





**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."

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                    RULE TITLE:  
 40D-2.322                    Population and Impact Analysis and Verification of 10-year Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 34, August 28, 2009 issue of the Florida Administrative Weekly.

Notice is hereby given that the following changes have been made to proposed Rule 40D-2.322, F.A.C., to remove the originally proposed subsection 40D-2.322(2) and renumber sections. Proposed Rule 40D-2.322, F.A.C., is related to other proposed amendments to Rules 40D-1.607, 40D-2.091, 40D-2.301, and 40D-2.321, that were published in Vol. 35, No. 34, August 28, 2009 and Notice of Change published in Vol. 35, No. 51, December 24, 2009 issue of the Florida Administrative Weekly.

Section 40D-2.322, F.A.C., will now read as follows:

40D-2.322 Population and Impact Analysis and Verification of 10-year Requirements.

(1) This Rule 40D-2.322, F.A.C., shall apply to new and renewal permits issued after [effective date of rule] and permits that are substantially modified after [effective date of rule].

(2) For 20 year General and Individual Public Supply Permits, at years 10 and 15 of the permit the permittee shall submit an analysis and summary of the long-term trends over the reporting period and through the term of the permit that addresses population growth based on the District's BEBR medium based GIS model or equivalent methodology, non-population based factors such as large industrial or other uses, other water demand, and per capita use. If the reporting period demands are less than 90% of the projected demands as reflected in the permit for that period or for the remainder of the term of the permit, the permittee shall demonstrate a legal, technical or other type of hardship as to why the permitted demand should not be reduced to an allocation based on actual demands experienced through the reporting period and demands projected through the remaining term of the permit. Within 90 days of a District notification to the permittee that the demonstration was not made, the permittee shall submit a request to modify the permit allocation consistent with actual and projected demands.

(3) Where data indicate adverse impacts to environmental or other water resources, offsite land use or a legal existing use, non-compliance with a minimum flow or level or associated recovery or prevention strategy, or interference with a reservation, or where data indicate the impacts predicted at the time of permit issuance were underestimated to the degree that the previous analysis is inadequate, an updated ground-water modeling analysis and data analysis shall be required to address compliance with conditions for issuance.

(4) Permits that are issued for 20 year duration based on meeting the requirements set forth in paragraph 40D-2.321(1)(b), (c), (d) or (e), F.A.C., within 10 years shall include a timeline of activities proposed to result in achieving these requirements, and progress reports. If these requirements are not achieved within 10 years, the permit duration shall revert to the applicable duration provided in Rule 40D-2.321, F.A.C., unless this reversion would result in the permit having expired or less than a year of remaining duration. In such cases, the permit will expire one year following the final determination of non-achievement and will be limited to a permitted quantity that equals an additional two years future demand beyond current demand, as determined pursuant to section 3.0 of Part B, Basis of Review, of the Water Use Permit Information Manual incorporated by reference in Rule 40D-2.091, F.A.C., from the point of final determination of non-achievement.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.219, 373.223, 373.227, 373.250 FS. History--New \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                    RULE TITLE:  
 40D-80.075                    Recovery Strategy for the Lower Alafia River System

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 35, No. 38, September 25, 2009 issue of the Florida Administrative Weekly has been withdrawn.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NOS.:                    RULE TITLES:  
 59A-35.020                    Applicability  
 59A-35.030                    Definitions  
 59A-35.040                    License Required; Display  
 59A-35.050                    Fees Required; Adjustments  
 59A-35.060                    Licensure Application Process  
 59A-35.062                    Proof of Financial Ability to Operate  
 59A-35.065                    License Renewal  
 59A-35.070                    Change of Ownership  
 59A-35.080                    License Categories  
 59A-35.090                    Background Screening

- 59A-35.100 Minimum License Requirements
- 59A-35.110 Reporting Requirements; Electronic Submission
- 59A-35.120 Inspections
- 59A-35.150 Moratorium; Emergency Suspension

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 47, November 25, 2009 issue of the Florida Administrative Weekly.

59A-35.020 Applicability.

No change.

59A-35.030 Definitions.

No change.

59A-35.040 License Required; Display.

(1) through (5) No change.

Rulemaking Authority 408.819 FS. Law Implemented 408.804, 408.810, 408.813 FS. History--New\_\_\_\_\_.

59A-35.050 Fees Required; Adjustments.

(1) No change.

(2) When payment for licensure fees has been dishonored, the licensee has 10 days from the date of notification to remit to the Agency the licensure fee plus any applicable fees as provided by law in the form of a money order or cashier's check. In the event that the licensure fee is not paid, the license may be subject to revocation or suspension.

(3) through (4) No change.

Rulemaking Authority 408.819 FS. Law Implemented 408.805 FS. History--New\_\_\_\_\_.

59A-35.060 Licensure Application Process.

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

(q) Home for Special Services as provided under part V of chapter 400; AHCA Form 3110-3001, February 2010 AHCA Recommended Form July 2009.

(r) though (z) No change.

(aa) Clinical Laboratories, as provided under part I of Chapter 483; AHCA Form 3170-2004, Rev. July 2009 or AHCA Form 3170-2004D, September 2009 (addition of specialty, subspecialty or change in specialty).

(bb) and (cc) No change.

(2) through (4) No change.

(5) Unresponsive applicant. If certified mail sent to the provider's address of record, or mailing address if applicable, is returned as unclaimed or undeliverable, the Agency will send a copy of the letter by regular mail to the provider's address of record, or mailing address if applicable, with a copy to the applicant's address if different from the provider. The applicant must respond to the request within 21 days of the

date of the letter sent by regular mail. If timely response is not received, the application will be subject to withdrawal or denial.

(6) No change.

(7) A licensure inspection will not be authorized until subsections (6)(a) and (6)(b) of this section have been satisfied.

(8) No change.

59A-35.062 Proof of Financial Ability to Operate.

(1) through (3) No change.

(4) All documents required under this section must be prepared in accordance with generally accepted accounting principles. All documents required under this section for Home Health Agencies, Home Medical Equipment Providers, and Health Care Clinics must be compiled and signed by a certified public accountant.

(5) through (6) No change.

(7) An applicant for renewal of a license shall not be required to provide proof of financial ability to operate, unless the licensee or applicant has demonstrated financial instability. If an applicant or licensee has shown signs of financial instability, as provided in Section 408.810(9), F.S., at any time, the Agency may require the applicant or licensee to provide proof of financial ability to operate by submission of:

(a) through (b) No change.

59A-35.065 License Renewal.

No change.

59A-35.070 Change of Ownership.

(1) through (2) No change.

(3)(4) When a change of ownership application is submitted during the review of a renewal licensure application, the pending renewal will be administratively withdrawn from review if the change of ownership application is approved with an effective date prior to the expiration of the license.

(4)(5) Expiration of a license prior to the approval of the change of ownership application, when no renewal application has been submitted, will result in the denial of a change of ownership application.

(5)(6) If the applicant has not been issued the license on the effective date of the change of ownership, documentation must be submitted that provides for continuation of operation of the licensee for those days between the date of the change of ownership and the date the applicant is licensed by the Agency.

59A-35.080 License Categories.

(1) Provisional License. If a license expires while an action to deny or revoke the license is pending, or while an action to withdraw a renewal application from further consideration is pending, and renewal applications are filed, the Agency may issue a provisional license. The provisional license shall identify the pending action. The provisional license will expire when the Agency action is final. The

provisional license does not affect the revocation or denial action or constitute a defense on behalf of the licensee or applicant.

(2) Inactive License. An inactive license may be issued, as provided in Section 408.808(3), F.S.

(a) through (c) No change.

Rulemaking Authority 408.819 FS. Law Implemented 408.808(2), (3) FS. History--New\_\_\_\_\_.

59A-35.090 Background Screening.

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

(c) "Disqualifying Offense" means any criminal offense prohibited in Sections 435.03, 435.04, or 408.809(5), F.S.

(d) through (f) No change.

(g) "Level 1 Screening" means an assessment of the criminal history record obtained from the FDLE to determine whether screened individuals have any disqualifying offenses pursuant to Section 435.03 or 408.809(5), F.S. An analysis and review of court dispositions and arrest reports may be required to make a final determination.

(h) "Level 2 Screening" means an assessment of the criminal history record obtained through a fingerprint search through the FDLE and FBI to determine whether screened individuals have any disqualifying offenses pursuant to s. 435.04 or 408.809(5), F.S. An analysis and review of court dispositions and arrest reports may be required to make a final determination.

(2) through (3) No change.

(4) Results of Screening and Notification.

(a) Final results Results of background screening requests will be provided to the requesting provider through the Agency's secure web site.

(b) When the dispositional information of a potentially disqualifying offense is unclear or not present in a criminal history from a Level 1 request, a notice will be sent to the requesting licensee or entity to obtain the arrest report and dispositional information from the individual being screened. The information must then be forwarded to the Agency for a final determination or show such information cannot be obtained. If a Level 2 criminal history is incomplete, a certified letter will be sent to the individual being screened requesting the arrest report and dispositional information. If the letter is returned unclaimed, a copy of the letter will be sent by regular mail. For Level 1 and Level 2, the missing information must be filed with the Agency within 30 days of the Agency's request, or the individual is subject to automatic disqualification in accordance with Section 435.05(1)(d), F.S.

(c) through (d) No change.

(5) through (6) No change.

Rulemaking Authority 408.819 FS. Law Implemented 408.809, 408.810 FS. History--New\_\_\_\_\_.

59A-35.100 Minimum Licensure Requirements.

~~(1)~~ Provider location.

~~(1)~~ A licensee must maintain proper authority for operation of the provider at the address of record. If such authority is denied, revoked or otherwise terminated by the local zoning or code enforcement authority, the Agency may deny or revoke an application or license, or impose sanctions.

~~(2)~~ With the exception of federally authorized clinical laboratories, more than one license will not be issued to operate the same provider types at the identical physical or street address. Existing licensees must comply with this paragraph upon license renewal.

59A-35.110 Reporting Requirements; Electronic Submission.

(1) No change.

(2) Electronic submission of information.

(a) The following required information must be reported through the Agency's Internet site at [ahca.myflorida.com/reporting/index.shtml](http://ahca.myflorida.com/reporting/index.shtml):

1. Nursing homes:

a. Semi-annual staffing ratios required pursuant to Section 400.141~~(1)(o)~~, F.S., and Rule 59A-4.103, F.A.C.

b. Adverse incident reports required pursuant to Sections 400.147(7) and (8), F.S., and Rule 59A-4.123, F.A.C.

c. Liability claim reports required pursuant to Section 400.147~~(10)~~, F.S., and Rule 59A-4.123, F.A.C.

2. Assisted living facilities:

a. Adverse incident reports required pursuant to Sections 429.23(3) and (4), F.S., and Rule 58A-5.0241, F.A.C.

b. Liability claim reports required pursuant to Section 429.23(5), F.S., and Rule 58A-5.0242, F.A.C.

(b) through (c) No change.

59A-35.120 Inspections.

No change.

59A-35.150 Moratorium; Emergency Suspension.

In addition to other remedies permitted by law, violation of a moratorium issued by the Agency is considered a Class 1 violation and subject to a fine of \$500 per day until the violation is corrected.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NOS.:	RULE TITLES:
60BB-3.0261	Definitions Relating to Extended Benefits
60BB-3.0262	How to Apply for Extended Benefits
60BB-3.0263	Diligent Work Search Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 35, No. 42, October 23, 2009 issue of the Florida Administrative Weekly.

#### 60BB-3.0261 Definitions Relating to Extended Benefits.

For the purposes of extended benefits payable under Section 443.1117, Florida Statutes, and Rules 60BB-3.0261 through 60BB-3.0263, F.A.C., the following definitions apply:

(1) Good job prospects: An individual has good job prospects if he or she has a definite return to work date within 4 weeks of the eligibility notices referred to in subsection 60BB-3.0263(2), F.A.C.

(2) Regular unemployment compensation: Benefits payable to an individual under Chapter 443, Florida Statutes, including benefits payable to federal civilian employees and to ex servicemembers under 5 U.S.C. 8501-8525, other than emergency unemployment compensation, trade readjustment allowance, disaster unemployment assistance, and extended unemployment compensation under Sections 443.1115 and 443.1117, Florida Statutes.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.031, 443.036, 443.1115, 443.1117 FS. History--New \_\_\_\_\_.

#### 60BB-3.0262 How to Apply for Extended Benefits.

(1) Initiating a Claim for Extended Benefits. The Agency will mail a Form AWI-UC310EB (10-09), ~~{Application for Extended Benefits (EB)}~~, which is hereby incorporated by reference into this rule, to all individuals who exhaust their available emergency unemployment compensation. This form will advise the recipient that the application for extended benefits may be filed using the form or by applying online at <http://www.floridajobs.org>. The online application report (AWI UCB-310EB-ONL (Rev. 2/10) Extended Benefit Online Application) is hereby incorporated by reference into this rule. The Form AWI-UC310EB may be submitted by

(a) ~~M~~ailing the completed form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, P.O. Drawer 5350, Tallahassee, Florida 32314-5350.

(b) Faxing the form to the Agency for Workforce Innovation, Unemployment Compensation Records Unit, (850)921-3938.

#### (2) Notice of Determination.

(a) Notice of the Agency's determination of an individual's eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI-UCB11 EB (11/09), ~~{Monetary Determination/Redetermination for Extended Benefits}~~, which is hereby incorporated by reference into this rule, when the Agency:

1. Determines that the individual is eligible for extended benefits; or
2. Determines that the individual is ineligible for extended benefits because:

a. The individual has available credits remaining on a claim for regular benefits or emergency unemployment compensation; or

b. The individual's claim for extended benefits was previously made in relation to the wrong regular unemployment claim.

(b) Notice of the Agency's determination of an individual's eligibility or ineligibility for extended benefits will be mailed to the individual on a Form AWI-UCB11-I EB (10/09), ~~{Extended Benefits Determination of Eligibility}~~, which is hereby incorporated by reference into this rule, when the individual:

1. Has not exhausted his or her regular benefits or emergency unemployment compensation;

2. Did not exhaust his or her regular benefits or emergency unemployment compensation during his or her eligibility period;

3. Has rights to regular or extended benefits available or is potentially eligible for such benefits under the law of any state (which shall include Puerto Rico, the U.S. Virgin Islands, or the District of Columbia); or

4. Is receiving compensation under the unemployment compensation law of Canada.-

(c) Any notice mailed pursuant to this rule will be accompanied by an EB BRI (10/09), ~~{Extended Benefits Benefit Rights Information}~~, which is hereby incorporated by reference into this rule.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented 443.091, 443.1115, 443.1117 FS. History--New \_\_\_\_\_.

#### 60BB-3.0263 Diligent Work Search Requirements.

(1) Claim Certification. Every two weeks, an individual determined to be eligible for extended benefits must report his or her work search activities. The individual may satisfy this requirement by reporting online at <http://www.floridajobs.org/unemployment/EB/index.html>, and clicking on the "Claim Your Weeks" icon, or by filing an AWI UCB-60EB (1/10 11/09), ~~{Unemployment Compensation Extended Benefit Weekly Claim Certification}~~, in the manner prescribed in paragraphs 60BB-3.0262(1)(a) and (b), F.A.C. Both the online work search report (AWI UCB-60EB-ONL (Rev. 2/10) Benefit Claim Certification) and the AWI UCB-60EB are hereby incorporated by reference into this rule.

(2) Work Search Requirements. Except as provided in subsection (3) of this rule, any eligible individual must conduct at least two work search activities on separate days per week.

(3) Good Job Prospects. Individuals who have been determined to have good job prospects, as defined in subsection 60BB-3.0261(1), F.A.C.:

(a) Are not required to seek other employment, except as provided by subsection (4) of this rule.

(b) Must list, in the Work Search Record portion of the report required in subsection (1) of this rule, the name and address of the employer to which the individual expects to report to work, and the date such work is expected to begin.

(4) Additional Reporting Requirement for Individuals with Good Job Prospects. If, after four weeks of extended benefits, an individual determined to have good job prospects remains unemployed, the Agency will mail him or her an AWI Form UCB231EB (Rev. 12/09 ~~11/09~~) (Unemployment Compensation Extended Benefits (EB) Eligibility Review Questionnaire), which is hereby incorporated by reference into this rule. The individual shall fill out and return this form within ten days of the mailing date, in the manner prescribed in paragraphs 60BB-3.0262(1)(a) and (b), F.A.C.

(5) Failure to Comply. Failure to comply with the requirements of this rule will result in the individual's disqualification from receiving extended benefits until:

- (a) Four weeks have passed since the noncompliance; and
- (b) The individual has earned wages that equal four times his or her weekly benefit amount.

Rulemaking Authority 443.1317(1)(b) FS. Law Implemented ~~443.031, 443.091, 443.101, 443.111,~~ 443.1115, 443.1117 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF MANAGEMENT SERVICES**

**Technology Program**

RULE NO.: 60FF-5.002      RULE TITLE: Rural County Grants

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 36, No. 4, January 29, 2010 issue of the Florida Administrative Weekly.

The Correction is necessary to correct a typographical error striking out unnecessary language:

Paragraph 60FF-5.002(2)(a), line 9 should read as: "The applicant must provide . . . and seven ~~nine~~ copies postmarked or . . . ."

Any person who wishes to provide information regarding the statement of estimated costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

The correction does not affect the substance of the rule as it appeared in the Florida Administrative Weekly as outlined above. The person to be contacted regarding this rule is: Ryan Butler, Special Services/E911Manager, E911 Board, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-3050.

**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."

**Section IV  
Emergency Rules**

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

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**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."

**Section V**

**Petitions and Dispositions Regarding Rule Variance or Waiver**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT on January 26, 2010, the Department of Community Affairs, received a petition for waiver from a requirement in Chapter 9B-43, Florida Administrative Code, in regards to a Community Development Block Grant Economic Development Application. The Petitioner, Town of Cross City, submitted an application that mistakenly stated that a Economic Development Element had been adopted as part of the Town's Comprehensive Plan. That accounts for 30 Project Impact Score Points. The Town's Economic Development Element is still in draft status and will be adopted as soon as complete. The request for waiver is based upon the fact that the purpose of the rule will be achieved when the Economic Development Element is adopted. The project is vital to one of the Town's few large employers and would therefore be vital to the Town's economic viability. The Petition was assigned DCA Case No.: DCA10-WAI-015.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Paula Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.