

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: Kevin Tatreau, Director of Multifamily Development Programs
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

Section II Proposed Rules

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-404.108	Discipline and Confinement of Mentally Disordered Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rulemaking is to refine the input to be provided before disciplinary action is taken to include a clinical assessment from a psychologist or psychiatrist. The proposed changes specify when security restraints are applied. The composition and duties of the risk assessment team are amended to include a psychologist or psychiatrist and to update timeframes.

SUMMARY: The proposed rulemaking clarifies the input to be provided before disciplinary action, requires a clinical assessment from a psychologist or psychiatrist, and amends the composition and timeframes of the risk assessment team.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Upon review of the proposed changes to these rules, the department has determined that the amendments will not exceed any one of the economic analysis criteria in a SERC as set forth in Section 120.541(2)(a), F.S.

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

RULEMAKING AUTHORITY: 944.09, 945.49 FS.

LAW IMPLEMENTED: 944.09, 945.49 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Laura Gallagher, 501 S. Calhoun Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

33-404.108 Discipline and Confinement of Mentally Disordered Inmates.

Inmates with a diagnosed mental illness shall be subject to the provisions of Rules 33-601.301-314, F.A.C., Inmate Discipline, except as noted in the following sections.

(1) Mental health staff are authorized to provide written or verbal input to the disciplinary team before disciplinary action is taken against any inmate who has a diagnosed mental illness, ~~or who is impaired due to~~ mental retardation ~~or who is otherwise cognitively impaired~~. The input shall be provided by either a psychologist or psychiatrist and of mental health staff shall be limited to description of the role, if any, that mental impairment may have played in the behavior in question. Written input by either a psychologist or psychiatrist shall be provided for inmates who are patients in isolation management, transitional care, crisis stabilization care, or in a corrections mental health treatment facility. The input shall be limited to whether the patient's mental illness, mental retardation or cognitive impairment may have contributed to the alleged disciplinary offense and, if so, a recommendation for disposition or sanction options or alternative actions.

(2) ~~Inmates who are patients in isolation management, transitional care, crisis stabilization care, or acute mental health hospital care shall not be subjected to administrative confinement, disciplinary confinement, or close management unless the inmate has been assessed by clinical staff as mentally competent and responsible and accountable for his or her behavior.~~ The results of the clinical assessment shall be communicated to classification and documented in the health record by a ~~psychologist or psychiatrist mental health staff professional~~. If the inmate is found to be competent and responsible, the disciplinary team shall determine the appropriate discipline, including confinement, in accordance with Rules 33-601.301-314, F.A.C. Any such confinement shall be performed within the inpatient setting, in accord with unit operating procedures and the individualized services plan. Documentation of all such incidents shall also be considered as part of the ongoing assessment of risk for violence by the risk assessment team as described in subsection (4) of this rule.

(3) When inmates are admitted to; transitional care, crisis stabilization care, or a corrections mental health treatment facility ~~acute hospital care~~, any prior confinement; or close management status shall be suspended until the inmate is discharged from the specialized care setting. Security restraints shall be applied when inmates admitted to transitional care,

crisis stabilization care, or a corrections mental health facility from maximum management or close management status I and II are out of their cells or other secure areas such as exercise yards, shower areas or holding cells.

(4) Within 72 hours of an inmate's admission to transitional care, crisis stabilization care, or a corrections mental health treatment facility ~~When an inmate in confinement or close management status is determined to be in need of inpatient mental health care,~~ an assessment of risk for violence shall be completed by a risk assessment team. The risk assessment team shall consist of a psychologist or psychiatrist and a staff member from ~~mental health,~~ security and classification. This risk assessment shall be the basis for recommendations for restrictions on the inmate's movement, housing program participation and clinical activities while the inmate is in an inpatient unit. The assessment of risk for violent behavior shall include a review of the health and institutional record, the inmate's adjustment to incarceration, and the inmate's disciplinary or confinement status at the time of the referral for inpatient treatment. Restrictions shall be determined based on staff and inmate safety, and institutional security, and shall be documented in the health record.

(5) ~~Once the inmate is admitted to the inpatient unit, the~~ risk assessment shall be reviewed by a risk assessment team within 14 working days of the initial risk assessment and clinical, classification and security staff at the time of admission, and at least every 90 ~~60~~ days thereafter, to determine the appropriateness of restrictions on housing, movement, and activities. Modifications shall be documented in the inmate's health record. Disagreement among the risk assessment team related to the level of risk presented by the inmate, or the determination of restrictions to be recommended for inclusion in the individualized service plan shall be referred to the warden for resolution. The warden is authorized to contact the regional mental health consultant and director of mental health services or his/her designee in ~~and~~ central office for recommendations when needed.

(6) An inmate transferred to an inpatient setting from protective management ~~or~~ transitional care unit, or a corrections mental health treatment facility. Protective management status or requests shall be evaluated with written or verbal input from the clinical staff, in accordance with Rule 33-602.220 and Rule 33-602.221, F.A.C., as applicable.

Rulemaking Specific Authority 944.09, 945.49 FS. Law Implemented 944.09, 945.49 FS. History—New 5-27-97, Amended 7-9-98, Formerly 33-40.008, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Dean Aufderheide, Director of Mental Health Services
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kenneth S. Tucker, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 9, 2012

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 27, 2012

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-15.018
 RULE TITLE: Certification of Glass and Glazing Specialty Contractors

PURPOSE AND EFFECT: The Board proposes the rule amendment to modify language to clarify the scope of work provided by a certified glass and glazing specialty contractor.

SUMMARY: The rule amendment will modify language to clarify the scope of work provided by a certified glass and glazing specialty contractor.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 120.53, 455.217(1), 489.113(6), 489.115(5) FS.

LAW IMPLEMENTED: 120.53, 455.217(1), 489.113(6), 489.115 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Drew Winters, Executive Director, Construction Industry Licensing Board, P. O. Box 5257, Tallahassee, Florida 32399-5257

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.018 Certification of Glass and Glazing Specialty Contractors.

(1) No change.

(2) Definition. A glass and glazing contractor is a specialty contractor whose scope of work is limited to the installation and attachment of all types of windows and glass, whether fixed or movable; the installation of swinging or sliding glass doors to existing walls, floors, columns or other structural members of the building; the installation of glass holding or supporting mullions or horizontal bars; structurally anchored impact-resistant opening protection which are attached to existing building walls, floors, columns or other structural members of the building, and the cutting and installation of glass and mirrors. A glass and glazing specialty contractor may also install prefabricated glass, metal or plastic curtain walls, storefront frames or panels, caulking incidental to such work and assembly, and installation of shower & tub enclosures and metal fascias. Nothing in this rule shall be deemed to restrict or limit in any manner the scope of work authorized by law of other contractor classifications.

(3) No change.

Rulemaking Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(5) FS. Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(5) FS. History--New 7-9-03, Amended 11-10-03, 11-15-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Construction Industry Licensing Board
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Construction Industry Licensing Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 16, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 2, 2012

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: RULE TITLE:
64B7-25.004 Endorsements

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate the required language regarding obtaining the application form and restructure the rule for clarity.

SUMMARY: This rule amendment incorporates the required language regarding obtaining the application form and restructures the rule for clarity.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.013(2), 480.035(7), 480.041(4)(c) FS.

LAW IMPLEMENTED: 456.013(2), 480.041(4)(c) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-25.004 Endorsements.

(1) The Department shall issue a license by endorsement to a person who:

(a) No change.

(b) Submits a completed application on form DH-MQA 1115, "Application For Licensure," (Rev. 10/10 ~~10/09~~), adopted and incorporated by reference in this rule and Rule 64B7-25.001, F.A.C.; The form and attached instructions may be obtained from the Board office at 4052 Bald Cypress Way, Bin #C-6, Tallahassee, FL 32399-3265 or from the web site located at http://www.doh.state.fl.us/mqa/massage/ma_lic_req; and

(c) Holds an active ~~Is currently~~ licensed and has practiced massage under the laws of another state, and was required, in order to be so licensed, to meet standards of education or apprenticeship training substantially similar to, equivalent to, or more stringent than those required for licensure by Florida law and these rules; ~~and~~

(d) Demonstrates that ~~their~~ ~~his~~ out-of-state license was issued upon the satisfactory completion of an examination comparable to the examinations approved by the Board; ~~and~~

(e) Has no outstanding or unresolved complaints filed against ~~their license~~ ~~him~~ ~~or her~~ in the jurisdiction of licensure; ~~and~~

(f) Completes a current ~~curriculum~~ course or courses from a Board approved school or a Board approved continuing education provider in the following subjects: covering the Florida Statutes and rules related to massage therapy.

1. Florida Statutes and Rules relating to massage therapy including Chapters 456 and 480, F.S. and Chapter 64B7, F.A.C. for a minimum of ten (10) hours;

2. ~~(g)~~ Completes the HIV/AIDS course required by Section 456.033, F.S. and requirement in Rule 64B7-25.0012, F.A.C. for a minimum of three (3) hours; and

3. ~~(h)~~ Completes a course relating to the Prevention of medical errors as required by Section 456.013(7), F.S. for a minimum of two (2) hours.

(2) No change.

Rulemaking Authority 456.013(2), 480.035(7), 480.041(4)(c) FS. Law Implemented 456.013(2), 480.041(4)(c) FS. History--New 11-27-79, Amended 7-9-80, 8-29-83, 10-9-85, Formerly 21L-25.04, Amended 6-12-88, 8-15-89, 2-11-93, Formerly 21L-25.004, Amended 9-15-94, 1-9-95, 8-18-96, 1-29-97, Formerly 61G11-25.004, Amended 6-22-99, 12-6-06, 3-31-08, 6-15-09, 7-21-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 21 and October 21, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2012

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-32.001 RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes this rule amendment to incorporate the forms developed for the pro bono method of achieving the required biennial continuing education.

SUMMARY: This rule amendment will incorporate the forms developed for the pro bono method of achieving the required biennial continuing education.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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

RULEMAKING AUTHORITY: 456.013, 480.0415 FS.

LAW IMPLEMENTED: 456.013, 480.0415 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-32.001 Definitions.

For the purposes of this rule chapter a "classroom hour" shall be defined as no less than 50 minutes of any one clock hour during which the student participates in a learning activity of the school. For the coursework required in paragraph 64B7-32.003(1)(b), F.A.C., the participation must be in the physical presence of a member of the faculty of the school.

Rulemaking Specific Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History--New 3-25-86, Formerly 21L-32.001, 61G11-32.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Massage Therapy

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 21, 2011

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 6, 2012

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: RULE TITLES:

64B8-8.015 Mediation

64B8-8.017 Citation Authority

PURPOSE AND EFFECT: The proposed rule amendments are intended to set forth additional offenses which the Board has deemed appropriate for mediation and for the issuance of citations.

SUMMARY: The proposed rule amendments set forth additional offenses which are appropriate for mediation and set forth an additional violation and penalty which is appropriate for the issuance of a citation.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature.

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

RULEMAKING AUTHORITY: 456.077, 456.078, 458.309 FS.

LAW IMPLEMENTED: 456.072(2)(d), 456.077, 456.078 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joy A. Tootle, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-8.015 Mediation.

~~(1) For purposes of Section 456.078, F.S., the Board designates as being appropriate for mediation, violations of the following provisions:~~

~~(a) Failing to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint;~~

~~(b) Negligently failing to file a report or record required by state or federal law; and~~

~~(c) Failing to comply with the requirements for profiling and credentialing.~~

~~(1)(2) The above-outlined provisions set forth in subsection (2) below shall qualify for mediation only when the violation can be remedied by the licensee and, there is no allegation of intentional misconduct, no patient injury, and the allegations do not involve any "adverse incidents" as defined by Section 456.078(2), F.S.~~

(2) For purposes of Section 456.078, F.S., the Board designates as being appropriate for mediation, the following violations:

(a) Failure to comply with the requirements of Sections 381.026 and 381.0261, F.S., to provide patients with information about their patient rights and how to file a patient complaint;

(b) Negligently failing to file a report or record required by state or federal law;

(c) Failure to verify profile information or failure to comply with the requirements for profiling and credentialing;

(d) Falsely certifying compliance with required continuing medical education hours for the purpose of renewing a license or certification;

(e) Failure to notify the Department of change of practice or mailing address;

(f) Failure to provide medical records, upon request, to a patient or a patient's legal representative;

(g) Charging copying fees for patient records in violation of Rule 64B8-10.003, F.A.C.;

(h) False, deceptive or misleading advertising not involving intentional misconduct; and

(i) Failure to pay the fines or costs imposed by Board order.

(3) If a licensee is no longer eligible for mediation or if mediation fails, the above-referenced violations shall be eligible for the issuance of a citation pursuant to Rule 64B8-8.017, F.A.C.

Rulemaking Specific Authority 456.078 FS. Law Implemented 456.078 FS. History--New 10-18-94, Formerly 59R-8.015, Amended 6-1-05,_____.

64B8-8.017 Citation Authority.

In lieu of the disciplinary procedures contained in Section 456.073, F.S., the offenses enumerated in this rule may be disciplined by the issuance of a citation. The citation shall include a requirement that the licensee correct the offense, if

possible, within a specified period of time, impose whatever obligations will correct the offense, and impose the prescribed penalty.

(3) The following violations with accompanying penalty may be disposed of by citation with the specified penalty:

(1) through (2) No change.

VIOLATIONS	PENALTY
(a) CME violations. (Sections 458.321, 458.331(1)(g), (x), 456.072(1)(e), (s), F.S.)	Within 60 days of the date the citation is issued, Respondent must submit certified documentation of completion of all CME requirements for the period for which the citation was issued. Respondent's continuing education courses will be audited for the next two biennia to ensure compliance with renewal requirements; AND
1. Failure to document required HIV/AIDS and related infections of TB CME.	\$250 fine
2. Failure to document required domestic violence CME.	\$250 fine
3. Failure to document required medical errors CME.	\$250 fine
4. Failure to document required HIV/AIDS and related infections of TB and failure to document domestic violence CME.	\$500 fine
5. Documentation of some, but not all, 40 hours of required CME for license renewal.	\$50 fine for each hour not documented
(b) through (d) No change.	
(e) Failure to notify Department of change of <u>mailing address or practice address</u> . (Sections 458.319(3), 458.331(1)(g), F.S.).	\$250 fine
(f) Failure to provide medical records <u>upon request, to a of only one patient or a patient's legal representative or excessively</u> charging copying fees for patient records <u>in violation of Rule 64B8-10.003, F.A.C.</u> (Rule 64B8-10.003, F.A.C.) (Sections 455.331(1)(g), 456.057, F.S.).	\$500 fine and reimbursement of excessive fees charged. In addition, the physician must provide the medical records to the patient within 10 days.
(g) through (m) No change.	
(n) Failure <u>First time failure</u> to pay fine or costs imposed by Board Order within 30 days of the due date of the fine or costs. (failure to pay more than 30 days after the due date will result in an administrative complaint).	\$1,000 fine
(o) through (q) No change.	
(r) <u>Negligently failing to file a report or record required by state or federal law.</u>	<u>\$500 fine</u>

(4) through (5) No change.

Rulemaking Authority 456.077, 458.309 FS. Law Implemented 456.072(2)(d), 456.077 FS. History—New 12-30-91, Formerly 21M-20.017, Amended 11-4-93, Formerly 61F6-20.017, Amended 8-23-95, Formerly 59R-8.017, Amended 4-7-99, 1-27-00, 1-31-02, 1-12-03, 7-27-04, 2-7-05, 1-4-06, 7-3-06, 1-16-08, 12-22-09,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rules Committee, Board of Medicine
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 14, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 9, 2012

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.:
65A-4.201

RULE TITLE:
Criteria for Hardship Extensions and Exemptions to Cash Assistance Time Limit

PURPOSE AND EFFECT: The proposed rule amends the Hardship Extension Review, CF-ES 2082, and incorporates it by reference, adds reference to the ACCESS Florida Web Application, CF-ES 2353, as a way to apply for Temporary Cash Assistance and amends hearing rights. Included in this proposed rule amendment are wording changes to improve the overall content of the rule and technical changes of a non-substantive nature.

SUMMARY: The proposed rule amends language, amends a form and adds reference to the Web Application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Department considered the factors in Section 120.541, F.S. The proposed rule is not expected to exceed the criteria in paragraph 120.541(2)(a), F.S., therefore, legislative ratification is not required under subsection 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 414.45 FS.

LAW IMPLEMENTED: 414.105, 414.14 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: June 13, 2012, 1:30 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, Florida 32399-0700

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Cindy Keil. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cindy Keil, Economic Self-Sufficiency Program, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700, (850)717-4113, cindy_keil@dcf.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-4.201 Criteria for Hardship Extensions and Exemptions to Cash Assistance Time Limit.

(1) Hardship Extension and Exemption Determinations. An extension or exemption from the time limit for receipt of Temporary Cash Assistance (TCA) cannot be authorized until a hardship review, using the Hardship Extension Review, CF-ES 2082, 01/2007, CF-ES 2082, Hardship Extension/Exemption Review Form, Sep 2005, incorporated by reference, is completed by the Department and the Regional Workforce Board (RWB) or its designee, and a favorable

decision is made about the existence of a hardship. A recommendation, if appropriately made, and the decision about hardship eligibility will be based on the criteria established in this rule and Section 414.105, F.S.

(2) through (3) No change.

(4) A participant who did not request a hardship extension or exemption when the initial CF-ES 2082 Hardship Extension/Exemption Review Form was signed ~~can~~ may request a hardship extension or exemption by completing the hardship review process. If the individual has not received TCA benefits or services for more than 30 days, the ACCESS Florida Application, CF-ES 2337, 11/2011, incorporated by reference in Rule 65A-1.205, F.A.C., or an ACCESS Florida Web Application (only accepted electronically), CF-ES 2353, 09/2011, incorporated by reference in Rule 65A-1.205, F.A.C., must also be completed.

(5) through (10) No change.

(11) Hearing Rights. Participants whose cash assistance is being terminated because they have reached their lifetime limit and have been denied a hardship extension or exemption ~~can~~ may request a fair hearing in accordance with the Department's hearing procedures in Chapter 65-2, F.A.C., Part VI, Hearings and 45 CFR 205.10. Unless waived, cash assistance will may be continued or reinstated, in accordance with 7 C.F.R. § 273.15(k) 45 CFR 205.10, when the request for a hearing is received by the end of the last day of the month prior to the effective within 10 calendar days from the mailing date of the notice of adverse case action. If the last day of the month falls on a holiday or weekend, the deadline is the next business day. The assistance group must repay cash assistance if the hearing decision is in favor of the Department.

(12) Review of Hardship Extension and Exemption Cases. A review of hardship extension and exemption cases must be completed at least once every two years using the hardship extension and exemption review process of this rule, except for domestic violence cases which must be redetermined no less often than every six months in accordance with 45 C.F.R. § 260.55(b) 45 CFR, Part 260, Section 260.55(b).

(13) Materials incorporated by reference are available from the Economic Self-Sufficiency Headquarters Office at 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700. Forms are also available on the Department's website at <http://www.dcf.state.fl.us/dcfforms/Search/DCFFormSearch.aspx>. The CF-ES 2353 is available on the Department's website at <http://www.myflorida.com/accessflorida/>.

Rulemaking Specific Authority 414.45 FS. Law Implemented 414.105, 414.14 FS. History—New 9-28-98, Amended 5-27-01, 2-22-06, 11-13-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeri Flora

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2012

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NO.: 65E-14.012
RULE TITLE: Contract Closeout, Suspension, and Termination

PURPOSE AND EFFECT: The purpose is to repeal the rule due to a lack of statutory authority, per communications from the Joint Administrative Procedures Committee Staff. The topics addressed in the rule are addressed in the Department’s contracts.

SUMMARY: The proposed rule amends the chapter on community substance abuse and mental health services financial rules to repeal unnecessary language concerning contract closeout, suspension, and termination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required. The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S.

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

RULEMAKING AUTHORITY: 394.74 FS.

LAW IMPLEMENTED: 394.74 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dichio, Substance Abuse and Mental Health Program Office, 1317 Winewood Boulevard, Building 6, Room 231, Tallahassee, FL 32399-0700, frank_dichio@dcf.state.fl.us, (850)717-4345

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-14.012 Contract Closeout, Suspension, and Termination.

Rulemaking Specific Authority 394.74, ~~397.03~~ FS. Law Implemented 394.74, ~~397.03~~ FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.12, 10E-14.012, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dichio

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2012

**Section III
Notices of Changes, Corrections and
Withdrawals**

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.: 12D-1.009
12D-1.010
RULE TITLES: Mapping Requirements
Reconciliation of Interim Tax Rolls –
Form of Notification

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly.

The following correction has been made to the “Summary of Statement of Estimated Regulatory Costs” in the Notice of Proposed Rule for these proposed rules, as originally published in the Vol. 38, No. 14, April 6, 2012 edition of the Florida Administrative Weekly. This correction is made in accordance with Section 120.54(3)(d)1., F.S., and is based on a comment received from the Joint Administrative Procedures Committee of the Florida Legislature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A Statement of Estimated Regulatory Cost has not been prepared by the agency. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Cost or if no Statement of Estimated Regulatory Cost is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of