

Section I
 Notice of Development of Proposed Rules
 and Negotiated Rulemaking

NONE

Section II
 Proposed Rules

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-27.002	Registration and Change in Registration Information
59A-27.004	Penalties and Enforcement Procedures
59A-27.005	Pool Administration
59A-27.006	Procedures and Records

PURPOSE AND EFFECT: The purpose is to revise the health care service pool rules in Chapter 59A-27, F.A.C. to reduce the regulatory burden and update the rules to conform to law changes.

SUMMARY: Amendments throughout will remove and revise language in conformance with Chapter 408, Part II, and Chapter 59A-35, F.A.C. Other amendments remove the time frame for notification of a new managing employee since it is in Rule 59A-35.110, F.A.C. The requirement to maintain a medical history on all personnel is removed. The health statement requirement for workers adds the phrase “that could be casually transmitted” as recommended by the Department of Health.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will 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 been prepared by the Agency.

The Agency has determined that this will have an adverse impact on small business, however will not 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 been prepared for proposed Rule 59A-27.002, F.A.C., and is available at <http://www.ahca.myflorida.com/MCHQ/index.shtml#three> select “Health Care Services Pool”. Following is a summary of the SERC for Rule 59A-27.002, F.A.C.:

Paragraph 59A-27.002(1)(a), F.A.C., updates the biennial registration fee amount for health care services pools from \$600 to \$616 pursuant to Section 408.805, F.S. The aggregate cost

for all health care services pools for the five year period is estimated to be \$19,920. The Agency for Health Care Administration will incur the cost of rulemaking, as well the costs associated with enforcing the proposed changes. There is no cost to local government for the revisions in this rule since none of these changes affect local government entities. The Agency has determined that the proposed rules are 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:

For rules where a SERC was not prepared, the Agency prepared a checklist to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, Florida Statutes, the rule will not require legislative ratification.

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: 400.980, 408.819 FS.

LAW IMPLEMENTED: 400.980, 408.815, 408.806, 408.809, 408.810, 408.812, 408.813, 408.815 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anne Menard at Anne.Menard@ahca.myflorida.com or (850)412-4385

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-27.002 Registration and Change in Registration Information.

(1) All health care services pools must register with ~~the~~ AHCA using the Health Care Licensing Application Health Care Services Pool form, AHCA form AHCA 3110-1010, Revised September 2013, January 2002, Health Care Licensing Application Health Care Services Pool APPLICATION FOR HEALTH CARE SERVICES POOL REGISTRATION, <https://www.flrules.org/Gateway/reference.asp?No=Ref-04011>, incorporated herein by reference, before providing health care personnel as temporary employees to any health care facility. The applicant must also submit the Health Care Licensing Application Addendum required in subsection 59A-35.060(1), F.A.C. The application form and addendum can be obtained at <http://www.ahca.myflorida.com/HQAlicensureforms>. The application form and addendum must be submitted with the registration fee of \$616. Applications are reviewed in accordance with the process set forth in Section 408.806, F.S.

~~(a) Registrations are valid for a period of 2 years from the date of issuance and may not be transferred or assigned.~~

~~(a)(b)~~ When a change of ownership, as defined in Section 408.803(5), F.S., is planned, the buyer or transferee must submit an application for a new registration according to the time frame in Section 408.806(2)(b), F.S. The application form, addendum and fee required in subsection (1) ~~Whenever a controlling interest in a health care services pool is sold, a new registration for the pool must be submitted~~ filed with the registration fee of ~~\$616~~ \$600 and a certificate of registration must be issued before the pool provides health care personnel as temporary employees to any health care facility.

(b) Screening for the ~~managing employee administrator~~ and the financial officer shall be in accordance with level 2 standards for screening set forth in Section ~~408.809~~ 400.980(4), F.S. and Rule 59A-35.090, F.A.C. ~~The fingerprint card for level 2 screening for the administrator and the financial officer can be obtained from, and must be submitted to, the Agency for Health Care Administration, Home Care Unit – Mail Stop 34, 2727 Mahan Drive, Tallahassee, Florida 32308. Screening processing fees for level 2 screening shall be made payable to the Agency for Health Care Administration.~~

(2) Each health care services pool must renew its registration biennially as required in Section ~~408.806(2)~~ 400.980, F.S., by ~~submitting the application form, addendum and fee in subsection (1) using AHCA form AHCA 3110 1010, January 2002 APPLICATION FOR HEALTH CARE SERVICES POOL REGISTRATION.~~ Failure to receive notification of the expiration of a registration does not relieve the registrant of the responsibility of meeting the financial responsibility or registration renewal requirements.

(3) Upon receipt of an application for registration and the registration fee of \$600 or an application for renewal of registration and a renewal fee of \$600, the department will examine the content of the application to determine its sufficiency under Section 402.48, F.S., and these rules.

(a) ~~Within 30 days from receipt of the application, AHCA will notify the health care services pool by mail if the application was not accompanied by the proper fee, if there are any deficiencies in the content of the application, or if the application is inadequate to meet the requirements of Section 400.980, F.S., and these rules. Failure of AHCA to notify the health care services pool of any deficiencies shall not relieve the pool of any responsibility under the law.~~

(b) ~~The health care services pool shall have 30 days from the date of AHCA's notification of deficiencies to correct any deficiencies which are noted. Prior to final agency action rejecting the application for registration or the application for renewal of registration, AHCA shall notify the health care services pool of the pending rejection and shall provide an opportunity for the pool to request formal or informal proceedings pursuant to Section 120.57, F.S. If an application~~

~~is rejected, a complete re-filing of the documents, including the payment of filing fees, shall be required.~~

(3)(4) Registrants will receive a certificate acknowledging their registration and each renewal of registration. The current certificate of registration or renewal of registration must be conspicuously displayed on the premises and must be readily visible from the entrance.

(4)(5) Change in Registration Information. ~~A~~ ~~Within 14 days prior to any change in registration information,~~ a registered health care services pool shall ~~notify~~ ~~advise~~ the ~~AHCA Home Care Unit Department~~ of any change in business name; location; ~~or~~ mailing address ~~as required in Rule 59A-35.040, F.A.C.~~ Telephone, email and fax number changes ~~or~~ phone number. ~~Such information~~ shall be reported by email, mail or fax to AHCA Home Care Unit to HQAHOMEHEALTH@ahca.myflorida.com, AHCA Home Care Unit, 2727 Mahan Drive – Mail Stop 34, Tallahassee, Florida 32308, or fax (850)922-6059. Any request that results in the agency issuing a new registration certificate other than at initial application, renewal, or change of ownership ~~must be accompanied with the fee required in subsections 59A-35.050(3), (4), F.A.C of \$15.00.~~

(6) ~~All forms referenced in these rules may be obtained at www.fdhe.state.fl.us or by calling AHCA Home Care Unit (850)414 6010.~~

Rulemaking Authority 400.980, 408.819 FS. Law Implemented 400.980, 408.805, 408.806, 408.809, 408.810 FS. History—New 1-7-90, Amended 8-12-91, Formerly 7G-1.007, Amended 10-17-94, 2-27-97, Formerly 61E6-1.007, 64B22-1.002, Amended 6-27-02, _____.

59A-27.004 Penalties and Enforcement Procedures.

(1) Any person or entity operating a health care services pool without a registration, with an expired registration, or with a revoked registration, shall immediately cease operations until a proper registration can be acquired ~~and be fined \$2,500.~~ Failure to cease operations after agency notification may result in a fine as stated in Section 408.812, F.S.

(2)(a) If the Health Care Services Pool fails to screen all employees or contractors, or employs persons who are disqualified from employment based on a criminal record check, a fine, ~~as permitted in Section 408.813(3), F.S., not to exceed \$1,000~~ shall be assessed; for each employee or contractor.

(b) If AHCA determines the fine to be insufficient to the violation, it may ~~deny~~, suspend or revoke the registration ~~as permitted in Section 408.815, F.S~~ as well.

(3) The failure to file a timely application for a renewal certificate of registration shall result in an administrative fine, pursuant to Section ~~408.806(2)(d)~~ 400.980(13), F.S., ~~charged to the pool in the amount of \$50.00 per day, each day constituting~~

~~a separate violation. As established in Section 400.980(8), F.S., a timely filed application is one that is received by AHCA at least 30 days prior to the expiration date of the registration or, in the case of a change of ownership, the application for a new registration is required at least 30 days prior to the sale of a controlling interest in a health care services pool. In no event shall such fine aggregate more than \$1,500.~~

~~(4) Any other violations of provisions of law or rule can result in a fine pursuant to Section 400.980, F.S. of \$2,500 or revocation of the certificate of registration, or both.~~

~~(5) After AHCA determines that a violation has occurred, it shall notify the pool operator of the alleged violations through the issuance of a notice to show cause. The notice shall also state the facts upon which such violations are based and shall advise the recipient, pursuant to Chapter 120, F.S., of their right to either a formal hearing, if disputed issues of material fact exists, or an informal proceeding, if no disputed issues of material fact exist.~~

(6) No change.

Rulemaking Authority 400.980, 408.819 FS. Law Implemented 400.980, 408.806, 408.812, 408.813, 408.815 FS. History—New 8-2-90, Formerly 7G-1.013, Amended 10-17-94, Formerly 61E6-1.013, 64B22-1.004, Amended 6-27-02, _____.

59A-27.005 Pool Administration.

Health care services pools shall meet the following minimum standards of operation:

(1) Each pool, at the time of initial registration and at each registration renewal, shall identify a managing employee ~~the individual~~ who will be responsible for the day-to-day supervision and administration of the pool and shall designate this individual, on the biennial registration application form required in subsection 59A-27.002(1), F.A.C. (entitled APPLICATION FOR HEALTH CARE SERVICES POOL REGISTRATION, as referenced in Rule 59A-27.002, F.A.C.), as the pool's representative for purposes of any communications with AHCA Home Care Unit. The managing employee ~~This individual~~ must be familiar with the work requirements and the prerequisites for licensure or certification in each of the health care disciplines and specialties for which the pool is providing referrals. Any time there is a change in this position, the pool shall give written notice to AHCA Home Care Unit of such change. Such notice shall be filed with AHCA Home Care Unit with the name of the replacement managing employee as required in paragraph 59A-35.110(1)(c), F.S ~~the department within 14 days prior to the change becoming effective.~~

(2) through (7) No change.

~~(8) The various entities to which a health care services pool might send personnel differ considerably in their requirements and these requirements are subject to change. A Therefore, it is~~

~~incumbent on the health care services pool~~ must ~~to~~ remain knowledgeable on the current regulations of each of the facility types and entities to which they send personnel ~~so as to ensure that they are in~~ compliance with Section 400.980(6)(11), F.S., and only place personnel that meet all the needs and requirements of the facility or entity to which they are being sent. Each pool shall maintain health records ~~and a medical history~~ on all health care workers who have direct contact with patients and shall require evidence of a physical examination. The pool employee or independent contractor must submit a statement from a health care professional licensed under Chapter 458 or 459, F.S., a physician's assistant, or an advanced registered nurse practitioner (ARNP) or a registered nurse licensed under Chapter 464, F.S., under the supervision of a licensed physician, or acting pursuant to an established protocol signed by a licensed physician, based upon an examination within the last six months, that the employee or contractor is in good health sufficient to provide services to individuals with compromised health. It is the responsibility of the health care services pool to ensure that patients are not placed at risk by pool employees or contractors. Medical information is confidential and must not be disclosed without the specific consent of the person to whom it pertains. The written request to release the physical examination must be kept on file. If a person is found to have a communicable disease that could be casually transmitted, that person shall be removed from contact with patients until a physician's statement, indicating that the person ~~is~~ no longer has a communicable disease that can be casually transmitted, is received.

(9) through (10) No change.

(11) The failure to comply with the financial responsibility law, Section 400.980(7)(12), F.S., and these rules, the furnishing of false or misleading information, the failure to timely notify the AHCA of a change in status, or the failure to document compliance with the financial responsibility law upon request by the AHCA shall be grounds for disciplinary action, including fines or registration revocation, or both.

Rulemaking Authority 400.980 FS. Law Implemented 400.980 FS. History—New 8-2-90, Formerly 7G-1.015, Amended 10-17-94, Formerly 61E6-1.015, 64B22-1.005, Amended 6-27-02, _____.

59A-27.006 Procedures and Records.

(1) Each health care services pool shall, to the extent applicable, maintain the following business records and shall make these records available for inspection by the department upon request:

(a) Copies of corporate articles of incorporation and bylaws, if applicable;

(b) Records documenting the work performed by personnel referred by the pool including: the date of initial referral of a worker by the pool, dates and location of each placement and

the names and addresses of client health care facilities. Copies of personnel time records cards or invoices identifying the services provided are acceptable records for meeting this requirement;

(c) No change.

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

(c) Documentation of personnel information ensuring compliance with Section 400.980(6)(4), F.S.

(d) through (i) No change.

(3) Background Screening is required as stated in Section 408.809, F.S. and Rule 59A-35.090, F.A.C. Proof of required background screening shall be maintained by the health care services pool for all persons that are required to be screened. All pool employees and those who are independent contractors placed by the pool shall be subjected to background screening.

~~(a) Level 1 Background Screening:~~

~~1. Submission of the Request for Criminal History Check, AHCA form 3110-002, June 1998, incorporated by reference, should be made to the Florida Department of Law Enforcement, Crime Information Bureau, Post Office Box 1489, Tallahassee, Florida 32302.~~

~~2. This form may be obtained on the Background Screening page located on the Agency for Health Care Administration web site, www.fdhe.state.fl.us or by calling AHCA Home Care Unit (850)414-6010. The cost of processing the criminal records check shall be borne by the petitioning party pursuant to Section 435.08, F.S. The checks for Level 1 screening shall be made payable to the Florida Department of Law Enforcement for criminal records check.~~

~~(b) Level 2 Background Screening:~~

~~1. The managing employee and the financial officer of the pool shall both be required to satisfy a level 2 background screening as stated in paragraph 59A-27.002(1)(c), F.A.C.~~

~~2. Any pool employee or independent contractor, who has not lived in Florida continuously for the previous five years, must first satisfy a level 2 background screening before being referred by the pool for employment in a nursing home.~~

~~3. Fingerprint cards may be ordered by e-mail from the Background Screening page on the AHCA website, www.fdhe.state.fl.us.~~

~~4. Unless they accompany an initial application for a Health Care Services Pool certification as stated in paragraph 59A-27.002(1)(c), F.A.C., completed fingerprint cards should be submitted to AHCA Background Screening, 2727 Mahan Drive, Mail Stop 40, Tallahassee, Florida 32308. The costs of processing the criminal background check shall be borne by the petitioning party pursuant to Section 435.08, F.S. Checks submitted with fingerprint cards for level 2 background screening should be made payable to AHCA.~~

Rulemaking Authority 400.980, 408.809 FS. Law Implemented 400.980, 408.819 FS. History--New 8-2-90, Formerly 7G-1.017, Amended 10-17-94, Formerly 61E6-1.017, 64B22-1.006, Amended 6-27-02, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anne Menard

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 4, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: November 12, 2013

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.071
RULE TITLE: Durable Medical Equipment and Medical Supply Services Provider Fee Schedules

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.071, F.A.C., is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, _____ and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Medicaid Recipients Under the Age of 21 Years, _____.

SUMMARY: The amendment includes four new procedure codes, rate setting for seven previously non-priced procedure codes, 14 codes changing from by-report to prior authorization, updates federally mandated procedure code description changes, and expands code descriptions.

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: A checklist was prepared by the Agency to determine the need for a SERC. Based on this information at the time of the analysis and pursuant to Section 120.541, Florida Statutes, the rule will not require legislative ratification.

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: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Friday, April 25, 2014, 10:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308-5407

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 48 hours before the workshop/meeting by contacting: Dan Gabric at the Bureau of Medicaid Services, (850)412-4209. 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: Dan Gabric, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4209, e-mail: dan.gabric@ahca.myflorida.com

Please note that a preliminary draft of the reference material, if available, will be posted prior to the public hearing at <http://ahca.myflorida.com/Medicaid/review/index.shtml>.

Comments will be received until 5:00 p.m. on Friday, May 2, 2014.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.071 Durable Medical Equipment and Medical Supply Services Provider Fee Schedules.

Medicaid durable medical equipment and medical supply services are reimbursed according to the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for All Medicaid Recipients, ~~December 2013~~, and the Florida Medicaid Durable Medical Equipment and Medical Supply Services Provider Fee Schedule for Medicaid Recipients Under the Age of 21 Years, ~~December 2013~~, which are incorporated by reference. The fee schedules are available from the Medicaid fiscal agent’s Web site at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Fee Schedules. ~~Paper copies of the fee schedules may be obtained by calling the Provider Services Contact Center at 1-800-289-7799 and selecting Option 7.~~

Rulemaking Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 5-7-07, Amended 5-8-08, 9-21-11, 6-4-12, 2-26-13, 12-2-13, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dan Gabric

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Elizabeth Dudek

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 20, 2014

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 27, 2014

Section III

Notice of Changes, Corrections and Withdrawals

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLES:
65G-2.001	Definitions
65G-2.002	License Application and Renewal Procedures
65G-2.003	Types of Licenses
65G-2.0032	Agency Monitoring and Oversight
65G-2.004	License Violation
65G-2.0041	License Violations-Fines and Other Disciplinary Actions
65G-2.005	Denial or Revocation
65G-2.006	Licensed Capacity
65G-2.007	General Standards
65G-2.008	Staff Qualifications and Training requirements
65G-2.009	Resident Care and Supervision Standards
65G-2.010	Fire and Emergency Procedures
65G-2.011	Foster Care Facility Standards
65G-2.012	Group Home Facility Standards
65G-2.013	Residential Habilitation Center Standards
65G-2.014	Comprehensive Transitional Education Program
65G-2.015	Siting

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. 40, No. 2, January 3, 2014 issue of the Florida Administrative Register.

65G-2.001 Definitions.

For the purposes of this chapter, the term:

(1) through (8) No change.

(9) “Direct Care Core Competency Training” means the training described and mandated by the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, which is incorporated by reference in Rule 59G-13.083080, F.A.C.

(10) through (21) No change.

(22) “Repeat violation” means the re-occurrence of a violation of the same standard that occurs within 12 months.

(22) through (27) renumbered (23) through (28) No change.

(29) “Welfare” means care which promotes those rights enumerated in Section 393.13(3) and (4), F.S.

(30)(28) No change.

Rulemaking Authority 393.501(1), 393.067 FS. Law Implemented 393.067, 393.13 FS. History—New_____.

65G-2.002 License Application and Renewal Procedures.

(1) No change.

(2) APPLICATION. All applications for initial licensure as well licensure renewal must be submitted using Facility Application form APD 2014-01 (April 1, 2014) 2012-01 (July 2012) which is incorporated herein by reference. A copy of this form may be obtained by contacting the Regional office. The Agency shall review license applications in compliance with the requirements of Section 120.60, Florida Statutes. A copy of the application may be obtained from the Regional office. ~~The completed application must include the following documentation:~~

(a) ~~A signed statement by the applicant that all staff have received the required training in accordance with Rule 65G-2.008, F.A.C.~~

(b) ~~If the facility is located in a leased building or on leased property, a copy of the lease signed by the applicant and lessor. If the lease is scheduled to expire prior to the end of the license period, a written attestation from the owner or manager of the property of intent to continue the lease to encompass, at a minimum, the dates of the license period must be provided by the applicant to the Agency. If the lease contains provisions that would restrict the use of the building as a residential facility, a statement signed by the lessor explicitly permitting the use of the building and property as a residential facility must be provided by the applicant to the Agency.~~

(c) ~~Documentation that the facility has been inspected by the local authority having jurisdiction over fire safety or by the State Fire Marshall and determined to be in compliance with applicable statutes and rules. If this documentation is unavailable due to no fault of the applicant, the applicant shall provide an explanation for the unavailability of this information in lieu of the inspection documentation.~~

~~(d) A copy of the facility’s written policy regarding sexual activity involving residents of the facility as required under Rule 65G-2.009, F.A.C.~~

~~(e) If the owner or operator of the facility is a corporation, a copy of the corporate charter on file with the Secretary of State.~~

~~(f) The name and address of the applicant, if an applicant is an individual; if the applicant is a firm, partnership, or association, the name and address of each member thereof; or, if the applicant is a corporation, its name and address and the name and address of each director and officer thereof.~~

~~(g) The name by which the facility or program is to be known.~~

~~(h) A signed affidavit disclosing any controlling entity of the applicant.~~

~~(i) A signed affidavit disclosing any financial or ownership interest that the controlling entity of the applicant has held in the last 5 years in any entity licensed by the State of Florida to provide residential care which has closed voluntarily or involuntarily, has filed for bankruptcy, has had a license denied, suspended, or revoked, or has had an injunction issued against it by a regulatory agency. The affidavit must disclose the reason each licensed entity was closed, and whether the closure was voluntary or involuntary.~~

~~(j) Copies of any known sanctions, fines, or recoupments related to the receipt or use of federal or state funds by all controlling entities of the applicant within the preceding twelve month period. These include the results of any investigations into Medicaid or Medicare fraud.~~

~~(k) A statement as to whether or not the applicant has ever previously applied for licensure by a state agency and been denied, whether the applicant has ever held a state license which was suspended or revoked, and whether an action, other than recoupment, has ever been taken against the applicant by a Medicaid or Medicare Program. If so, the applicant must disclose the reasons for the license denial, suspension or revocation and the reasons for the prior actions taken against the applicant by the Medicaid or Medicare Program, as applicable.~~

~~(l) Evidence of financial ability to operate the facility in accordance with this rule chapter for up to 60 days without dependence upon payment from the state or other third party fees from facility residents. Such evidence shall include bank account statements, pay stubs, documentation of a line of credit, or any other documents which would demonstrate the expected ability of the licensee to continue operations for that time period and under those conditions. A budget must also be submitted which clearly identifies and reflects projected expenditures and income based upon the number and type of residents which the facility anticipates serving.~~

(3) LICENSE RENEWALS. The licensee shall submit an application for license renewal to the Regional Office at least 45 days prior to the expiration of the prior license ~~and shall include a true and accurate statement of the facility's cost of providing supports and services to clients of the Agency for the previous year.~~ The failure to submit a complete application ~~which includes this statement~~ at least 45 days prior to the expiration of the prior license shall be considered a Class ~~III~~ II violation. No fine shall be imposed if the renewal application is received between 30 and 45 days prior to expiration. The statement must include, at a minimum, the following:

- ~~(a) Rent, lease or home mortgage,~~
 - ~~(b) Food,~~
 - ~~(c) Utilities,~~
 - ~~(d) Insurance,~~
 - ~~(e) Maintenance and repairs,~~
 - ~~(f) Equipment and furnishings,~~
 - ~~(g) Basic Supervision, and~~
 - ~~(h) Housekeeping.~~
- (4) through (9) No change.

(10) Agency staff shall review applications for licensure using the following forms: Foster Care Facility Checklist APD 2014-03 (effective April 1, February 2014), Group Home Facility Checklist APD 2014-04 (effective April 1, February 2014), Residential Habilitation Center Checklist APD 2014-05 (effective April 1, February 2014), Comprehensive Transitional Education Program Checklist APD 2014-06 for (effective April 1, February 2014), and General Facility Checklist APD 2014-07 (effective April 1, February 2014), which are hereby incorporated by reference. These forms may be obtained from the Regional Office.

(11) If the applicant fails to submit a complete application prior to the expiration of the facility's existing license, the application shall be considered an initial application rather than a renewal application.

Rulemaking Authority 393.501 FS. Law Implemented 393.0655, 393.067, 393.0673 FS. History—New _____.

65G-2.003 Length of Licenses.

The Agency shall determine the length of a facility's license based on the following:

(1) A one year license shall be issued to facilities which meet all the criteria for a shorter applicable licensing criteria as described below.

~~(a) The issuance of a license does not constitute a waiver of any statutory or rule violations by the licensee and does not prevent the Agency from seeking administrative sanctions against the licensee for violations that occurred during the term of previous licenses for the same facility. The time period for a license shall not exceed one year.~~

~~(2)(b)~~ Facilities with no current residents but which meet all applicable licensing standards shall be granted a one year license. However, such facilities shall have an on-site licensure review by the ~~Regional Region~~ Office within 30 days following the admission of their first resident to ensure that they are in compliance with the requirements of Chapter 393 and with the requirements of this rule chapter which could not be previously monitored.

~~(3)(2)~~ A one month license shall be issued to facilities that are awaiting administrative actions by the Agency or another state agency in order to complete requirements for ~~Agency~~ licensing. This shall include facilities that are pursuing administrative or judicial appeals of Agency action and facilities which are pending a fire inspection. Subsequent and consecutive one month licenses shall be issued if the matter has not been resolved within the initial one month licensure period.

(3) through (4) renumbered (4) through (5) No change.

(6) The issuance of a license does not constitute a waiver of any statutory or rule violations by the licensee and does not prevent the Agency from seeking administrative sanctions against the licensee for violations that occurred during the term of previous licenses, up to a period of two years, for the same facility.

Rulemaking Authority 393.501(1), 393.067 FS. Law Implemented 393.067 FS. History—New 8-13-78, Formerly 10F-6.05, 10F-6.005, 65B-6.005, Amended _____.

65G-2.0032 Agency Monitoring and Oversight.

(1) The Agency shall conduct a survey of each facility prior to the issuance of an initial license or the renewal of an existing license. In addition, the Agency shall conduct ongoing surveys of each facility, either unannounced or announced, in order to ensure the facility is in full compliance with the applicable requirements of Chapter 393, F.S. and the administrative rules adopted pursuant to Chapter 393, F.S. For ongoing surveys, Agency staff shall utilize the Facility Inspection Form APD 2014-02 (effective April 1, February 2014), which is incorporated herein by reference. A copy of this form may be obtained from the Regional Office. The Agency may temporarily suspend surveys for a specific time or location if the Agency determines that:

- (a) through (c) No change.
- (2) No change.

(3) Licensees and facility employees must permit any Agency staff or designated agent of the State of Florida, who presents proper State of Florida-issued identification, to enter and inspect any part of any facility building or to inspect records relating to the operation of the facility or the provision of client care at any time that facility staff, management, owners, directors, or residents are present in the facility. A violation of this subsection shall constitute a Class II ~~I~~ violation.

Rulemaking Authority 393.501, 393.067 FS. Law Implemented ~~120.695~~, 393.067 FS. History–New_____.

65G-2.004 License Violations.

(1) NOTICE OF NONCOMPLIANCE. The Agency shall issue a notice of noncompliance as provided under Section 120.695, F.S., in response to the first occurrence of a Class II or III violation that is not corrected prior to the completion of the survey which revealed the aforementioned violation. Within 15 days following receipt of a Notice of Noncompliance, the licensee must submit a written corrective action plan, to the regional office. Failure to submit a corrective action plan within the required timeframe or repeat occurrences of Class II or III violations shall result in the imposition of disciplinary action as described in paragraph 65G-2.0041(4)(b) or (c), F.A.C a fine or other administrative action. For the purposes of this subsection, a first occurrence of a Class II or III violation refers to those violations which have not been previously observed and cited by Agency staff within the past 12 months.

(2) CORRECTIVE ACTION PLANS. The licensee must develop and submit to the Agency a corrective action plan within 15 days following the receipt of a Notice of Noncompliance. The corrective action plan shall specify the actions the facility will take to correct each of the violations identified and to comply with the applicable licensing requirements, the name of the staff person(s) responsible for completing each action, and a timeframe for accomplishing each action. All action taken to correct a violation shall be documented in writing by the licensee. Failure to comply with the corrective action plan shall result in the imposition of disciplinary action as described in paragraph 65G-2.0041(4)(b) or (c), F.A.C a fine or other administrative action. The Agency shall reject any corrective action plan that fails to identify all of the information described above ~~or that fails to provide a reasonable timeframe for correcting the violations.~~ If the Agency rejects a ~~A rejected~~ corrective action plan must be submitted to the Agency shall notify the licensee in writing of the reasons for rejection and shall state that the licensee has within 10 days from following the receipt of the notification to submit an amended corrective action plan of rejection.

(3) No change.

~~(4) OTHER ACTIONS. The issuance of a Notice of Noncompliance, a request for a corrective action plan, nonrenewal letter, or administrative complaint does not preclude the Agency from concurrently pursuing administrative sanctions for violations not identified in the prior notice, corrective action plan, nonrenewal letter or administrative complaint. These sanctions may include a moratorium on admissions, license suspension, license revocation, or license non-renewal, as appropriate. Additional or repeat violations by~~

~~a licensee or applicant shall also result in the imposition of more severe sanctions than for first time violations.~~

~~(5) VOLUNTARY RELINQUISHMENT AND LICENSE EXPIRATION.~~

~~(a) The voluntary relinquishment of a license that is pending administrative sanctions shall be considered an admission of the allegations stated in the agency's administrative complaint, or nonrenewal letter.~~

~~(4)(b) RELINQUISHMENT AND LICENSE EXPIRATION.~~

The expiration or relinquishment of a license that is pending administrative sanctions does not render the administrative sanctions moot. The Agency may continue to seek administrative sanctions against a licensee for violations that occurred during a licensee's management or oversight of a facility even if the licensee ceases to own or lease the facility, operate the facility, or provide services in the facility after the violations have occurred.

Rulemaking Authority 393.501(1), 393.067, 393.0673 FS. Law Implemented ~~120.695~~, 393.067, 393.0673 FS. History–New_____.

(Substantial rewording of Proposed Rule 65G-2.0041 follows. See Notice of Proposed Rule for present text.)

65G-2.0041 License Violations – Disciplinary Actions.

(1) DETERMINATION OF DISCIPLINARY ACTION INVOLVING ABUSE, NEGLIGENCE, OR EXPLOITATION. In determining whether to pursue disciplinary action in response to verified findings by the Department of Children and Families of abuse, neglect, or exploitation involving the licensee or direct service providers rendering services on behalf of the licensee, the Agency will consider the licensee's corrective action plan and other actions taken to safeguard the health, safety, and welfare of residents upon discovery of the violation. Considerations shall include the following:

(a) Whether the licensee properly trained and screened, in compliance with Section 393.0655, F.S., the staff member(s) responsible for the violation;

(b) Whether, upon discovery, the licensee immediately reported any allegations or suspicions of abuse, neglect, or exploitation to both the Florida Abuse Hotline as well as the Agency;

(c) Whether the licensee fully cooperated with all investigations of the violation;

(d) Whether the licensee took immediate and appropriate actions necessary to safeguard the health, safety and welfare of residents during and after any investigations.

(e) Whether the occurrence is a repeat violation and the nature of such violation.

(f) The specific facts and circumstances before, during, and after the violation.

(2) FACTORS CONSIDERED WHEN DETERMINING SANCTIONS TO BE IMPOSED FOR A VIOLATION. The Agency shall consider the following factors when determining the sanctions for a violation:

(a) The gravity of the violation, including whether the incident involved the abuse, neglect, exploitation, abandonment, death, or serious physical or mental injury of a resident, whether death or serious physical or mental injury could have resulted from the violation, and whether the violation has resulted in permanent or irrevocable injuries, damage to property, or loss of property or client funds.

(b) The actions already taken or being taken by the licensee to correct the violations, or the lack of remedial action.

(c) The types, dates, and frequency of previous violations and whether the violation is a repeat violation.

(d) The number of residents served by the facility and the number of residents affected or put at risk by the violation.

(e) Whether the licensee willfully committed the violation, was aware of the violation, was willfully ignorant of the violation, or attempted to conceal the violation.

(f) The licensee's cooperation with investigating authorities, including the Agency, the Department of Children and Families, or law enforcement.

(g) The length of time the violation has existed within the home without being addressed, and

(h) The extent to which the licensee was aware of the violation.

(3) ADDITIONAL CONSIDERATIONS FOR CLASS I VIOLATIONS, REPEATED VIOLATIONS OR FOR VIOLATIONS THAT HAVE NOT BEEN CORRECTED.

(a) Subject to the provisions of subsection 65G-2.0041(1), F.A.C., in response to a Class I violation, the Agency may either file an Administrative Complaint against the licensee or deny the licensee's application for renewal of licensure.

(b) A second Class I violation, occurring within 12 months from the date in which a Final Order was entered for an Administrative Complaint pertaining to that same violation, shall result in the imposition of a fine of \$1000 per day per violation, revocation, denial or suspension of the license, or the imposition of a moratorium on new resident admissions.

(c) The intentional misrepresentation, by a licensee or by the supervisory staff of a licensee, of the remedial actions taken to correct a Class I violation shall constitute a Class I violation. The intentional misrepresentation, by a licensee or by the supervisory staff of a licensee, of the remedial actions taken to correct a Class II violation shall constitute a Class II violation. The intentional misrepresentation, by a licensee or by the supervisory staff of a licensee, of the remedial actions taken to correct a Class III violation shall constitute a Class III violation.

(d) Failure to complete corrective action within the designated timeframes may result in revocation or non-renewal of the facility's license.

(4) SANCTIONS. Fines shall be imposed, pursuant to a final order of the Agency, according to the following three-tiered classification system for the violation of facility standards as provided by law or administrative rule. Each day a violation occurs or continues to occur constitutes a separate violation and is subject to a separate and additional sanction. Violations shall be classified according to the following criteria:

(a) Class I statutory or rule violations are violations that cause or pose an immediate threat of death or serious harm to the health, safety or welfare of a resident and which require immediate correction.

1. Class I violations include all instances where the Department of Children and Families has verified that the licensee is responsible for , abuse, neglect, or abandonment of a child or abuse, neglect or exploitation of a vulnerable adult. For purposes of this subparagraph, a licensee is responsible for the action or inaction of a covered person resulting in abuse, neglect, exploitation or abandonment when the facts and circumstances show that the covered person's action, or failure to act, was at the direction of the licensee, or with the knowledge of the licensee, or under circumstances where a reasonable person in the licensee's position should have known that the covered person's action, or failure to act, would result in abuse, neglect, abandonment or exploitation of a resident.

2. Class I violations may be penalized by a moratorium on admissions, by the suspension, denial or revocation of the license, by the nonrenewal of licensure, or by a fine of up to \$1,000 dollars per day per violation. Administrative sanctions may be levied notwithstanding remedial actions taken by the licensee after a Class I violation has occurred.

3. All Class I violations must be abated or corrected immediately after any covered person acting on behalf of the licensee becomes aware of the violation other than the covered person who caused or committed the violation.

(b) Class II violations are violations that do not pose an immediate threat to the health, safety or welfare of a resident, but could reasonably be expected to cause harm if not corrected. Class II violations include statutory or rule violations related to the operation and maintenance of a facility or to the personal care of residents which the Agency determines directly threaten the physical or emotional health, safety, or security of facility residents, other than Class I violations.

1. Class II violations may be penalized by a fine of up to \$500 dollars per day per violation.

If four or more Class II violations occur within a one year time period, the Agency may seek the suspension or revocation

of the facility's license, nonrenewal of licensure, or a moratorium on admissions to the facility.

2. A fine may be levied notwithstanding the correction of the violation during the survey if the violation is a repeat Class II violation.

(c) Class III violations are statutory or rule violations related to the operation and maintenance of the facility or to the personal care of residents, other than Class I or Class II violations.

1. Class III violations may be penalized by a fine of up to \$100 dollars per day for each violation.

2. A repeat Class III violation previously cited in a notice of noncompliance may incur a fine even if the violation is corrected before the Agency completes its survey of the facility.

3. If twenty or more Class III violations occur within a one year time period, the Agency may seek the suspension or revocation of the facility's license, nonrenewal of licensure, or moratorium on admissions to the facility.

(d) The aggregate amount of any fine imposed pursuant to this section shall not exceed \$10,000.

Rulemaking Authority 393.501(1), 393.067, 393.0673 FS. Law Implemented 393.067, 393.0673 FS. History--New_____.

65G-2.005 License Denial, Suspension, or Revocation.

(1) through (2) No change.

~~(3) If applicant fails to submit a complete application prior to the expiration of the facility's existing license, the application shall be considered an initial application rather than a renewal application.~~

~~(4) Administrative sanctions may be sought pursuant to Section 393.0673, Florida Statutes, and this rule chapter, if the licensee or applicant:~~

~~(a) Fails to comply with the rules of this chapter or the licensing provisions of Chapter 393, Florida Statutes;~~

~~(b) Fails to comply with any limitations on the number or type of residents that may be served by the facility;~~

~~(c) Fails to submit or comply with a corrective action plan within the required timeframe;~~

~~(d) Fails to pay fines imposed by the Agency within the required timeframe; or~~

~~(e) Misrepresents the actions taken to correct a violation.~~

Rulemaking Authority 393.501(1), 393.067, 393.0673 FS. Law Implemented 393.067, 393.673 FS. History--New 8-13-78, Formerly 10F-6.03, 10F-6.003, 65B-6.003, Amended_____.

65G-2.006 Licensed Capacity.

(1) No change.

(2) The maximum number of residents who may be served by a facility shall be reassessed annually as part of the license renewal process. The Agency reserves the right to decrease the licensed capacity of a facility based upon an annual review of

the individual needs of each client or resident, the level of active and appropriate supervision, and the background, experience, and skill of the direct service providers. The Agency ~~shall~~ may also consider incident reports and violations that occurred or were identified during the current or preceding licensure year, which could be reasonably attributable to the number of residents served by the facility.

(6) No change.

(7) Exceeding a facility's maximum authorized capacity or housing a resident type not authorized for the facility shall constitute a Class ~~III~~ I violation.

Rulemaking Authority 393.501(1), 393.067 FS. Law Implemented 393.067 FS. History--New 8-13-78, Formerly 10F-6.02, 10F-6.002, 65B-6.002, Amended_____.

65G-2.007 General Facility Standards.

(1) No change.

(2) FACILITY AND SITE REQUIREMENTS.

(a) through (d) No change.

(e) The facility shall provide safe and sanitary housing. Floors, walls, ceilings, windows, doors, and all parts of the structures shall be of sound construction, properly maintained, in working order ~~easily cleanable~~, and kept clean as necessary to ensure the health and safety of the facility's residents.

(f) All interior doors with locks shall be readily opened from the inside of the room.

(g) Exterior doors may utilize delayed egress systems provided such systems meet all of the following conditions:

1. Egress is prevented for a maximum of 30 seconds;

2. Approval of the system by the local authority having jurisdiction over fire safety or the State Fire Marshall.

3. Locks are automatically disengaged in the event of a fire, power outage, or activation of the fire alarm.

(f) renumbered (h) No change.

(3) through (4) No change.

(5) BEDROOMS.

(a) Bedrooms shall be arranged so that resident privacy is assured. Bedroom doors shall not have vision panels except as may be necessary for residents who require visual supervision due to documented behavioral or medical issues. Direct access to a resident's bedroom from a common area is required. Sole access to a resident's bedroom shall not be through a bathroom or other bedroom. ~~A violation of this paragraph shall constitute a Class II violation.~~

(b) through (i) No change.

~~(j) With the exception of paragraph (a),~~ A violation of this subsection shall constitute a Class III violation.

(6) through (7) No change.

(8) HEATING AND COOLING.

(a) Indoor temperature shall be maintained within a range of 68 degrees to 80 degrees, as appropriate for the climate.

Temperatures exceeding this range by more than 2 degrees but less than 5 degrees constitute a Class III violation. Temperatures exceeding this range by 5 degrees or more constitute a Class II violation.

(b) The heating apparatus employed shall not constitute a burn hazard to the residents. Violation of this paragraph constitutes a Class II violation.

(c) There shall be no discernible differences between the temperature and humidity of areas within the facility that are used by staff and those areas used by the residents, unless such differences are based on documented resident need or preference. A violation of this ~~paragraph subsection~~ shall constitute a Class ~~III~~ I violation.

(d) Temperature variances due to a natural disaster, power outages outside of the licensee's control, or equipment failures that are being repaired in a timely manner that will not endanger the facility's residents shall not be considered violations of this subsection.

(9) through (10). No change.

(11) MEAL SERVICES. Unless contraindicated by documented medical, behavioral, or dietary requirements for individual residents, the following meal service standards shall apply to all facilities:

(a) through (b) No change.

(c) Dining and serving arrangements shall provide for a variety of eating experiences and the opportunity for residents to make food selections with guidance. ~~Except when prevented by health reasons or by physical or programmatic limitations specific to the eating process, all residents shall be given the opportunity to eat with staff and other members of the household.~~

(d) No change.

(e) Menus shall be planned and written, and dated at least two days in advance of consumption. Menus, as served, shall be kept on file for a minimum of one month. Client participation in meal planning is recommended but not required shall be encouraged.

(f) When food services are not supervised by a nutritionist, a dietician must be consulted at least annually. ~~In addition, a facility shall consult with a registered dietician upon Agency request to ensure that the meals being served appropriately meet the needs of the residents.~~ Documentation of such consultation and a summary of the dietician's recommendation shall be submitted to the Regional office. A violation of this paragraph shall constitute a Class II violation.

(g) through (h) No change.

(12) SAFETY REQUIREMENTS.

(a) through (d) No change.

(e) The facility shall provide fencing of at least four feet in height in areas identified by the Agency as hazardous. A hazardous area is that area designated as such by Agency staff at the time of initial licensure. In determining the hazardous area, Agency staff shall consult with the licensee and consider the needs and characteristics of the residents of the facility. A violation of this paragraph shall constitute a Class III violation. ~~Where appropriate, the facility shall provide adequate fencing against surrounding hazardous areas.~~

(f) With the exception of paragraph (e), a violation of this subsection shall constitute a Class I violation.

(13) WATER HAZARDS.

(a) No change.

(b) Residents who are not proficient swimmers shall not be allowed in pools or other bodies of water without wearing a life jacket or approved flotation device, unless engaged in swimming lessons or while and under the supervision of a responsible adult capable of assisting with swimming-related emergencies.

(c) through (f). No change.

(h) renumbered (g) No change.

(14) through (17) No change.

(18) FORECLOSURES AND EVICTIONS.

(a) Licensees must provide notification to the Regional ~~Agency~~ office within two business days of receipt of a foreclosure notice involving the property at which the license is maintained.

(b) Licensees must notify the Regional Office within 24 hours upon the receipt of a Notice of Eviction involving the property at which the license is maintained.

(c) A violation of paragraph (a) of this subsection shall constitute a Class II violation. A violation of paragraph (b) of this subsection shall constitute a Class I violation.

~~(19) ACCOUNTABILITY FOR RESIDENTIAL FACILITIES. The licensee bears liability for the safe custody of all residents in the facility's care and for the treatment of the facility's employees. The Agency bears no liability for actions brought against the licensee or its employees, including:~~

~~(a) Tort actions for damage to property or person.~~

~~(b) Payment of payroll related costs such as workers' compensation, withholding taxes, fair employment practices and unemployment insurance.~~

(20) through (21) renumbered (19) through (20) No change.

~~(22) BILLING FOR SERVICES. A licensee or applicant shall not bill the Agency for services rendered to Agency clients unless those services were provided in accordance with the Agency's contractual standards and requirements.~~

Rulemaking Authority 393.501(1), 393.067, 393.13(5) FS. Law Implemented 393.067 FS. History—New 8-13-78, Formerly 10F-6.08, 10F-6.008, 65B-6.008, Amended _____.

65G-2.008 Staffing Requirements.

~~(1) The licensee, regardless of the type of entity, is responsible for assuring that facility residents are provided appropriate physical care, supervision, training and support for each resident's individual needs and to assure that each resident is safe from abuse, sexual abuse, neglect, exploitation, or abandonment. A violation of this subsection shall constitute a Class I violation.~~

~~(1)(2) The licensee shall employ adequate staff to maintain the facility in a manner that promotes and ensures the health, safety, and welfare of residents, and protects those who are not residents of the facility from any known dangerous behaviors that the residents exhibit. A violation of this subsection shall constitute a Class I violation.~~

(a) The appropriate number and type of staff employed by the licensee is dependent upon a number of factors including state and/or federal requirements, court orders, the number of residents and their unique service requirements, the competency, training, and education of staff, and the range of services offered. At a minimum, the licensee shall maintain the staffing pattern delineated and described on its most recent application for licensure. A violation of this paragraph shall constitute a Class II ~~I~~ violation.

(b) No change.

(c) Direct service providers shall not be under the influence of alcoholic beverages or illegal controlled substances to the extent their normal faculties are impaired ~~intoxicated or under the influence of illegal substances~~ while providing care, support, supervision, or services to residents. For purposes of this paragraph "normal faculties" include but are not limited to the ability to see, hear, walk, talk, judge distances, drive an automobile, make judgments, act in emergencies and, in general, to normally perform the many mental and physical acts of daily life. A violation of this paragraph shall constitute a Class I violation.

(d) Direct service providers shall be at least 18 years of age. A violation of this paragraph shall constitute a Class III ~~I~~ violation.

(e) Direct service providers must have at least a high school diploma or equivalent. When determining the equivalency of high school diplomas, providers may accept official transcripts, affidavits from educational institutions, and other formal or legal documents that can be reasonably used to determine educational background. Direct service providers who have been hired using the best judgment of the licensee prior to the date of this rule revision are exempt from this education-related

documentation screening requirement. A violation of this paragraph shall constitute a Class III ~~I~~ violation.

(f) Prior to beginning employment, direct service providers must have at least one year of experience in a medical, psychiatric, nursing or childcare setting or working with persons with a developmental disability. Successfully completed college, vocational or technical training equal to 30 semester hours, 45 quarter hours, or 720 classroom hours in special education, mental health, counseling, guidance, social work or health and rehabilitative services can substitute for the required experience. Direct service providers hired by the licensee prior to the adoption date of this rule shall be exempt from this requirement. A violation of this paragraph shall constitute a Class III ~~I~~ violation.

(g) No change.

(h) Direct service providers must be mentally competent to comprehend, comply with, and implement all requirements provided by law and Agency rule for the provision of services rendered to residents of their facilities. In addition, they must be physically capable of performing duties for which they are responsible of suitable physical, emotional, intellectual and mental ability to care for the residents they serve. A violation of this paragraph shall constitute a Class II ~~I~~ violation.

~~(2)(3) The licensee must comply All direct service providers must be in compliance with the screening requirements established in Section 393.0655, F.S. and Chapter 435, F.S. Direct service providers must notify the licensee immediately if they have been arrested, charged with a crime, or convicted of a crime. Such notification shall be maintained within the direct service provider's personnel file.~~ A violation of this subsection shall constitute a Class I violation.

~~(3)(4) Licensees are responsible for assuring that all direct service providers who transport clients have a valid driver's license. Direct service providers who are responsible for transporting clients shall not possess driving violations, committed within the past three years, which relate to driving under the influence of alcohol or drugs or any other moving violation(s) which resulted in the suspension or revocation of that direct service provider's license. Direct service providers must obey all traffic laws while transporting residents. Direct service providers who transport clients must report any suspensions or revocations of their driver's licenses to the licensee immediately following those actions. Such information shall be maintained within the direct service provider's personnel file.~~ A violation of this subsection shall constitute a Class III ~~I~~ violation.

(5) renumbered (4) No change.

(6) renumbered (5) No change.

(a) No change.

(b) This ~~subsection paragraph~~ is only applicable in situations where the licensee has been made aware of the aforementioned investigation.

(c) No change.

(7) renumbered (6) No change.

(a) through (b) No change.

(c) Separate personnel records for each full and part-time employee that contain, ~~at a minimum,~~ written documentation of the employees' education, qualifications experience, references, background screening, staff training participation, and any disciplinary action taken against the employee; and

(d) through (e) No change.

~~(7)(8)~~ Staff Training Requirements. Written documentation of all required staff training must be maintained by the licensee for at least a three years following the receipt of such training and be made available to the Agency upon request.

(a) No change.

(b) All direct service providers hired to work in licensed residential facilities subsequent to the date of this rule revision must complete the Agency's Zero Tolerance training curriculum on the detection, prevention, and reporting of abuse, neglect, and exploitation prior to providing direct services. The Zero Tolerance curriculum consists of the Zero Tolerance Classroom Participant's Manual, the Zero Tolerance Facilitator's Guide and the Zero Tolerance Overheads Power Point which are hereby incorporated by reference. A copy of the Zero Tolerance curriculum materials may be obtained from the Agency' Central Office. In addition, all direct service providers must complete a refresher Zero Tolerance training course every three years. Staff must be able to successfully demonstrate their knowledge of required abuse reporting procedures both in theory and in practice.

(c) All direct service providers must complete a basic first aid course, including instruction in the abdominal thrust Heimlich maneuver and cardio-pulmonary resuscitation (CPR), and shall maintain a current certification in CPR within 90 days of prior to providing direct services. On-line or computer-based courses are not acceptable for meeting this requirement; such training must be provided in a classroom setting by a certified trainer. Facilities shall ensure there is always at least one direct service provider with current CPR certification on-site when residents are present.

(d) All staff must complete an educational course on HIV/AIDS, within 90 ~~60~~ days of providing direct services employment.

(e) No change.

(f) A violation of this subsection shall constitute a Class III ~~II~~ violation.

Rulemaking Authority 393.501(1), 393.067 FS. Law Implemented ~~393.063, 393.0655, 393.13, 393.067~~ FS. History–New_____.

65G-2.009 Resident Care and Supervision Standards.

(1) MINIMUM STANDARDS. Residential facility services shall ensure the health and safety of the residents and shall also address the provision of appropriate physical care, and supervision, and the support necessary to ensure that each individual be afforded the opportunity for personal growth and development.

(a) through (c) No change.

(d) The facility shall adhere to and protect resident rights and freedoms in accordance with the Bill of Rights of Persons with Developmental Disabilities, as provided in Section 393.13, F.S. Violations of Section 393.13(3)(a), F.S. relating to humane care, abuse, sexual abuse, neglect, or exploitation and all violations of Section 393.13(3)(g), F.S., shall constitute a Class I violation. All other violations of Section 393.13(3) shall constitute Class III violations. All violations of Section 393.13(4)(c)1. and 2., (f), and (g), F.S. shall constitute Class I violations. All violations of Section 393.13(4)(h), F.S. shall constitute Class II violations. All other violations of Section 393.13(4), F.S. shall constitute Class III violations. A violation of the Bill of Rights of Persons with Disabilities shall constitute a Class I violation.

(e) The placement of a resident within a facility shall not be construed as a termination or restriction of the rights and responsibilities of the parents or guardians. Although not required, it is recommended that pParents, guardians, and other responsible persons ~~shall be encouraged to~~ organize as volunteers for the purpose of promoting the welfare of the residents.

~~(f) Licensees are responsible for compliance with the requirements of Section 393.13(4)(e), Florida Statutes. A violation of this paragraph shall constitute a Class I violation.~~

~~(f)(g)1.~~ Within the scope of the licensee's responsibility for care and supervision of residents, the licensee shall ensure that there is appropriate action taken for a resident's essential care following a resident's medical, dental, therapy or other health care-related appointments to include scheduling additional appointments for residents, or assisting residents in scheduling their own appointments, as well as appropriate training of staff on changes in medication or dietary regimens, positioning of residents, utilization of specialized equipment, or any other area which has changed subsequent to any such appointments that would be within the purview and authority of the licensee to accomplish. A violation of this paragraph shall constitute a Class I violation. As used in this paragraph "essential care" refers to care and follow-up measures that are medically necessary or directed by a treating physician or health care practitioner for the purpose of continuing an ongoing course of treatment of, or therapy for, a resident's illness, injury, medical

condition or diagnosis until such time as such care and follow-up measures are no longer directed or recommended by the physician or health care practitioner. A violation of this paragraph shall constitute a Class I violation.

2. Within the scope of the licensee's responsibility for care and supervision of residents, the licensee shall ensure that there is appropriate action taken for a resident's routine or preventive care following a resident's medical, dental, therapy or other health care-related appointments to include scheduling additional appointments for residents, or assisting residents in scheduling their own appointments. As used in this paragraph "routine or preventive" means care other than essential care such as routine examinations, annual check-ups, or preventive screenings and dental care and cleanings. A violation of this paragraph shall constitute a Class II violation.

(g) Except as otherwise provided, a violation of this subsection shall constitute a Class II violation.

(i) With the exception of paragraphs (e), (g), and (h), a violation of this subsection shall constitute a Class II violation.

(2) COMMUNITY RELATIONSHIP AND RECREATIONAL ACTIVITIES. Facilities shall encourage understanding and support by, and integration with, the community, such as by establishing cooperative agreements with clinics, park departments, volunteer organizations, and similar community resources. provide opportunities for residents to participate in community activities. A violation of this subsection shall constitute a Class III violation.

(3) TRANSFER AND PLACEMENT OF CLIENTS.

(a) The licensee shall have written criteria and procedures in place for the admission or termination of residential services for clients; termination procedures must be consistent with Chapter 65G-3, F.A.C. A violation of this paragraph shall constitute a Class II violation.

(b) The facility shall not serve residents unless it can meet their specific programmatic and physical accessibility needs. The facility must be capable of effectively and safely meeting the needs of all facility residents accepted for placement. The licensee shall ensure that the placement of new residents within the facility does not adversely affect the health, safety, or welfare of existing facility residents. The licensee must obtain the Agency's approval prior to any proposed placement that would deviate from the criteria specified on the facility's application for licensure. The licensee shall notify the Agency and provide descriptive information on the prospective resident if the proposed placement involves an individual who is not a client of the Agency. A violation of this paragraph shall constitute a Class I violation.

(c) Prior to a proposed transfer of a client from one licensed facility to another, the licensee shall discuss the transfer and reasons for transfer with the client, the client's authorized representative (if one has been appointed), support coordinator,

the Agency, and other involved service providers, as appropriate. A violation of this paragraph shall constitute a Class II violation.

(d) A licensee who operates, administers, or manages more than one foster care facility, group home facility or residential habilitation center facility must receive approval from the Agency prior to transferring a client from one of its licensed facilities to another of its licensed facilities. Prior approval shall not be required in the event of an emergency in which there is a substantial probability that the health or safety of the client would be jeopardized in the absence of immediate relocation. Agency approval or notification is not required. ~~When a client is transferred within a single to the intensive treatment and educational center of a comprehensive transitional education program (CTEP). from a CTEP that does not include such a center within its facility, the CTEP shall notify the Agency within two business days after the transfer. A violation of this paragraph shall constitute a Class II violation.~~

(e) When a client is moved to a new residential setting, the licensee shall provide any personal belongings of the client to the client or the client's authorized representative. The property inventory list completed in accordance with paragraph (g) below shall be referenced in order to account for all items. A violation of this paragraph shall constitute a Class II violation.

(f) No change.

1. through 3. No change.

4. A violation of this paragraph shall constitute a Class II violation.

(g) Upon placement, an itemized property inventory list accounting for the client's records, personal funds, serviceable clothing, and any other personal belongings shall be completed and signed by the licensee and the client or the client's authorized representative. This inventory record shall be updated within 30 days to reflect the acquisition of new items and reflect items that have been discarded, except that new and discarded articles of clothing are not required to be continually inventoried. A violation of this paragraph shall constitute a Class III violation.

(h) Facilities that plan to use facility staff to take clients of the Agency out of Florida overnight shall provide prior notification to the Agency. A violation of this paragraph shall constitute a class II violation.

(i) The licensee shall cooperate and assist the Agency, the client's support coordinator, and the client's authorized representative in ensuring a smooth discharge of clients to other facilities or residential settings. Within 30 days, unless otherwise approved by the Agency, ~~the licensee shall ensure the timely transfer of all personal funds, medications, records, and possessions of the resident in the providers possession to the Agency, the client's support coordinator, the client's~~

authorized representative, or the receiving facility, as applicable. ~~A violation of this paragraph shall constitute a Class II violation.~~

(j) A violation of this subsection shall constitute a Class III violation.

(4) No change.

(a) through (e) No change.

(f) Each licensee must maintain this client accounting information on Agency form APD 2014-09 (effective April 1, February 2014) which is incorporated herein by reference, or in an alternative format that includes all required information contained in the form and tracks all of the information required in paragraph 65G-2.009(4)(e), F.A.C. A copy of this form may be obtained from the Regional Office. The client accounting records shall be kept on the premises or maintained electronically and in a central location. Relevant current financial information, such as the account balance and a supply of funds, shall be maintained and secured in each home to allow for purchases and other client or guardian-authorized uses of resident funds. All records shall be made available, as requested by Agency staff, for inspection and monitoring purposes.

(g) No change.

(5) No change.

(a) No change.

(b) No change.

1. through 6. No change.

7. If applicable, a copy of the client's current support plan ~~and service authorization~~, as supplied by the client's support coordinator, and any other applicable service plans such as an implementation plan, ~~an Individual Education Plan, etc.; or behavior plan.~~

8. through 9. No change.

(c) through (e) No change.

(6) RESIDENT SUPERVISION.

(a) No change.

(b) At least one staff person must be present at all times while clients are in the facility. The only exception would be if the licensee prepares a written plan proposing that a specified client be left alone for limited periods of time during the day or night. Such plans must be approved by the Regional Area Office prior to implementation. In granting plan approval, the Agency shall consider the needs, characteristics, and abilities of the resident and the proposed circumstances under which the resident will be left alone. Non-compliance with the approved plans may result in the imposition of administrative fines, the suspension or revocation of such plans, or other administrative actions as appropriate.

(c) No change.

(7) VIDEO MONITORING.

(a) through (d) No change.

~~(e)(f) The Agency reserves the right to preclude, restrict, or suspend a facility's authority to conduct video monitoring pursuant to this subsection at any time if the Agency determines that any of the provisions of this subsection or of Section 393.13, F.S. have been violated.~~

(g) renumbered (f) No change.

(8) BEHAVIORAL INTERVENTIONS AND RESPONSES TO BEHAVIORAL ISSUES INVOLVING RESIDENTS.

(a) The facility shall have a written statement of policies and procedures ~~in place~~ governing actions that may be taken by direct service providers to help prevent or respond to problematic behaviors exhibited by residents. Such policies and procedures, as well as any actions taken by direct service providers involving residents of the facility, shall include emergency procedures, reporting requirements, and be consistent with the provisions of Section 393.13, F.S. as well as Chapters 65G-4 and 65G-8, F.A.C. A violation of this paragraph shall constitute a Class II violation.

~~(b) The facility shall take all reasonable precautions to assure that no client is exposed to, or instigates, such behavior as might be physically or emotionally injurious to him/herself or to another person.~~

~~(b)(e)~~ Direct service providers shall be trained in responding to serious and spontaneous behavioral incidents requiring emergency intervention procedures. A violation of this paragraph shall constitute a Class II violation.

~~(c)(d)~~ Emergency intervention procedures that use restraint or seclusion, or cause physical discomfort require approval from the Local Review Committee prior to implementation. A violation of this paragraph shall constitute a Class II violation. ~~The following responses are strictly forbidden:~~

(d) The following responses are strictly forbidden:

1. Physical or corporal punishment that includes but is not limited to hitting, slapping, smacking, pinching, paddling, pulling hair, pushing or shoving residents.;

2. The use of noxious substances, which include painful or aversive stimuli used to control behavior such as pepper on tongue, squirt of lemon juice, ammonia inhalants, or electric shock.;

3. Verbal abuse such as cursing at residents, using slurs or derogatory names, or screaming.;

4. Humiliation, such as keeping a resident in wet or soiled clothing or diapers, making the resident stand in front of others to be ridiculed, or making the resident wear a sign or dunce cap, placing residents in dark or locked time-out rooms.

(d) A violation of this paragraph ~~subsection~~ shall constitute a Class I violation.

(9) SEXUAL ACTIVITY.

(a) No change.

(b) The licensee shall provide direct service providers with training regarding the licensee's policy regarding sexual activity involving residents of the facility ~~this policy~~. The policy shall address appropriate physical boundaries and standards among direct service providers and residents and must include ~~provisions that address~~ the following elements:

1. through 2. No change.

3. Direct service providers and residents must respect personal space, such as knocking before entering a bedroom except as may be necessary for residents who require visual supervision due to documented behavioral or medical issues. A violation of this subparagraph constitutes a Class III violation.

4. through 5. No change.

6. A provision which permits direct service providers to assist or supervise residents while the resident bathes, showers, or toilets, if the resident requires assistance or supervision, and which prohibits staff from bathing, showering, or toileting but may not bathe, shower or toilet simultaneously with the resident under any circumstances;

7. Guidelines ~~Reasonable guidelines shall be established~~ concerning the level and type of supervision required for residents and all direct service providers shall be familiar with such guidelines;

8. ~~The licensee shall encourage, model and support open~~ communication among residents and direct service providers about events occurring in the facility in order to encourage reporting of incidents of inappropriate sexual behavior.

(c) The following safeguards shall be implemented in any facility which serves one or more sexually aggressive residents ~~who have a history of sexual aggression~~:

1. No change.

2. Newly placed sexually aggressive residents ~~with a documented history of sexual aggression~~ shall be provided visual supervision at all times the resident is awake during the resident's first twenty-four (24) hours in the facility.

3. A sexually aggressive resident ~~with a documented history of sexual aggression~~ must not be allowed to share a bedroom with another resident without Agency approval. Such approvals shall take into consideration the licensee's plan to assure supervision sufficient to ensure the safety of residents under any circumstances.

4. Known sexually aggressive ~~Residents who are minors and known to be sexually aggressive~~ shall never be left alone with other residents in a bedroom or bathroom behind closed doors. Only one resident may use the bathroom at any time that the bathroom door is closed; and

5. No change.

(d) ~~Except as otherwise provided, a~~ violation of this subsection shall constitute a Class I violation.

(10) SOLICITATION ACTIVITIES. The licensee must have the written permission of the client, if competent, or the client's authorized representative prior to using the client, the client's name, picture, or disability for the purpose of securing donations. A violation of this subsection shall constitute a Class III ~~I~~ violation.

(11) FIRST AID. The facility shall have on the premises an American Red Cross-approved first aid kit. The first aid kit shall be maintained in places known to and readily available to all direct service providers. Potentially toxic materials contained within first aid kits should be stored in a manner which does not pose a risk to residents. A violation of this subsection shall constitute a Class III ~~I~~ violation.

(12) MEDICATION.

(a) through (d) No change.

(e) The licensee must maintain an up-to-date and accurate daily record of prescription and/or nonprescription medication administered to clients in accordance with the provisions of Chapter 65G-7, F.A.C.

(f) The administration of medication to residents, as well as the documentation of administration of such medication, medication storage, and error reporting shall be performed in accordance with Sections 393.13 and 393.506, F.S., Chapter 65G-7, F.A.C., and this rule chapter.

~~(g)~~ If the licensee or a direct service provider observes or receives reports from other individuals that a client may have experienced an adverse reaction to an administered medication, such information must be conveyed immediately to either the prescribing physician or the licensed medical professional employed by the licensee who has been charged with the responsibility of securing appropriate medical treatment for residents with health-related issues or concerns. If either the prescribing physician or medical professional employed by the licensee is unable to be reached, facility staff shall immediately seek medical attention for the resident. A violation of this paragraph shall constitute a Class I violation.

~~(h)~~~~(g)~~ With the exception of paragraphs (a) and ~~(g)~~~~(f)~~, a violation of this subsection shall constitute a Class II violation.

(13) through (15) No change.

Rulemaking Authority 393.501(1), 393.067, 393.506 FS. Law Implemented 393.067, 393.13, 393.135, 393.506 FS. History—New_____.

65G-2.010 Fire and Emergency Procedures.

~~(1) At a minimum, direct service providers shall take all reasonable precautions to assure that no person living in the facility is placed at immediate risk from, or engages in, behaviors that are likely to cause physical or emotional harm to any person. Serious illness, accident, injury, death, or assault~~

~~must be treated as an emergency. A violation of this subsection shall constitute a Class I violation.~~

~~(1)(2)~~ EMERGENCY STANDARDS

- (a) No change.
- (b) No change.
- 1. through 4. No change.

5. Support Coordinator for each client

~~6.5. Regional Agency Region Office;~~

~~7.6. Emergency Agency on-call number, as assigned by the Regional Region Office;~~

- 7. through 8. renumbered 8. through 9. No change.
- (c) No change.

~~(2)(3)~~ FIRE SAFETY STANDARDS. The local authority having jurisdiction over fire safety or the State Fire Marshall shall be requested to annually inspect the facility for compliance with Chapter 69A-38, F.A.C., as applicable. Dates and results of required monthly fire drills (i.e., time of day, points of exit used, evacuation time, and signature of person conducting the drill) shall be recorded and maintained for one year following the date of the drills. Required monthly fire drills shall not be conducted between the hours of midnight and 5:00 AM. ~~Area~~ Regional Office employees shall be afforded the opportunity to observe monthly fire drills in order to verify the effectiveness and efficiency of evacuations. A violation of this subsection shall constitute a Class III ~~I~~ violation.

~~(3)(4)~~ EMERGENCY MANAGEMENT PLANS

(a) EMERGENCY PLAN COMPONENTS. Pursuant to Section 393.067(8), F.S., each facility shall prepare a written comprehensive emergency management plan which shall be updated as needed and on ~~at least~~ an annual basis. The emergency management plan must, ~~at a minimum~~ address the following:

- 1. through 7. No change.
- (b) EMERGENCY MANAGEMENT PLAN DEVELOPMENT.

1. Emergency management plans shall be updated at least annually and may be developed with the assistance of appropriate resource persons from the local fire marshal, Regional Office, ~~civil defense office~~, or local emergency management agency. Comprehensive transitional education programs and facilities which serve residents with complex medical conditions must have their emergency management plans approved by the local emergency management agency.

- 2. No change.
- (c) through (f) No change.

~~(4)(5)~~ MISSING RESIDENTS. Beyond one hour after ~~Upon~~ determining that a child or an adult who has been adjudicated incompetent is missing the whereabouts of a resident are unknown, staff shall immediately call local law enforcement and ask the officer to:

- (a) through (c). No change.
- (d) If the responding law enforcement officer refuses to take a missing person report for any reason, the person making the report will document the name of the officer and call the responding local law enforcement agency and request to speak to the appropriate Watch Commander about the refusal to take a missing person report. If the local law enforcement officials do not accept the report, the staff shall immediately notify the Agency Regional Office. A violation of this paragraph subsection shall constitute a Class III ~~I~~ violation.

(e) Except as otherwise provided, a violation of this subsection shall constitute a Class II violation.

~~(5)(6)~~ INCIDENT REPORTING. In all cases involving known or suspected abuse, neglect or exploitation, the incident shall be reported immediately to the Florida Abuse Hotline as required under Sections 39.201 and 415.1034, F.S. In addition, all incidents must be reported to the Regional Office in the following manner and according to the specified timeframes (utilizing the APD Incident Reporting Form, APD 10-002 (effective April 1, 2014) which is herein incorporated by reference ~~as Appendix 1 APD OP 10-002~~). A copy of this form may be obtained from the Regional Office.

(a) Critical incidents must be reported to the appropriate Regional Agency ~~Region~~ Office by telephone or in person within one hour after facility staff become aware of the incident. If this occurs after normal business hours or on a weekend or holiday the person reporting the incident shall call the Agency Regional Office after-hours designee. If the incident occurs between the hours of 8:00 p.m. and 8:00 a.m., an oral contact must be made with the Regional Office no later than 9:00 a.m. It shall be within the provider's discretion and judgment to determine the appropriateness of waiting until the following morning. Oral contacts should be followed up with the submission of a completed APD Incident Reporting Form ~~which is herein incorporated by reference as Appendix 1 APD OP 10-002~~, to the Regional Office within one business day following the critical incident. This form should be faxed, electronically mailed, or personally delivered to the Regional Office. Critical incidents include the following:

- 1. through 2. No change.
- 3. The unexpected absence or unknown whereabouts, beyond one hour, of a resident who is a minor or an adult resident who has been adjudicated incompetent,
- 4. through 8. No change.
- (b) No change.
- 1. through 4. No change.
- 5. The unexpected absence or unknown whereabouts of a legally competent adult resident beyond eight hours, ~~or less time if the person is known to lack capacity to make safe decisions;~~
- 6. through 8. No change.

(c) The person making the report shall also immediately notify the resident's authorized representative and support coordinator, as appropriate and, for children in the custody of the Department of Children and Families ~~Family Services~~, the designated caseworker.

(d) No change.

(e) A violation of this subsection shall constitute a Class ~~II~~ I violation.

Rulemaking Authority 393.501(1), 393.067 FS. Law Implemented 393.067, ~~393.13~~ FS. History--New _____.

65G-2.011 Foster Care Facility Standards.

(1) ADMINISTRATION. Each foster care facility shall designate a person as responsible for the on-going operation of the foster care facility and for ensuring compliance with applicable requirements of statute and rule. A violation of this subsection shall constitute a Class ~~II~~ I violation.

(2) FINANCIAL STANDARDS.

(a) No change.

~~(b) The foster care facility shall submit annually to the Agency, as part of its application for licensure, a true and accurate sworn statement of the costs of providing care to Agency clients. The statement must identify, at a minimum, categorical expenditures in the areas of rent or mortgage, food, utilities, and salaries.~~

~~(b)(e)~~ The Agency may audit the records of a foster care facility to ensure compliance with Chapter 65G-2 and Section 393.067, F.S., applicable laws and rules provided that such financial audits ~~audit~~ shall be limited to the records of Agency clients.

(d) renumbered (c) No change.

~~(d)(e)~~ The provider, the provider's employees, and any family members thereof are prohibited from:

1. Being the named beneficiary of a resident's life insurance policy unless ~~the provider is~~ related to the resident by blood or marriage;
2. Receiving any indirect financial benefit from a resident's life insurance policy unless ~~the provider is~~ related to the resident by blood or marriage; or
3. Borrowing or otherwise using a resident's personal funds for any purpose other than the resident's benefit.

~~(e)(f)~~ A violation of this subsection shall constitute a Class ~~II~~ III ~~I~~ violation.

(3) No change.

Rulemaking Authority 393.501(1), 393.067 FS. Law Implemented 393.067 FS. History--New 8-13-78, Formerly 10F-6.09, 10F-6.009, 65B-6.009, Amended _____.

65G-2.012 Group Home Facility Standards.

(1) ADMINISTRATION.

(a) Each group home facility shall have a designated facility operator on-site or on call at all times. The facility operator is responsible for the on-going operation of the group home facility and for ensuring compliance with Chapter 65G-2 and Section 393.067, F.S., applicable requirements of statute and rules whenever the facility operator is on-site or on call and one or more residents are present in the facility.

(b) through (c) No change.

(d) With the exception of paragraph (c), a violation of this subsection shall constitute a Class ~~II~~ I violation.

(2) FINANCIAL STANDARDS.

(a) No change.

~~(b) The group home facility shall submit annually to the Agency a true and accurate sworn statement of the costs of providing care to Agency clients. Such statement shall identify, at a minimum, categorical expenditures in the areas of rent/mortgage, food, utilities, and salaries.~~

~~(b)(e)~~ The Agency may audit the records of a group home facility to ensure compliance with Chapter 65G-2 and Section 393.067, F.S., applicable laws and rules provided that such financial audits ~~audit~~ shall be limited to the records of Agency clients.

~~(c)(d)~~ Upon request by the Agency, the group home facility shall make available copies of any internal or external audit reports pertaining to funding received on behalf of Agency clients.

~~(d)(e)~~ The provider, the provider's employees, and any family members thereof are prohibited from:

1. Being the named beneficiary of a resident's life insurance policy unless ~~the provider is~~ related to the resident by blood or marriage;
2. Receiving any indirect financial benefit from a resident's life insurance policy unless ~~the provider is~~ related to the resident by blood or marriage; and
3. Borrowing or otherwise using a resident's personal funds for any purpose other than the resident's benefit.

~~(e)(f)~~ A violation of this subsection shall constitute a Class ~~II~~ III ~~I~~ violation.

Rulemaking Authority 393.501(1), 393.067 FS. Law Implemented 393.067 FS. History--New 8-13-78, Formerly 10F-6.10, 10F-6.010, 65B-6.010, Amended _____.

65G-2.013 Residential Habilitation Center Standards.

(1) ORGANIZATION AND ADMINISTRATION.

(a) No change.

(b) Each facility shall have a facility operator on-site designated as responsible for the on-going operation of the residential habilitation facility and for ensuring compliance with Chapter 65G-2 and Section 393.067, F.S., applicable requirements of statute and rules at all times that one or more residents are present in the facility.

(c) through (d) No change.

(e) With the exception of paragraph (d), a violation of this subsection shall constitute a Class II violation.

(2) FINANCIAL STANDARDS.

(a) No change.

~~(b) The residential habilitation center shall submit annually to the Agency a true and accurate sworn statement of the costs of providing care to Agency clients. Such statement shall identify, at a minimum, categorical expenditures in the areas of rent/mortgage, food, utilities, and salaries.~~

~~(b)(e)~~ The Agency may audit the records of a residential habilitation center to ensure compliance with Chapter 65G-2 and Section 393.067, F.S., applicable laws and rules provided that ~~such~~ financial audits ~~audit~~ shall be limited to the records of Agency clients.

~~(c)(d)~~ Upon request by the Agency, the residential habilitation center shall make available copies of any internal or external audit reports pertaining to funding received on behalf of Agency clients.

~~(d)(e)~~ The provider, the provider's employees, and any family members thereof are prohibited from:

1. Being the named beneficiary of a resident's life insurance policy unless ~~the provider is~~ related to the resident by blood or marriage,;

2. Receiving any indirect financial benefit from a resident's life insurance policy unless ~~the provider is~~ related to the resident by blood or marriage; and

3. Borrowing or otherwise using a resident's personal funds for any purpose other than the resident's benefit.

~~(e)(f)~~ A violation of this subsection shall constitute a Class III violation.

(3) No change.

Rulemaking Authority 393.501(1), 393.067 FS. Law Implemented 393.067 FS. History—New 8-13-78, Formerly 10F-6.11, 10F-6.01, 65B-6.011, Amended _____.

65G-2.014 Comprehensive Transitional Education Program Standards.

(1) ORGANIZATION AND ADMINISTRATION. Each Comprehensive Transitional Education Program (CTEP) shall maintain a written policy and procedures manual which shall be available for ~~public and~~ Agency inspection and include ~~at a minimum~~:

(a) through (b) No change.

(c) Criteria and procedures for admissions and discharges, ~~both external to and within CTEP's components~~;

(d) through (i) No change.

(j) A violation of this subsection shall constitute a Class III violation.

(2) FINANCIAL STANDARDS.

(a) No change.

~~(b) The CTEP shall submit annually to the Agency a true and accurate sworn statement of the costs of providing care to residents funded by the Agency. Such statement shall identify, at a minimum, categorical expenditures in the areas of rent/mortgage, food, utilities, and salaries.~~

~~(b)(e)~~ The Agency may audit the records of a CTEP to ensure compliance with Chapter 65G-2 and Section 393.067, F.S., applicable laws and rules provided that ~~such~~ financial audits ~~audit~~ shall be limited to the records of Agency-funded clients.

~~(c)(d)~~ Upon request by the Agency, the CTEP shall make available copies of any internal or external audit reports pertaining to funding received on behalf of Agency clients.

~~(d)(e)~~ The provider, the provider's employees, and any family members thereof are prohibited from:

1. Being the named beneficiary of a resident's life insurance policy unless ~~the provider is~~ related to the resident by blood or marriage,;

2. Receiving any indirect financial benefit from a resident's life insurance policy unless ~~the provider is~~ related to the resident by blood or marriage,; and

3. Borrowing or otherwise using a resident's personal funds for any purpose other than the resident's benefit.

~~(e)(f)~~ A violation of this subsection shall constitute a Class III violation.

(3) RESIDENT TRAINING AND DATA COLLECTION. Each CTEP shall have a policy and put into practice a system that enables ~~establish systems that enable~~ the program to accurately track and act upon information pertinent to each resident's welfare.

(a) No change.

1. through 3. No change.

4. Accidents, injuries, unusual incidents or other significant events, including the frequency, intensity and duration of the incident or significant event;

5. through 6. No change.

(b) through (c) No change.

(4) SERVICES TO BE PROVIDED. Resident treatment services shall include, ~~but not be limited to~~:

(a) through (h) No change.

(i) A violation of this subsection shall constitute a Class III ~~II~~ violation.

(5) STAFF REQUIREMENTS, QUALIFICATIONS AND RESPONSIBILITIES.

(a) No change.

(b) CTEP staff must meet the following qualifications:

~~1. Staff who implement behavioral interventions must be at least 18 years of age and possess a minimum of two years of college and at least one year of experience in a relevant population and a minimum of twenty hours of training in behavior analysis or a high school diploma, a minimum of twenty hours of training in behavior analysis, two years experience with a relevant population. On line or computer-based courses are not acceptable for meeting this requirement.~~

~~1.(2)~~ Staff who supervise the design of behavioral intervention plans must be board certified behavior analysts.

3. through 7. renumbered 2. through 6. No change.

~~(7)(8)~~ Staff shall include a board certified behavioral analyst; and

(9) renumbered (8) No change.

(c) A violation of this subsection shall constitute a Class II ~~I~~ violation.

(6) RESIDENT RIGHTS. The facility shall establish and maintain:

(a) No change.

(b) A committee approved by the Senior Behavior Analyst for the Agency as an official sub-committee of the Agency’s behavior analysis Local Review Committee shall meet regularly, review all behavioral intervention plans, and report to the behavioral analysis Local Review Committee. The Area Behavior Analyst or designee shall chair this committee.; and

~~(c)~~ A process for obtaining the informed consent of the resident or the resident’s authorized representative, in cases where restrictive procedures are employed, or rights abridged.

~~(d)(e)~~ A violation of this subsection shall constitute a Class III ~~I~~ violation.

(7) PLACEMENT, INTAKE, AND TRANSITION.

(a) through (c) No change.

(d) A violation of this subsection shall constitute a Class III ~~II~~ violation.

Rulemaking Authority 393.501(1), 393.067 FS. Law Implemented 393.067, 393.18 FS. History—New 7-31-91, Formerly 10F-6.013, 65B-6.013, Amended_____.

65G-2.015 Siting.

(1) through (7) No change.

(8) The requirements of subsections (4), (5), and (6) of this rule do not apply to a “community residential home” located within a “planned residential community” as those terms are defined in Section 419.001, Florida Statutes. A facility has the

burden of establishing that it is a “community residential home” within a “planned residential community.” To satisfy this burden, a facility must provide, ~~at a minimum,~~ the following documents with its initial license application and each subsequent license renewal application:

(a) No change.

~~(b) Documents which verify A statement by the applicant, under oath, stating that:~~

1. through 5. No change.

Rulemaking Authority 393.501 FS. Law Implemented 393.067, 393.501, 419.001 FS. History—New 8-1-05, Formerly 65B-6.014, Amended_____.

Section IV Emergency Rules

NONE

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:

61C-5.001: Safety Standards

NOTICE IS HEREBY GIVEN that on March 27, 2014, the Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, received a petition for Chase Bank. Petitioner seeks an emergency variance of the requirements of ASME A17.1, Section 101.2b and 101.4, as adopted by subsection 61C-5.001(1), Florida Administrative Code, that relates to equipment prohibited in machine room and head room in machine rooms which poses a significant economic/financial hardship. Any interested person may file comments within 5 days of the publication of this notice with Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013 (VW2014-078).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

Section VI
Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Administration

The Florida Agricultural Center and Horse Park Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 10, 2014, 5:00 p.m.

PLACE: Ocala/Marion County Chamber & Economic Partnership Building, 310 SE Third Street, Ocala, Florida, 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the board to discuss general board business.

A copy of the agenda may be obtained by contacting: Shawn Doherty, Executive Director, (352)307-6699 or email at execdir@FLHorsePark.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Shawn Doherty, Executive Director, (352)307-6699 or email at execdir@FLHorsePark.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF EDUCATION

The Florida Rehabilitation Council for the Blind announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 3, 2014, 2:30 p.m. has been cancelled.

PLACE: Has been cancelled for April 3, 2014 at 2:30 p.m. – 4:00 p.m., via teleconference.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a cancellation notice. The scheduled April 3, 2014 FRCB meeting to discuss the preliminary revisions to the state plan, has been cancelled for April 3, 2014 at 2:30 p.m.– 4:00 p.m., via teleconference.

A copy of the agenda may be obtained by contacting: cancellation notice no agenda.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, April 11, 2014, 9:00 a.m.

PLACE: Conference call: 1(866)503-4605, conference code 8003443750 at voice prompt, state your name and then press the # symbol

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind 207 N. San Marco Ave., St. Augustine, FL 32084 or by calling (904)827-2210.

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 48 hours before the workshop/meeting by contacting: Cindy Brueckner, Executive Assistant to the Board of Trustees (904)827-2210. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind 207 N. San Marco Ave., St. Augustine, FL 32084 or by calling (904)827-2210.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, April 11, 2014, 9:00 a.m.

PLACE: Conference call: 1(866)503-4605, conference code 8003443750 at voice prompt, state your name and then press the # symbol. If you wish to make a public comment during this meeting you need to call in 15 minutes prior to the start of the meeting. To complete a public comment card. This will insure you are addressed during the public comment portion of the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind 207 N. San Marco Ave., St. Augustine, FL 32084 or by calling (904)827-2210.

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 48 hours before the workshop/meeting by contacting: Cindy Brueckner, Executive Assistant to the Board of Trustees (904)827-2210. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind 207 N. San Marco Ave., St. Augustine, FL 32084 or by calling (904)827-2210.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 11, 2014, 8:00 a.m.
Endowment Investment Committee Meeting

PLACE: Endowment Meeting will be held in Moore Hall, Room 215, Florida School for the Deaf and the Blind

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084 or by calling (904)827-2210.

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 48 hours before the workshop/meeting by contacting: Cindy Brueckner, Executive Assistant to the Board of Trustees at the Florida School for the Deaf and the Blind (904)827-2210. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084 or by calling (904)827-2210.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind announces public meetings to which all persons are invited.

DATES AND TIMES: Friday, April 11, 2014, 8:00 a.m., Endowment Investment Committee Meeting; Friday, April 11, 2014, 9:00 a.m., regular Board of Trustees Meeting.

PLACE: Center for Leadership and Development, Moore Hall at the Florida School for the Deaf and the Blind.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084 or by calling (904)827-2210.

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 48 hours before the workshop/meeting by contacting: Cindy Brueckner, Executive Assistant to the Board of Trustees at the Florida School for the Deaf and the Blind, (904)827-2210. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact Dr. Jeanne G. Prickett, President, Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084 or by calling (904)827-2210.

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

The Florida School for the Deaf and the Blind announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 11, 2014, 9:00 a.m.

PLACE: The Florida School for the Deaf and the Blind, Moore Hall, Room 126 – Center for Leadership and Development

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Cindy Brueckner, Executive Assistant – President's office at FSDB 207 N. San Marco Ave., St. Augustine, FL 32084 or by calling (904)827-2210.

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 48 hours before the workshop/meeting by contacting: Cindy Brueckner, Executive Assistant - President's office at FSDB 207 N. San Marco Ave, St. Augustine, FL 32084 or by calling (904)827-2210. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Dr. Jeanne Prickett, President at FSDB 207 N. San Marco Ave., St. Augustine, FL 32084 or by calling (904)827-2210.

DEPARTMENT OF EDUCATION

Division of Florida Colleges

The Florida State College at Jacksonville District Board of Trustees announces the following meetings and campus tour for Tuesday, April 8, 2014, which are open to the public. All meetings of the Board will be held at the College's Kent Campus, 3939 Roosevelt Blvd., Jacksonville, FL 32205.

BOARD WORKSHOP:

TIME: 12:00 Noon – 1:00 p.m.

PLACE: Room D-111

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Financial Aid

REGULAR MONTHLY BOARD MEETING:

TIME: 1:00 p.m. – 2:00 p.m.

PLACE: Room D-120

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Regular meeting

CAMPUS TOUR:

TIME: Immediately following the DBOT regular monthly meeting

PLACE: Kent Campus

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Tour of Kent Campus

Copies of the agenda for the regular monthly Board meeting will be available for inspection beginning Tuesday, April 1, 2014, and copies will be provided upon written request and the

payment of approved duplicating charges. Any person requesting to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting. Any person requesting to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

All objections to this notice should be filed in writing with the College President, Florida State College at Jacksonville, on or before April 8, 2014.

If special accommodations are required, please advise Human Resources twenty-four (24) hours in advance of the meetings and/or tour by contacting Associate Vice President of Human Resources Dan Richardson at (904)632-3381 or Dan.Richardson@fscj.edu.

Florida State College at Jacksonville, hereby reaffirms the principle of equal opportunity for all persons regardless of race, disability, color, ethnicity, national origin, religion, gender, age, marital status or genetic information. Equal opportunity principle applies with regard to employment, delivery of educational programs and services, and all other appropriate areas in which the College is involved.

Florida State College at Jacksonville

Dr. Cynthia A. Bioteau

College President

DEPARTMENT OF TRANSPORTATION

The Department of Transportation announces a public meeting to which all persons are invited.

DATE AND TIME: April 10, 2014, 1:30 p.m.

PLACE: District 1 Headquarters, 801 N. Broadway Ave, Executive Conference Room #328, Bartow, FL 33880

GENERAL SUBJECT MATTER TO BE CONSIDERED:

The developer for a WaWa has requested to meet with the Access Management Review Committee. They want to remove a traffic separator from a safety project which will allow left turn in and left turn out movements on US 41 in Bradenton, FL from their site location.

A copy of the agenda may be obtained by contacting: there is no agenda for this meeting.

ADMINISTRATION COMMISSION

The Administration Commission announces a hearing to which all persons are invited.

DATE AND TIME: Tuesday, April 15, 2014, 10:00 a.m. – 11:30 a.m.

PLACE: Room 2107, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Okeechobee County Sheriff has appealed his final approved budget to the Administration Commission pursuant to Section

30.49, F.S. A Panel Hearing has been scheduled for staff to hear from the Sheriff and the Okeechobee Board of County Commissioners before finalizing a recommendation to the Administration Commission.

A copy of the agenda may be obtained by contacting: Ms. Carolyn Harty, Governor's Office of Policy and Budget/Public Safety Unit at (850)717-9512.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Probable Cause Panel of the Construction Industry Licensing Board announces public meetings to which all persons are invited.

DATE AND TIMES: April 22, 2014, 9:00 a.m. and 10:00 a.m.

PLACE: Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Kyle Christopher, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202.

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: Kyle Christopher, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Kyle Christopher, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

The Florida Board of Cosmetology announces a public meeting to which all persons are invited.

DATES AND TIME: July 14-15, 2014, 9:00 a.m.

PLACE: Floridays Resort, 12562 International Drive, Orlando, Florida 32821, (407)238-7700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Florida Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

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: Florida Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Board of Cosmetology, 1940 N. Monroe Street, Tallahassee, Florida 32399, (850)487-1395.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Division of Recreation and Parks announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 9, 2014, 7:00 p.m. (EDT)

PLACE: Gulf County Emergency Operations Center, 1000 Cecil G. Costin, Sr. Blvd., Building 500, Port St. Joe, Florida 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presentation of the proposed unit management plan update for Constitution Convention Museum State Park.

A copy of the agenda may be obtained by contacting: Mark Knapke, Park Manager, 8899 Cape San Blas Road, Port St. Joe, Florida 32456, (850)227-1327, fax (850)227-1488 or email Mark.Knapke@dep.state.fl.us. A copy of the draft plan and agenda are available before the date of the public meeting online at <http://sharepoint.dep.state.fl.us/PublicNotices>.

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 48 hours before the workshop/meeting by contacting: Mark Knapke, Park Manager, 8899 Cape San Blas Road, Port St. Joe, Florida 32456, (850)227-1327, fax (850)227-1488 or email Mark.Knapke@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using

the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Knapke, Park Manager, 8899 Cape San Blas Road, Port St. Joe, Florida 32456, (850)227-1327, fax (850)227-1488 or email Mark.Knapke@dep.state.fl.us.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

The Division of Recreation and Parks announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 10, 2014, 9:00 a.m. (EDT)

PLACE: Gulf County Emergency Operations Center, 1000 Cecil G. Costin, Sr. Blvd., Building 500, Port St. Joe, Florida 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED:

Presentation and discussion of the proposed unit management plan update for Constitution Convention Museum State Park with the advisory group members.

A copy of the agenda may be obtained by contacting: Mark Knapke, Park Manager, 8899 Cape San Blas Road, Port St. Joe, Florida 32456, (850)227-1327, fax (850)227-1488 or email Mark.Knapke@dep.state.fl.us. A copy of the draft plan and agenda are available before the date of the public meeting online at <http://sharepoint.dep.state.fl.us/PublicNotices>.

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 48 hours before the workshop/meeting by contacting: Mark Knapke, Park Manager, 8899 Cape San Blas Road, Port St. Joe, Florida 32456, (850)227-1327, fax (850)227-1488 or email Mark.Knapke@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Knapke, Park Manager, 8899 Cape San Blas Road, Port St. Joe, Florida 32456, (850)227-1327, fax (850)227-1488 or email Mark.Knapke@dep.state.fl.us.

DEPARTMENT OF HEALTH

The Department of Health announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 8, 2014, 3:00 p.m. All future meeting dates and times related to this solicitation will be posted on the Vendor Bid System (VBS) prior to the meetings.

PLACE: FDOH Purchasing Office, 4052 Bald Cypress Way Room 310L, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Opening of the Cost Reply by the Procurement Officer for DOH13-028 Chronic Hepatitis Immunoassay Test Kits.

Any person requiring a special accommodation because of a disability at this public meeting should contact the FDOH Purchasing Office at (850)245-4199 at least 24 hours prior to the meeting.

If a person decides to appeal any decision made by the Department with respect to any matter considered at the meeting, he or she will need a recording of the proceedings, and for such purpose he or she may need to ensure that a verbatim record of the proceedings is made which to include testimony and evidence upon which the appeal is to be based.

A copy of the agenda may be obtained by contacting: CPORequests@flhealth.gov.

For more information, you may contact: CPORequests@flhealth.gov.

DEPARTMENT OF HEALTH

Board of Respiratory Care

The Board of Respiratory Care announces a public meeting to which all persons are invited.

DATE AND TIME: Notice of Change – Please note the April 11, 2014 beginning at approximately 8:30 a.m. E.D.T. or soon thereafter, has been rescheduled to take place via conference call.

PLACE: Conference call: 1(888)670-3525. After dialing the meet me number, when prompted, insert the participant code 6808029433 followed by the # sign in order to join the meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business Meeting.

A copy of the agenda may be obtained by contacting: Department of Health, Respiratory Care, 4052 Bald Cypress Way, BIN #C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3481 or by visiting our website at www.floridahealth.gov/licensing-and-regulation.

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 48 hours before the workshop/meeting by contacting: the board office at (850)488-0595. 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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Law Enforcement

The Wildlife Alert Reward Association, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: April 9, 2014, 1:00 p.m.

PLACE: FWC Headquarters, Bryant Building Room G52C, 620 S Meridian St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Wildlife Alert Reward Association will conduct administrative business of the Association including the Director update, Marketing update and Financial update.

A copy of the agenda may be obtained by contacting: Mrs. Sara Burke, 620 S Meridian St., Tallahassee, Florida 32399, (850)617-9595.

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: the ADA Coordinator at (850)488-6411. 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).

For more information, you may contact: Mrs. Sara Burke, 620 S Meridian St, Tallahassee, Florida 32399, (850)617-9595.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

The Fire & Emergency Incident Information System Technical Advisory Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, April 21, 2014, 2:00 p.m.

PLACE: Tallahassee, Atrium Bldg. 3rd Floor/conference call (850)413-1558, ID: 131694

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

A copy of the agenda may be obtained by contacting: MaryAnn.Benson@myfloridacfo.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

The Firefighters Employment, Standards & Training Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2014, 10 minutes after the adjournment of the Fire & Emergency Incident Information System Technical Advisory Panel meeting which begins at 2:00 p.m.

PLACE: Tallahassee/Atrium Bldg., 3rd Floor/conference call, (850)413-1558, ID: 131694

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

A copy of the agenda may be obtained by contacting: MaryAnn.Benson@myfloridacfo.com.

TREASURE COAST EDUCATION AND RESEARCH DEVELOPMENT AUTHORITY

The Treasure Coast Education, Research and Development Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 10, 2014, 3:00 p.m.

PLACE: Treasure Coast Research Park, UF/IRREC Building, 2199 S. Rock Road, Fort Pierce, FL 34945-3138

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any business as the Authority may deem appropriate or as may come before the Authority; Committee Reports, Minutes, etc.

A copy of the agenda may be obtained by contacting: Treasure Coast Research Park (TCRP) Office at (772)467-3107.

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 48 hours before the workshop/meeting by contacting: Treasure Coast Research Park (TCRP) Office at (772)467-3107. 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).

For more information, you may contact: Treasure Coast Research Park (TCRP) Office at (772)467-3107.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The FWCJUA Reinsurance Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 7, 2014, 1:30 p.m. (Eastern Time)

PLACE: Contact Kathy Coyne at (941)378-7408 to participate in the teleconference meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda topics may include an update on reinsurance program activities, reinsurers' financial strength ratings and commutation matters.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The FWCJUA Safety Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 21, 2014, 2:00 p.m. (Eastern Time)

PLACE: Contact Kathy Coyne at (941)378-7408 to participate in the teleconference meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda topic will be the safety program.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Operations Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 15, 2014, 2:00 p.m. (Eastern Time)

PLACE: Contact Kathy Coyne at (941)378-7408 to participate in the teleconference meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics shall include the 2013 Operations Report, 2014 Business Plan & Forecast, benefits review update, disaster recovery matters and a report on operations.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC

The FWCJUA Producer Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 21, 2014, 11:00 a.m.

PLACE: Contact Kathy Coyne at (941)378-7408 to participate in the teleconference meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda topics may include the agency authorization process; agency producer agreement; agency producer termination, suspension or revocation to include the appeal process; agency producer fees; and a report on agency producer activities.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The FWCJUA Audit Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 15, 2014, 10:00 a.m. (Eastern Time)

PLACE: Contact Kathy Coyne at (941)378-7408 to participate in the teleconference meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items may include the 2013 financial audit; update on federal tax matters; Audit Committee Charter procedures checklist; and auditor confirmation.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The FWCJUA Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 14, 2014, 10:00 a.m. (Eastern Time)

PLACE: Contact Kathy Coyne at (941)378-7408 to participate in the teleconference meeting.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics may include investment marketplace update; portfolio compliance review; investment policy & guidelines review; investment manager performance; and meeting schedule.

A copy of the agenda may be obtained by contacting: Kathy Coyne or at www.fwcjua.com.

ATKINS – Bartow

The Florida Department of Transportation, District One, announces a public meeting to which all people are invited.

DATE AND TIME: Thursday, April 10, 2014, 6:00 p.m. – 7:30 p.m.

PLACE: Pilgrim United Church of Christ, 24515 Rampart Boulevard, Port Charlotte, Florida 33980

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting is held to afford affected property owners, residents and interested people the opportunity to express their views concerning the potential design and construction of a traffic noise barrier along I-75 for the Kings Gate and Port Charlotte Village communities, associated with Financial Project ID: 413043-2-32-01, otherwise known as I-75 from south of Harborview Road to north of Kings Highway in Charlotte County, Florida.

For more information about the meeting or to request a copy of the meeting agenda, please contact Mr. Jeffrey W. James, Environmental Project Manager, Florida Department of Transportation, District One, P. O. Box 1249, Bartow, FL 33831; phone (863)519-2625; email jeffreyw.james@dot.state.fl.us.

This meeting is held in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. People who require special accommodations at the meeting under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Jamie Schley, District One Title VI Coordinator, at (863)519-2573 or by email at jamie.schley@dot.state.fl.us at least seven (7) days before the meeting.

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).

ATKINS – Tampa

The Florida Department of Transportation (FDOT), District Seven announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 8, 2014, 5:00 p.m. – 7:00 p.m.

PLACE: Interstate 75 (I-75) northbound Rest Area between State Road (SR) 56 (Exit 275) and County Road (CR) 54 (Exit 279), Pasco County, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Construction Open House for the I-75 (SR 93) widening from north of CR 54 to the Pasco/Hernando county line. Information will presented for the following two projects:

- 1) Financial Project Number (FPN): 258736-2-52-01; I-75 (SR 93) from north of CR 54 to north of SR 52.
- 2) FPN: 411014-2-52-01; I-75 (SR 93) from north of SR 52 to the Pasco/Hernando county line.

The purpose of this open house is to help the public and interested parties better understand what is being designed, and will be built, for these segments of I-75. You are invited to come by for any portion of the two-hour open house. There will not be a formal presentation. Display materials include project maps, graphics, sketches, and related materials. FDOT representatives will be available to discuss the project one-on-one and answer questions beginning at 5:00 p.m.

This meeting is held in compliance with Title VI of the Civil Rights Act of 1964 and related statutes. Public participation is solicited without regard for race, color, national origin, ages, sex, religion, disability, or family status.

A copy of the agenda may be obtained by contacting: John McShaffrey, APR, Public Information Officer, Florida Department of Transportation, District Seven, 4902 East 10th Avenue, Tampa, FL 33605-4739, phone (813)242-2462; email john.mcshaffrey@dot.state.fl.us.

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: Joyce Jolliff at 1(800)226-7720; (813)242-2459 or email joyce.jolliff@dot.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: John McShaffrey, APR, Public Information Officer, Florida Department of Transportation, District Seven, 4902 East 10th Avenue, Tampa, FL 33605-4739, phone (813)242-2462; email john.mcshaffrey@dot.state.fl.us.

**Section VII
Notice of Petitions and Dispositions
Regarding Declaratory Statements**

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Department of Business and Professional Regulation has received the petition for declaratory statement from Hunter’s Creek Community Association, Inc., c/o Elizabeth A. Lanham-Patrie on March 3, 2014. The petition seeks the agency's opinion as to the applicability of Section 468.431, Florida Statutes, as it applies to the petitioner.

Petitioner asks whether Section 468.431, Florida Statutes, requires the three managers whose duties are explained within the petition to be licensed as community association managers within the State of Florida when the three managers work under the direct supervision and control of the association’s general manager and assistant general manager, both of whom are licensed community association managers in the State of Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Department of Business and Professional Regulation, Agency Clerk's Office, 1940 North Monroe Street, Suite 92, Tallahassee, Florida 32399-2202, (850)921-0342, AGC.Filing@myfloridalicense.com.

Except for good cause shown, motions for leave to intervene must be filed within 21 days of this notice.

**Section VIII
Notice of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination has been filled with the Division of Administrative Hearings on the following rules:

NONE

Section IX

Notice of Petitions and Dispositions Regarding Non-rule Policy Challenges

NONE

Section X

Announcements and Objection Reports of the Joint Administrative Procedures Committee

NONE

Section XI

Notices Regarding Bids, Proposals and Purchasing

NONE

**Section XII
Miscellaneous**

AGENCY FOR HEALTH CARE ADMINISTRATION
Certificate of Need

EXEMPTION

The Agency for Health Care Administration authorized the following exemption pursuant to Section 408.036(3), Florida Statutes:

County: St. Lucie District: 9

ID # E140008 Decision: A Issue Date: 3/27/2014

Applicant/Facility: Lawnwood Medical Center, Inc./Lawnwood Regional Medical Center and Heart Institute

Project Description: Add 10 comprehensive medical rehabilitation beds

Proposed Project Cost: \$4,795,340

DEPARTMENT OF ENVIRONMENTAL PROTECTION

NOTICE OF INTENT TO ISSUE PROPOSED

MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of its intent to modify the Conditions of Certification (Conditions) issued pursuant to the

Florida Electrical Power Plant Siting Act, 403.501 *et seq.*, Florida Statutes (F.S.), for the Gainesville Renewable Energy Center (GREC), Power Plant Siting Application No. PA 09-55, OGC Case No. 14-0090. Pursuant to Section 403.516(1)(c), F.S., the Department proposes to modify the Conditions for GREC to delete references to repealed Rule 62-702, F.A.C., and to allow flexibility for the beneficial reuse of the facility's ash. A copy of the proposed modification may be obtained by contacting the Department of Environmental Protection, Siting Coordination Office, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, (850)717-9000. Pursuant to Section 403.516(1)(c)2, F.S., parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida, 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Siting Coordination Office

NOTICE OF INTENT TO ISSUE PROPOSED

MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of intent to modify the Conditions of Certification (Conditions) issued pursuant to the Florida Electrical Power Plant Siting Act, 403.501 *et seq.*, Florida Statutes (F.S.), for the Sam O. Purdom Generating Station (Purdom), Power Plant Siting Application No. PA97-36, OGC Case No. 13-1481. Pursuant to Section 403.516(1)(c), F.S., the Department proposes to modify the Conditions for Purdom to incorporate a uniform set of general conditions consistent with recent site certifications, as well as update antiquated specific conditions that are no longer applicable or consistent with current regulations. Additionally, requirements included in Purdom's federal NPDES and air construction and air Title V permits have been removed or revised accordingly. A copy of the proposed modification may be obtained by contacting the Department of Environmental Protection, Siting

Coordination Office, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, (850)717-9000. Pursuant to Section 403.516(1)(c)2, F.S., parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida, 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement cannot be reached, then pursuant to Rule 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

DEPARTMENT OF ENVIRONMENTAL PROTECTION
Office of the Secretary

Florida State Clearinghouse

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. This includes Outer Continental Shelf activities and other actions subject to federal consistency review under the Florida Coastal Management Program. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES
Substance Abuse Program

RULE NO.: RULE TITLE:

65D-30.014 Standards for Medication and Methadone Maintenance Treatment

Withdrawal of FY13-14 Determination of Need for
Opiate Treatment Services

The Department of Children and Families (Department), Substance Abuse and Mental Health Office has withdrawn the

announcement for the FY13-14 Methadone Needs Assessment posted on March 4, 2014. For information regarding the Determination of Need, please contact Linda Loy at (850)487-2920. For information regarding licensure please contact Teresa Berdoll at (850)487-2920.

DEPARTMENT OF FINANCIAL SERVICES

Division of Rehabilitation and Liquidation

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH UNION AMERICAN INSURANCE COMPANY

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2005-323

In Re: The Receivership of UNION AMERICAN INSURANCE COMPANY, a Florida corporation authorized to transact an insurance business in Florida.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH UNION AMERICAN INSURANCE COMPANY

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 11th day of March, 2014, the Department of Financial Services of the State of Florida was appointed as Receiver of UNION AMERICAN INSURANCE COMPANY and was ordered to liquidate the assets of said company.

Policyholders, claimants, creditors, and other persons having claims against the assets of UNION AMERICAN INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59:59 p.m. EST, on September 11, 2014, or such claims shall be forever barred, and all such claims shall be filed on proof of claims forms prepared by the Receiver.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for UNION AMERICAN INSURANCE COMPANY, 2020 Capital Circle, SE, Alexander Building, Suite 310, Tallahassee, Florida 32301. Additional information may be found at: www.myfloridacfo.com/division/receiver.

Section XIII
Index to Rules Filed During Preceding
Week

RULES FILED BETWEEN MARCH 24, 2014
AND MARCH 28, 2014

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF TRANSPORTATION

14-22.0011	3/24/2014	4/13/2014	39/228	
14-22.002	3/24/2014	4/13/2014	39/228	
14-22.003	3/24/2014	4/13/2014	39/228	
14-22.0041	3/24/2014	4/13/2014	39/228	
14-22.0042	3/24/2014	4/13/2014	39/228	40/35
14-22.005	3/24/2014	4/13/2014	39/228	
14-22.006	3/24/2014	4/13/2014	39/228	40/35
14-22.007	3/24/2014	4/13/2014	39/228	
14-22.008	3/24/2014	4/13/2014	39/228	
14-22.012	3/24/2014	4/13/2014	39/228	

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

40A-1.021	3/26/2014	4/15/2014	39/234	
40A-1.2025	3/26/2014	4/15/2014	39/234	40/41
40A-1.203	3/26/2014	4/15/2014	39/234	40/41
40A-1.205	3/26/2014	4/15/2014	39/234	40/41

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

58A-5.0131	3/28/2014	4/17/2014	39/231	40/43; 40/45
58A-5.014	3/28/2014	4/17/2014	39/231	40/45
58A-5.016	3/28/2014	4/17/2014	39/231	40/45
58A-5.0181	3/28/2014	4/17/2014	39/231	40/45
58A-5.0182	3/28/2014	4/17/2014	39/231	40/45
58A-5.0186	3/28/2014	4/17/2014	39/231	40/45
58A-5.019	3/28/2014	4/17/2014	39/231	40/43; 40/45
58A-5.0194	3/28/2014	4/17/2014	39/231	40/43; 40/45
58A-5.020	3/28/2014	4/17/2014	39/231	40/45
58A-5.021	3/28/2014	4/17/2014	39/231	40/43; 40/45
58A-5.023	3/28/2014	4/17/2014	39/231	40/43; 40/45
58A-5.024	3/28/2014	4/17/2014	39/231	40/43; 40/45
58A-5.0241	3/28/2014	4/17/2014	39/231	40/43; 40/45

58A-5.026	3/28/2014	4/17/2014	39/231	40/43; 40/45
58A-5.029	3/28/2014	4/17/2014	39/231	40/45
58A-5.030	3/28/2014	4/17/2014	39/231	40/43; 40/45
58A-5.035	3/28/2014	4/17/2014	39/231	40/43; 40/45

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

59C-1.0355	3/25/2014	4/14/2014	39/248	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

61G19-2.008	3/27/2014	4/16/2014	40/39	
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DEPARTMENT OF HEALTH

Board of Opticianry

64B12-8.005	3/24/2014	4/13/2014	40/18	
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DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

69A-63.001	3/24/2014	4/13/2014	40/15	
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LIST OF RULES AWAITING LEGISLATIVE
APPROVAL PURSUANT TO SECTION 120.541(3),
FLORIDA STATUTES

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

58A-5.0191	3/28/14	*****	39/231	40/43
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DEPARTMENT OF HEALTH

Division of Emergency Medical Operations

64J-2.006	7/12/2013	*****	39/53	39/103
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-772.300	12/27/2013	*****	39/194	39/224
62-772.400	12/27/2013	*****	39/194	39/224

DEPARTMENT OF JUVENILE JUSTICE

Probation

63M-2.0052	2/24/2014	*****	39/231	40/18
63M-2.006	2/24/2014	*****	39/231	40/18

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
Mental Health/Substance Abuse/Developmental Disability Services					40E-7.525	1/17/2014	*****	39/189	
63N-1.0076	2/24/2014	*****	39/231		40E-7.526	1/17/2014	*****	39/189	39/235
63N-1.0084	2/24/2014	*****	39/231		40E-7.527	1/17/2014	*****	39/189	39/235
63N-1.0085	2/24/2014	*****	39/231		40E-7.528	1/17/2014	*****	39/189	
DEPARTMENT OF FINANCIAL SERVICES					40E-7.529	1/17/2014	*****	39/189	39/235
Division of Worker's Compensation					40E-7.530	1/17/2014	*****	39/189	39/235
69L-7.020	10/24/2011	*****	37/24	37/36	40E-7.532	1/17/2014	*****	39/189	
OIR Insurance Regulation					40E-7.534	1/17/2014	*****	39/189	39/235
69O-186.013	12/30/2013	*****	39/201	39/230	40E-7.535	1/17/2014	*****	39/189	39/235
LIST OF RULES AWAITING LEGISLATIVE REVIEW AND CONSIDERATION PURSUANT TO SECTION 373.1391, F.S.					40E-7.537	1/17/2014	*****	39/189	39/235
					40E-7.538	1/17/2014	*****	39/189	
					40E-7.5381	1/17/2014	*****	39/189	39/235
					40E-7.5382	1/17/2014	*****	39/189	39/235
					40E-7.5383	1/17/2014	*****	39/189	
					40E-7.5384	1/17/2014	*****	39/189	

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

40E-7.511	1/17/2014	*****	39/189	39/235
40E-7.520	1/17/2014	*****	39/189	39/235
40E-7.521	1/17/2014	*****	39/189	
40E-7.523	1/17/2014	*****	39/189	39/235