DATE AND TIME: December 14, 2006, 3:00 p.m.

PLACE: UF/IFAS Desoto County Extension Service Office, 2150 N.E. Roan Street, Arcadia, Florida 34266, phone: (863)993-4846

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER NO.: 5M-7
 RULE CHAPTER TITLE: Best Management Practices for Gulf Citrus

RULE NOS.: 5M-7.002, 5M-7.004
 RULE TITLES: Approved BMPs, Notice of Intent to Implement

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a rule amendment to require nutrient management in Notices of Intent for Gulf Citrus BMP Manual. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATE AND TIME: December 5, 2006 1:30 p.m.
 PLACE: UF/IFAS Southwest Florida Research and Education Center, 2686 SR 29 North, Immokalee, Florida 34142-9515, phone: 239-658-3400

DATE AND TIME: December 14, 2006, 3:00 p.m.
 PLACE: UF/IFAS Desoto County Extension Service Office, 2150 N.E. Roan Street, Arcadia, Florida 34266, phone: (863)993-4846

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE NO.: 5M-8.004
 RULE TITLE: Notice of Intent to Implement

PURPOSE AND EFFECT: The purpose of this notice is to initiate the development of a rule amendment to require nutrient management in Notices of Intent for Best Management Practices for Florida Vegetable and Agronomic Crops. Subsequently, the Department will initiate formal rulemaking in order to adopt these measures by rule.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will discuss the procedures for filing a Notice of Intent which will require nutrient management as part of a Best Management Practices implementation schedule for landowners to receive a presumption of compliance with state water quality standards.

SPECIFIC AUTHORITY: 403.067(7)(c)2. FS.

LAW IMPLEMENTED: 403.067(7)(c)2. FS.

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

DATE AND TIME: December 5, 2006, 1:30 p.m.
 PLACE: UF/IFAS Southwest Florida Research and Education Center, 2686 SR 29 North, Immokalee, Florida 34142-9515, phone: (239)658-3400

DATE AND TIME: December 14, 2006, 10:00 a.m.
 PLACE: UF/IFAS Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida 34945, phone: (772)468-3922, ext.113

DATE AND TIME: December 14, 2006, 3:00 p.m.
 PLACE: UF/IFAS Desoto County Extension Service Office, 2150 N.E. Roan Street, Arcadia, Florida 34266, phone: (863)993-4846

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Bill Bartnick, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or Fax (850)617-1701

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099821
 RULE TITLE: Kindergarten Readiness Rate

PURPOSE AND EFFECT: The purpose of the rule development is to adopt procedures for the Department to annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten. The kindergarten readiness rates must be based exclusively upon the results of the statewide kindergarten screening for students completing the Voluntary Prekindergarten Education Program, beginning with students completing the program during the 2005-06 school year who are administered the statewide kindergarten screening during the 2006-07 school year. The effect is to implement the requirements of Section 1002.69, Florida Statutes, and continued implementation of the calculation of a readiness rate.

SUBJECT AREA TO BE ADDRESSED: Kindergarten Readiness Rate.

SPECIFIC AUTHORITY: 1002.79 FS.

LAW IMPLEMENTED: 1002.79 FS.

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

DATE AND TIME: December 7, 2006, 4:30 p.m. – 6:30 p.m.
 PLACE: Lexington Hotel, 304 W Colonial Dr., Orlando, Florida

DATE AND TIME: December 11, 2006, 6:00 p.m. – 8:00 p.m.
 PLACE: Florida Community College at Jacksonville – Downtown Campus, 101 W. State St., Jacksonville, Florida

DATES AND TIMES: December 19, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: Miami Lakes CDS Office, N.W. 57th Street, Miami Lakes, 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: Shan Goff, Office of Early Learning, Florida Department of Education, 325 W. Gaines St., Suite 1524,

Tallahassee, FL 32399-0400, (850)245-0445. 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: Shan Goff, Office of Early Learning, Florida Department of Education, 325 W. Gaines St., Suite 1524, Tallahassee, FL 32399-0400, (850)245-0445

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.0980
RULE TITLE: K-8 Virtual School Program

PURPOSE AND EFFECT: The purpose of the proposed rule development is to adopt requirements for administering the K-8 Virtual School Program within the Department of Education. The rule will also incorporate the Program's application form.

SUBJECT AREA TO BE ADDRESSED: Administration of the K-8 Virtual School Program.

SPECIFIC AUTHORITY: 1002.415 FS.

LAW IMPLEMENTED: 1002.415 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: Requests for a Rule Development Workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, FL 32399-0400

For information relating to the text of the rule, please contact: Virginia Gentles, Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

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

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.: 12D-1.002
RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-1.002, F.A.C., is to clarify that just value and fair market value are legally synonymous as held by the Florida Supreme Court.

SUBJECT AREA TO BE ADDRESSED: Just value definition.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.001, 193.085, 193.461, 213.05 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.

PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-1.002 Definitions.

Unless otherwise stated or unless otherwise clearly indicated by the context in which a particular term is used, all terms used in this chapter shall have the same meanings as are attributed to them in the current Florida Statutes. In this connection, reference is made to the definitions contained in Sections 192.001, 196.012, and 197.102, Florida Statutes.

(1) No change.

(2) "Just Value" – "Just Valuation", "Actual Value", "Fair Market Value" and "Value" – The Florida Supreme Court has held that "just value" and "fair market value" are legally synonymous and has defined fair market value as: "The amount a purchaser willing but not obliged to buy, would pay to one willing but not obliged to sell." See Walter v. Schuler, 176 So.2d 81 (Fla. 1965) Means the price at which a property, if offered for sale in the open market, with a reasonable time for the seller to find a purchaser, would transfer for cash or its equivalent, under prevailing market conditions between parties who have knowledge of the uses to which the property may be put, both seeking to maximize their gains and neither being in a position to take advantage of the exigencies of the other.

(3) through (7) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 192.001, 193.085, 193.461, 213.05 FS. History—New 10-12-76, Formerly 12D-1.02, Amended 12-27-94, 2-25-96,_____.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NOS.:	RULE TITLES:
12D-3.001	Introduction
12D-3.003	Assessment and Taxation of Interests of Non-governmental Lessees in Governmentally Owned Property Which are Subject to Ad Valorem Taxation

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-3.001, F.A.C., is to implement the provisions of Chapter 2006-312, Laws of Florida, which repeals the annual intangible personal property tax and retains all applicable collection, administration and enforcement provisions under Chapter 199, Florida Statutes 2005, to taxation of interests of non-governmental lessees of governmental property as intangible personal property.

SUBJECT AREA TO BE ADDRESSED: Non-governmental leasehold interests in government property taxed as intangibles.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.001, 196.199, 199.023(2005), 199.032(2005), 213.05 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.

PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-3.001 Introduction.

These rules are adopted to implement the provisions of Section 196.199, Florida Statutes, relating to taxation of interests of non-governmental lessees in property owned by governmental units. All applicable collection, administration and enforcement provisions of Chapter 199, Florida Statutes 2005, shall apply to those leasehold interests taxed as intangibles pursuant to Section 196.199(2)(b), Florida Statutes.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented s. 9, Ch. 2006-312, L.O.F., 196.001, 196.199, 199.023(2005), 199.032(2005), 213.05 FS. History–New 12-31-80, Formerly 12D-3.01, Amended.

12D-3.003 Assessment and Taxation of Interests of Non-governmental Lessees in Governmentally Owned Property Which are Subject to Ad Valorem Taxation.

(1) through (2) No change.

(3) Interests described in subsection 12D-3.002(4), F.A.C., upon which rental payments are due, pursuant to the agreement creating said interest, shall be taxed as intangible personal property pursuant to Section 199.032(1), Florida Statutes 2005. Nominal payments shall be deemed rental payments for purposes of determining the method of taxation but not for determining valuation of the interest.

(4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented s. 9, Ch. 2006-312, L.O.F., 196.001, 196.199, 199.023(2005), 199.032(2005), 213.05 FS. History–New 12-31-80, Formerly 12D-3.03, Amended.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NOS.:	RULE TITLES:
12D-7.003	Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Ex-Service Members, Spouses.
12D-7.013	Homestead Exemptions – Abandonment

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-7.003, F.A.C., is to clarify the cumulative ad valorem property tax disability exemption amounts for qualifying individuals.

The purpose of the proposed amendment to Rule 12D-7.013, F.A.C., is to remove an obsolete provision which will clarify the assessment of property used both as a homestead and as a business; and implement the provisions of Chapter 2006-311, Laws of Florida, providing that homestead property is not considered abandoned where the property is uninhabitable due to damage or destruction resulting from misfortune or calamity and repair or reconstruction commences within 3 years from the damage or destruction.

SUBJECT AREA TO BE ADDRESSED: Cumulative disability exemptions; assessment of properties used as homesteads and businesses; homestead property uninhabitable due to damage or destruction.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 196.001, 196.031, 196.041, 196.061, 196.071, 196.202, 196.24, 213.05 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.
 PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Larry Green, (850) 922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800) 955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-7.003 Exemption of Property of Widows, Widowers, Blind Persons, and Persons Totally and Permanently Disabled; Disabled Ex-Service Members, Spouses.

(1) No change.

(2)(a) The \$5,000 exemption granted by Section 196.24, Florida Statutes, to disabled ex-service members, as defined in Section 196.012, Florida Statutes, who were discharged under honorable conditions, shall be considered to be the same constitutional disability exemption provided for by Section 196.202, Florida Statutes. The unremarried surviving spouse of such a disabled ex-service member who was married to the ex-service member for at least 5 years at the time of the ex-service member's death is allowed the exemption.

(b) The exemptions under Sections 196.202 and 196.24, Florida Statutes, shall be cumulative, but in no event shall the aggregate exemption exceed \$6,000 for an individual, except where the surviving spouse under Section 196.24, F.S., is also eligible to claim the \$5,000 disabled ex-service member disability exemption. In that event the cumulative exemption shall not exceed \$11,000 for an individual.

(3) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.202, 196.24, 213.05 FS. History—New 10-12-76, Formerly 12D-7.03, Amended 11-21-91, 12-31-98, 12-30-02, 1-1-04, 1-16-06, _____.

12D-7.013 Homestead Exemptions – Abandonment.

(1) through (4) No change.

(5) Property used as a residence and also used by the owner as a place of business does not lose its homestead character.

~~(a) The head of the family occupying the second story of a building as his home and the first story of the building as his business house is entitled to claim homestead exemption on the~~

~~building, except that portion not used by him either as his business house or as his home. Any portion of the property not used as his business house may not be exempted as a homestead. In other words, if any portion of the first floor or second floor of the building is rented to another party and used by the other party for other purposes, it would not be within the exemption provided for under Article VII of the State Constitution. (Smith v. Guckenheimer, 27 So. 900 (Fla. 1900).~~

~~(b) The two uses should be separated with that portion used as a residence and business house being granted the exemption and the remainder being taxed.~~

(6) Homestead property that is uninhabitable due to damage or destruction by misfortune or calamity shall not be considered abandoned in accordance with the provisions of Section 196.031(7), F.S., where:

(a) The property owner notifies the property appraiser of his or her intent to repair or rebuild the property.

(b) The property owner notifies the property appraisers of his or her intent to occupy the property after the property is repaired or rebuilt.

(c) The property owner does not claim homestead exemption elsewhere, and

(d) The property owner commences the repair or rebuilding of the property within three (3) years after January 1 following the damage or destruction to the property.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 196.001, 196.031, 196.041, 196.061, 196.071, 213.05 FS. History—New 10-12-76, Formerly 12D-7.13, Amended _____.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NOS.:	RULE TITLES:
12D-8.0061	Assessment; Homestead Property Assessments at Just Value
12D-8.0063	Assessments of Changes, Additions, or Improvements to a Homestead.
12D-8.011	Uniform Standards for Computer Operations: Minimum Data Requirements.

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-8.0061, F.A.C., is to implement the provisions of Chapter 2006-38, Laws of Florida, providing that a change of ownership to homestead property does not occur where the transfer instrument meets certain criteria.

The purpose of the amendment to Rule 12D-8.0063, F.A.C., is to implement the provisions of Chapter 2006-311, Laws of Florida, providing a method for assessment of changes to homestead property damaged or destroyed by misfortune or calamity.

The purpose of the amendments to Rule 12D-8.011, F.A.C., is to update coding and exemption values for data files maintained by property appraisers.

SUBJECT AREA TO BE ADDRESSED: Change in ownership of homestead property. Assessment of homestead property damaged or destroyed. Data file exemption codes and associated values.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 193.011, 193.023, 193.155, 213.05, 192.042, 193.1551, 195.027, 196.031, 196.075, 196.081, 196.091, 196.101, 196.175, 196.195, 196.196, 196.197, 196.1975, 196.198, 196.1985, 196.1986, 196.1987, 196.199, 196.1995, 196.1997, 196.1998, 196.2001, 196.202, 196.24, 213.05 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.

PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department at least 48 hours before the workshop by contacting Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.0061 Assessments; Homestead Property Assessments at Just Value.

(1) No change.

(2) Real property shall be assessed at just value as of January 1 of the year following any change of ownership. If the change of ownership occurs on January 1, subsection (1) shall apply. For purposes of this section, a change of ownership includes any transfer of homestead property receiving the exemption, but does not include any of the following:

(a) Any transfer in which the person who receives homestead exemption is the same person who was entitled to receive homestead exemption on that property before the transfer, and

1. The transfer is to correct an error; ~~or~~
2. The transfer is between legal and equitable title; or
3. The change or transfer is by means of an instrument in which the owner is listed as both grantor and grantee of the real property and one or more other individuals are additionally

named as grantee. However, a change of ownership occurs if any additional individual named as grantee applies for a homestead exemption on the property.

(b) The transfer is between husband and wife, including a transfer to a surviving spouse or a transfer due to a dissolution of marriage, provided that the transferee applies for the exemption and is otherwise entitled to the exemption;

(c) The transfer, upon the death of the owner, is between owner and a legal or natural dependent who permanently resides on the property; or

(d) The transfer occurs by operation of law under Section 732.4015, Florida Statutes.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 193.011, 193.023, 193.155, 213.05 FS. History--New 12-27-94, Amended.

12D-8.0063 Assessment of Changes, Additions, or Improvements to a Homestead.

(1) through (2) No change.

(3)(a) Changes, additions, or improvements do not include replacement of a portion of homestead ~~real~~ property damaged or destroyed by misfortune or calamity when:

1.a. The square footage of the property as repaired or replaced does not cause the total square footage to exceed 1500 square feet, or

b. The square footage of the property as repaired or replaced does not exceed 110 percent of the square footage of the property before the damage or destruction; and

2. The changes, additions, or improvements are commenced within 3 years after the January 1 following the damage or destruction, the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The replacement just value in excess of 125 percent shall be treated as a change, addition, or improvement and added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion.

(b) When the repair or replacement of such properties results in square footage greater than 1500 square feet or otherwise greater than 110 percent of the square footage before the damage, such repair or replacement shall be treated as a change, addition, or improvement. The homestead property's just value shall be increased by the just value of that portion of the changed or improved property in excess of 1500 square feet or in excess of 110 percent of the square footage of the property before the damage, and that just value shall be added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion. In lieu of the formula in paragraph (a) and subsection (4), changes

(c) ~~Changes~~ additions or improvements to homestead property rendered uninhabitable in one or more of the named 2004 storms is limited to the square footage exceeding 110 percent of the homestead property's total square footage. ~~However, such~~ Such homestead properties with 1350 or less square feet which are rebuilt up to 1500 total square feet are not considered changes, additions or improvements subject to assessment at just value. ~~This paragraph shall apply to such homestead properties for which repairs are completed by January 1, 2008 and applies retroactively to January 1, 2005. See chapter 2005-268, Laws of Florida.~~

(d) These provisions apply to changes, additions or improvements commenced within 3 years after January 1 following the damage or destruction of the homestead and apply retroactively to January 1, 2006.

~~(4) The replacement just value in excess of 125 percent, for purposes of this section, shall be measured directly by considering mass data collected, market evidence, and cost, or computed as follows:~~

~~(a) Determine the just value of the total homestead property prior to damage or destruction.~~

~~Example: Just value = \$100,000 and assessed value = \$80,000;~~

~~(b) Attribute a just value to the damaged or destroyed portion of the homestead property.~~

~~Example: \$10,000 (the just value of the remaining property including land is \$90,000);~~

~~(c) Compute the replacement just value that will be treated as not a change, addition, or improvement, by multiplying the amount determined under paragraph (b) by 125 percent.~~

~~Example: \$10,000 x 125 percent = \$12,500;~~

~~(d) Determine the just value of the total property after the damaged or destroyed portion has been replaced.~~

~~Example: \$120,000;~~

~~(e) Determine the just value of the replaced portion of the property.~~

~~Example: \$120,000 - \$90,000 = \$30,000; then~~

~~(f) Subtract the amount computed under paragraph (e) from the amount determined under paragraph (d).~~

~~Example: \$30,000 - \$12,500 = \$17,500.~~

~~This excess value shall be treated as a change, addition, or improvement, and added to the assessed value, including the assessment limitation change for the year, as provided in subsection (3).~~

~~Example: \$80,000 + \$2,248 (\$80,000 x 2.81 percent consumer price index (CPI), assessment limitation change) + \$17,500 = \$99,748.~~

~~(5) If the damaged portion is not replaced or substantially replaced in the year the damage occurred, but is replaced in a subsequent year, the replacement will be treated as a change, addition, or improvement as provided in subsections (3)(a) and (4), adjusted for changes in market and homestead property assessment limitation values. The just value of the damaged~~

~~portion of property after the replacement or repair shall be compared to 125 percent of the value of the damaged portion as provided in subsections (3)(a) and (4).~~

~~(4)(6) When any portion of homestead property damaged by misfortune or calamity is and not replaced, or the replacement is not substantially completed in the year the damage occurred, or the square footage of the property after repair or replacement is less than 100 percent of the square footage prior to the damage or destruction portion as replaced is less than 100 percent of its previous just value, the assessed value of the property shall be reduced to the just value of the property after the destruction or damage of the property. If the just value after the damage or destruction is less than the total assessed value before the damage or destruction, the assessed value will be lowered to the just value.~~

(5) The provisions of subsection (3) of this rule section also apply to property where the owner permanently resides on the property at any time during the year when the damage or destruction occurred; the owner is not entitled to homestead exemption on January 1 of the year in which the damage or destruction occurred; and the owner applies for and receives homestead exemption on the property the following year.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented Ch. 2005-268, L.O.F., 192.042, 193.011, 193.023, 193.155, 193.1551, 213.05 FS. History—New 12-27-94, Amended 12-25-96, 1-16-06,

12D-8.011 Uniform Standards for Computer Operations: Minimum Data Requirements.

(1) Each property appraiser shall maintain the following data in one or more of his or her data processing files regarding each parcel of real estate in his or her county.

(a) through (n) No change.

(o)1. Exemption type. A code indicating the type of exemption granted to the parcel and the value(s) thereof. The property appraiser may continue to use any existing codes provided they are translated to the codes prescribed when submitted to the Department. The code is as follows:

A – Senior Homestead Exemption (Section 196.075, Florida Statutes)

B – Blind (Section 196.202, Florida Statutes)

C – Charitable, Religious, Scientific or Literary (Sections 196.196, 196.1987, Florida Statutes)

D – Disabled (Sections 196.081, 196.091, 196.101, Florida Statutes)

E – Economic Development (Section 196.1995, Florida Statutes)

G – Federal Government Property (Section 196.199(1)(a), Florida Statutes); State Government Property (Section 196.99(1)(b), Florida Statutes); Local Government Property (Section 196.199(1)(c), Florida Statutes); Leasehold Interests in Government Property (Section 196.199(2), Florida Statutes)

H – Historic Property (Section 196.1997, Florida Statutes)

- I – Historic Property Open to the Public (Section 196.1998, Florida Statutes)
- L – Labor Organization (Section 196.1985, Florida Statutes)
- M – Homes for the Aged (Section 196.1975, Florida Statutes)
- N – Nursing Homes, Hospitals, Homes for Special Services (Section 196.197, Florida Statutes)
- O – Widowers (Section 196.202, Florida Statutes)
- P – Totally and Permanently Disabled (Section 196.202, Florida Statutes)
- Q – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, Florida Statutes)
- R – Renewable Energy Source (Section 196.175, Florida Statutes)
- S – Sewer and Water Not-for-Profit (Section 196.2001, Florida Statutes)
- T – Community Centers (Section 196.1986, Florida Statutes)
- U – Educational Property (Section 196.198, Florida Statutes)
- V – Disabled Veteran/Spouse (Section 196.24, Florida Statutes)
- W – Widows (Section 196.202, Florida Statutes)
- X – Homestead Exemption (Section 196.031, Florida Statutes)
- Y – Combination (Homestead, Disabled, Widow, Widower, Totally and Permanently Disabled, Disabled Veteran/Spouse, Senior Homestead Exemption – Sections 196.031, 196.075, 196.202, 196.24, Florida Statutes)
- Z – Combination (Renewable Energy Source, Economic Development – Sections 196.175, 196.1995, Florida Statutes)
- 1 – Licensed Child Care Facility Operating in Enterprise Zone (Section 196.095, Florida Statutes)
- 2 – Historic Property Used for Certain Commercial or Nonprofit Purposes (Section 196.1961, Florida Statutes)
- 3 – Proprietary Continuing Care Facilities (Section 196.1977, Florida Statutes)
- 4 – Affordable Housing Property (Section 196.1978, Florida Statutes)
- 5 – Charter School (Section 196.1983, Florida Statutes)
- 6 – Public Property Used under License or Lease Agreement Entered into Prior to January 1, 1969 (Section 196.1993, Florida Statutes)
- 7 – Space Laboratories and Carriers (Section 196.1994, Florida Statutes)
- 8 – Water and Wastewater Systems Not-for-Profit (Section 196.2002, Florida Statutes)
- 9 – Contiguous multiple parcels with a single homestead exemption or single parcels with multiple homestead exemptions

2. Personal exemption codes shall be “0” (zero) indicating the exemption does not apply or the applicable code provided in this rule subsection indicating an exemption does apply. Five of six personal exemptions may apply for each parcel, in the following order.

Exemption Type	Maximum Value	Code
Homestead	\$25,000	X
Widowed	\$500	W/O
Blind	\$500	B
Disabled	\$500	P
Veteran Disabled/ <u>Spouse</u>	<u>\$10,000</u> \$5000	V
Disabled (100 percent Exempt)		D

An individual who qualified for the \$25,000 exemption may also be entitled to the \$500 exemption of section 3(b), Art. VII, State Const. (for widows, widowers, or blind or totally and permanently disabled persons) and Section 196.202, Florida Statutes, and/or the \$5000 exemption under section 196.24, Florida Statutes (disabled veterans/spouse). In no event shall the aggregate exemption exceed \$26,500 (see subsection 12D-7.003(2), F.A.C.); for individuals exempt under section 196.202, Florida Statutes, or \$36,000 (see subsection 12D-7.003(2), F.A.C.) ~~\$31,000~~ for individuals exempt under section 196.24, Florida Statutes, except for total exemptions under Sections 196.081, 196.091, or 196.101, Florida Statutes.

(p) through (4) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 195.027, 196.031, 196.075, 196.081, 196.091, 196.101, 196.175, 196.195, 196.196, 196.197, 196.1975, 196.198, 196.1985, 196.1986, 196.1987, 196.199, 196.1995, 196.1997, 196.1998, 196.2001, 196.202, 196.24, 213.05 FS. History–New 12-7-76, Amended 9-30-82, Formerly 12D-8.11, Amended 12-31-98, 12-30-02, _____.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.: 12D-8.0082
 RULE TITLE: Florida Uniform Market Area Guidelines

PURPOSE AND EFFECT: The purpose of the creation of proposed Rule 12D-8.0082, F.A.C., is to provide for the Florida Uniform Market Area Guidelines that will be used by property appraisers to establish market area codes as required by Section 193.114, F.S.

SUBJECT AREA TO BE ADDRESSED: Florida Uniform Market Area Guidelines.

SPECIFIC AUTHORITY: 193.114(2), 195.027(1), 195.032, 213.06(1) FS.

LAW IMPLEMENTED: 193.114, 195.032, 195.062, 213.05 FS.

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

DATE AND TIME: December 12, 2006, 9:30 a.m.

PLACE: Larson Building, Room 139, 200 E. Gaines St., Tallahassee, Florida

DATE AND TIME: December 13, 2006, 9:30 a.m.

PLACE: Orlando Public Library, Albertson Room, 101 E. Central Blvd., Orlando, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in the workshops is asked to advise the Department at least 48 hours before the workshop by contacting Sharon Gallops (850)414-6108. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

The text of the draft of the Florida Uniform Market Area Guidelines is expected to be available seven days before the rule development workshop by contacting the person referenced above or by accessing the website on the Internet at <http://www.myflorida.com/dor/property/RP/pcomment.html>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-8.0082 Florida Uniform Market Area Guidelines.

Section 193.114(2)(a), F.S., provides the department shall promulgate regulations and forms for the preparation of the real property assessment roll to reflect a market area code established according to department guidelines. Provision is made for the format for market area codes to be submitted to the Department of Revenue in Rule 12D-8.013(6)(a), F.A.C. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following guidelines, entitled:

Florida Uniform Market Area Guidelines N. 01/ 07
Copies of these guidelines may be obtained from the Department of Revenue, Property Tax Administration Program, P. O. Box 3000, Tallahassee, Florida 32315-3000 and may be found on the Internet at <http://www.myflorida.com/dor/property/>.

Specific Authority 193.114(2), 195.027(1), 195.032, 213.06(1) FS. Law Implemented 193.114, 195.032, 195.062, 213.05 FS. History—New

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NOS.:	RULE TITLES:
12D-13.006	Procedure for the Correction of Errors by the Tax Collector; Correction Erroneous or Incomplete Personal Property Assessments; Tax Certificate Corrections
12D-13.031	Homestead Tax Deferral-Application; Approval; Income and Age Requirements; Outstanding Liens and Primary Mortgage

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-13.006, F.A.C., is to clarify the procedures for tax collectors to follow after a notice of proposed property tax, which includes notice of the right to petition the value adjustment board, is mailed or delivered to property owners where a correction of an error by a property appraiser results in an increased assessed valuation of real property and subsequently increases taxes on the property.

The purpose of the proposed amendment to Rule 12D-13.031, F.A.C., is to implement the provisions of Chapters 2006-47 and 2006-69, Laws of Florida, providing for revised age and income requirements on deferred taxes.

SUBJECT AREA TO BE ADDRESSED: Procedures for inclusion of notice of proposed property tax, including notice of the right to petition the value adjustment board, mailed or delivered to property owners when corrections of errors result in increased valuation. Requirements for deferred taxes.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 197.122, 197.123, 197.131, 197.182, 197.243, 197.252, 197.253, 197.322, 197.323, 197.3632, 197.432, 197.443, 197.444, 197.492, 197.593, 213.05 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.

PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this workshop is asked to advise the Department

at least 48 hours before the workshop by contacting Larry Green, (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and (800)955-8771 (TDD).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-13.006 Procedure for the Correction of Errors by the Tax Collector; Correction Erroneous or Incomplete Personal Property Assessments; Tax Certificate Corrections.

(1) through (4) No change.

(5) The property appraiser shall notify the property owner, upon the correction of any error that will increase the assessed valuation and subsequently the taxes, with a notice of proposed property taxes which includes notice of the owner's right to present a petition to the value adjustment board, except when a property owner consents to an increase; as provided in ~~subsection (6) of this rule section and~~ subsection 12D-8.021(10), F.A.C., or when the property appraiser has served a notice of intent to record a lien when property has improperly received homestead exemption. However, this shall not restrict the tax collector, clerk of the court, or any other interested party from reporting errors to the value adjustment board.

~~(6) If the taxpayer does not waive his or her right to petition the value adjustment board, the tax collector shall utilize such supplemental assessment roll or Form DR-409, certificate of correction (incorporated by reference in Rule 12D-16.002, F.A.C.), to mail a tax notice, after the expiration of the taxpayer's right to petition the next scheduled value adjustment board. If the value adjustment board has adjourned, the property owner shall be afforded the following options when an error has been made which when corrected will have the effect of increasing the assessed valuation and subsequently the taxes. The options are:~~

~~(a) The property owner by waiver may consent to the increase in assessed valuation and subsequently the taxes by stating that he or she does not desire to present a petition to the value adjustment board and that he or she desires to pay the taxes on the current tax roll. If the property owner makes such a waiver the tax collector shall proceed under Rule 12D-13.002, F.A.C.~~

~~(b) The property owner may refuse to waive the right to petition the value adjustment board, at which time the property appraiser shall notify the property owner and tax collector that the correction shall be placed on the subsequent year's tax roll and at such time as the subsequent year's tax roll is prepared, the property owner shall have the right to file a petition contesting the corrected assessment.~~

(7) When the taxpayer waives his or her right to petition the value adjustment board, the tax collector shall prepare a corrected notice immediately and shall forward the same to the property owner.

(8) through (11) No change.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 197.122, 197.123, 197.131, 197.182, 197.322, 197.323, 197.432, 197.443, 197.444, 197.492, 197.593, 213.05 FS. History—New 6-18-85, Formerly 12D-13.06, Amended 5-23-91, 12-10-92, 12-25-96, 12-31-98,_____.

12D-13.031 Homestead Tax Deferral – Application; Approval; Income and Age Requirements; Outstanding Liens and Primary Mortgage.

(1) No change.

(2) When the application is approved, the tax collector shall defer that portion of the combined total described in subsection (1) of this rule section:

(a) Which exceeds five percent of the applicant's household income for the prior calendar year, or

(b) In their entirety if the applicant's household income for the prior calendar year is less than 10,000 dollars, or

(c) If the applicant is entitled to claim the increased exemption by reason of age and residency as provided in Section 196.031(3)(a), F.S., the tax collector shall defer that portion of the combined total described in subsection (1) of this rule section:

1. Which exceeds three percent of the applicant's household income for the prior calendar year, or

2. In their entirety if the applicant's household income for the prior calendar year is less than 10,000 dollars, or

3. In their entirety if the applicant is ~~65~~ 70 years of age or older and the applicant's household income is less than the household income designated for the additional homestead exemption for persons age 65 and older as provided in Section 196.075, F.S. 12,000 dollars;

(3) No change.

Specific Authority 195.022, 195.027(1), 213.06(1) FS. Law Implemented 197.243, 197.252, 197.253, 197.3632, 213.05 FS. History—New 6-18-85, Formerly 12D-13.31, Amended 12-13-92, _____.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO.: 12D-16.002
 RULE TITLE: Index to forms

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement revisions to petition forms filed with value adjustment boards to incorporate recommendations from officials and the public for improvement to the form.

SUBJECT AREA TO BE ADDRESSED: Value adjustment board petition forms revisions.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.
 LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.
 PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) through (24)	No change.	
(25)(a)	DR-486 Petition to Value Adjustment Board (r. 12/96)	12/96
(b)	DR-486T Petition to Value Adjustment Board – Tangible Personal Property (r. 2/92)	12/94
(c) through (61)	No change.	

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, 1-16-06,_____.

DEPARTMENT OF REVENUE

Property Tax Administration Program

RULE NO: 12D-16.002
 RULE TITLE: Index to forms

PURPOSE AND EFFECT: The purpose of the proposed amendment to Rule 12D-16.002, F.A.C., is to implement forms revisions under Chapters 2006-47, 2006-69, 2006-220, Laws of Florida, and incorporate other technical changes to forms.

SUBJECT AREA TO BE ADDRESSED: Forms revisions.

SPECIFIC AUTHORITY: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095, 196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m.
 PLACE: Larson Building, Room 142, 200 E. Gaines St., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, P. O. Box 3000, Tallahassee, Florida 32315-3000, telephone (850)414-6108, e-mail address gallopss@dor.state.fl.us

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THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12D-16.002 Index to Forms.

(1) The following paragraphs list the forms utilized by the Department of Revenue. A copy of these forms may be obtained by writing to: Director, Property Tax Administration Program, Department of Revenue, Post Office Box 3000, Tallahassee, Florida 32315-3000. The Department of Revenue adopts, and hereby incorporates by reference in this rule, the following forms and instructions:

Form Number	Form Title	Effective Date
(2) DR-401	Private Car and Freight Line Equipment Companies Annual Report to State of Florida Department of Revenue Property Tax Administration (r. 12/06 <u>12/05</u>)	___ <u>12/05</u>
(3) through (33)(a)	No change.	
(b) DR-499	Renewal Application for Agricultural or High-Water Recharge Classification of Lands (r. ___ 12/96)	___ <u>12/96</u>
(c) through (37)	No change.	
(38)(a) DR-501	Original Application for Ad Valorem Tax Exemption (r. ___ 12/02)	___ <u>1/03</u>
(b) through (42)(a)	No change.	
(b) DR-506E	Escheatment Tax Deed (r. ___ n. 12/04)	___ <u>12/04</u>
(43) through (55)	No change.	
(56)(a) DR-570	Application for Homestead Tax Deferral (r. <u>7/06</u> 6/04)	___ <u>12/04</u>
(b) DR-570WF	Application for Recreational and Commercial Working Waterfronts Tax Deferral (r. <u>7/06</u> n. 12/05)	___ <u>1/06</u>
(c) through (61)	No change.	

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented 92.525, 95.18, 136.03, 192.001(18), 193.052, 193.077, 193.085, 193.092, 193.114, 193.122, 193.461, 193.503, 193.625, 193.703, 194.011, 194.032, 194.034, 194.035, 194.037, 195.002, 195.022, 195.087, 195.095, 196.011, 196.015, 196.031, 196.075, 196.095,

196.101, 196.121, 196.141, 196.151, 196.193, 196.1961, 196.1983, 196.1995, 196.202, 196.24, 197.182, 197.222, 197.253, 197.304, 197.3041, 197.3632, 197.3635, 197.414, 197.432, 197.472, 197.502, 197.512, 197.552, 200.065, 200.069, 213.05, 218.66 FS. History—New 10-12-76, Amended 4-11-80, 9-17-80, 5-17-81, 1-18-82, 4-29-82, Formerly 12D-16.02, Amended 12-26-88, 1-9-92, 12-10-92, 1-11-94, 12-27-94, 12-28-95, 12-25-96, 12-30-97, 12-31-98, 2-3-00, 1-9-01, 12-27-01, 1-20-03, 1-26-04, 12-30-04, 1-16-06, _____.

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."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-108.101
 RULE TITLE: Inmate Substance Abuse Testing
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to incorporate revisions to form DC1-827, Reasonable Suspicion Testing Tracking, to expand the range of drugs that are tested in the Inmate Drug Test Program.

SUBJECT AREA TO BE ADDRESSED: Inmate substance abuse testing.

SPECIFIC AUTHORITY: 944.09, 944.472, 944.473 FS.

LAW IMPLEMENTED: 944.09, 944.472, 944.473 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:

33-108.101 Inmate Substance Abuse Testing.

The Office of the Inspector General shall be responsible for the development and implementation of the department's substance abuse testing program.

(1) through (2) No change.

(3) Procedures.

(a) through (f) No change.

(g) Forms. The following forms referenced in this rule are hereby incorporated by reference. Copies of these forms, unless otherwise indicated, may be obtained from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

1. through 4. No change.

5. Form DC1-827, Reasonable Suspicion Testing Tracking Form, effective date February 5, 2001.

Specific Authority 944.09, 944.472, 944.473 FS. Law Implemented 944.09, 944.472, 944.473 FS. History—New 2-8-00, Amended 2-5-01, Formerly 33-602.2045, Amended 7-2-02,_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-8.031
 RULE TITLE: Minimum Surface Water Levels and Flows and Groundwater Levels

PURPOSE AND EFFECT: The purpose and effect of the proposed rule amendment will be to adopt minimum levels for the St. Johns River at Lake Monroe in Seminole and Volusia Counties.

SUBJECT AREA TO BE ADDRESSED: The proposed rule would establish minimum surface water levels for the St. Johns River at Lake Monroe in Seminole and Volusia Counties pursuant to the mandate of Section 373.042, Florida Statutes. Each of these levels would have an associated duration (in days) and return interval (in years). The terms used herein are already defined in Chapter 40C-8, F.A.C. As with all minimum levels established by the District, if adopted, the minimum levels in this rule amendment would be used as a basis for imposing limitations on withdrawals of groundwater and surface water in the consumptive use permit regulatory process and for reviewing proposed surface water management systems in the environmental resource permit regulatory process.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421 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: December 15, 2006, 1:30 p.m. – 3:30 p.m.
 PLACE: City of Sanford Training Room, 300 North Park Ave., Sanford, FL 32772

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, St. Johns River Water Management District, Office of General Counsel, P. O. Box 1429, Palatka, Florida 32178-1429, (386)329-4459, Suncom 860-4459, email nmesser@sjrwmd.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels.

(1) The following minimum surface water levels and flows and minimum groundwater levels are established:

(a) through (h) No change.

(i) St. Johns River at Lake Monroe in Seminole and Volusia Counties.

	<u>Level</u> <u>(ft NGVD)</u>	<u>Duration</u> <u>(days)</u>	<u>Return Interval</u> <u>(years)</u>
<u>Minimum Frequent High</u>	<u>2.8</u>	<u>30</u>	<u>2</u>
<u>Minimum Average</u>	<u>1.2</u>	<u>180</u>	<u>1.5</u>
<u>Minimum Frequent Low</u>	<u>0.5</u>	<u>120</u>	<u>5</u>

(2) The following minimum surface water levels are established:

LAKE NAME	COUNTY	HYDROPERIOD CATEGORY	MINIMUM INFREQUENT HIGH	MINIMUM FREQUENT HIGH	MINIMUM AVERAGE LEVEL	MINIMUM FREQUENT LOW	MINIMUM INFREQUENT LOW
(a) through (ppp) No change. (qqq) MONROE	<u>Seminole and Volusia</u>	<u>N/A N/A N/A</u>		<u>2.8</u>	<u>1.2</u>	<u>0.5</u>	

(qqq) through (ccccc) to (rrr) through (dddd) No change.

(3) through (4) No change.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421 373.103, 373.415 FS. History—New 9-16-92. Amended 8-17-94, 6-8-95, 1-17-96, 8-20-96, 10-20-96, 11-4-98, 6-27-00, 2-13-01, 3-19-02, 5-11-03, 11-10-03, 01-12-04, 2-1-06,_____.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-4.302
 RULE TITLE: Additional Conditions for Issuance of Permits

PURPOSE AND EFFECT: To update the reference to the Operating Agreement Concerning the Regulation Under Part IV, F.S., and Aquaculture General Permits under Section 403.814, F.S., between the South Florida Water Management District and Department of Environmental Protection, which is incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and Aquaculture General Permits under Section 403.814, F.S., between the South Florida Water Management District and Department of Environmental Protection.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171, 373/414(9) FS.

LAW IMPLEMENTED: 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 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.

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)682-6436 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Anita Bain, Division Director, Natural Resource Management Division, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6866 or (561)682-6866 (email: abain@sfwmd.gov), or 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). Information regarding this rulemaking effort is also located on the District's website at: my.sfwmd.gov/permitting in the right hand column in the link entitled rule development.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(2) When determining whether the applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration a permit applicant's violation of any Department rules adopted pursuant to Sections 403.91-929, F.S. (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to a 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 the rules adopted pursuant to Sections 403.91-929, F.S. (1984 Supp.),

as amended, is set forth in the “Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits under Section 403.814, F.S.,~~ between South Florida Water Management District and Department of Environmental Protection” dated _____, 2007, ~~October 27, 1998~~, incorporated by reference in Rule 40E-4.091, F.A.C.

Specific Authority 373.044, 373.113, 373.171, 373/414(9) FS. Law Implemented 373.042, 373.409, 373.413, 373.414, 373.416, 373.426, 380.23 FS. History–New 10-3-95, Amended 1-7-97, 12-3-98, 5-28-00, _____.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58A-2	Hospice
RULE NOS.:	RULE TITLES.
58A-2.002	Definitions
58A-2.003	License Requirements
58A-2.004	Licensure Procedure
58A-2.005	Administration of the Hospice
58A-2.012	Program Reporting Requirements
58A-2.0236	Residential Units
58A-2.025	Physical Plant Requirements (Inpatient Facility and Unit)
58A-2.026	Comprehensive Emergency Management Plan

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to incorporate additional definitions; specific definitions regarding reporting requirements; changes in licensure requirements, including an application form; changes to the reporting requirements pursuant to Chapter 2006-155, Section 7, Laws of Florida, including two newly developed reporting forms incorporated by reference in Rule 58A-2.012, F.A.C.; changes in Section 400.610(1)(b)1., F.S., in accordance with Chapter 2006-71, Section 24, Laws of Florida, regarding the hospice’s responsibility to provide the same type and quantity of services to hospice patients in a special needs shelter that were being provided prior to evacuation, and changes to the Hospice Comprehensive Emergency Management reporting form; changes in accordance with Chapter 2006-155, Section 7, Laws of Florida, requiring development of outcome measures, and adoption of national initiatives such as those developed by the National Hospice and Palliative Care Organization; deletion of physical plant standards in Rules 58A-2.0236, Residential Units, and 58A-2.025, Physical Plant Requirements (Inpatient Facility and Unit), F.A.C., which are to be incorporated under the Florida Building Code, 2004 Edition, 2006 Supplements, Section 437.

SUBJECT AREA TO BE ADDRESSED: Additional definitions; licensure requirements, including an application form; definitions regarding reporting requirements; changes in reporting requirements including two new reporting forms;

responsibility of hospices to provide the same type and quantity of services to hospice patients in special needs shelters that were being provided prior to evacuation; changes in the Hospice Comprehensive Emergency Management Plan reporting form; development of outcome measures; adoption of national initiatives developed by the National Hospice and Palliative Care Organization; and deletion of physical plant standards for residential units and for inpatient facilities, which will be included under the Florida Building Code, 2004 Edition, 2006 Supplements, Section 437.

SPECIFIC AUTHORITY: 400.605, 400.60501, 400.610(1)(b), 408.802(19), 408.805(1) FS.

LAW IMPLEMENTED: 400.610, 408.802(19), 408.805(1), 400.832 FS., Ch. 2006-197, Laws of Florida.

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

DATE AND TIME: December 8, 2006, 1:00 p.m. – 4:30 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, 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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399; 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, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399; Telephone number: (850)414-2000; Email address: crochethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-2.002 Definitions.

In addition to definitions contained in Chapter 400, Part IV ~~VI~~, F.S., the following terms shall apply:

(1) Advertisement: Any written, printed, oral, or electronic promotion, statement of availability, qualifications, services offered, or other similar communication appearing in or on television, radio, the Internet, billboards, newspapers, magazines, business cards, flyers, brochures, or other medium for the purpose of attracting potential residents. A listing of a licensed facility's name, address, and telephone number in the telephone directory shall not be considered advertising.

(2) AHCA: Agency for Health Care Administration.

(3)(1) Autonomous: ~~A means~~ a separate and distinct operational entity, which functions under its own administration and bylaws, either within or independently of a parent organization.

(4)(2) Branch office: ~~An means an~~ office or other physical location serving as a contact point for patients, which is remote from the provider's principal office ~~of the provider~~, but is not separately licensed, and ~~which~~ shares administration with the principal office ~~which serves as a contact point for patients~~.

(5)(3) Employ: ~~To means to~~ engage the services of an individual, on either a salary or volunteer basis.

(6)(4) Home: ~~The means the~~ patient's current place of residence, including a private residence, assisted living facility, nursing home, hospice residential unit, or other place of permanent or temporary residence.

(7)(5) Home Health Aide: ~~An means an~~ individual who provides personal health care services for a patient in the patient's home or place of residence under the supervision of a registered nurse.

(8)(6) Licensed Practical Nurse: ~~An means an~~ individual licensed pursuant to Chapter 464, F.S., to practice practical nursing.

(9)(7) Patient Care Staff: ~~means those P~~persons involved in direct care of the patient, including registered nurses, practical nurses and home health aides, social workers and other mental health professionals, and clergy or pastoral counselors.

(10)(8) Patient's Family: ~~The means that~~ person or those persons designated by the patient as having primary responsibility for care, or persons who are closely linked with the patient and are involved in the health and supportive care of the patient.

(11)(9) Patient and Family Unit: ~~The means the~~ patient and the patient's family.

(12)(10) Registered Nurse: ~~An means an~~ individual who is licensed pursuant to Chapter 464, F.S., to practice professional nursing.

Specific Authority 400.605 FS. Law Implemented Ch. 400, Part IV ~~VI~~ FS. History—New 5-6-82, Formerly 10A-12.02, 10A-12.002, Amended 4-27-94, Formerly 59A-2.002, Amended 6-5-97, _____.

58A-2.003 License Requirements Required.

(1) The face of the license shall contain the following information:

(a) The name and address of the provider, including the principal office and all branch offices;

(b) All freestanding hospice inpatient facilities and residential units;

(c) All counties served by the hospice;

(d) The name of the owner; and

(e) The effective and expiration dates of the license.

(2) ~~The hospice shall notify the agency and the department in writing at least sixty (60) days before making a change in name or address of the provider's principal or branch offices, the name and address of the provider, including the principal office and all branch offices, all hospice residences and inpatient facilities, all counties served by the hospice, the name of the owner, and the effective and expiration dates of the license. The hospice shall notify AHCA and the Department in writing at least sixty (60) days before making a change in name or address of the provider.~~

(3)(2) ~~If a change of ownership as defined in Section 408.803(5), F.S., is contemplated, the new owner shall submit a license, or cause to be submitted, an application for license and shall receive a license prior to commencement of operation of the hospice. The following materials shall accompany the license application:~~

(a) ~~A signed agreement to correct any existing licensure deficiencies;~~

(b) ~~Documented evidence that the change of ownership has taken place; and~~

(c) ~~A statement that records pertaining to the administrative operation of the provider shall be retained and made available for official inspection by the agency.~~

~~A signed agreement to correct any existing licensure deficiencies shall accompany the license application, together with documentation to evidence that the ownership change has taken place, and a statement that records pertaining to the administrative operation of the provider will be retained and available for official inspection by the AHCA.~~

(4)(3) ~~If a merger of two or more hospice providers is contemplated, the legal and incorporated entity that will be responsible for the operational function of the hospice after the merger shall notify the agency AHCA prior to the merger. Notification shall will include the anticipated date for the merger and the reason for the merger. The agency AHCA shall require the legal entity to submit a license an application for license, including a revised plan for the delivery of hospice care to terminally ill patients and their families who will be affected by the merger.~~

Specific Authority 400.605 FS. Law Implemented Ch. 400, Part IV, ~~VI~~ FS. History—New 5-6-82, Formerly 10A-12.03, 10A-12.003, Amended 4-27-94, Formerly 59A-2.003, Amended 6-5-97, _____.

58A-2.004 Licensure Procedure.

(1) ~~Biennial I~~ licenses issued by the agency AHCA to operate a hospice shall be contingent based upon the results of an agency a survey ~~conducted by the AHCA~~ to determine compliance with the requirements of Chapter 400, Part ~~IVVI~~, F.S., Chapter 408, Part II, F.S., and with these rules. ~~A license shall be issued to any not-for-profit public or private agency who meets all federal, state and local requirements.~~

(2) Application for a license shall be made by completing to the AHCA Form 3110-4001 on forms prescribed by the AHCA.

(a) The form is hereby incorporated by reference and may be obtained from the agency Web site at <http://ahca.myflorida.com> under "Licensing and Certification", "Hospices." If the provider is unable to obtain the forms from the Web site, the forms may be obtained from the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Tallahassee, Florida 32308 or by contacting (850)414-6010.

(b) The application shall be accompanied by a biennial licensure fee of one thousand two hundred dollars (\$1,200) as provided under Sections 400.606, F.S., and Chapter 408, Part II, F.S., payable by check or money order to the Agency for Health Care Administration.

~~The application shall be accompanied by a license fee of six hundred dollars (\$600.00) as provided under Section 400.606, F.S., in check or money order, payable to the Agency for Health Care Administration.~~

(3) In addition to the information required in Section 400.606(1), F.S., the following information is required for the licensure application:

(a) ~~The name of the hospice's administrator and the administrator's license number if the administrator is a licensed professional; the name and license number of the hospice's medical director; the number and types of licensed professionals, including clergy, employed or to be employed by the hospice; the number of home health aides employed or to be employed by the hospice; and the number and types of other personnel employed or to be employed by the hospice and assigned to a hospice care team or teams.~~

(b) For initial licensure only, the Certificate of Need and certificates of occupancy signed by local authorized zoning, building and electrical officials shall be attached to the application. For relocation of the principal office and addition or relocation of branch offices, certificates of occupancy signed by local authorized zoning, building and electrical officials shall be submitted to the agency in accordance with subsection 58A-2.003(2), F.A.C. If initial licensure, where there are no municipal, county or electrical building codes, the applicant shall provide a written statement of compliance with these regulations from a registered architect or professional engineer who shall substitute for the authorities specified above. A separate survey for fire safety and physical plant requirements of residential and freestanding inpatient facilities operated by the hospice shall be made by the agency AHCA prior to the opening of the facilities and on a periodic basis thereafter.

(c) As a condition of initial licensure, each successful applicant shall submit the names and professions for all hospice care team staff, and professional license numbers held by licensed hospice care team members ~~staff who are licensed~~, no later than three (3) months after the license is issued.

Specific Authority 400.605, ~~408.802(19), 408.805(1)~~ FS. Law Implemented ~~400.605(4)(a), 408.802(19), 408.805(1), 408.832~~ FS., Ch. 2006-197, Laws of Florida, History--New 5-6-82, Formerly 10A-12.04, Amended 10-6-91, Formerly 10A-12.004, Amended 4-27-94, Formerly 59A-2.004, Amended 6-5-97, 8-10-03, _____.

58A-2.005 Administration of the Hospice.

(1) Governing Body, – The hospice shall establish written bylaws ~~There shall be a governing body established by written bylaws of the hospice~~ with autonomous authority for the conduct of the hospice program. The governing body and which shall satisfy the following requirements:

(a) ~~Members of the governing body~~ shall reside or work in the hospice's service area as defined in paragraph 59C-1.0355(2)(k), F.A.C.

(b) No change.

(c) Duties of the governing body shall include:

1. Adoption in writing, ~~with updates as necessary~~, of the following documents which shall be in compliance with provisions of Chapter 400, Part ~~IV VI~~, F.S., and these rules, with updates as necessary:

a. through c. No change.

d. A comprehensive emergency management plan for all administrative, residential, free-standing inpatient facilities, and hospice services designed to protect the safety of patients and their families and hospice staff; and

e. No change.

2. Promulgation of rules and bylaws which include at least the following:

a. through c. No change.

d. The qualifications, method of selection and terms of office of members and chairpersons of the governing body and committees; and

e. A mechanism for the administrator's appointment by the administrator of the medical director and other professional and ancillary personnel.

(2) Administrative Officer, – The hospice shall employ an administrator whose duties shall be outlined ~~enumerated~~ in a written job description, including job qualifications; The administrator which shall be approved by the governing body. The job description shall be and kept in an administrative file.

(a) No change.

(b) The administrator shall be responsible for maintaining an administrative office ~~facility~~ for the purpose of the operations of the hospice.

(3) Administrative Policies and Practices.

(a) The administrator shall be responsible for developing, documenting, and implementing administrative policies and practices which are consistent with these rules, ~~and the bylaws by laws, and the plans and decisions adopted by the governing body;~~ These policies and practices shall and which ensure the most efficient operation of the hospice program and the safe and adequate care of the patient and family units. At a minimum, ~~These policies and practices shall include:~~

1. through 2. No change.

3. A plan for orientation and training of all staff, including volunteers, which shall ensure that ~~all~~ staff receive ~~this~~ training prior to the delivery of their delivering services of any kind to patients and their families. This plan shall describe the method of assessing training needs and designing training to meet those needs, and shall include a curriculum outline with specific objectives.

4. No change.

5. Policies for administering drugs and biologicals in the home which shall include:

a. through b. No change.

c. All verbal orders for medication or treatments, or changes in medication or treatment ~~orders~~ shall be taken by a licensed health professional and recorded in the patient's record reduced to writing; Verbal orders shall be and signed by the physician within fourteen (14) days;

d. The use of experimental drugs, or any drug approved by the FDA or included under Chapter 500, F.S., approved drug in a non-approved manner, shall not be given without the consent of the patient or the patient's surrogate or proxy. The program administering such drugs shall ~~be~~ fully informed patients of any risks, receive written consent for the use of such drugs, and be prepared to invoke remedial action should an adverse reaction occur. A copy of the signed consent shall be kept in the patient's record.

6. No change.

7. Policies and procedures approved by the medical director and governing body pertaining to the drug control system in the hospice including which shall include specific policies and procedures for disposal of Class II drugs upon the death of a patient.

8. No change.

9. Policies and procedures for mMaintenance, confidentiality, and retention of clinical records for a minimum five-year period following the patient's death.

10. through 11. No change.

12. Notice to the public that the hospice provides services regardless of ability to pay.

13. through 14. No change.

15. Policies and procedures for cCompletion, retention, and submission of reports and records as required by the dDepartment, agency, the AHCA and other authorized agencies.

16. No change.

(b) Equipment and personnel, under medical supervision, shall be provided for diagnostic procedures to meet the needs of the hospice inpatient, residential and home-care programs. This shall include the services of a clinical laboratory and radiological services, which shall meet all standards of the State of Florida. Unless provided on the premises of the hospice, there shall be written agreements or contracts for such services. The hospice program shall ensure that ~~the sum of services are available under contract and services provided directly by the hospice shall assure~~ twenty-four (24) hours a day, seven (7) days a week, either through contractual agreement, written agreement, or direct service provision by the hospice availability.

(c) No change.

(4) Benchmarks and Outcome Measures.

In addition to the outcome measure pursuant to Section 400.60501, F.S., each hospice shall adopt outcome measures related to safe and comfortable dying, self determined life closure, and effective grieving to evaluate the efficacy of end of life care. At a minimum these measures shall include:

(a) The percentage of patients, with pain levels verbalized as “uncomfortable” on admission, who report a “comfortable” level was reached within 72 hours following admission.

1. The measure shall be collected only from individuals able to self-report their level of pain within the 24 hours following the 72-hour period following admission.

2. The acceptable standard for this measure shall be 82 percent.

(b) The percentage of family members, who cared for patients at home and responded to a two-month post-mortem survey, who report that the hospice increased their confidence to safely care for their loved one as death approached. The acceptable standard for this measure shall be 95 percent.

(c) Percentage of patients discharged, who had expressed a preference to avoid hospitalization, for whom no hospital admission occurred. The acceptable standard for this measure shall be 94.5 percent.

(d) Percentage of patients discharged, who had expressed a preference not to have cardiopulmonary resuscitation (CPR), for whom CPR did not occur. The acceptable standard for this measure shall be 99 percent.

(e) The percentage of caregivers responding to a two-month post-mortem survey who report that hospice staff helped them prepare for the death of their loved one. The acceptable standard for this measure shall be 93 percent.

(f) The percentage of family members responding to a thirteen-month post-mortem survey who report that hospice staff helped them cope with life changes since the death of their loved one. The acceptable standard for this measure shall be 95 percent.

(5) Protocols for Measuring Quality of Care.

(a) The protocols for measuring these outcome measures referenced in subsection (4) of this rule are included in DOEA Form H-002, Patient Core Measure Sheet, 2007, and DOEA Form H-003, Grieving Core Measure Sheet –Hospice Outcome Survey 1 and Hospice Outcome Survey 2, 2007, incorporated by reference in Rule 58A-2.012, F.A.C.

(b) The instructions were formulated from information obtained for the Beta Pilot in “Report on the Alpha and Beta Pilots of End Result Outcome Measures Constructed by the Outcomes Forum, A Joint Effort of The National Hospice and Palliative Care Organization and The National Hospice Work Group.” The entire contents of the report is located on the following Web site: <http://www.nhpco.org/i4a/pages/index.cfm?pageid=3377&openpage=3377>

Specific Authority 400.605, 400.60501 FS. Law Implemented 400.605(1)(c), 400.60501 FS. History–New 5-6-82, Formerly 10A-12.05, 10A-12.005, Amended 4-27-94, Formerly 59A-2.005, Amended 6-5-97, 8-6-02, 8-10-03,_____.

(Substantial rewording of Rule 58A-2.012 follows. See Florida Administrative Code for the present text.)

58A-2.012 Program Reporting Requirements.

(1) The following definitions pertain specifically to program reporting:

(a) Agency Type: Hospice type based on Medicare filing status. Valid options are: Free standing, hospital based, home health based (private residence), nursing home based.

(b) Birth Date: The date of birth of the patient of record.

(c) Full Time Equivalent (FTE): 2,080 hours per year of staff time (40 hours per week times 52 weeks). To calculate FTE, divide paid staff hours or volunteered hours by 2,080.

(d) Gender: The gender of the patient of record, either male or female.

(e) Hospice operated inpatient facilities: An inpatient facility consisting of one or more beds that are owned or leased by the hospice, is staffed by hospice personnel, and has major policies and procedures set by the hospice. This includes beds in hospitals or nursing homes that comply with the conditions set forth in this paragraph.

(f) Location of hospice services: The physical location where hospice services are provided. Options are:

1. Private Residence: The residence of the patient of record or another person providing care.

2. Nursing home, hospital, assisted living facility, adult family care home, hospice residential unit or inpatient unit facility as licensed by the state of Florida.

3. Other: A location of hospice services not fitting definitions provided in this section.

(g) Ownership Type: The type of ownership of the hospice. It can be “Proprietary” (for profit) or “Not for profit” (501c3 or similar U.S. tax code status).

(h) Patient Days: The number of days elapsed during which hospice services were provided for the period of time comprising from start of services until final discharge.

(i) Patient Record: The set of data items relating to a particular patient.

(j) Payer Mix: The distribution of the payments to the hospice by payer.

1. Payers can be:

a. Medicare;

b. Medicaid;

c. Private insurance;

d. Self;

e. Charity;

f. Uncompensated;

g. Non-billable; and

h. Other.

2. When there is no party who will reimburse the hospice for all or part of the service charge, the part of the uncollectible service charge shall be assigned to "Uncompensated".

3. The portion of the bill paid by a charitable organization shall be assigned to "Charity".

4. A "non-billable" charge is one for which the hospice had an expense but was prevented from billing for the service. This is a situation where typically an insurer or Medicaid will require the hospice to accept a set amount as full payment even when such set amount is less than the usual and customary charge. In such case, the difference between the reimbursed amount and the usual and customary charge shall be assigned to "Non-billable."

(k) Primary Diagnosis: The diagnosis chiefly responsible for the services performed by the hospice. This diagnosis must include a valid ICD-9-CM code.

(l) Primary Payer: Describes the primary source of expected reimbursement for services rendered.

(m) Race/ethnicity – A taxonomy based on the patient's phenotype or self-declared ethnic identity.

(n) Social Security Number (SSN): The social security number of the particular patient referred to in the record. The SSN is a nine-digit character string.

1. Reporting 000000000 is acceptable for infants up to the age of 2.

2. For those patients for whom a SSN has not been assigned by the U.S. Social Security Administration, or where the SSN is unknown, the hospice will assign 777777777.

(o) Patient Zip Code: The five digit United States Postal Service ZIP Code of the patient's permanent residence.

1. Use 00009 for foreign residences.

2. Use 00007 for homeless patients.

3. Use 00000 where efforts to obtain the information have been unsuccessful.

(p) Service Zip Code: The five digit United States Postal Service ZIP Code of the location of hospice services as defined in paragraph (f) of this subsection.

(2) The forms listed in subsections (3) through (6) of this rule are hereby incorporated by reference and may be obtained from the following address: Department of Elder Affairs, Planning and Evaluation Unit, 4040 Esplanade Way, Tallahassee, FL 32399-7000. The forms may also be obtained from the department's Web site at: <http://elderaffairs.state.fl.us>.

(3) The hospice shall complete for each patient DOEA Form H-002, Patient Core Measure Sheet, 2007.

(a) The form shall be initiated upon admission and completed after the first seventy-two (72) hours of admission.

(b) The form shall be kept in the patient record and available for inspection.

(c) Responses recorded on the form shall be the basis for determining the outcome measures cited in paragraphs (4)(a), (c) and (d) of Rule 58A-2.005, F.A.C., the results of which are reported on DOEA Form H-004, State of Florida Annual Hospice Report, 2007, referenced in subsection (5) of this rule.

(4) Each hospice shall submit to the primary caregiver of each patient DOEA Form H-003, Grieving Core Measure Sheet – Hospice Outcome Survey 1 and Hospice Outcome Survey 2, 2007, as prescribed in the form instructions. Responses to these surveys shall be the basis for measuring outcome measures cited in paragraphs (4)(d), (e) and (f) of Rule 58A-2.003, F.A.C., the results of which are reported on DOEA Form H-004, State of Florida Annual Hospice Report, 2007, referenced in subsection (5) of this rule.

(5) Each hospice shall complete an annual report for the period January 1 through December 31 of each year and shall submit the report to the department no later than February 28 of the following year.

(a) The report shall be submitted to the following address: Department of Elder Affairs, Planning and Evaluation Unit, 4040 Esplanade Way, Tallahassee, FL 32399-7000. The report may alternately be submitted electronically to the following address: hospicereport@elderaffairs.org.

(b) Effective with the report due in 2008, the information shall be recorded on DOEA Form H-005, State of Florida Hospice Annual Report, 2007. The form shall be completed in its entirety.

(c) A copy of the report shall be available to the public during all hours of operation of the hospice principal office and the department.

(6) No later than February 28, 2008, each hospice shall submit a patient level electronic report using the comma delimited American Standard Code for Information Interchange (ASCII) format containing one record per patient. The reporting period shall be January 1, 2007 through December 31, 2007. Thereafter, the support shall be submitted each year as specified in subsection (5) of this rule.

(a) The information shall be recorded as described using DOEA Form H-005, Hospice Annual Patient Level Electronic Report File Structure, 2007.

(b) The form shall be submitted electronically to the following Website address: hospicereport@elderaffairs.org.

Specific Authority 400.605, 400.60501 FS. Law Implemented Ch. 400, Part IV VI, 400.60501 FS. History-New 5-6-82, Formerly 10A-12.12, 10A-12.012, Amended 4-27-94, Formerly 59A-2.012, Amended 6-5-97, _____.

58A-2.0236 Residential Units.

(1) through (6) No change.

(7) Residential units shall comply with the requirements of Section 400.6051, F.S. and Section 553.73(2), F.S., which incorporates the Florida Building Code, 2004 Edition, 2006 Supplements, Section 437, following codes and standards:

~~(a) All new facilities and additions and renovations to existing facilities shall be in compliance with:~~

~~1. The Florida Building Code, as described in Chapter 3 of Section 311.2 (R4) as adopted by the Florida Building Commission and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206;~~

~~2. The National Fire Protection Association Life Safety Code 101, Chapter 32, Residential Board and Care Occupancy and incorporated by reference in Rule 4A-3.012, F.A.C., dated November 6, 2001, by the Division of State Fire Marshal at the Department of Finance and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101; and~~

~~3. Chapter 11, Section 11-6.1(1) of the Florida Building Code, as adopted by the Florida Building Commission and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206.~~

~~(b) All existing facilities shall comply with National Fire Protection Association Life Safety Code 101, Chapter 33, Residential Board and Care Occupancy and incorporated by reference in Rule 4A-3.012, F.A.C., dated November 6, 2001, by the Division of State Fire Marshal at the Department of Finance and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts, 02269-9101.~~

Specific Authority 400.605, 400.6051 FS., Chapter 2005-191, Laws of Florida. Law Implemented 400.605(1)(i), 553.73(2) FS., Chapter 2005-191, Laws of Florida. History-New 4-27-94, Formerly 59A-2.0236, Amended 6-5-97, 8-10-03, _____.

58A-2.025 Physical Plant Requirements (Inpatient Facility and Unit).

(1) As used in this rule, “inpatient facility and unit” means the location where inpatient services are provided to hospice patients ~~that are in need of hospice inpatient care.~~

(2) All new inpatient units and facilities, and additions or renovations to existing units and facilities shall be in compliance with the requirements of Section 400.6051, F.S. and Section 553.73(2), F.S., which incorporates the Florida Building Code, 2004 Edition, 2006 Supplements, Section 437 Codes and Standards.

~~(a) All new inpatient units and facilities, and additions or renovations to existing units and facilities shall be in compliance with the requirements for:~~

~~1. Institutional Occupancy—Group I, Unrestrained, of the Florida Building Code as described in Chapter 3 of Section 309.1 as adopted by the Florida Building Commission and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, after 8-10-03; and~~

~~2. The National Fire Protection Association Life Safety Code 101, Chapter 18, New Health Care Occupancy, as described in Rule 4A-3.012, F.A.C., Standards of the National Fire Protection Association and incorporated by reference in Rule 4A-3.012, F.A.C., dated November 6, 2001, by the Division of State Fire Marshal at the Department of Finance and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts, 02269-9101, after 8-10-03. All new inpatient facilities and units will be made accessible and shall comply with the requirements of the Florida Building Code, Chapter 11, as adopted by the Florida Building Commission and Section 11-6.1(1) of the Florida Building Code and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and which is incorporated by reference and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, after 8-10-03.~~

~~a. In renovations and additions to existing facilities, only that portion of the total facility affected by the project must comply with applicable sections of the codes for new facilities and units, after 8-10-03.~~

~~b. Existing portions of the facility that are not included in the renovation or addition but are essential to the functioning of the complete facility, as well as existing areas which receive less than substantial amounts of new work, shall comply with the applicable sections of the codes for existing inpatients facilities and units, after 8-10-03.~~

~~(b) All existing inpatient facilities and units licensed by the Agency for Health Care Administration before the date this rule is promulgated, shall be in compliance with National Fire~~

Protection Association Life Safety Code 101, Chapter 19, Existing Health Care Occupancy, and incorporated by reference in Rule 4A-3.012, F.A.C., dated November 6, 2001, by the Department of Community Affairs and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269-9101, after 8-10-03.

(3) Construction Requirements. The following shall be provided in each inpatient facility and unit:

(a) The hospice shall be responsible for assuring that the planning and decoration of the facilities, both contractual arrangements and free-standing, shall be coordinated to provide a homelike atmosphere. For purposes of this rule, a "homelike atmosphere" means at a minimum, items typically found at home or in a residence that enhance quality of life. The following items are examples of a "homelike atmosphere": window treatments, lamps, guest seating, and wall decorations. A hospital or nursing home room shall not be required to be in compliance with this section of the rule by the fact of its licensure.

(b) Each patient sleeping room shall have a minimum room area exclusive of toilet room, or permanently attached or built-in closets, lockers or wardrobes, of one hundred (100) square feet (9.29 square meters) per bed for private rooms and eighty (80) square feet (7.70 square meters) per bed for double occupancy rooms.

(c) Each patient sleeping room shall have a window or door with a clear glass light in compliance with Chapter 12 of Section 1203, Light and Ventilation, of the Florida Building Code and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and obtainable from the Department of Community Affairs, Building Codes and Standards, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824 after 8-10-03. The window or door shall open directly to an atrium or to the outside of the building with a minimum of twenty (20) feet (6.10 meters) in clear and unobstructed vista measured perpendicularly from the window or door.

(d) Each patient sleeping room shall have a wardrobe, locker or closet suitable for hanging clothing of the patient.

(e) Other than a patient sleeping room located in a hospital or nursing home, each patient sleeping room shall have access to a toilet room without having to enter the general corridor area. One toilet room shall serve no more than four beds and no more than two resident rooms. The door shall be side hinged, swing out from the toilet room, and unless otherwise required by this code, be at least 32 inches (81.28 centimeters) wide. The toilet room shall contain a water closet with grab bars on both sides and an emergency nurse call station. The water closet shall be equipped with a bedpan-rinsing device.

(f) A hand washing facility shall be provided within each patient toilet room or within each patient bedroom.

(g) A nurses' station, clean workroom and soiled workroom shall be provided. Access to these rooms shall be from a corridor.

(h) A charting space for clinical staff shall be provided at each nurses' station.

(i) A hand washing facility shall be located in or near each nurses' station.

(j) The clean workroom shall be provided with a work counter, hand wash facility, storage facilities and covered waste receptacle.

(k) The soiled workroom shall be provided with a service sink equipped with rinsing device, work counter, a hand washing facility, storage facilities, covered waste receptacle, and covered linen receptacle.

(l) A drug distribution system shall be provided with provisions for the locked storage of medications. Nothing in this section shall prohibit the use of the clean workroom for drug distribution.

(m) A clean linen storage room or closet shall be provided.

(n) A nourishment station with equipment for preparing or serving nourishments between scheduled meals shall be provided and shall be available for patient, family, volunteers, guests and staff use. Provisions shall be made for the use and storage of small appliances requiring less than 220 volts of service such as coffee makers or toasters.

(o) A nurse calling system accessible by the patient shall be provided.

(p) Storage for administrative supplies shall be provided.

(q) Parking for stretchers and wheelchairs in an area out of the path of normal traffic and of adequate size for the unit shall be provided.

(r) A janitor's closet with a floor receptor and storage space for housekeeping equipment and supplies shall be provided.

(s) A multi-purpose lounge suitable and furnished for reception, recreation, dining, visitation, group social activities, and worship shall be provided.

(t) A conference or consultation room for patient and family use shall be provided.

(u) A washer and dryer for patients' personal use shall be provided.

(4) Room furnishings for each patient shall include an adjustable frame hospital type bed with side rails, a bedside stand, an over-the-bed table, an individual reading light easily accessible to the patient, and a comfortable sitting chair.

(5) Room decor shall be non-institutional in design and function. Patients shall be permitted to bring personal items of furniture or furnishings into their rooms unless medically contraindicated.

(6) Details:

(a) Fixtures such as drinking fountains, public telephone, vending machines, and portable equipment shall not be located or stored so as to restrict corridor traffic or reduce the minimum required corridor width.

(b) Doors to patient tub rooms, showers, and water closets that swing into the room shall be equipped with reversible hardware that will allow the door to swing out in an emergency.

(c) Doors, except those to closets or spaces not subject to occupancy, shall not swing into the exit access corridors.

(d) Windows and outer doors, if used for ventilation, shall be equipped with insect screens.

(e) Thresholds and expansion joint covers shall be made flush with the floor surface.

(f) Grab bars shall be provided at all patient toilets, showers, and tubs. The bars shall have a clearance of 1-1/2 inches (38.1 millimeters) to the walls and shall be sufficiently anchored to sustain a concentrated applied load of not less than 250 pounds (113.4 kilograms).

(g) Single paper towel dispensers, soap dispensers and covered waste receptacles shall be provided at all hand washing facilities.

(h) Staff hand washing facilities shall be fitted with wrist blades and a gooseneck type spout.

(i) All hand washing facilities shall be securely anchored to withstand an applied vertical load of not less than two hundred and fifty pounds on the front of the fixture.

(7) Elevators. In new multistory units and facilities an elevator shall be provided in compliance with the requirements of Chapter 30 of the Florida Building Code, as adopted by the Florida Building Commission and incorporated by reference in subsection 9B-3.047(1), F.A.C., dated December 16, 2001, by the Department of Community Affairs and obtainable from the Southern Building Code Congress International, Inc., 900 Montclair Road, Birmingham, Alabama 35213-1206, after 8-10-03. In addition, a hospital-type elevator large enough to accommodate a bed and attending staff shall service all patient sleeping rooms and patient treatment areas located above the ground floor. The car shall be at least 5 feet 8 inches (1.73 meters) wide by 9 feet (2.74 meters) deep and the car doors shall have a clear opening of not less than 4 feet (1.22 meters) wide and 7 feet (2.13 meters) high.

(8) Mechanical System Requirements.

(a) Air conditioning, heating and ventilating systems.

1. All patient occupied areas shall be heated or cooled by individual or central units. Heating units shall be designed to provide a minimum of 72 degrees Fahrenheit (22.22 Celsius) ambient indoor temperature and air conditioning units shall be designed to provide a minimum of 78 degrees Fahrenheit (25.55 Celsius) ambient indoor temperature.

2. All air supply and air exhaust systems shall be mechanically operated. Fans serving exhaust systems shall be located at the discharge end of the system.

(b) Plumbing and other piping systems. Water distribution systems shall be arranged to provide hot water at each hot water outlet at all times. Hot water at shower, bathing, and hand washing facilities for patients' personal use shall not exceed 110 degrees Fahrenheit (43.3 degrees Celsius).

(9) Electrical System Requirements.

(a) Lighting.

1. All spaces occupied by people, machinery, and equipment within the building, approaches to building, and parking areas shall have electric lighting.

2. All patients' rooms shall have general lighting and night lighting. General room luminaries shall be switched at the entrance to the patient room.

(b) Receptacles. All patient rooms shall have hospital grade duplex grounding type receptacles.

(10) Emergency Electrical System.

(a) A Type 1 essential electrical system shall be provided in all hospice facilities as described in National Fire Protection Association Life Safety Code 99, "Health Care Facilities", and incorporated by reference in Rule 4A 3.012, F.A.C., dated November 6, 2001, by Division of State Fire Marshal at the Department of Finance and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269 9101, after 8-10-03. The emergency power for this system shall meet the requirements of a Level 1, type 10, Class 48 generator as described in National Fire Protection Association Life Safety Code 110, "Emergency Standby Power Systems", and incorporated by reference in Rule 4A 3.012, F.A.C., dated November 6, 2001, and obtainable from the National Fire Protection Association, 1 Batterymarch Park, P. O. Box 9101, Quincy, Massachusetts 02269 9101, after 8-10-03.

(b) In new construction, the normal main service equipment shall be separated from the emergency distribution equipment by locating it in a separate room. Transfer switches shall be considered emergency distribution equipment for this purpose.

(c) Switches for critical branch lighting shall be completely separate from normal switching. The devices or cover plates shall be of a distinctive color. Critical branch switches are permitted to be adjacent to normal switches. Switches for life safety lighting are not permitted except as required for dusk-to-dawn automatic control of exterior lighting fixtures.

(d) There shall be selected life safety lighting provided at a minimum of 1 footcandle and designed for automatic dusk to dawn operation along the travel paths from the exits to the public way or to safe areas located a minimum of 30 feet (9.14 meters) from the building.

(e) A minimum of one elevator per bank serving any patient use floor shall be connected to the equipment branch of the essential electric system and arranged for manual or

automatic operation during loss of normal power. Elevator cab lighting, controls, and communication and signal systems shall be connected to the life safety branch.

(f) ~~There shall be a dedicated low fuel alarm for the day tank supplying the emergency generator driver. A manual pump shall also be provided for the day tank. The alarm shall be located at the generator derangement panel.~~

(g) ~~Transfer switch contacts shall be of the open type and shall be accessible for inspection and replacement.~~

(h) ~~If required by the facility's emergency food plan, there shall be power connected to the equipment branch of the essential electrical system for kitchen refrigerators, freezers and range hood exhaust fans. Selected lighting within the kitchen and dry storage areas shall be connected to the critical branch of the essential electrical system.~~

Specific Authority 400.605, 400.6051 FS., Chapter 2005-191, Laws of Florida, Law Implemented 400.605(1)(i), 553.73(2) FS., Chapter 2005-191, Laws of Florida, History-New 8-10-03, Amended _____.

58A-2.026 Comprehensive Emergency Management Plan.

(1) Pursuant to Section 400.610(1)(b), F.S., each hospice shall prepare and maintain a comprehensive emergency management plan, hereinafter referred to as "the plan," in accordance with the "Comprehensive Emergency Management Planning Format Criteria for Hospices," AHCA DOEA Form H-001004H, 2007 October 2004, which is incorporated by reference. This document is available ~~from~~ through the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Tallahassee, Florida, 32308, or the agency Web site at <http://ahca.myflorida.com> under "Licensing and Certification", "Hospices", and shall be included as part of the hospice's comprehensive emergency management plan.

(2) The plan shall be submitted electronically for review to the local ~~cCounty hHealth dDepartment~~ in each county that the hospice is licensed to serve or by the Department of Health pursuant to Section 400.610(1)(b), F.S., in those counties where the Department of Health receives funding for such reviews, pursuant to Section 381.0303(7), F.S.

(a) ~~Upon approval of the plan by the local County Health Department or the Department of Health, in counties where the Department has authority to approve the plan, the hospice shall provide a copy of the plan to the local emergency management agency in each county served by the hospice.~~

(3) The hospice shall report cChanges in the after-hours emergency telephone number and address of those staff who are coordinating the hospice's emergency response shall be reported by the hospice to the hospice's local emergency management agency and county health department. The telephone numbers must include all numbers where the coordinating staff can be contacted outside the hospice's

regular office hours. All hospices must report these changes, whether the plan has been previously reviewed or not, as defined in subsection (2) above.

(4) Upon a change of ownership, the new owner shall submit a new plan identifying any substantive changes, including facility renovations, and changes noted in subsection (3) above. Those hospices, which previously have had the plan reviewed by the local ~~cCounty hHealth dDepartment~~ or by the Department of Health, as defined in subsection (2) above, shall report any substantive changes to the reviewing entity.

(5) The plan shall describe:

(a) Procedures to ensure ~~adequate~~ preparation of hospice patients for potential or imminent emergencies and disasters.

(b) Procedures for annual review of the plan and for the governing body to incorporate making substantive changes to the plan by the governing body.

(6) In the event of an emergency or disaster, the hospice shall implement the hospice's plan in accordance with Section 400.610, F.S.

(7) On admission, each hospice patient and, where applicable, home ~~hospice~~ caregiver shall be informed of the hospice plan and of the special-needs registry maintained by the local emergency management agency, pursuant to Section 252.355, F.S. The hospice shall document in the patient's file if:

(a) ~~If~~ The patient plans to evacuate the ~~patient's~~ home or the hospice facility;

(b) ~~If during the emergency~~ The caregiver can take responsibility for services normally provided by the hospice during the emergency or disaster to the home patient; or

(c) ~~If~~ The hospice needs to arrange for alternative caregiver services for the patient.

(8) Upon imminent threat of an emergency or disaster, the hospice shall confirm each patient's plan during and immediately following an emergency or disaster.

(9) When the hospice is unable to provide services during an emergency or disaster, the hospice shall make all reasonable efforts to inform, where applicable, those facility and home patients whose services will be interrupted during the emergency or disaster, including patients sheltering in place; and shall inform when services are anticipated to be restored.

(10) Each hospice shall contact each ~~the~~ local emergency management agency in counties each county served by that hospice to determine procedures for registration of special-needs registrants as referenced in Section 252.355, F.S.

(11) Upon admission of a patient, e~~Each~~ hospice shall collect ~~upon admission~~ registration information for special-needs registrants who will require continuing care or services during a disaster or emergency, consistent with Section 252.355, F.S. This registration information shall be submitted, when collected, to the local emergency management agency, or on a periodic basis as determined by the local emergency management agency.

(12) The hospice shall educate patients registered with the special-needs registry that services provided by the hospice in special-needs shelters shall meet the requirements of Section 400.610(1)(b), F.S. ~~re an option of last resort and that services may not be equal to those received in the hospice programs.~~

(13) The hospice shall maintain a current list of patients ~~clients~~ who are special-needs registrants, and shall forward this list to the local emergency management agency upon imminent threat of disaster or emergency and in accordance with the local emergency management agency procedures.

(14) Each hospice ~~patient~~ record for patients who are listed in the special-needs registry established pursuant to Section 252.355, F.S., shall include a description of how care or services will be continued in the event of an emergency or disaster pursuant to Section 400.610(1)(b), F.S. The hospice shall discuss the emergency provisions with the patient and the patient's caregiver, including where and how the patient is to evacuate, procedures for notifying the hospice in the event that the patient evacuates to a location other than the shelter identified in the patient record, and advance directives, ~~and the hospice shall make arrangements to make the list of medications, supplies, and equipment available to each patient in the event of an evacuation.~~

(15) The hospice shall maintain for each ~~patient who is a~~ special-needs patient ~~registrant~~ a list of client-specific medications, supplies, and equipment required for continuing care and service, should the patient be evacuated. If the hospice provides services to home patients, the hospice shall make arrangements to make the list of medications, supplies, and equipment available to each special-needs registrant in the event of an evacuation. The hospice shall notify the patient ~~registrant~~ that he/she ~~the registrant~~ is responsible for maintaining a supply of medications in the home. The list ~~of medication~~ shall include the names of all medications, dose, frequency, times, ~~and~~ any other special considerations for administration, any allergies, names of physicians and telephone numbers, and name and telephone number of the patient's pharmacy. If the patient gives consent, the list may also include the patient's diagnosis.

Specific Authority 400.605, 400.610(1)(b) FS. Law Implemented 400.605, 400.610 FS. History—New 8-6-02, Amended.

DEPARTMENT OF ELDER AFFAIRS

Division of Statewide Community Based Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58N-1 Long-Term Care Community Diversion Projects

RULE NOS.: RULE TITLES:

58N-1.001 Application Process
 58N-1.003 Service Descriptions
 58N-1.005 Service Provider Qualifications
 58N-1.007 Program Standards and Operating Procedures

58N-1.009 Care and Service Standards
 58N-1.011 Outcome Measures
 58N-1.013 Quality Assurance Standards
 58N-1.015 Utilization Review
 58N-1.017 Grievance and Conflict Resolution Procedures
 58N-1.019 Service Satisfaction

PURPOSE AND EFFECT: The purpose of the proposed rules is to incorporate specific criteria for Long-Term Care Community Diversion Projects, as it applies to managed care organizations and other qualified providers. These rules are developed to comply with Section 430.706, F.S., and require that all providers enrolling in, or currently enrolled in the Long-Term Care Community Diversion Project, comply with specific criteria to ensure that participants' needs are met to attain or maintain their highest practicable mental, physical and psychosocial well being through a continuum of care.

SUBJECT AREA TO BE ADDRESSED: Application process, service descriptions, service provider qualifications, program standards and operating procedures, care and service standards, outcome measures, quality assurance program, utilization review, grievance and conflict resolution procedures, and service satisfaction.

SPECIFIC AUTHORITY: 430.08, 430.706 FS.

LAW IMPLEMENTED: 409.912(27), 430.705(2)(b)2., 430.706, 641.3155, 641.51, 641.511 FS.

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

DATE AND TIME: December 7, 2006, 9:30 a.m. – 12:30 p.m. EST.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, 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, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000. Email address: 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 DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000. Email address: crochetj@elderaffairs.org.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58N-1.001 Application Process.

(1) Applicants who wish to apply as a provider for the Long-Term Care Community Diversion Project shall complete DOEA Form LTCD-001, Department of Elder Affairs Long-Term Care Community Diversion Pilot Project Provider Application, which is hereby incorporated by reference.

(a) The form is available from the Department of Elder Affairs, Division of Statewide Community-Based Services, Long-Term Care and Support, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone number (850)414-2000. The form is also available on the department's Web site at <http://elderaffairs.state.fl.us>.

(b) Applicants shall follow the instructions in completing the application and submit the application as instructed on the application cover sheet.

(2) In addition, applicants shall also enroll as Medicaid providers by completing the following forms:

(a) AHCA form 2200-0003 (December 2004), Florida Medicaid Provider Enrollment Application; and

(b) Non-Institutional MPA (Revised July 2006), Non-Institutional Medicaid Provider Agreement.

(c) These forms are hereby incorporated by reference and may be obtained from ACS State Healthcare, Provider Enrollment, P. O. Box 7070, Tallahassee, FL 32314-7070, or from the Agency for Health Care Administration Web site at <http://floridamedicaid.acs-inc.com/index.jsp?display=enrollment>.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History—New _____.

58N-1.003 Service Descriptions.

In addition to the terms defined in Section 430.703, F.S., and the provider contract, the following service descriptions are included. Long-Term Care Community Diversion Project providers (hereafter referred to as "diversion providers") are required to either arrange or provide these services, as needed, to participants enrolled in Long-Term Care Community Diversion Projects (hereafter referred to as "diversion project") as part of their contract with the department.

(1) Adult Companion Services: Non-medical care, supervision, and socialization provided to a functionally impaired adult.

(a) Companions assist or supervise the participant with tasks such as meal preparation, laundry and shopping, but do not perform these activities as discreet services.

(b) These services include light housekeeping tasks incidental to the care and supervision of the participant.

(c) The provision of companion services does not include hands-on nursing care.

(2) Adult Day Health Services: Services provided pursuant to Chapter 429, Part VIII, F.S. Examples include services furnished in an outpatient setting, encompassing both the health and social services needed to ensure optimal functioning

of a participant, including social services to assist with personal and family problems, and planned group therapeutic activities.

(a) Adult day health services include nutritional meals. Meals shall be included when the participant is at the center during meal times.

(b) Adult day health care includes medical screening, emphasizing prevention and continuity of care, including routine blood pressure checks and diabetic maintenance checks.

(c) Physical, occupational, and speech therapies indicated in the participant's plan of care are furnished as components of this service.

(d) Nursing services which include periodic evaluation, medical supervision, and supervision of self-care services directed toward activities of daily living and personal hygiene are also a component of this service.

(e) The inclusion of physical, occupational and speech therapies, and nursing services does not require the diversion provider to contract with an adult day health care provider to deliver these services when they are included in a participant's plan of care. The diversion provider may contract with other providers qualified to deliver these services pursuant to the terms of its contract with the department.

(3) Assisted Living Services: Personal care services, homemaker services, chore services, attendant care, companion services, medication oversight, and therapeutic social and recreational programming provided in a home-like environment to a resident living in an assisted living facility licensed pursuant to Chapter 429 Part I, Florida Statutes.

(a) Assisted living services may also include: physical therapy, occupational therapy, speech therapy, medication administration, and periodic nursing evaluations.

(b) This service does not include the cost of room and board.

(c) This service includes 24-hour on-site staff response to meet scheduled or unpredictable needs in a way that promotes maximum dignity and independence, and to provide supervision, safety and security.

(d) The diversion provider may arrange for other authorized service providers to deliver care to residents in assisted living facilities in the same manner as those services would be delivered to a person in their own home. The diversion provider shall be responsible for placing participants in the appropriate assisted living facility setting.

(e) Assistive care services are covered under the diversion provider's contract and cannot be billed separately by the assisted living facility.

(4) Case Management Services: Services that assist participants in gaining access to needed Medicaid waiver and State Plan services as well as other needed medical, social, and educational needs, regardless of the funding source. Case

management services coordinate and integrate care delivery through ongoing monitoring of service provision as provided in each participant care plan.

(5) Chore Services: Services needed to maintain the participant's home in a clean, sanitary and safe environment. This service includes heavy household chores such as washing floors, windows and walls, tacking down loose rugs and tiles, and moving heavy items of furniture in order to provide safe entry and exit.

(6) Consumable Medical Supply Services: The provision of disposable supplies used by the participant and caregiver, which are essential to adequately care for the participant's needs. These supplies enable the participant to perform activities of daily living or stabilize or monitor a health condition.

(a) Consumable medical supplies include adult disposable diapers, tubes of ointment, cotton balls and alcohol for use with injections, medicated bandages, gauze and tape, colostomy and catheter supplies, and other consumable supplies.

(b) Items covered under Medicaid home health agency services, personal toiletries, and household items such as detergents, bleach, and paper towels, or prescription drugs are not included.

(7) Environmental Accessibility Adaptation Services: Physical adaptations to the home required under the plan of care necessary to ensure the participant's health, welfare, and safety or enable the participant to function with greater independence in the home, without which he/she would require placement in an institutional setting.

(a) Such adaptations may include the installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, or installation of specialized electric and plumbing systems to accommodate the medical equipment and supplies required by the participant.

(b) Excluded are those adaptations or improvements to the home that are of general utility and are not of direct medical or remedial benefit to the participant, such as carpeting, roof repair, or central air conditioning. Adaptations, which add to the total square footage of the home, are not included in this benefit.

(c) All services must be provided in accordance with applicable state and local building codes.

(8) Escort Services: The provision of a personal escort for a participant to and from service providers. An escort may provide language interpretation for a participant who has hearing or speech impairments or who speaks a language different from that of the service provider. Escort providers assist participants in gaining access to services.

(9) Family Training Services: The provision of training and counseling services for the families of participants served by the diversion provider. Training includes instruction and

updates about treatment regimens and use of equipment specified in the plan of care to safely maintain the participant at home.

(a) "Family" is defined as the individuals who live with or provide care to a participant served by the diversion provider and may include a parent, spouse, children, relatives, foster family, or in-laws.

(b) "Family" does not include persons who are employed to care for the participant.

(10) Financial Assessment/Risk Reduction Services: The provision of financial assessment and guidance to the caregiver and participant. This service provides instructions for and/or actual performance of routine, necessary, monetary tasks for financial management such as budgeting and bill paying.

(a) This service includes a financial assessment to prevent exploitation by sorting through financial papers and insurance policies and organizing them in a usable manner.

(b) This service also includes coaching and counseling participants to avoid financial abuse, to maintain and balance accounts that directly relate to the participants living arrangement, or to lessen the risk of nursing home placement due to inappropriate money management.

(11) Home Delivered Meals: Nutritionally sound meals delivered to the residence of a participant who has difficulty shopping for or preparing food without assistance.

(a) Each meal shall provide 1/3 of the Recommended Dietary Allowance (RDA).

(b) Home delivered meals may be hot, cold, frozen, dried, canned or a combination of these methods with a satisfactory storage life.

(c) Religious preferences in the selection and preparation of menu items shall be accommodated.

(12) Homemaker Services: The provision of general household activities (meal preparation and routine household care) provided by a trained homemaker.

(13) Nursing Facility Services: Services furnished in a health care facility licensed under Chapters 400 and 408, Part II, F.S.

(14) Nutritional Assessment/Risk Reduction Services: A nutritional assessment, hands-on care, and guidance to caregivers and participants with respect to nutrition.

(a) This service instructs caregivers and participants to follow dietary specifications that are essential to their health and physical functioning, to prepare and eat nutritionally appropriate meals, and promote better health through improved nutrition.

(b) This service may include instructions on shopping for quality food and food preparation.

(15) Occupational Therapy: Treatment to restore, improve, or maintain impaired functions aimed at increasing or maintaining the recipient's ability to perform tasks required for

independent functioning to improve his/her capability to live safely in the home. The need for this service shall be determined through a multi-disciplinary assessment.

(16) Personal Care Services: Assistance with eating, bathing, dressing, personal hygiene, and other activities of daily living. This service includes assistance with preparation of meals, but does not include the cost of the meals. This service may also include housekeeping chores such as bed making, dusting and vacuuming, which are incidental to the care furnished, or which are essential to the health and welfare of the participant, rather than his/her family.

(17) Personal Emergency Response System (PERS): The installation and service of an electronic device, which enables participants at high risk of placement in an institutional setting to secure help in an emergency.

(a) The PERS is connected to the participant's telephone and programmed to signal a response center once a "help" button is activated. The participant may also wear a portable "help" button to allow for mobility.

(b) PERS services are generally limited to those participants who live alone or who are alone for significant parts of the day and who would otherwise require extensive supervision.

(c) Providers of this service must have a process for verifying the functionality of the system at least weekly.

(18) Physical Therapy: Treatment to restore, improve, or maintain impaired functions by using activities and chemicals with heat, light, electricity or sound; massage; and active, resistive, or passive exercise to improve a participant's capability to live safely in the home. The need shall be determined through a multi-disciplinary assessment.

(19) Respite Care Services: Services provided to participants on a short-term basis, who are unable to care for themselves, due to the absence or need for relief of their caregivers. Respite care does not substitute for the care usually provided by a registered nurse, a licensed practical nurse, or a therapist. Respite care is provided in the home or place of residence or a Medicaid licensed hospital, nursing facility, or assisted living facility.

(20) Speech Therapy: The identification and treatment of neurological deficiencies related to feeding problems, congenital or trauma-related maxillofacial anomalies, autism, or neurological conditions that effect oral motor functions. Services include the evaluation and treatment of problems related to an oral motor dysfunction to improve a participant's ability to live safely in the home. The need for this service shall be determined by a multi-disciplinary assessment.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History--New _____.

58N-1.005 Service Provider Qualifications.

(1) Adult Companion Services: These services shall be provided by a licensed home health agency pursuant to Chapter 400, Part IV, F.S.; or individuals having a certificate of registration issued by the Agency for Health Care Administration pursuant to Section 400.509, F. S.; or be a Community Care for the Elderly (CCE) provider as defined in Section 430.203, F.S., and registered in accordance with Section 400.509, F.S.

(2) Adult Day Health Services: These services shall be administered by providers licensed by the Agency for Health Care Administration as an adult day care center pursuant to Chapter 429, Part III, F.S., or meet the adult day care center exemption requirements in Section 429.905, F.S.

(3) Assisted Living Facility Services: These are services provided in an assisted living facility licensed in accordance with to Chapter 429 Part I, F.S.

(a) The facility shall be licensed for Limited Nursing Services (LNS) or Extended Congregate Care (ECC) Services or have a standard license and meet the staffing requirements of a LNS or ECC facility.

(b) Participants residing in standard licensed facilities prior to the effective date of this rule shall have the option to remain in the facility.

(4) Case Management Services: These services shall be provided by case managers employed by the diversion provider. Case managers shall meet at least one of the following qualifications:

(a) Have a Bachelor's Degree in social work, sociology, psychology, gerontology or related field; or

(b) Have a Bachelor's Degree in an unrelated field and have at least two (2) years of geriatric experience; or

(c) Be a registered nurse licensed to practice in the state;

or
(d) Be a licensed practical nurse licensed to practice in the state with four (4) years of geriatric experience.

(5) Chore Services: These services shall be provided by a lead agency as defined in Section 430.203(9), F.S.; a home health agency licensed in accordance with Chapter 400, Part IV, F.S.; a pest control agency licensed pursuant to Section 482.071, F.S.; a general contractor licensed to do home repair pursuant to Section 489.131, F.S.; or a person employed by or under the direct supervision of the general contractor, who the general contractor has confirmed is qualified by training or experience to provide home repair, home modification, general construction, chore services; and who has received the following training:

(a) Safety and home accident prevention;

(b) Participant record confidentiality;

(c) Project policies and procedures;

(d) Background and purpose of the program;

(e) Emergency procedures in the event of a crisis during the course of work;

(f) House and yard cleaning and sanitation;

(g) Simple repairs and the use of related tools and equipment; and

(h) Aging process and first aid.

(6) Consumable Medical Supply Services: These services shall be provided by pharmacies meeting the requirements under Section 465.022, F.S.; home medical equipment providers licensed pursuant to Chapter 400, Part X, F.S.; or home health agencies licensed pursuant to Chapter 400, Part IV, F.S.

(7) Environmental Accessibility Adaptation Services: These services shall be provided by general contractors licensed to do home repairs pursuant to Section 489.131, F.S.; or persons employed by or under the direct supervision of general contractors, who the general contractor has confirmed is qualified by training or experience to provide home repairs, home modifications, and general construction; and who has received the following training:

(a) Safety and home accident prevention;

(b) Participant record confidentiality;

(c) Project policies and procedures;

(d) Background and purpose of the program;

(e) Emergency procedures in the event of a crisis during the course of work;

(f) House and yard cleaning and sanitation; and

(g) Simple repairs and the use of related tools and equipment.

(8) Escort Services: These services shall be provided by lead agencies as defined in Section 430.203(9), F.S.; home health agencies licensed pursuant to Chapter 400, Part IV, F.S.; or persons employed by or working under the direct supervision of the diversion provider and trained in the following areas:

(a) Dynamics of aging;

(b) Communication and assistance with hearing and visually impaired patients;

(c) Emergency procedures; and

(d) Participant confidentiality.

(9) Family Training Services: These services shall be provided by home health agencies licensed pursuant to Chapter 400, Part IV, F.S.; lead agencies as defined in Section 430.203(9), F.S.; or medical practitioners licensed under Chapters 464 or 491, F.S., and shall include training or counseling within the scope of their practice.

(10) Financial Assessment/Risk Reduction Services: These services shall be provided by home health agencies licensed pursuant to Chapter 400, Part IV, F.S.; lead agencies as defined in Section 430.203(9), F.S.; persons confirmed to be qualified to perform the service by experience and training,

such as certified financial planners, bank employees, or individual bookkeepers; or qualified persons employed by or working under the direct supervision of the diversion provider.

(11) Home Delivered Meals: These services shall be provided by lead agencies as defined in Section 430.203(9), F.S.; or subcontractors who meet food service standards as defined in Chapters 500 and 509, F.S.; or Older Americans Act providers as defined in Rule Chapter 58A-1, F.A.C., Administration of Federal Aging Programs.

(12) Homemaker Service Providers: These services shall be provided by home health agencies licensed pursuant to Chapter 400, Part IV, F.S.; lead agencies as defined in Section 430.203(9), F.S.; or individuals having a certificate of registration issued by the Agency for Health Care Administration pursuant to Section 400.509, F.S.

(13) Nursing Facility Services: These services shall be provided by nursing facilities licensed under Chapters 400 or 408, Part II, F.S.

(14) Nutritional Assessment Risk Reduction Services: These services shall be provided by Registered Licensed Dietitians or other health professionals functioning in their legal scope of practice and licensed under Section 468, F.S. A dietetic technician (DTR) may, according to the American Dietetic Association, assist a dietitian and assume full responsibility under supervision of a Registered Licensed Dietitian for a wide range of duties including counseling participants on specific diets. A Registered Licensed Dietitian licensed under Section 468, F.S. must approve nutritional education materials. These services may be provided by lead agencies as defined in Section 430.203(9), F.S.

(15) Occupational, Physical, and Speech Therapy Providers: These services shall be provided by home health agencies licensed pursuant to Chapter 400, Part IV, F.S., or providers holding current registration, certification, or licenses pursuant to Chapters 468 and 486, F.S.

(16) Personal Care Providers: These services shall be provided by lead agencies as defined in Section 430.203(9), F.S.; certified nursing assistants employed by a Nurse Registry pursuant to Section 400.506, F.S.; or home health agencies licensed pursuant to Chapter 400, Part IV, F.S.

(17) Personal Emergency Response System Service Providers: This service shall be provided by providers meeting the requirements as defined in Chapter 489, Part II, F.S.

(18) Respite Care Providers: These services shall be provided by licensed home health agencies pursuant to Chapter 400, Part IV, F.S.; providers having certificates of registration issued by the Agency for Health Care Administration pursuant to Section 400.509, F.S.; lead agencies as defined in Section 430.203(9), F.S.; adult day care centers licensed pursuant to Chapter 429, Part III, F.S.; assisted living facilities licensed pursuant to Chapter 429, Part I, F.S.; or nursing facilities licensed pursuant to Chapter 400, F.S.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History--New _____.

58N-1.007 Program Standards and Operating Procedures.

(1) Financial Solvency: The diversion provider shall establish and maintain a restricted insolvency protection account pursuant to Section 430.705(2)(b)4., F.S.

(2) Surplus Account: The diversion provider shall establish and maintain a surplus account pursuant to Section 430.705(2)(b)5., F.S.

(3) Financial Reporting: The diversion provider shall submit unaudited financial statements to the department quarterly.

(4) Audited Financial Statements: The diversion provider shall submit an annual audited financial statement specific to the diversion program that expressly confirms that the provider satisfies the requirements in subsection (2) of this rule.

(a) The diversion provider shall also submit a signed statement from the president of the organization attesting that no assets have been pledged to secure personal loans.

(b) The diversion provider shall submit the financial statement to the department no later than four (4) months after the end of its fiscal year.

(c) The financial statement shall be prepared by an independent certified public accountant on the accrual basis of accounting in accordance with generally accepted accounting principles as established by the American Institute of Certified Public Accountants (AICPA).

1. Audits performed to meet the requirements of OMB Circular 128 shall satisfy this requirement.

2. For government owned and operated facilities that operate on a cash method of accounting, data based on such a method of accounting shall be acceptable.

(5) Financial Risk: To participate as a diversion provider, the entity shall demonstrate the capacity to assume responsibility and financial risk for providing all acute care services and home and community-based waiver services necessary to maintain participants in a community setting. Furthermore, diversion providers shall demonstrate the capacity to integrate the administration and delivery of these services to meet individual needs in order for participants to attain or maintain their highest practical mental, physical and psychosocial well being while living in the community for as long as is safely feasible.

(6) Diversion Provider Network Requirements:

(a) Prior to the provision of any services to participants, the diversion provider shall have, at a minimum, at least two (2) subcontractors for each service described in Rules 58N-1.003 and 58N-1.005, F.A.C. The diversion provider is required to have:

(b) Two (2) subcontractors for each service for up to 99 participants.

(c) An additional subcontractor for increments of fifty (50) additional participants for each specific service utilized.

(7) Exceptions to Provider Network Requirements:

(a) The department may grant an exception to the requirement cited in paragraph (6)(c) of this rule, upon consultation with the Agency for Health Care Administration, in instances where there are no available subcontractors for the specific service(s) needed, or when the diversion provider is unable to negotiate agreements with subcontractors after demonstration of a good-faith effort.

(b) The following services are exempt from the requirement cited in paragraph (6)(c) of this rule:

1. Personal Emergency Response System;
2. Home delivered meals;
3. Financial assessment/risk reduction;
4. Nutritional assessment/risk reduction; and
5. Family training.

(8) Assisted Living and Nursing Home Facilities:

(a) The diversion provider shall make a good-faith effort to establish subcontracts with assisted living and nursing home facilities.

(b) These facilities shall be located not more than thirty (30) miles from caregivers and families to encourage frequent visiting with participants.

(9) Provider Network Prohibition: The diversion provider may not enter into exclusive contracts or arrangements with subcontractors for services that prohibit, by any means, entities from contracting with other providers for the same or similar services.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History--New _____.

58N-1.009 Care and Service Standards.

(1) Medicaid Waiver Services: With the exception of nursing facility services, the long-term care services included under the diversion projects are authorized under the Medicaid home and community-based waiver. The waiver services shall meet all licensure and certification requirements as specified in Rule 58N-1.003, F.A.C., the Medicaid Nursing Home Waiver Agreement, state and federal regulations, and acceptable community professional practice requirements.

(2) Assisted Living and Nursing Home Facilities: Assisted living facilities and nursing home facilities licensed under Chapters 429 and 400, F.S., respectively, shall meet all contractual requirements related to reports, policies and procedures, and quality assurance provisions of the long-term care diversion project. Additionally, these facilities shall be in compliance with federal regulations and acceptable community professional practice requirements.

(2) Acute Care Services:

(a) The following services are covered for participants based on the Medicaid state plan approved by the federal Centers for Medicare and Medicaid Services. These services shall be covered under the diversion project to the extent that they are not covered by Medicare or Medicaid pursuant to Medicaid's cost-sharing policies with Medicare.

1. Community Mental Health Services.
2. Dental Services.
3. Hearing Services.
4. Home Health Care Services.
5. Independent Laboratory and Portable X-ray Services.
6. Inpatient Hospital Services.
7. Outpatient Hospital/Emergency Medical Services.
8. Physicians Services.
9. Prescribed Drug Services.
10. Vision Services.

(b) Descriptions of these services and provider requirements shall be in accordance with the diversion provider's contract with the department.

(3) Optional Services: The diversion provider may provide optional services, such as transportation for participants for necessary medical services, in accordance with its contract with the department.

(4) Expanded Services: The diversion provider may provide expanded services for participants in accordance with its contract with the department.

(5) Emergency Care Requirements: The diversion provider shall provide emergency care post-stabilization services in accordance with its contract with the department.

(6) Out of Network Use of Non-Emergency Services: The diversion provider shall adhere to the requirements outlined in its contract with the department when participants utilize non-emergency services outside of the diversion provider's network.

(7) Case Management:

(a) The diversion provider shall directly provide case management services and shall be in compliance with Section 430.705(2)(b)2., F.S.

(b) In addition the diversion provider shall ensure that case managers attend and complete the following training:

1. Four (4) hours of in-service training annually on issues affecting the frail elderly;
2. Abuse, neglect, and exploitation training specifically involving the elderly; and
3. Alzheimer's disease and related disorders annual continuing education training from an accredited entity, focusing on newly developed topics in the field.

4. The department shall approve the diversion provider's internal training materials prior to their use for training purposes.

(c) The diversion provider may employ paraprofessionals, such as case aides, to assist case managers in the performance of their duties. However, the department shall approve this arrangement prior to using paraprofessionals for this purpose.

(d) In regards to participants, case managers shall complete at least:

1. One phone call and one face-to-face visit monthly for participants residing in the community; and
2. One phone call monthly and one face-to-face visit quarterly for participants residing in a facility.

(e) The ratio of case managers to participants shall be a maximum of:

1. One (1) to thirty-five (35) in the community; and
2. One (1) to forty-five (45) in facilities.

(8) Accreditation: All diversion providers shall receive accreditation from an organization that has been approved by the Agency for Health Care Administration. This requirement shall be completed within one year after contracting with the department. The department may extend the period of time for accreditation for those providers who are currently not accredited pursuant to this subsection.

(9) Care Planning:

(a) Each participant shall have a care plan. The care plan (also known as the plan of care or service plan) is the tool used by the case manager to document a participant's assessed needs, desired outcomes, and services to be provided. The care plan is a plan of action, developed in conjunction with the participant, caregiver and/or family or representative. It is designed to assist the case manager in the overall management of the participant's care.

1. The participant's file shall include the care plan, which shall be signed by the participant, caregiver (or family or representative), and the case manager.

2. The participant or caregiver (or family or representative) shall receive a signed copy of the care plan.

(b) All changes in services in the care plan shall be documented in the participant's file.

1. The file shall contain changes to the care plan and be signed by the participant, caregiver (or family or representative), and the case manager.

2. The participant or caregiver (or family or representative) shall receive a signed copy of the care plan. The original shall be included in the participant's case file.

3. The participant's case file shall have clear documentation for the reason for changes in services.

(b) The diversion provider shall make every effort to contract with service providers that the participant and the caregiver (or family or representative) prefer. The participant's case file shall include attempts to obtain the participant's service provider preferences.

(10) Emergency/Disaster Plan:

(a) The diversion provider shall submit its emergency/disaster plan to the department no later than April 30 of each year.

(b) The diversion provider shall perform the following as it relates to computer system backup and recovery:

1. Prepare for the loss of information processing capabilities in the event of an emergency or disaster. Data and software essential to the continued operations of the diversion provider shall be routinely backed up. These backups shall be of sufficient extent and frequency to restore operations with a minimal interruption after a system failure from any cause.

2. Ensure security controls for back up resources meet the protection requirements of the primary resources.

3. Ensure a copy of the backed up data is stored in a secure, offsite location.

4. Submit to the department, annually or upon revision, written policies for backing up data and software in order to be online within twenty-four (24) hours after a emergency or disaster. These policies may be included in the emergency/disaster plan referenced in paragraph (a) of this subsection.

(c) Diversion providers shall conduct emergency/disaster training at least annually.

(d) The case manager shall make the necessary emergency arrangements with the participant's family or other shelter arrangements during the enrollment process.

1. Emergency arrangements shall include emergency supplies, transportation to the emergency location, and coordination of emergency services with the participant's family or other shelter arrangements.

2. The participant shall be provided with the case manager's cell phone number and the diversion provider's emergency number.

3. The case manager shall review and update the participant's emergency/disaster plan with the participant and family at least annually.

(e) The diversion provider shall submit its specific emergency/disaster plan to the department for the effected areas when watches are issued for the following: flood, tropical storm, hurricane, or other natural or manmade emergencies/disasters.

(11) Disenrollments:

(a) Upon notification of a participant's death, the diversion provider shall disenroll the participant and void any claims for the months the participant remained enrolled after death. The diversion provider shall notify the local CARES and Department of Children and Families offices.

(b) The diversion provider shall submit other disenrollments or requests to change diversion providers to the local CARES office.

(c) The CARES office shall not accept disenrollment forms from anyone other than the participant's current diversion provider. All disenrollment request forms shall be approved by the department.

(d) The current diversion provider shall continue to provide services to the participant until the documented effective date of disenrollment.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.705(2)(b)2., 430.706 FS. History-New _____.

58N-1.011 Outcome Measures.

(1) Participant Satisfaction: Ninety percent (90%) of participants shall report positive satisfaction with services received based on the service satisfaction survey reference in Rule 58N-1.019, F.A.C.

(2) Caregiver, or Family or Representative Satisfaction: Ninety percent (90%) of participants' caregivers (or families or representatives) shall report positive satisfaction with services received based on the service satisfaction survey referenced in Rule 58N-1.019, F.A.C.

(3) Nursing Home Placement: Out of the total number of diversion participants disenrolled from the program, not more than 10% shall have entered into a nursing home under the Medicaid state plan within 6 months after disenrollment.

(4) Provider Reimbursement: All service provider reimbursements shall be made and shall meet the timeliness requirements according to Section 641.3155, F.S.

(5) Provider Reporting: Ninety-five (95) percent of all diversion provider required reports shall be submitted to the department on or before the due date.

(6) Voluntary Disenrollment: Out of the total number of participants who voluntarily disenroll from a diversion provider, not more than ten (10) percent shall have:

(a) Disenrolled due to dissatisfaction with the delivery of services; and

(b) Enrolled with another diversion provider within three (3) months.

Specific Authority 430.08, 430.706 FS. Law Implemented: 430.705(2)(b)3., 430.706, 641.3155 FS. History-New _____.

58N-1.013 Quality Assurance Standards.

The diversion provider shall develop a quality assurance program with written policies and procedures that addresses the needs of participants, promotes improved clinical outcomes and quality of life, identifies and addresses service delivery issues, and monitors the quality and appropriateness of care provided to participants with special health care needs. The quality assurance program shall comply with applicable provisions of Section 409.912(27), F.S., and Section 641.51, F.S.

Specific Authority 430.08, 430.706 FS. Law Implemented 409.912(27), 430.706, 641.51 FS. History-New _____.

58N-1.015 Utilization Review.

Each diversion provider shall develop a utilization review methodology that shall include, at a minimum, the elements listed below. These elements shall include:

- (1) Participants who received services with adverse or unexpected outcomes;
- (2) Ethical issues and questions such as end-of-life decisions and advance directives;
- (3) Targeted specific conditions and health service delivery issues;
- (4) Generally accepted practice guidelines to objectively evaluate health service delivery issues and the care that the case manager delivered or failed to deliver;
- (5) Management of participants' diagnoses;
- (6) Appropriateness and timeliness of services provided;
- (7) Comprehensiveness of the care plan and the participant's compliance or non-compliance with the care plan, and the effects on the desired outcomes;
- (8) Evidence of special screening for, and monitoring of, high-risk participants or conditions; and
- (9) Grievance and appeals identified through its policies and procedures in accordance with Rule 58N-1.017, F.A.C.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History--New _____.

58N-1.017 Grievance and Conflict Resolution.

Diversion providers shall have detailed written procedures in place for participants that include a grievance process, an appeal process, and access to the Medicaid fair hearing system. The diversion provider shall develop, implement, and maintain a grievance system that complies with the requirements of Section 641.511, F.S., and federal laws and regulations.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706, 641.511 FS. History--New _____.

58N-1.019 Service Satisfaction.

Diversion providers shall conduct recipient and caregiver (or family or representative) service satisfaction surveys in accordance with its contract with the department. The main focus of the surveys shall be to determine satisfaction with the provision of services.

Specific Authority 430.08, 430.706 FS. Law Implemented 430.706 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.070
 RULE TITLE: Durable Medical Equipment and Medical Supplies

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-4.070, F.A.C., is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Medical

Supply Services Coverage and Limitations Handbook, January 2007. The revised handbook includes the policy and procedure code changes mandated by the federal Health Insurance Portability and Accountability Act (HIPAA) and revised provider enrollment and service requirement policies. The handbook also contains the policies for certain products that were transferred from the Medicaid Prescribed Drug Program to the Medicaid Durable Medical Equipment and Medical Supplies Program. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, January 2007.

This Notice of Rule Development replaces the Notice of Rule Development that was published in Vol. 31, No. 30, July 29, 2005, Florida Administrative Weekly.

SUBJECT AREAS TO BE ADDRESSED: Durable Medical Equipment and Medical Supplies.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.913 FS.

IF REQUESTED IN WRITING 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, December 11, 2006, 1:30 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dan Gabric, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308-5403, (850)922-7306

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.070 Durable Medical Equipment and Medical Supplies.

(1) No change.

(2) All durable medical equipment and medical supply providers enrolled in the Medicaid program must be in compliance ~~comply~~ with the Florida Medicaid Durable Medical Equipment and Medical Supply Services Coverage and Limitations Handbook, January 2007 ~~April 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS HCFA-1500 and EPSDT 224, which is incorporated by reference in Rule 59G-4.001 ~~5-020~~, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com> ~~agent~~. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

~~(3) All DME providers and their billing agents must comply with the provisions of the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, November 1996, which is incorporated by reference and available from the Medicaid fiscal agent.~~

~~(4) Durable Medical Equipment and Supplies. All DME/Medical Supply providers must comply with the provisions of the Florida Medicaid DME/Medical Supply Services Coverage and Limitations Handbook January 2000, which is incorporated by reference and available from the Medicaid fiscal agent.~~

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907(7), 409.908, 409.913 FS. History—New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99, 10-18-00, 4-30-01,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: RULE TITLE:
61B-29.001 Definitions

PURPOSE AND EFFECT: To clarify that mobile home park owners must disclose in the prospectus any and all fees, charges or costs it may impose.

SUBJECT AREA TO BE ADDRESSED: Subsection 723.006(7), F.S., authorizes the Division of Florida Land Sales, Condominiums and Mobile Homes to adopt rules to implement Chapter 723, F.S., the “Florida Mobile Home Act.” Subsection 723.006(10), F.S., authorizes the division to require mobile home park owners to “fully and fairly disclose all matters required of this chapter.” Mobile home park owners are required by Section 723.012, F.S., to prepare a prospectus or offering circular containing many specific disclosures, especially any direct or indirect financial obligations the park owner may impose. Subsection 723.011(3), F.S., indicates that the prospectus or offering circular is the “disclosure document intended to afford protection to homeowners and prospective homeowners in the mobile home park.” However, some mobile home park owners impose entrance fees, application, background check and/or screening fees, administrative fees or such other fees, costs, or charges on purchasers of mobile homes situated in the mobile home park or new mobile home owners coming into the mobile home park without disclosing them in the prospectus on the basis that these individuals are not yet homeowners (e.g.: renting or leasing a lot within the park) and so are not protected by the Florida Mobile Home Act. The proposed rule would clarify that a mobile home park owner must disclose in the prospectus any direct or indirect financial obligations that may be imposed as a condition of tenancy, occupancy or ownership of a mobile home in the park. The proposed rule would modify Rule 61B-29.001, F.A.C., by adding the definition of “other fees” for Chapter 723, F.S., that includes “entrance fee” and “application fee” as those terms

were found to be commonly understood in the mobile home industry by the Division of Administrative Hearings in Florida Manufactured Housing Association, Inc. v. DBPR, Division of Land Sales, Condominiums, and Mobile Homes, DOAH Case No. 88-1133RP, to clarify what should be disclosed in the prospectus.

SPECIFIC AUTHORITY: 723.006(7) FS.

LAW IMPLEMENTED: 723.002(3), 723.003(2), (5), (8), 723.006(4), (8), (10), 723.011(2), (3), 723.012(9)(b)8., (11), 723.014(1), 723.031(3), (6), 723.035(2), 723.041, 723.058, 723.059, 723.061(1)(b), (e) FS.

IF REQUESTED 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: December 12, 2006, 3:30 p.m.

PLACE: Conference Room, Suite 16, The Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop by contacting Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

A copy of the rule amendment is available online at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: RULE TITLE:
61B-31.001 Prospectus and Rental Agreement

PURPOSE AND EFFECT: To clarify that mobile home park owners must disclose in the prospectus any and all fees, charges or costs it may impose.

SUBJECT AREA TO BE ADDRESSED: Subsection 723.006(7), F.S., authorizes the Division of Florida Land Sales, Condominiums and Mobile Homes to adopt rules to implement Chapter 723, Florida Statutes, the “Florida Mobile Home Act.” Subsection 723.006(10), F.S., authorizes the division to require mobile home park owners to “fully and fairly disclose all matters required of this chapter.” Mobile home park owners are required by Section 723.012, F.S., to prepare a prospectus or offering circular containing many specific disclosures, especially any direct or indirect financial obligations the park

owner may impose. Subsection 723.011(3), F.S., indicates that the prospectus or offering circular is the “disclosure document intended to afford protection to homeowners and prospective homeowners in the mobile home park.” However, some mobile home park owners impose entrance fees, application, background check and/or screening fees, administrative fees or such other fees, costs, or charges on purchasers of mobile homes situated in the mobile home park or new mobile home owners coming into the mobile home park without disclosing them in the prospectus on the basis that these individuals are not yet homeowners (e.g.: renting or leasing a lot within the park) and so are not protected by the Florida Mobile Home Act. The proposed rule would clarify that a mobile home park owner must disclose in the prospectus any direct or indirect financial obligations that may be imposed as a condition of tenancy, occupancy or ownership of a mobile home in the park. The proposed rule would modify Rule 61B-31.001, F.A.C., to clarify that the prospectus disclosures are intended to apply to homeowners and prospective homeowners and incorporates other fees throughout the rule to clarify that these are required to be disclosed in the prospectus.

SPECIFIC AUTHORITY: 723.006(7) FS.

LAW IMPLEMENTED: 723.002(3), 723.003(2), (5), (8), 723.006(4), (8), (10), 723.011(2), (3), 723.012(9)(b)8, (11), 723.014(1), 723.031(3), (6), 723.035(2), 723.041, 723.058, 723.059, 723.061(1)(b), (e) FS.

IF REQUESTED 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: December 12, 2006, 3:30 p.m.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

A copy of the rule amendment is available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.007
 RULE TITLE: Foreign Degrees

PURPOSE AND EFFECT: Purpose and effect is to approve an additional education evaluation service for use by licensure applicants.

SUBJECT AREA TO BE ADDRESSED: Foreign Degrees.

SPECIFIC AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-20.007 Foreign Degrees.

(1) through (3) No change.

(4) The applicant must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either Engineering Credentials Evaluation International, 111 Market Place, #171, Baltimore, Maryland 21202; Center for Professional Engineering Education Services, P. O. Box 720010, Miami, Florida 33172; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

(5) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, 6-11-06,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.011
 RULE TITLE: Board Approval of Continuing Education Providers

PURPOSE AND EFFECT: Purpose and effect is to include state agencies in the same category as federal agencies.

SUBJECT AREA TO BE ADDRESSED: Board Approval of Continuing Education Providers.

SPECIFIC AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G15-22.011 Board Approval of Continuing Education Providers.

(1) through (8) No change.

(9) The following providers shall be approved as providers until May 31, 2009, and the Board shall accept their courses for continuing education credit:

(a) No change.

(b) Federal and State Governmental Agencies that establish rules, regulations, guidelines, or otherwise have an impact on the practice of engineering; and

(c) No change.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05, 6-11-06,_____.

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 Nursing Home Administrators

RULE NO.: 64B10-15.001
 RULE TITLE: Continuing Education for Licensure Renewal

PURPOSE AND EFFECT: The Board proposes a rule amendment to delete the language in parenthesis (5) of the rule for the requirements for continuing education for licensure renewal.

SUBJECT AREA TO BE ADDRESSED: Continuing Education for Licensure Renewal.

SPECIFIC AUTHORITY: 456.033, 468.1685(1), 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 468.1715(3), 468.1725 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B10-15.001 Continuing Education for Licensure Renewal.

(1) through (4) No change.

~~(5) Licensees shall include either the hours obtained from attendance at the HIV/AIDS course required under Section 456.033(1), F.S., or a course in end of life care and palliative health care that may be taken in lieu of the HIV/AIDS course pursuant to Section 456.033(9), F.S., as part of the hours required for biennial renewal.~~

~~(5)(6)~~ No change.

~~(6)(7)~~ No change.

Specific Authority 456.033, 468.1685(1), 468.1715(3), 468.1725 FS. Law Implemented 456.013(6), 456.033, 468.1715(3), 468.1725 FS. History—New 12-11-80, Amended 2-20-83, 5-2-84, Formerly 21Z-15.01, Amended 12-31-86, 2-26-89, 11-19-91, Formerly 21Z-15.001, 61G12-15.001, Amended 9-4-96, 10-20-96, 7-21-97, Formerly 59T-15.001, Amended 5-15-00, 11-4-02, 5-7-06,_____.

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.2031
 RULE TITLE: Licensure by Examination; Foreign Pharmacy Graduates

PURPOSE AND EFFECT: The Board proposes the rule amendment to amend the qualifications of a foreign pharmacy graduate to sit for the licensure examination.

SUBJECT AREA TO BE ADDRESSED: Licensure by Examination; Foreign Pharmacy Graduates.

SPECIFIC AUTHORITY: 465.005, 465.007 FS.

LAW IMPLEMENTED: 465.007 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:

64B16-26.2031 Licensure by Examination; Foreign Pharmacy Graduates.

In order for a foreign pharmacy graduate to be admitted to the professional licensure examination, the applicant must:

- (1) No change.
- (2) Be certified by the Foreign Pharmacy Graduate Examination Committee to have passed the FPGEE, the Test of English as a Foreign Language, and the Test of Spoken English. Successfully pass the foreign pharmacy graduate equivalency examination which is given by the Foreign Pharmacy Graduate Equivalency Commission.

(3) Complete a minimum of 500 hours of supervised work activity within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. Further, no program of work activity will be approved for any applicant until said applicant has been certified by FPGEE. Demonstrate proficiency in the use of English by passing the Test of English as a Foreign Language (TOEFL) which is given by the Educational Testing Service, Inc., with a score of at least 500 for the pencil and paper test or 173 for the computer version.

(4) Demonstrate proficiency in the use of spoken English by passing the Test of Spoken English (TSE) with a score of at least 200 or an equivalent score of 45 on the recalibrated TSE.

(5) Complete a minimum of 500 hours of supervised work activity within the State of Florida. Such experience must be equivalent to that required in the internship program as set forth in Rule 64B16-26.2032, F.A.C. The work experience program including both the preceptor and the permittee must be approved by the Board of Pharmacy. Further, no program of work activity will be approved for any applicant until said applicant has successfully completed the examination as set forth in subsections (2) and (3) above.

Specific Authority 465.005, 465.007 FS. Law Implemented 465.007 FS. History--New 1-11-05, Amended _____.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.: 64B17-7.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to add language regarding disciplinary guidelines used for a licensee practicing on a delinquent license, inactive status license or retired status license.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 456.072, 456.079, 486.025 FS.

LAW IMPLEMENTED: 456.072, 456.073, 456.079, 486.125 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: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-7.001 Disciplinary Guidelines.

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

(bb) Section 456.036(1), F.S. and Section 486.125(1)(k), F.S. or Section 456.072(1)(dd), F.S.: Practicing on a delinquent license, inactive status license and retired status license – from a minimum fine of \$1,000 and/or a letter of concern up to a maximum fee of \$5,000 and/or suspension of license for two years followed by two years of probation. For a second offense, from a minimum fine of \$5,000 and/or two years of probation up to a maximum fine of \$10,000 and/or revocation of license. After the second offense, from a minimum fine of \$7,500 and/or six months of suspension followed by probation up to a maximum fine of \$10,000 and/or revocation.

(2) No change.

Specific Authority ~~456.036~~, 456.072, 456.079, 486.025 FS. Law Implemented 456.072, 456.073, 456.079, 486.125 FS. History--New 2-10-87, Formerly 21M-9.023, Amended 8-2-90, 10-14-91, 12-6-92, 3-24-93, Formerly 21MM-7.002, 61F11-7.002, 59Y-7.002, Amended 1-8-98, 8-3-00, 1-2-03, 4-9-06, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-1.004
RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to provide definitions for language in rules of the Fish and Wildlife Conservation Commission, during calendar year 2007.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include rule language definitions.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-4.001 RULE TITLE: General Prohibitions

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, associated with general prohibitions pertaining to wildlife and freshwater fish resources.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rule include general prohibitions pertaining to wildlife and freshwater fish.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-5.005 RULE TITLE: Quota Hunt Permits and Special-Opportunity Permits – Application; Selection; Issuance

PURPOSE AND EFFECT: The purposes and effects of the proposed rule development are to establish or revise procedures for application, selection, or issuance of quota hunt or special-opportunity hunt permits, during the 2007 calendar year.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include the application, selection and issuance of Quota Hunt Permits and Special-opportunity Permits.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-9.004	Permits for Hunting or Other Recreational Use on Wildlife Management Areas
68A-9.007	Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing
68A-9.008	Permits for Physically Disabled

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, associated with recreational use permits and related fees on Wildlife Management Areas; special-use permits, short-term use permits, special-opportunity hunting and fishing permits, and any related fees; and permits for the physically disabled.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include recreational use permits; special-use permits, short-term use permits, special-opportunity hunting and fishing, and related fees; and permits for the physically disabled.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 372.121, 372.57, 375.313 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-11.005	Use of Tracked Vehicles in the South Region
68A-11.0051	Tracked Vehicles Used for Recreational Purposes in South Region

PURPOSE AND EFFECT: The purpose and effect of this rule development is to establish or revise rule provisions, during calendar year 2007, associated with tracked vehicle registration and use in the South Region.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules would reestablish and simplify rules for inspecting and registering tracked vehicles utilizing the Holey Land, Rotenberger, and Everglades and Francis S. Taylor WMAs; modify the specifications for allowable tracked vehicles; require periodic re-inspection of tracked vehicles to insure accurate and up-to-date records; require registration of tracked vehicles when transferring ownership; and, establish a tracked vehicle registration decal system.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 372.021, 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution, 372.021, 375.313 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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-12.002	General Methods of Taking Game; Prohibitions
68A-12.007	Hunting Dogs; Molesting Game in Closed Season; Training; Field Trials; Prohibited for Certain Hunting

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to define methods of taking game and to prohibit the taking of some game on designated areas; and regulate the use of dogs for taking game during calendar year 2007.

SUBJECT AREA TO BE ADDRESSED: The Commission is considering changing the methods of taking game in certain geographical locations and changing regulations regarding the use of dogs for taking certain game.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-13.001	Open Season for Taking Game; Bag and Possession Limits
68A-13.002	Migratory Birds; Adoption of Federal Statutes and Regulations
68A-13.003	Hunting Regulations for Ducks, Geese, and Coots
68A-13.004	Open Season for Taking and Bag Limits for Non-Migratory Game and Issuance of Antlerless Deer Permits
68A-13.006	Hunting on National Wildlife Refuges

68A-13.007 Hunting Regulations on Public Small-Game Hunting Areas
 68A-13.008 Hunting Regulations for Migratory Birds Other than Ducks and Coots

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is, during calendar year 2007, to (1) establish open seasons, bag limits and possession limits for taking game; (2) establish hunting regulations for ducks, geese, coots, and other migratory birds; (3) provide for adoption of Federal statutes and regulations pertaining to migratory birds and hunting on National Wildlife Refuges; (4) establish hunting regulations for public small-game hunting areas; and (5) provide for the issuance of antlerless deer permits to private landowners.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include regulations for taking game including waterfowl and other migratory birds, issuance of antlerless deer permits to private landowners, public small-game hunting area regulations, adoption of Federal statutes and regulations, and hunting on National Wildlife Refuges.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution, 372.021 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution
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: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-14.001 **RULE TITLE:** Establishment Orders

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, to make reference to Commission Establishment Orders that (1) establish land as wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas, (2) adjust acreage of said lands; and (3) make technical changes to Establishment Orders.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include establishment orders for wildlife management areas, wildlife and environmental areas, refuges, bird sanctuaries, restricted hunting areas, critical wildlife areas, fish management areas, miscellaneous areas, or wild hog areas.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED 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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-15.004	General Regulations Relating to Wildlife Management Areas
68A-15.005	Quota Permits; Antlerless Deer Permits; Special-Opportunity Permits
68A-15.006	Regulations Relating to Miscellaneous Areas
68A-15.061	Specific Regulations for Wildlife Management Areas – Southwest Region
68A-15.062	Specific Regulations for Wildlife Management Areas – North Central Region
68A-15.063	Specific Regulations for Wildlife Management Areas – Northwest Region
68A-15.064	Specific Regulations for Wildlife Management Areas – South Region.
68A-15.065	Specific Regulations for Wildlife Management Areas – Northeast Region

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, to (1) establish or revise general regulations relating to Wildlife Management Areas (WMAs); (2) establish or adjust hunter quotas for WMAs; (3) establish or modify specific area regulations for WMAs; and (4) adjust

hunting season dates on WMAs to conform with proposed 2007-2008 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulations, quota hunt permits, hunting season dates and specific area regulations pertaining to WMAs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.121, 372.57, 375.313 FS.

IF REQUESTED 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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764.

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-17.004	General Regulations Relating to Wildlife and Environmental Areas
68A-17.005	Specific Regulations for Wildlife and Environmental Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, to (1) establish general regulations relating to Wildlife and Environmental Areas (WEA); (2) establish or modify specific area regulations for WEAs; and (3) adjust hunting season dates on WEAs to conform with proposed 2007-2008 hunting season dates for the appropriate hunting zone.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include hunting season dates, general regulations and specific area regulations pertaining to WEAs.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.121, 375.313 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.121, 372.57, 375.313 FS.

IF REQUESTED 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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-21.002	Establishment
68A-21.004	General Regulations Relating to Wild Hog Areas

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, associated with general regulation of wild hog areas.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include general regulation of wild hog areas.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 372.021 FS.

IF REQUESTED 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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NOS.:	RULE TITLES:
68A-25.002	General Provisions for Taking, Possession and Sale of Reptiles
68A-25.003	Taking and Disposal of Nuisance Alligators Statewide
68A-25.004	Regulations Governing the Operation of Alligator Farms
68A-25.031	Regulations Governing Alligator Egg and Hatchling Collections on Lands Not Included in Alligator Management Programs

68A-25.032	Regulations Governing the Establishment of Alligator Management Programs	69A-60.005	Publications Referenced in NFPA 1, the Florida 2003 Edition, and NFPA 101, the Florida 2003 Edition, Added to the Florida Fire Prevention Code
68A-25.042	Regulations Governing Statewide Alligator Trapping, Permitting, Taking and Sale	69A-60.006	Manufactured and Prototype Buildings
68A-25.052	Regulations Governing the Processing of Alligators and the Sale of Alligator Meat and Parts	69A-60.007	Enforcement of the Florida Fire Prevention Code

PURPOSE AND EFFECT: The purpose and effect of this rule development effort is to establish or revise rule provisions, during calendar year 2007, to establish regulations for taking and possessing alligators that will ensure conservation of alligator populations while providing for realization of their potential aesthetic, recreational, and economic values.

SUBJECT AREA TO BE ADDRESSED: Subject areas covered in the proposed rules include requirements for taking and possessing alligators and other reptiles.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution; 370.081, 372.6672, 372.6673, 372.6674, 372.86, 372.87, 372.88, 372.89, 372.90, 372.91, 372.92, 372.921, 372.922 FS.

IF REQUESTED 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, IF AVAILABLE, IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.:	RULE TITLES:
69A-60.001	Title
69A-60.002	Scope; Description of Florida Fire Prevention Code
69A-60.003	Standards of the National Fire Protection Association, NFPA 1, the Uniform Fire Code, Florida 2003 Edition, Adopted
69A-60.004	Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2003 Edition, Adopted

PURPOSE AND EFFECT: To develop the 2007 edition of the Florida Fire Prevention Code. Pursuant to Section 633.0215, Florida Statute, the State Fire Marshal is directed to adopt a new edition of the Florida Fire Prevention Code every third year. The new code is scheduled to be adopted by rule during the upcoming year pursuant to Section 633.0215(2), F.S. Workshops will be announced in future editions of the Florida Administrative Weekly.

SUBJECT AREA TO BE ADDRESSED: The Department of Financial Services, Division of State Fire Marshal, announces that it is seeking written local and regional amendment proposals to the 2006 editions of NFPA 1 and NFPA 101. The comment period ends February 28, 2007, at 5:00 pm. Written comments should be addressed to: Scott Langston, Management Review Specialist, Department of Financial Services, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340.

SPECIFIC AUTHORITY: 633.01, 633.0215, 633.022, 633.025, 1013.12 FS.

LAW IMPLEMENTED: 633.01, 633.0215, 633.022, 633.025, 1013.12 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: Scott Langston, Management Review Specialist, Department of Financial Services, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340

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