Section I
Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF FINANCIAL SERVICES

Division of Worker's Compensation

RULE NOS.:	RULE TITLES:
69L-6.015	Record Maintenance and Production Requirements for Employers
69L-6.025	Conditional Release of Stop-Work Order and Periodic Payment Agreement

PURPOSE AND EFFECT: The proposed rules are amended to conform to applicable provisions of Section 440.107, F.S., as revised under Chapter No. 2014-109, Laws of Florida. Under proposed Rule 69L-6.015, F.A.C., the business record retention period required for employers subject to Florida's workers' compensation law is reduced to two, rather than the three preceding years of employment activity required under the previous law. Proposed Rule 69L-6.025, F.A.C., authorizes the Department to issue an Agreed Order of Conditional Release From Stop-Work Order to an employer who has secured appropriate coverage, if the employer makes a minimum initial down payment to the Department of $1000 toward an assessed penalty and agrees to remit the remainder of the penalty in full or to make periodic payments in accord with the agreed payment schedule. The proposed rule also includes new language to provide that an employer's failure to comply with the terms and conditions of the Agreed Order of Conditional Release From Stop-Work Order will result in the issuance by the Department of an Order Reinstating Stop-Work Order. Such orders will only be rescinded upon an employer's payment of the entire balance of the unpaid penalty, or in the alternative, upon the employer's entering into a Payment Agreement Schedule for Periodic Payment of Penalty with the Department prior to the expiration of twenty-one days from the Department's issuance of an Order Reinstating Stop-Work Order. The proposed rule also adds a definition for the term, "Immediately reinstated," provides for the electronic payment of penalties and revises incorporated forms. The proposed rule has been renumbered accordingly.

SUBJECT AREA TO BE ADDRESSED: Amendment of Rules 69L-6.015 and 69L-6.025, F.A.C., to conform to existing section 440.107, F.S.

RULEMAKING AUTHORITY: 440.05(10), 440.107(5), (9), 440.591 FS.

LAW IMPLEMENTED: 440.05(10), 440.107(3), (5), (7) FS.

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

DATE AND TIME: Thursday, February 12, 2015, 9:00 a.m.

PLACE: 102 Hartman Building, 2012 Capital Circle Southeast, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Robin Delaney, (850)413-1775 or Robin.Delaney@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robin Delaney, Chief, Bureau of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1775 or Robin.Delaney@myfloridacfo.com

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

Section II
Proposed Rules

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.:	RULE TITLE:
59A-7.021	Laboratory Licensure - Qualifications, Licensure, Operation and Application

PURPOSE AND EFFECT: The purposes is to modify an existing rule to update incorporated application forms; remove duplicative language currently found in statute; and add references to align with our uniform licensure statute and rule.

SUMMARY: Rule 59A-7.021 is amended to delete provisions currently found in statute; update incorporated application forms; add references to align with our uniform licensing statute and rule; and delete duplicative language.

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 SERC has not been prepared by the Agency. The Agency prepared a checklist for the rule to determine the necessity for a SERC.

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: 483.051, 408.819 FS.

LAW IMPLEMENTED: 483.051, 483.101, 483.111, 483.172, 483.221, 483.23, 408.805, 408.806, 408.807, 408.812, 408.813 FS.

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

DATE AND TIME: Monday, March 9, 2015, 2:00 p.m. – 3:00 p.m.

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

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: Dayle Mooney via e-mail: Dayle.Mooney@ahca.myflorida.com or by phone: (850)412-4500. 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: Dayle Mooney via e-mail: Dayle.Mooney@ahca.myflorida.com or by phone: (850)412-4500

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-7.021 Laboratory Licensure – Qualifications, Licensure, Operation and Application.

(1) The application for licensure shall include the following information applicable to the laboratory operation:

(a) The application for ~~an initial~~ licensure, including initial, renewal, and changes of ownership ~~and additions of specialty and subspecialty~~ shall contain:

1. Name, mailing and street address of the laboratory.

2. Specialties and subspecialties performed.

3. A list of equipment.

4. The number of hours the director spends in the laboratory.

5. Names, mailing and street addresses of specimen collection stations~~, branch offices and other facilities representing the clinical laboratory~~.

6. Name and source of proficiency testing programs.

7. Annual volume of tests performed or anticipated to be performed.

8. Location and type of alternate-site testing in hospital facilities.

9. The name, address and employer or tax identification number of the laboratory licensee ~~owner~~.

10. A current certificate of status or authorization pursuant to Chapter 607, 608, 617 or 620, F.S.

11. Such other information requested on the application, Health Care Licensing Application, Clinical Laboratories – Non-waived, AHCA Form 3170-2004, July 2014, which is incorporated herein by reference. This form is available at http://flrules.org/Gateway/reference.asp?No=Ref-XXXXX or http://ahca.myflorida.com/HQAlicensureforms and from the Agency for Health Care Administration, 2727 Mahan Drive, MS 32, Tallahassee, Florida 32308. ~~for licensure as specified in paragraph 59A-35.060(1)(aa), F.A.C.~~

(b) The application for additions of specialty and subspecialty ~~renewal licensure~~ shall contain:

1. Name, mailing and street address of the laboratory.

2. Additional s~~S~~pecialties or ~~and~~ subspecialties to be performed.

3. Names, mailing and street addresses of specimen collection stations~~, branch offices and other facilities representing the clinical laboratory~~.

4. Annual volume of tests anticipated to be performed.

5. Location and type of alternate-site testing in hospital facilities.

6. The name and employer or tax identification number of the laboratory licensee ~~owner~~.

7. Information requested on the application, Health Care Licensing Application, Clinical Laboratories – Non-Waived (Addition of Specialty, Subspecialty or Change in Specialty at Time Other than Licensure Renewal), AHCA Form 3170-2004D, July 2014, which is incorporated herein by reference. This form is available at http://flrules.org/Gateway/reference.asp?No=Ref-XXXXX or http://ahca.myflorida.com/HQAlicensureforms and from the Agency for Health Care Administration, 2727 Mahan Drive, MS 32, Tallahassee, Florida 32308. ~~for licensure as specified in paragraph 59A-35.060(1)(aa), F.A.C~~.

(c) In addition to information required under paragraphs 59A-7.021(1)(a) ~~and (b)~~, F.A.C., accredited laboratories surveyed by an approved accreditation program in lieu of the agency, as specified in Rule 59A-7.033, F.A.C. and Chapter 408, Part II, F.S., must also submit:

1. Proof of enrollment in or current accreditation ~~or licensure~~ by an ~~the~~ approved accreditation program; and

2. Upon request, the most recent survey inspection reports from the accrediting organization. ~~Proof of authorization for the approved accreditation program to submit to the agency such records or other information about the laboratory required for the agency to determine compliance with Chapter 59A-7, F.A.C. and Chapter 483, Part I, F.S.~~

~~(2) Payment of the licensure fee must accompany the application in order to be accepted. Applications submitted without payment will be returned to the applicant. If test volumes submitted in the application indicate the fee submitted is not the correct fee, the applicant will be notified by the Agency of any amount due. Applications where the correct fee is not timely submitted in response to the Agency's notification will be withdrawn from review as required under Section 408.806(3)(b), F.S. Laboratories seeking initial licensure that claim accreditation and therefore a reduced fee, must provide proof that the clinical laboratory is accredited. Laboratories seeking licensure renewal must provide the most recent survey inspection reports from the accrediting organization as proof of accreditation. Surveys must have been completed by the accrediting organization within the past two years to be acceptable in accordance with Rule 59A-7.033, F.A.C. Accreditation reports must be for the laboratory. Proof that the facility in which the laboratory is located is accredited will not be accepted as proof that the clinical laboratory is accredited.~~

~~(3) Separate licensure shall be required for all laboratories maintained on separate premises, as defined under subsection 59A-7.020(27), F.A.C., including mobile laboratory units, even though operated under the same management. Separate licensure shall not be required for separate buildings on the same or adjoining grounds.~~

~~(4) Each license is valid only for the person or persons to whom it is issued and shall not be sold, assigned or transferred voluntarily or involuntarily. A license is not valid for any premises other than that for which it was originally issued. A laboratory must be re-licensed if a change of ownership, as defined in Section 408.803(5), F.S., occurs. Application for re-licensure must be made to the agency 60 days prior to the change of ownership and the effective date of the change must be included in the application. When a laboratory is leased by the owner to a second party for operation, said second party must apply to the agency for a new license. A copy of the lease agreement or signed statement showing which party is to be held responsible for the organization, operation and maintenance of the laboratory must be filed with the application.~~

~~(5) A license issued to any laboratory shall be revoked and reapplication denied by the agency in any case where the laboratory fails to sustain continued compliance with provisions of Chapter 483, Part I and Chapter 408, Part II, F.S., or rules promulgated thereunder.~~

(2)~~(6) A licensee shall notify the agency of a change of name, operation, relocation or impending closure of the laboratory prior to such change or closure.~~ A licensee shall notify the agency by mail on company letterhead of a change of director or supervisor immediately upon learning of such change.

~~(7) Each license shall be returned to the agency immediately upon change of ownership or classification, suspension, revocation, or voluntary cessation of operations.~~

(3)~~(8)~~ A license shall be valid for the period specified on the current license.

(a) In the event that specialties and subspecialties are added to an existing license, the expiration of the additional specialties/subspecialties shall be the expiration date of the current license.

(b) Continued operation of a clinical laboratory that has not submitted an application with ~~or the~~ application fee ~~after the date of expiration of its license or~~ after the date of sale in the event of a change of ownership ~~shall be a criminal offense under Section 483.23, F.S., and~~ may ~~shall~~ result in administrative action ~~up to and~~ including an administrative fine charged to the laboratory in the amount of $100.00 per day, each day constituting a separate violation as authorized under Section 483.221, F.S.

(4)~~(9)~~ Laboratory services provided in a temporary testing location such as a patient's home or health fair, is covered under the license ~~or federal Certificate of Waiver in the case of laboratories doing waived testing only,~~ of the designated primary site or home base using its address provided such services are not offered on a permanent basis. ~~Mobile laboratory units shall be considered separate entities and shall require licensure under Chapter 483, Part I, F.S., for each unit.~~

(5)~~(10)~~ Mobile laboratory units shall be considered separate entities and shall require licensure under Chapter 483, Part I, F.S., for each unit. ~~Laboratories are prohibited from performing testing for which they are not authorized. The performance of unauthorized testing shall result in administrative action as authorized under Sections 483.221, 408.812, 408.813, 408.814, 408.815, 408.816, 408.817 and 408.831, F.S.~~

~~(11) All licensed facilities must authorize the agency to submit information requested or required by the federal Centers for Medicare and Medicaid Services to the Agency for the purpose of determining compliance with the Clinical Laboratory Improvement Amendments of 1988 and federal rules adopted thereunder.~~

Rulemaking Authority 483.051, 408.819 FS. Law Implemented 483.051, 483.101, 483.111, 483.172, 483.221, 483.23, ~~408.804,~~ 408.805, 408.806, 408.807, 408.812, 408.813, ~~408.814, 408.815, 408.816, 408.817, 408.831~~ FS. History–New 11-20-94, Amended 7-4-95, 12-27-95, 3-25-03, 3-1-10, 12-29-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dayle Mooney, Program Administrator

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2014

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-8.003	Licensure Requirements
59A-8.004	Licensure Procedure
59A-8.007	Geographic Service Area

PURPOSE AND EFFECT: The Agency is proposing to amend the rules governing home health agencies to update the home health agency licensing application form to conform to changes in Chapters 400, Part III and 408, Part II, F.S., and Chapter 59A-35, F.A.C.; revise provisions regarding accreditation of non-skilled agencies; remove duplicative language already contained in Chapter 408, F.S.; and update rule references regarding the location of incorporated forms, and revise provisions for changes in geographic service areas.

SUMMARY: The Agency is proposing to amend the rules governing home health agencies to update the home health agency licensing application form, incorporated by reference in Rule 59A-8.003, F.A.C., to conform to changes in Chapter 408, Part II, F.S., Section 400.471(2)(h), F.S., and Chapter 59A-35, F.A.C. Since Chapter 2014-142, Laws of Florida, exempts non-skilled home health agencies that are not Medicaid or Medicaid certified from accreditation, Rule 59A-8.003, F.A.C., adds that the home health agency shall notify AHCA if the agency elects to give up accreditation. Language regarding the investigation of complaints is deleted since the content is in Section 408.811, F.S. In Rule 59A-8.004, F.A.C., the reference for the location of the application form is changed to refer to Rule 59A-8.003, F.A.C., instead of Chapter 59A-35, F.A.C. In Rule 59A-8.007, F.A.C., the rule is amended to modify requirements pertaining to a change in geographic service areas.

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.

A statement of estimated regulatory costs has been prepared for proposed rule revisions in Rule 59A-8.003 and is available from the person listed below. The following is a summary of the SERC:

For proposed rule section 59A-8.003, F.A.C., license fees are increased by the Consumer Price Index pursuant to 408.805(2), F.S. The biennial license fee will increase by $45.00. Based on the number of currently licensed facilities, the total regulatory impact for a 5 year period is $233,662.50. There is no projected growth as the number of licensed facilities has decreased by 11% over the past 5 years.

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 SERC has been prepared by the agency for rule 59A-8.003. For rules listed where no SERC was prepared, the Agency prepared a checklist for each rule to determine the necessity for a SERC.

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: 400.497 FS.

LAW IMPLEMENTED: 400.464, 400.471, 400.474, 400.484, 400.497, 408.806, 408.807, 408.810 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: February 18, 2015, 1:00p.m. – 2:00p.m.

PLACE: Agency for Health Care Administration, Ft. Knox Bldg. 3, Conference Room C, 2727 Mahan Drive, Tallahassee, FL 32308

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: Anne Menard, Home Care Unit, Bureau of Health Facility Regulation, (850)412-4405 or Anne.Menard@ahca.myflorida.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anne Menard, Home Care Unit, Bureau of Health Facility Regulation, HQAHOMEHEALTH@ahca.myflorida.com, (850)412-4385

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-8.003 Licensure Requirements.

(1) The issuance of an initial license shall be based upon compliance with Chapter 400, Part III, F.S., and this rule as evidenced by a signed ~~and notarized~~, complete and accurate Health Care Licensing Application, Home Health Agency, AHCA Form 3110-1011, July 2014, incorporated by reference and available at http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX, ~~home health agency application, as referenced in paragraph 59A-35.060(1)(m), F.A.C.,~~ and the results of a survey conducted by an accrediting organization or AHCA, as required in Section 400.471(2), F.S. The application form is available online at http://www/ahca.myflorida.com/HQAlicensureforms.

(2) An application for renewal of the current license must be submitted to AHCA on the form in section (1) of this rule at least 60 days prior to the date of expiration of the license, pursuant to Section 408.806, F.S. It is the responsibility of the home health agency to submit an application within the specified time frames whether or not they receive separate notification from AHCA of the impending expiration of the license. Home health agencies will be surveyed by AHCA or an accrediting organization as defined in Rule 59A-8.002, F.A.C. pursuant to Sections 408.811 and 400.471(2), F.S. Home health agencies will be surveyed on an unannounced basis at least every 36 months. Area offices may do follow up surveys to check on correction of deficiencies at any time on an unannounced basis. An exit conference will be conducted to report the findings and to receive additional information or clarification concerning the survey.

(3) Surveys of Accredited Home Health Agencies:

(a) It is the responsibility of the home health agency to request exemption from state licensure surveys pursuant to Section 400.471(2), F.S., by submitting documentation of accreditation by an approved accrediting organization and the most recent survey from the accrediting organization to the AHCA Home Care Unit.

(b) Home health agencies that complete (a) will not be subject to licensure surveys by AHCA except under the following circumstances:

1. The home health agency has been denied accreditation, has received a preliminary determination of denial of accreditation, or has received a provisional, conditional, or deferred accreditation report from the accrediting organization on its most recent survey, or

2. The home health agency has received accreditation but has not authorized the release of the report to the AHCA, or has not ensured that AHCA has received the accrediting organization's report.

3. The home health agency that provides only non-skilled services and is not Medicare or Medicaid certified is no longer required to be accredited as of July 1, 2014 pursuant to 400.471(2)(h), F.S. If the home health agency elects to give up its accreditation, the home health agency will inform AHCA by providing a copy of the letter it sent to its accrediting organization that shows the accreditation termination date.

(4) AHCA will conduct investigations of complaints regarding licensure violations as required in 408.811, F.S.. ~~Complaint investigations will be unannounced. An entrance conference will be conducted to inform the administrator of the nature of the complaint. An exit conference will be conducted to report the findings and to receive additional information or clarification concerning the investigation.~~

(5) In addition to any other penalties imposed pursuant to this rule, the agency may assess costs related to an investigation that results in a successful prosecution, pursuant to Section 400.484(3), F.S. The prosecution can be resolved by stipulation settlement or final hearing. The following costs may apply: travel costs related to the investigation; investigative time by AHCA's surveyor or surveyors including travel time; processing time by AHCA's professional staff and administrative support staff of Field Operations, and processing time for administrative support staff and professional staff of the AHCA Licensed Home Health Programs Unit in Tallahassee. The costs related to AHCA's professional staff and support staff will be determined according to the hourly rate of pay for those positions.

(6) An application package for a change of ownership shall be made on the forms ~~a form~~ prescribed by AHCA, as referenced in section (1) of this rule ~~paragraph 59A-8.060(1)(m), F.A.C~~.

(a) The buyer or lessee must make application to AHCA for a new license at least 60 days before the date of the transfer of ownership as required by Sections 408.807(1) and (2), F.S.

(b) At the time of the transfer of ownership all patient or client records held by the current licensee shall be transferred to the applicant.

(c) An application for a change of ownership license will not be approved if a home health agency has not demonstrated compliance with the requirements in Chapter 408, Part II, and Chapter 400, Part III, F.S., through an unannounced inspection not more than 24 months prior to submission of the application, pursuant to Section 400.497(6), F.S.

1. The inspection may be done by an accrediting organization. However, if the home health agency being sold is accredited or was licensed July 1, 2008 or later, the inspection must be done by an accrediting organization as required in Section 400.471(2), F.S.; or

2. The inspection may be conducted in conjunction with an unannounced Medicare or Medicaid certification or recertification survey.

(d) Failure to apply for a change of ownership of a licensed home health agency as required by Section 408.806(2)(b), F.S., shall result in a fine set and levied by AHCA pursuant to Section 400.474(1), (2)(a), and 408.813(3)(b), F.S. This is also applicable to owners who incorporate and do not report this change of ownership to the home health agency.

(7) A licensed home health agency may operate a satellite office. A satellite office must be located in the same county as the agency's main office. Supplies and records can be stored at a satellite office and phone business can be conducted the same as in the main office. The satellite office shares administration with the main office and is not separately licensed. Signs and advertisements can notify the public of the satellite office location. If the agency wants to open an office outside the county where the main office is located, the second office must be separately licensed.

(8) A licensed home health agency may operate a drop-off site in any county within the geographic service area specified on the license. A drop-off site may be used for pick-up or drop-off of supplies or records, for agency staff to use to complete paperwork or to communicate with the main office, existing or prospective agency staff, or the agency's existing patients or clients. Prospective patients or clients cannot be contacted and billing cannot be done from this location. The drop-off site is not a home health agency office, but merely a work station for direct care staff in large areas where the distance is too great for staff to drive back frequently to the home health agency office. Training of home health agency staff can be done at a drop-off site. A drop-off site shall not require a license. No other business shall be conducted at these locations, including housing of records. The agency name cannot appear at the location, unless required by law or by the rental contract, nor can the location appear on agency letterhead or in advertising.

(9) If a change of address is to occur, or if a home health agency intends to open a satellite office, the home health agency must provide notice in writing to the AHCA Home Care Unit in Tallahassee and the AHCA area office as required in Rule 59A-35.040, F.A.C. The home health agency must submit to the AHCA Home Care Unit ~~a certificate of occupancy, certificate of use, or~~ evidence that the location is zoned for a home health agency business for the new address and evidence of legal right to the property in accordance with Section 408.810(6), F.S.

(10) A home health agency has the following responsibility in terms of hours of operation:

(a) The home health agency administrator and director of nursing, or their alternates, must be available to the public for any eight consecutive hours between 7:00 a.m. and 6:00 p.m., Monday through Friday of each week, excluding legal and religious holidays. Available to the public means being readily available on the premises or by telecommunications.

(b) When the administrator and the director of nursing are not on the premises during designated business hours, a staff person must be available to answer the phone and the door and must be able to contact the administrator and the director of nursing by telecommunications. This individual can be a clerical staff person.

(c) If an AHCA surveyor arrives on the premises to conduct an unannounced survey and the administrator, the director of nursing, or a person authorized to give access to patient records, are not available on the premises they, or the designated alternate, must be available on the premises within an hour of the arrival of the surveyor. A list of current patients must be provided to the surveyor within two hours of arrival if requested.

(d) The home health agency shall have written policies and procedures governing 24 hour availability to licensed professional nursing staff by active patients of the home health agency receiving skilled care. These procedures shall describe an on-call system whereby designated nursing staff will be available to directly communicate with the patient. For agencies which provide only home health aide and homemaker, companion and sitter services and who provide no skilled care, written policies and procedures shall address the availability of a supervisor during hours of patient service.

(e) Failure to be available or to respond, as defined in paragraphs (a) through (c) above, will result in a $500 fine, pursuant to Section 400.474(1), F.S. A second incident will be grounds for denial or revocation of the agency license.

(11) The initial, change of ownership and renewal fee for home health licensure is $1,705.

(12) If licensure application fee checks are returned by the financial institution due to insufficient funds, the issuance of a license may be delayed, denied or revoked.

(13) Upon revocation, suspension, voluntary or involuntary termination of a license, the home health agency shall return its license to AHCA. If the provider voluntarily chooses to terminate the license, the provider must notify AHCA, as required in Section 408.810(4)(a), F.S. This includes submitting a letter to the address: AHCA Home Care Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308, officially declaring the closure date of the home health agency.

Rulemaking Authority 400.497 FS. Law Implemented 400.464, 400.471, 400.474, 400.484, 400.497, 408.806, 408.807, 408.810 FS. History–New 4-19-76, Formerly 10D-68.03, Amended 4-30-86, 8-10-88, 5-30-90, 6-12-91, Formerly 10D-68.003, Amended 4-27-93, 10-27-94, 1-30-97, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, 7-11-13, _____.

59A-8.004 Licensure Procedure.

(1) An application for licensure, initial, change of ownership, or renewal, shall be made on the forms ~~a form~~ prescribed by the AHCA in paragraph 59A-8.003(1) and 59A-35.060(1)(m), F.A.C. These forms are available online at http://www/ahca.myflorida.com/HQAlicensureforms.

(2) For initial and change of ownership applications and name changes, an affidavit of fictitious name is required when the home health agency chooses to operate under a name other than the name of the partnership, corporation or limited liability company pursuant to Section 865.09, F.S.

(3) For initial applications, including changes of ownership, the applicant must submit proof of financial ability to operate, pursuant to Sections 400.471, 408.810, 408.8065, F.S., and Rule 59A-35.062, F.A.C.

(4) An applicant for initial license shall sign the form AHCA 3110-1026, Attestation of Compliance with Distance Requirements, March 2013, which is incorporated by reference (http://www.flrules.org/Gateway/reference.asp?No=Ref-02766), pursuant to Section 400.471(7), F.S. The form may be obtained at the AHCA web site, http://ahca.myflorida.com/homecare; at the site, select "Home Health Agency" and then select the "Application" tab. The authorized representative signing this form attests no officer or controlling interest of the applicant agency are officers or controlling interests of another home health agency located within 10 miles of the applicant agency and is in the same county.

(5) Background screening for the administrator and the financial officer shall be in accordance with level 2 standards for screening set forth in Section 408.809, F.S. and Rule 59A-35.090, F.A.C.

(6) Level 2 background screening for employees and contractors shall be done as required in Rule 59A-35.090, F.A.C. and Section 408.809, F.S.

Rulemaking Authority 400.497 FS. Law Implemented 400.471, 400.512, 408.810, 408.806, 408.8065, 408.809 FS. History–New 4-19-76, Formerly 10D-68.04, Amended 4-30-86, 8-10-88, 5-30-90, 6-12-91, 10-6-91, Formerly 10D-68.004, Amended 4-27-93, 10-27-94, 1-30-97, 1-17-00, 7-18-01, 9-22-05, 8-15-06, 3-29-07, 7-11-13, _____.

59A-8.007 Geographic Service Area.

(1) All home health agencies must apply for a geographic service area on their initial license application. Home health agencies may apply for a geographic service area which encompasses one or more of the counties within the specific AHCA area boundaries, pursuant to Sections 408.032(5) and 400.497(9)(7), F.S., in which the main office is located provided that the license application. ~~includes a plan for:~~

~~(a) Coverage of the professional staff which takes into account the projected number of clients in the requested geographic service area, and~~

~~(b) Supervision of the staff in the requested geographic service area. AHCA shall authorize a geographic service area if there are a sufficient number and type of staff and supervision to meet the needs of the geographic service area~~.

(2) In any request for expansion of the geographic service area, the home health agency's previous history of survey results and administrative actions including fines, suspensions, revocations or injunctions will be reviewed to establish the home health agency's ability to provide quality services within the requested area. In addition, the application for an expanded geographic service area must include a plan for:

(a) Coverage of the professional staff which takes into account the projected number of clients in the requested geographic service area, and

(b) Supervision of the staff in the requested geographic service area.

(3) The counties listed on the home health agency license should reflect counties in which the home health agency expects to provide services. If an agency refuses to serve residents of a specific county and that county is listed on the agency's license, AHCA shall remove that county from the agency's license. Refusal to provide services to a resident solely based on their residence in a specific county must be verified by AHCA prior to removing the county from the license.

Specific Authority 400.497 FS. Law Implemented 400.497 FS. History–New 10-27-94, Amended 1-17-00, 7-18-01, _____.

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: January 16, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 31, 2014

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NO.: RULE TITLE:

59A-24.006 Drug Testing Laboratories

PURPOSE AND EFFECT: The purposes is to modify an existing rule to update an incorporated application form; update the licensure fee to reflect adjustments made in accordance with subsection 408.805(2), F.S., remove duplicative language currently found in statute; add references to align with our uniform licensure statute and rule, and remove the requirement for licensed laboratories to participate in annual agency supplied proficiency testing surveys.

SUMMARY: Rule 59A-24.006 is amended to delete provisions currently found in statute; update incorporated application forms and fee; add references to align with our uniform licensing statute and rule; delete duplicative language; and remove the requirement for licensed laboratories to participate in annual agency supplied proficiency testing surveys.

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 been prepared by the Agency.

A statement of estimated regulatory costs has been prepared for proposed rule revisions in Rule 59A-24.006 and is available from the person listed below. The following is a summary of the SERC:

For proposed rule subsection 59A-24.006(13)(b), F.A.C., licensure fees are increased by the Consumer Price Index pursuant to 408.805(2), F.S.. The biennial licensure fee will increase by $435.00. Based on the number of currently licensed facilities the total impact over five years will be $11,965.50.

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 SERC has been prepared by the Agency.

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: 112.0455(13)(a), 408.819, 440.102(10) FS.

LAW IMPLEMENTED: 112.0455(12), (13), 408.805, 408.806, 408.813, 408.814, 408.815, 408.816, 440.102 FS.

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

DATE AND TIME: Monday, March 9, 2015, 3:00 p.m. – 4:00 p.m.

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

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: Dayle Mooney via e-mail: Dayle.Mooney@ahca.myflorida.com or by phone: (850)412-4500. 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: Dayle Mooney via e-mail: Dayle.Mooney@ahca.myflorida.com or by phone: (850)412-4500

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-24.006 Drug Testing Laboratories – Standards and Licensure.

Laboratories shall be licensed by the agency in accordance with Section 112.0455, F.S., Section 440.102, F.S., Chapter 408, Part II, F.S., and this rule chapter in order to collect or analyze specimens for an employer's drug testing program ~~and shall also comply with the provisions of Chapter 483, Part I, F.S~~.

(1) Laboratory Personnel.

(a) Qualifications of Director. The laboratory shall have a qualified director to assume professional, technical, educational, and administrative responsibilities for the laboratory's drug testing. The director shall meet one of the following requirements:

1. Is duly licensed as a physician in the state in which he or she practices medicine; and is licensed under Chapter 458 or 459, F.S., if the laboratory is located in the State of Florida; and has had at least four years of experience in forensic analytical toxicology; or

2. Holds a doctoral degree from an accredited institution with Chemistry, Toxicology or Pharmacology as a major subject of study; and has had at least four years of experience in forensic analytical toxicology; and shall be licensed as a director under Chapter 483, Part IV, F.S., in the specialty of clinical chemistry, if the laboratory is located in the State of Florida.

(b) Responsibilities of Director. The director shall be responsible for the following:

1. The director shall be engaged in and responsible for the day-to-day management of the drug testing laboratory.

2. The director shall be engaged in and responsible for ensuring that there are sufficient personnel with adequate training and experience to supervise and conduct the work of the drug testing laboratory. He or she shall assure the continued competency of laboratory personnel by documenting their inservice training, reviewing their work performance, and verifying their skills.

3. The director shall ensure that the laboratory has a procedure manual which is complete, up-to-date, available to the personnel performing tests. All such procedures must, at a minimum, meet the requirements stipulated in this rule chapter. The director shall ensure that the procedures are followed by personnel performing tests. The procedure manual shall be reviewed, signed, and dated by this director whenever procedures are first placed into use, or changed, or when a new director assumes responsibility of the drug testing laboratory. ~~Copies of all procedures and the dates that they are in effect shall be maintained as required in paragraph 59A-7.029(3)(e), F.A.C.~~

4. The director shall be responsible for maintaining a quality assurance program to assure the proper performance and reporting of all test results; for maintaining acceptable analytical performance for all controls and standards; for maintaining quality control testing; and for assuring and documenting the validity, reliability, accuracy, precision, and performance characteristics of each test and test system.

5. The director shall be responsible for taking all remedial actions necessary to maintain satisfactory operation and performance of the laboratory. The director shall ensure that sample results are not reported until all corrective actions have been taken and that he or she can assure that the tests results provided are accurate and reliable.

(c) Certifying Scientists. The laboratory shall have a qualified individual who serves as certifying scientist. This individual reviews all pertinent data and quality control results in order to attest to the validity of the laboratory's test reports. A laboratory may designate more than one person to perform this function.

1. The certifying scientist(s) shall have a minimum of 2 years experience in forensic analytical toxicology and be qualified as a director or licensed as a supervisor under the provisions of Chapter 483, Part IV, F.S., in the specialty of clinical chemistry if the laboratory is located in the State of Florida.

2. The laboratory director is permitted to designate technical personnel to certify results that are negative on the initial screening test. These individuals shall be technologists licensed in the specialty of clinical chemistry in accordance with the provisions of Chapter 483, Part IV, F.S., if the laboratory is located in the State of Florida.

(d) Laboratory Operation and Supervision.

1. The laboratory's drug testing facility shall have an individual(s) responsible for day-to-day operation of the laboratory and the supervision of the technical analysts. This individual(s) shall be licensed as a laboratory supervisor in the specialty of clinical chemistry or qualified as a director in accordance with Chapter 483, Part IV, F.S., in the specialty of clinical chemistry if the laboratory is located in the State of Florida; and

2. Have a minimum of 2 years experience in forensic analytical toxicology.

(e) Technical and Non-Technical Personnel.

1. Technical personnel shall have the training and skills to conduct forensic toxicology testing and shall be licensed in accordance with Chapter 483, Part IV, F.S., if the laboratory is located in the State of Florida. Documentation of such training and skills shall be maintained by the laboratory and available upon request by the agency.

2. Non-technical personnel, including all persons collecting specimens under these rules shall have the necessary training and skills for the tasks assigned but shall not perform drug testing.

(f) Collection Site Person or Persons Collecting Specimens. A specimen for a drug test shall be taken or collected by:

1. A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of an accident for the purpose of rendering emergency medical service or treatment.

2. A qualified person employed by a licensed laboratory who has the necessary training and skills for the assigned tasks.

(2) Training. The laboratory's drug testing program shall make available continuing education programs to meet the needs of laboratory personnel.

(3) Files. Laboratory personnel files shall include: resume of training and experience; certification or license, if any; references; job descriptions; records of performance evaluations and advancement; incident reports; and results of tests which establish employee competency for the position he or she holds, such as a test for color blindness, if appropriate.

(4) Specimen Security and Analysis Procedures.

(a) Specimen Security and Internal Chain of Custody.

1. Drug testing laboratories shall be secure at all times. They shall have in place sufficient security measures to control access to the premises and to ensure that no unauthorized personnel handle specimens or gain access to the laboratory processes or to areas where records or specimens are stored. Access to these secured areas shall be limited to specifically authorized individuals whose authorization is documented. For the purposes of subparagraph 59A-24.006(4)(a)1., F.A.C., authorized individuals means those persons designated by the laboratory to have access to the drug testing laboratory. All authorized visitors, including maintenance and service personnel, shall be escorted by laboratory personnel at all times. Documentation of individuals accessing these areas, dates, time of entry and egress, and purpose of entry must be maintained for no less than 2 years.

2. Laboratories shall use internal chain of custody procedures to maintain control and accountability of specimens from receipt through completion of testing, reporting of results, during storage, and continuing until final disposition of specimens. The date and purpose shall be documented on the internal chain of custody form each time a specimen is handled or transferred, and every individual in the chain shall be identified. Accordingly, authorized personnel shall be responsible for each specimen or aliquot in their possession and shall sign and complete internal chain of custody forms for those specimens or aliquots as they are received. Aliquots and internal chain of custody forms shall be used by laboratory personnel for conducting both initial and confirmation tests.

(b) Receiving Specimens. When a shipment of specimens is received, laboratory personnel shall inspect each package for evidence of possible damage or tampering and compare information listed on specimen containers within each package to the information on the accompanying chain of custody forms. The laboratory shall establish written standards for the rejection or acceptance of specimens. In addition, any evidence of tampering, mismatched or omitted specimen identification numbers, spillage, damage or other discrepancies in the information on specimen containers and the chain of custody form shall render a specimen invalid and shall be rejected by the laboratory for testing. The laboratory shall immediately report any rejection to the employer and shall note such rejection on the chain of custody form.

(c) Short-Term Refrigerated Storage. Urine or blood specimens that do not receive an initial test within 72 hours of arrival at the laboratory shall be placed in locked, secure refrigerated units. Temperatures of these units shall not exceed 6 degrees Celsius. Emergency power equipment shall be available and used in case of power failure.

(d) Specimen Testing Requirements. A laboratory must be capable of testing for all drugs listed in Section 112.0455(5)(a), F.S., and be capable of conducting testing to ensure that a specimen has not been diluted or adulterated. The laboratory shall test and report drug test results no more than 3 working days after the receipt of the specimen in the laboratory.

(e) Initial Test. The initial screen for all drugs shall be an immunoassay except that the initial test for alcohol shall be an enzyme oxidation methodology.

1. Levels on initially screened urine specimens which are equal to or exceed the following shall be considered to be presumptively positive and submitted for confirmation testing:

Amphetamines	1,000 ng/mL
Cannabinoids (11-nor-Delta-9-tetrahydrocannabinol-9-carboxylic acid)	50 ng/mL
Cocaine (benzoylecgonine)	300 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	300 ng/mL
Opiates	2,000 ng/mL
Barbiturates	300 ng/mL
Benzodiazepines	300 ng/mL
Methadone	300 ng/mL
Propoxyphene	300 ng/mL

The only specimen for alcohol testing shall be blood and the intially screened specimen shall be considered presumptively positive and submitted for confirmation testing if the level is equal to or exceeds 0.04 g/dL.

2. Levels which exceed the following for hair specimens shall be considered presumptively positive on initial screening and submitted for confirmation testing:

Marijuana	10 pg/10 mg of hair
Cocaine	5 ng/10 mg of hair
Opiate/synthetic narcotics and metabolites	5 ng/10 mg of hair
Phencyclidine	3 ng/10 mg of hair
Amphetamines	5 ng/10 mg of hair

3. Laboratories are permitted to use multiple screening tests for the same drug or drug class to eliminate any possible presumptive positives due to structural analogs, provided that such tests meet the requirements of this rule chapter.

(f) Confirmation Test. All specimens identified as presumptively positive on the initial test shall be confirmed using mass spectrometry/mass spectrometry (MS/MS) or gas chromatography/mass spectrometry (GC/MS), except that alcohol will be confirmed using gas chromatography. All confirmations shall be done by quantitative analysis.

1. Levels on confirmation testing for urine specimens which are equal to or exceed the following shall be reported as positive:

Amphetamines(amphetamine, methamphetamine)[1]	500 ng/mL
Cannabinoids (11-nor-Delta-9-tetrahydrocannabinol- 9-carboxylic acid)	15 ng/mL
Cocaine (benzoylecgonine)	150 ng/mL
Phencyclidine	25 ng/mL
Methaqualone Opiates	150 ng/mL
Codeine	2000 ng/mL
Morphine	2000 ng/mL
6-Acetylmorphine[2]	10 ng/mL
Barbiturates	150 ng/mL
Benzodiazepines	150 ng/mL
Methadone	150 ng/mL
Propoxyphene	150 ng/mL

[1]A laboratory shall not report a specimen positive for methamphetamine only. The specimen must contain amphetamine at a concentration equal to or greater than 200 ng/mL, by the confirmation test. If this criterion is not met, the specimen shall be reported as negative for methamphetamine.

[2]Tests for 6-Acetylmorphine when the morphine concentration exceeds 2000 ng/mL.

The alcohol level on confirmation testing for blood which is equal to or exceeds 0.04 g/dL shall be reported as positive.

2. Levels for hair specimens on confirmation testing which are equal to or exceed the following shall be reported as positive:

Marijuana Metabolites	1 pg/10 mg of hair
Cocaine	5 ng/10 mg of hair
Opiate/synthetic narcotics and metabolites	5 ng/10 mg of hair
Phencyclidine	3 ng/10 mg of hair
Amphetamines	5 ng/10 mg of hair

(g) Reporting Results.

1. The laboratory shall report all test results to the MRO indicated on the chain of custody form. Before any test result is reported by the laboratory, the results of initial tests, confirmation tests, and quality control data of such tests shall be reviewed by the certifying scientist and the test certified as an accurate report. The report, at a minimum, shall identify the drugs or metabolites tested for, the results of the drug test either positive or negative, the specimen number assigned on the chain of custody form, the name and address of the laboratory performing the testing, and the drug testing laboratory's specimen accession number.

2. The following criteria shall be used when reporting drug testing results.

a. Specimens that test negative as specified in subparagraphs 59A-24.006(4)(e)1. and 2., F.A.C., on the initial test shall be reported as negative. If an employer wishes to retest a negative specimen under the provisions of Section 112.0455(9)(a), F.S., such testing is authorized to be conducted only once and must be requested no more than 7 working days from the time the original negative test result was reported to the employer by the MRO. Hair specimens may be re-collected only once to perform repeat confirmation testing under the provisions of Section 112.0455(9)(a), F.S.

b. Specimens that test positive as specified in subparagraph 59A-24.006(4)(e)1., F.A.C., on initial immunoassay tests, but test negative as specified in pargraph 59A-24.006(4)(f), F.A.C., on confirmation shall be reported as negative.

c. The laboratory is permitted to report drug test results for specimens that do not meet the adulteration/dilution criteria of the laboratory. Reports on specimens that do not meet the laboratory's adulteration/dilution requirements shall not indicate the actual results of the adulteration/dilution tests, but the report shall indicate the adulteration/dilution test results in non-quantitative terms.

d. The laboratory report shall indicate solely that the test(s) resulted in a positive drug test result or resulted in a negative drug test result.

3. The MRO may request from the laboratory, and the laboratory shall provide, detailed quantification of initial and confirmation test results.

4. The laboratory may transmit results to the MRO by various electronic means (for example, teleprinter, facsimile, or computer) in a manner designed to ensure confidentiality of the information. The laboratory and MRO must ensure the security of the data transmission and restrict access to any data transmission, storage, and retrieval system to only those individuals authorized under these rules to obtain such information.

5. The laboratory shall send the MRO a copy of the original chain of custody form (copy 2) signed by the certifying scientist responsible for attesting to the validity of the test report.

6. The laboratory shall make available copies of all analytical results of donor testing upon request by the MRO or the agency.

7. Unless otherwise specified in this rule chapter, all records pertaining to a given specimen shall be retained by the drug testing laboratory for a minimum of 2 years.

(h) Storage of Specimens. Drug testing laboratories shall retain and place all confirmed positive urine specimens in locked, secured long-term frozen storage (-15 degrees Celsius or less) and confirmed positive blood specimens in locked, secured long-term refrigerated storage (2-8 degrees Celsius) for a minimum of 210 days. Within this 210 day period an employer, employee, job applicant, or MRO is permitted to request in writing that the laboratory retain the specimen for an additional period of time. If no such request is received, the laboratory is permitted to discard the specimen after 210 days of storage. When notified in writing, the laboratory shall be required to maintain any specimens under legal challenge until such challenge is resolved. To maintain applicable storage temperatures for stored specimens, emergency power equipment shall be available and used in the case of power failure. After the required retention time has passed, laboratories are permitted to either discard the specimens or pool all or part of these specimens for use in the laboratory's internal quality control program.

1. When an employee or job applicant undertakes an administrative or legal challenge to the test result, it shall be the employee's or job applicant's responsibility to notify the employer and laboratory in writing of such challenge and such notice shall include reference to the chain of custody specimen identification number. After such notification, the sample shall be retained by the laboratory until the case or administrative appeal is settled.

2. During a 180 day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the employer to have a portion of the specimen retested, at the employee or job applicant's expense. The laboratory which performed the original test for the employer shall be responsible for transferring a portion of the specimen to be retested at a second laboratory licensed under these rules, selected by the employee or job applicant, and shall be responsible for the integrity of the specimen and for the chain of custody during such transfer.

3. Urine specimens that test negative shall be stored in locked, secured refrigerated (2-8 degrees Celsius) or frozen storage (-15 degrees Celsius or less). Blood specimens that test negative shall be stored in locked, secured, refrigerated storage (2-8 degrees Celsius). These specimens shall be retained for no less than 7 working days after the test result has been reported to the employer by the MRO. After the required retention time has passed, laboratories are permitted to either discard the specimens or pool all or part of these specimens for use in the laboratory's internal quality control program.

4. The laboratory is permitted to discard or pool specimens that test negative immediately after the negative test result is transmitted to the MRO, provided that the laboratory has written authorization from the employer that specimens which test negative are not to be retained for retesting under Section 112.0455(9)(a), F.S.

5. Under no circumstances shall a laboratory be required to retain a specimen, which has been reported as negative, for a period longer than 14 working days after receipt of that specimen in the laboratory unless a confirmation test has been requested by the employer under the provisions of Section 112.0455(9)(a), F.S.

(i) Retesting Specimens. As some analytes deteriorate or are lost during freezing, refrigeration, or storage, quantification for a retest is not subject to a specific cutoff requirement but must provide data sufficient to detect the presence of the drug or metabolite.

(5) Subcontracting. Drug testing laboratories shall not subcontract, except for collection sites, and shall perform all analysis with their own personnel and equipment. The laboratory must be capable of performing testing for the classes of drugs defined in Section 112.0455(5)(a), F.S., using the specimens indicated in Section 112.0455(5)(k), F.S., and initial and confirmation methods specified in paragraphs 59A-24.006(4)(e) and (f), F.A.C.

(6) Contracted Collection Sites. Collection sites or collectors shall contract with laboratories licensed under this rule chapter to collect specimens for analysis. Such contracts shall be in writing and include the utilization of all the necessary facilities, personnel, materials, equipment, or other supplies, as needed, to collect specimens as required in Rule 59A-24.005, F.A.C. For the purposes of Section 112.0455(8)(e), F.S., persons collecting specimens under contract with a forensic drug testing laboratory shall be deemed to be employees of the licensed laboratory. In addition, the collectors shall be trained by, and shall be accountable to, the licensed laboratory. However, after an accident, if an employee is taken to a facility for medical treatment and the facility does not have a contract with the laboratory, an individual authorized in paragraph 59A-24.006(1)(f), F.A.C., is permitted to collect a specimen provided that this collector utilize, and complete to the fullest extent possible, a chain of custody form. In addition, the collector shall follow the collection procedures found in Rule 59A-24.005, F.A.C., to the fullest extent possible and shall maintain full control of the specimen until the specimen is sealed and packaged for shipment to the employer's selected laboratory.

(7) Inspections. The agency ~~or the representatives of the federal Department of Health and Human Services Federal Workplace Drug Testing Program~~ shall conduct announced or unannounced inspections of the laboratory at any reasonable time for the purpose of determining compliance with this rule chapter. The right of entry and inspection shall also be extended to any collection sites under contract with the laboratory. Inspections shall document the overall quality of the laboratory setting for the purpose of licensure to conduct drug free workplace testing. Inspection reports shall also contain any requirements of the laboratory to correct deficiencies noted during the inspections.

(a) Prior to laboratory licensure and biennially thereafter ~~at least once a year after licensure~~, an on-site inspection of the laboratory shall be conducted.

(b) ~~In order to be considered for licensure renewal,~~ Llaboratories certified by the federal Department of Health and Human Services Federal Workplace Drug Testing Programs shall submit an inspection report of the federal Department of Health and Human Services Federal Workplace Drug Testing Programs performed within the previous 24 months in lieu of the required on-site ~~annual~~ inspection. ~~This provision does not apply to laboratories applying for initial licensure.~~ In addition, such laboratories certified by the federal Department of Health and Human Services Federal Workplace Drug Testing Programs shall:

1. Maintain a policy to conduct the testing of all specimens authorized under Section 112.0455, F.S., in the same manner as required for those drugs included under the Mandatory Guidelines for Federal Workplace Drug Testing Programs. This policy must be in writing and contained in the laboratory's policy and procedure manual.

2. Submit to the agency all reports of such inspections, post inspection activities and reports including any corrective action taken by the laboratory within 45 days of the receipt of the initial evaluation report in the laboratory.

3. Request in writing that the inspection report be accepted in lieu of an on-site inspection by the agency.

(c) Laboratories that are accredited by a nationally recognized accreditation organization may submit an accreditation survey report performed within the previous 24 months and proof of non-provisional accreditation or reaccreditation ~~for the current year~~ in lieu of the ~~annual~~ on-site inspection.

(8) Documentation. Laboratories shall maintain and make available for at least 2 years all documentation of the testing process. Except that the laboratory shall be required to maintain documents and records for any specimen(s) under legal challenge until such challenge is resolved. The required documentation shall include:

(a) Personnel files on all individuals authorized to have access to specimens;

(b) Chain of custody documents;

(c) Quality assurance records;

(d) Quality control records;

(e) Procedure manuals;

(f) All test data, calibration curves and any calculations used in determining test results;

(g) Donor test reports;

(h) Proficiency testing records;

(i) Computer generated data used for testing and reporting specimen results.

(9) Additional Requirements for Laboratory Licensure.

~~(a) Procedure Manual. Each laboratory shall have a procedure manual which meets the applicable requirements of paragraphs 59A-7.029(3)(b), (d) and (e), F.A.C.~~

(a)~~(b)~~ Standards and Controls. Laboratory standards shall be prepared with pure drug standards which are properly labeled as to content and concentration. The standards shall be labeled with dates indicating when received, when prepared or opened, when placed in service, and the expiration date.

(b)~~(c)~~ Instruments and Equipment.

1. Volumetric pipettes and measuring devices shall be certified for accuracy or be checked by gravimetric, colorimetric, or other verification procedures on a quarterly basis. Automatic pipettes and dilutors shall be checked for accuracy and reproducibility before being placed in service and checked quarterly thereafter.

2. There shall be written procedures for instrument setup and normal operation, a schedule for checking critical operating characteristics for all instruments, tolerance limits for acceptable function checks and instructions for major trouble shooting, repair, and maintenance in accordance with manufacturer's specifications. Manufacturer's specifications for, and records of preventive and regular maintenance shall be maintained for as long as the instrument is in use and for at least 2 years after the instrument is discontinued from use and shall be available upon request by the agency.

(c)~~(d)~~ Remedial Actions. There shall be written procedures for the actions to be taken when test systems are not operating correctly or errors are detected. There shall be documentation that these procedures are followed and that all necessary corrective actions are taken. There shall also be in place systems to verify all stages of testing and reporting and documentation that these procedures are followed.

(d)~~(e)~~ Personnel Available to Testify at Proceedings. A laboratory director shall assure that technical personnel, including the director, be available to testify in an administrative or disciplinary proceeding regarding any employee or a job applicant when that proceeding is based on a test result which was analyzed and reported by the laboratory.

(10) Quality Assurance and Quality Control. Quality assurance and quality control for hair analyses shall be conducted in accordance with Section 112.0455(13)(b)4., F.S.

(a) General. Drug testing laboratories shall have a quality assurance program which encompasses all aspects of the testing process including but not limited to specimen acquisition, chain of custody, security and reporting of results, initial and confirmation testing and validation of analytical procedures. Quality assurance procedures shall be designed, implemented, and reviewed to monitor the conduct of each step of the process of testing for drugs.

(b) Laboratory Quality Control Requirements for Initial and Confirmation Tests. At a minimum, each analytical run of specimens for an initial or confirmation test shall include the following quality control samples:

1. Negative specimens certified to contain no drug;

2. Urine specimens fortified with known standards; and

3. Positive controls with the drug or metabolite at or near the threshold (cutoff).

4. At least 1 percent of each initial screening run, with a minimum of one sample per run, shall consist of a blind sample(s) of known concentration. Such samples shall appear as ordinary test specimens to the laboratory analysts.

(11) Proficiency Testing. Proficiency testing ~~is a part of the initial evaluation of a laboratory seeking licensure and~~ is required as a continuing assessment of laboratory performance necessary to maintain continued licensure.

(a) General Considerations.

1. The laboratory must successfully participate in proficiency testing surveys, as described in subsection 59A-24.006(11), F.A.C.

2. Proficiency testing specimens are permitted to consist of negative specimens as specified in subparagraph 59A-24.006(4)(e)1., F.A.C., and positive specimens, as specified in paragraph 59A-24.006(4)(f), F.A.C.

3. Proficiency testing specimens are permitted to contain interfering substances.

4. Proficiency testing specimens are permitted to be identified for screening or confirmation testing only.

5. All procedures associated with the laboratory's handling and testing of any proficiency testing specimens shall be carried out in the same manner as the laboratory tests donor samples.

6. The laboratory shall report results of proficiency testing samples using the same criteria applied to routine drug testing specimens.

~~7. Failure to submit the results of each proficiency testing survey within the time frames indicated in sub-subparagraphs 59A-24.006(11)(c)1.c. and 59A-24.006(11)(c)3.h., F.A.C., is considered unsuccessful participation and will result in a failing score for that proficiency testing survey and administrative action up to and including revocation of licensure, as provided in subsection 59A-24.006(12), F.A.C.~~

~~8. Failure to participate in any proficiency testing survey is considered unsuccessful participation and will result in a failing score for that proficiency testing survey and administrative action up to and including revocation of licensure as provided in subsection 59A-24.006(12), F.A.C.~~

~~9. The laboratory shall be permitted to request that the agency supply additional proficiency testing samples to be tested to document whether the source of unsuccessful proficiency testing performance has been corrected. The agency shall permit no more than two such additional shipments of proficiency testing samples. The laboratory will be required to pay the cost of such samples.~~

7. ~~10.~~ In addition to the proficiency testing requirements, any licensed laboratory may ~~shall~~ be subject to blind performance testing by the agency. Blind performance testing means proficiency test samples which are shipped to a laboratory in a manner such that the samples appear to be actual drug testing samples.

~~(b) Initial Licensure. Laboratories applying for initial licensure shall be required to successfully complete three proficiency testing surveys supplied by the agency before the laboratory is eligible to be considered for licensure.~~

~~1. Two of these proficiency testing surveys shall be completed prior to the initial inspection of the laboratory.~~

~~2. The third proficiency testing survey shall be provided so that it arrives prior to the initial inspection. These samples will be analyzed in conjunction with the on-site inspection as directed by the agency.~~

~~3. Evaluation of initial proficiency testing surveys shall be in accordance with the requirements set forth in subparagraph 59A-24.006(11)(c)3., F.A.C.~~

~~4. Any initial applicant whose proficiency testing evaluation does not meet the requirements of subparagraph 59A-24.006(11)(c)3., F.A.C., on any of the three initial proficiency testing surveys shall automatically be disqualified for licensure. To be considered for future licensure, the laboratory must reapply for licensure and must submit the required licensure fee as a new applicant.~~

(b)~~(c)~~ Continued Licensure. In order to remain licensed, the laboratory shall participate in three ~~four proficiency~~ ~~testing surveys per year. The laboratory must participate in 3 non-agency~~ proficiency testing surveys supplied by an approved proficiency testing organization as defined in subsection 59A-24.003(3), F.A.C. per year.~~, and 1 annual proficiency testing survey supplied by the agency as described below.~~ Failure to meet the applicable grading criteria established by an approved proficiency testing organization ~~found in subparagrph 59A-24.006(11)(c)3., F.A.C.,~~ shall be considered unsuccessful proficiency testing participation. ~~The agency shall revoke or suspend the laboratory's license or take no further action, taking into consideration the potential for such errors to affect the reporting of reliable drug test results.~~

~~1. Non-Agency Supplied Proficiency Testing.~~

~~a. Three of the four required proficiency testing surveys shall be obtained at the laboratory's expense from an approved proficiency testing provider, as defined in subsection 59A-24.003(3), F.A.C.~~

~~b. Proficiency testing results from the approved non-agency providers shall be graded using the grading criteria required in subparagraph 59A-24.006(11)(c)3., F.A.C.~~

~~c.~~ The laboratory shall submit the reports of ~~non-agency supplied~~ proficiency testing results and any corrective action taken with regards to unsuccessful results within 14 ~~working~~ days of their receipt in the laboratory.

~~2. Agency Supplied Proficiency Testing. The remaining proficiency testing survey shall be supplied by the agency and shall be shipped to the laboratory at any time during the licensure year.~~

~~3. In order to obtain initial licensure or to remain licensed, the laboratory must meet the following criteria for successful participation on any proficiency testing shipment:~~

~~a. Report no false positive drug identifications.~~

~~b. Correctly screen 90 percent of the samples in each proficiency testing survey.~~

~~c. Achieve a combined score of 90 percent for screening and confirmation testing.~~

~~d. Correctly confirm 90 percent of the drug challenges for proficiency samples that screen as positive.~~

~~e. For all proficiency samples screened as positive, quantitate 80 percent of all drug challenges at ± 20 percent of the group mean.~~

~~f. Detect and quantitate 50 percent of the total drug challenges for any individual drug or drug classes.~~

~~g. Submit the results of agency supplied proficiency testing surveys no more than 10 working days from receipt of the samples by the laboratory.~~

~~h. Submit any remedial action taken in regard to proficiency testing errors found in agency supplied proficiency testing samples within five days of such notification by the agency.~~

~~4. Consequences of Unsuccessful Proficiency Testing Performance.~~

~~a. Failure to achieve successful proficiency testing performance as described in subsection 59A-24.006(11), F.A.C., shall result in administrative action up to and including revocation of licensure as provided in subsection 59A-24.006(12), F.A.C.~~

~~b. In the event that a laboratory's license is suspended due to unsatisfactory proficiency testing performance, re-instatement of licensure shall not be considered until the laboratory can demonstrate:~~

~~i. Satisfactory performance on no more than 2 agency supplied proficiency surveys;~~

~~ii. That the source of unsuccessful proficiency testing performance has been corrected; and~~

~~iii. That payment for any additional proficiency testing samples supplied by the agency has been received.~~

(12) Administrative Enforcement and Hearings.

(a) The agency shall enforce the provisions of Sections 112.0455(12) and (13) and Chapter 408, Part II, F.S. and Chapter 59A-24, F.A.C., by administering remedies for statutory and rule violations as provided in Sections 408.813, 408.814, 408.815 and 408.816, F.S.

(b) Grounds for Disciplinary Action. The following actions shall result in the agency taking administrative action:

1. Failure to accurately analyze and report donor drug tests;

2. Failure to participate in or u~~U~~nsuccessful participation in proficiency testing surveys;

~~3. A violation of a licensure standard;~~

~~4. Participation in a pretrial intervention or other first-offender agreement respecting a charge of, the entering of a plea of nolo contendere or guilty to a charge of, a finding of guilt regardless of adjudication of, or a conviction or any criminal offense under federal law or the law of any state relating to the operation of any laboratory;~~

~~5. Making a fraudulent statement on an application for a forensic toxicology license or any other document required by the agency;~~

3.~~6.~~ Permitting unauthorized persons to perform technical procedures or issue reports;

4.~~7.~~ Demonstrating incompetence or making consistent errors in the performance and reporting of drug free workplace testing or proficiency testing samples;

5.~~8.~~ Performing a test and rendering a report thereon to a person not authorized by law to receive such services;

6.~~9.~~ Knowingly having professional connection with or knowingly lending the use of the name of the licensed forensic toxicology laboratory or the license of the director to an unlicensed forensic toxicology laboratory;

7.~~10.~~ Violating or aiding and abetting in the violation of any provision of this part or the rules promulgated hereunder;

8.~~11.~~ Failing to file any report required by the provisions of this part or the rules promulgated hereunder;

9.~~12.~~ Reporting a drug test result when no such test was performed;

10.~~13.~~ Knowingly advertising false services or credentials;

11.~~14.~~ Failure to correct deficiencies within the time required by the agency;

12.~~15.~~ Failing to maintain a secured area for toxicology tests; or

13.~~16.~~ Any other cause which affects the ability of the laboratory to ensure the full reliability and accuracy of drug tests and the accurate reporting of results.

14.~~17.~~ Failure to submit statistical reports as required in subsection 59A-24.009(3), F.A.C.

~~(13) Re-instatement of Licensure. Upon the submission of evidence to the agency that the laboratory is in compliance with this rule chapter and Section 112.0455, F.S., and any other conditions imposed as part of a suspension, the agency shall reinstate the laboratory's license. A laboratory having its license revoked shall be required to reapply for licensure in accordance with the provisions for initial applicants and pay the applicable licensure fee.~~

(13)~~(14)~~ Licensure ~~Fee.~~

(a) Laboratories seeking licensure must complete licensure application form, Health Care Licensing Application, Drug-Free Workplace Laboratory, AHCA Form 3170-5001 July 2014 ~~95~~, which is hereby incorporated by reference. This form is available at http://flrules.org/Gateway/reference.asp?No=Ref-XXXXX or http://ahca.myflorida.com/HQAlicensureforms and from the Agency for Health Care Administration, 2727 Mahan Drive, MS 32, Tallahassee, Florida 32308. ~~from the agency.~~

(b)~~1.~~ Initial and biennial licensure renewal fees shall be $16,435 ~~$16,000~~ and shall be made payable to the Agency for Health Care Administration ~~agency~~.

~~2. For late filing of an application for renewal, the provisions of Section 408.806(2)(a), F.S., shall apply.~~

~~(b) Refunds are authorized pursuant to provisions of Section 215.26, F.S., and shall be approved only in the following instances:~~

~~1. An overpayment of a fee;~~

~~2. A payment where no fee is due; and~~

~~3. Any payment made into the State Treasury in error.~~

~~(c) Applications for refunds shall be filed with the Chief Financial Officer within 3 years from the date of the payment into the State Treasury, or else such right shall be barred. Refund claims shall not otherwise be barred under the laws of this state.~~

(14)~~(15)~~ Statistical Information Reporting.

(a) The laboratory shall submit statistical information on drug testing to the agency. No statistical information reported to the agency shall reveal the names of the persons tested, nor shall it reveal the employer's identity. This data shall contain the following information on specimens received for all drug testing conducted under Section 112.0455, F.S. or Section 440.102, F.S.:

1. The total number of specimens received for testing.

2. The total number of specimens that tested positive on the initial screening.

3. The total number of specimens that were confirmed and reported as positive for each drug class tested.

4. The total number of samples that were received but not tested.

(b) Statistical summaries shall be submitted to the agency on a monthly basis no later than 14 working days after the end of a reporting month. Reporting is required even if no Florida Drug Free Workplace testing has been done for that reporting month.

(c) Failure of a laboratory to submit the statistical reports as required in Section 112.0455(12)(d), F.S. or Section 440.102(9)(d), F.S., shall result in administrative action pursuant to paragraph 59A-24.006(12)(a), F.A.C.

Rulemaking Authority 112.0455(13)(a), 408.819, 440.102(10) FS. Law Implemented 112.0455(12), (13), 408.805, 408.806, 408.813, 408.814, 408.815, 408.816, 440.102 FS. History–New 3-15-90, Amended 6-28-91, Formerly 10E-18.006, Amended 5-1-96, 12-5-96, 3-11-98, 3-29-00, 5-25-10, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dayle Mooney, Program Administrator

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 23, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 30, 2014

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.:	RULE TITLES:
64F-9.001	Definitions
64F-9.002	Eligibility for ESP Services
64F-9.003	Individual Action Plan (IAP)
64F-9.004	Prevention Program Activities
64F-9.005	ESP Reporting Requirements

PURPOSE AND EFFECT: This rulemaking is intended to eliminate language that is not required by statute and to clarify fees and eligibility requirements for the Epilepsy Services Program.

SUMMARY: The Department proposes to eliminate language in the rule that is not required by statute, and to clarify the eligibility requirements for the services provided by the Epilepsy Services Program, which include case management, medical services, and prevention and education services. The rulemaking also provides how fees shall be assessed for program services.

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: Based on the SERC checklist, this rulemaking will not have an adverse impact or regulatory costs in excess of $1 million within five years as established in s.120.541(2)(a), F.S. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 385.207(4) FS.

LAW IMPLEMENTED: 385.207 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: Sarah Cawthon, (850)245-4391, Sarah.Cawthon@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-9.001 Definitions.

For the purpose of this chapter, the following definitions will apply: ~~The following words and phrases shall have the following meanings for the purpose of this rule.~~

(1) "Assets" means certificates of deposits, savings accounts, checking accounts, bonds, stocks, and money market accounts.

(2)~~(1)~~ "Epilepsy Services Program (ESP)" means a program that provides ~~both~~ case management, medical services, and epilepsy prevention and education services according to s. 385.207, F.S.

(3) "Case Management" means obtaining information from a person to develop a plan of care that identifies the client's needs, goals, and treatment objectives; and coordinating medical and other services.

(4) "Medical Services" means procedures and tests provided, based on available funding, to diagnose and control epilepsy.

(5) "Prevention and Education Services" means activities to increase community understanding and awareness of epilepsy and effective methods for epilepsy prevention and early detection.

~~(2) "ESP Client" means a person who is both a resident of Florida and who either:~~

~~(a) Is suspected to have epilepsy and has applied to the ESP provider for case management services under this program within a given contract year; or~~

~~(b) Is an ESP client, enrolled in a prior year, of the provider and is receiving continuing case management services as defined above; or~~

~~(c) Has a confirmed diagnosis of epilepsy and is receiving case management services as defined above.~~

~~(3) "Family" means one or more persons living in one dwelling place who are related by blood, marriage, law or conception. A pregnant woman and her unborn child or children are considered to be two or more family members. A single adult, over 18, living with relatives is considered to be a separate family for income eligibility determination purposes. If the dwelling place includes more than one family or more than one unrelated individual, the poverty guidelines are applied separately to each family or unrelated individual and not the dwelling place as a whole.~~

~~(4) "Gross Family Income" means the sum of income available to a family at the time of application. Gross family income shall be based on all income to be earned or received or anticipated to be earned or received in the current month. Providers are permitted to request income for up to 12 months prior to the date of application if the income received in the current month is not representative of the family's gross income due to seasonal employment and if it is to the client's benefit to do so. Income shall include the following:~~

~~(a) Wages and salary;~~

~~(b) Child support;~~

~~(c) Alimony;~~

~~(d) Unemployment compensation;~~

~~(e) Workers's compensation;~~

~~(f) Veteran's pension;~~

~~(g) Social Security;~~

~~(h) Pensions or annuities;~~

~~(i) Dividends, interest on savings or bonds;~~

~~(j) Income from estates or trusts;~~

~~(k) Net rental income or royalties; and~~

~~(l) Net income from self employment;~~

~~(m) Contributions; and~~

~~(n) AFDC.~~

~~(5) "Individualized Action Plan (IAP)" is an individualized plan relating to the client's needs, goals, and expected outcomes to the services and responsibilities of the provider.~~

~~(6) "Net Family Income" means gross family income minus the standard work related, child care and child support deductions as used in determining presumptive eligibility for Medicaid.~~

~~(7) "Significant Other" means anyone who is recognized by the client or the courts as having a key role in the client's life such as a care giver, companion, guardian or foster parent.~~

~~(8) "Sliding Fee Scale" means a scale of charges which are less than the full cost of the service that clients shall be charged for ESP services. The fee scale for these services shall progress in increments of 20 percent of the full cost of services for those clients between 100 and 200 percent of the most current poverty guidelines published by the Federal Office of Management and Budget.~~

Rulemaking ~~Specific~~ Authority 385.207(4) FS. Law Implemented 385.207~~, 402.166, 402.165, 402.167, 39~~ FS. History–New 11-1-92, Amended 4-29-96, Formerly 10D-117.003, Amended ____.

64F-9.002 Eligibility and Fees for ESP Services.

(1) To be eligible for case management, a person must:

(a) Be a Florida resident, as evidenced by a valid Florida driver's license or identification card; a current utility bill in the person's name including a Florida address; a current

Florida voter registration card; or a current record of registration certificate from a Florida school (K-12); and

(b) Be diagnosed with epiliepsy or have had a seizure and require services to diagnose epilepsy.

(2) To be eligible for medical services, a person must meet the eligibilitly criteria for case managment in subsection (1), have no insurance or other medical service coverage, and have assets less than $2,500.

(3) All persons in Florida are eligible for prevention and education services.

(4) Fees:

(a) No fees shall be assessed for case management or prevention and education services.

(b) Fees for medical services shall be assessed in accordance with subsection 64F-16.006(1), F.A.C.

~~(1) Income Eligibility.~~

~~(a) Sliding Fee Scale. Persons with net family incomes from 100 to 200 percent of the OMB poverty guidelines shall be charged a fee on a sliding scale based on 20 percent increments as published by the State Health Office.~~

~~(b) Administrative, Gate and Flat Fees. Administrative, gate, and flat fees are not to be charged to any client receiving ESP services from a county health department or their subcontractors.~~

~~(c) Fee Exemption. Clients of county health departments and their subcontractors shall not be charged any fee for ESP services as defined in this policy if they have a net family income below 100% of poverty. The poverty guidelines are defined by the Federal Office of Management and Budget (OMB). The poverty guidelines will be updated on an annual basis.~~

~~(d) Waiver of Fees. County health departments and their subcontractors have the discretion of reducing or waiving fees in situations where a person with an income at or above 100 percent of poverty is unable to pay.~~

~~(e) Limitation of Income Eligibility. No eligibility limits shall be established for epilepsy case management services.~~

~~(2) Liability for Fees:~~

~~(a) All clients who are enrolled, or become enrolled, in Medicaid and all clients with a net family income below 100 percent of the most current poverty guidelines published by the Federal Office of Management and Budget (OMB) shall be eligible for services provided by the ESP at no charge.~~

~~(b) When the net family income is between 100 and 200 percent of the federal OMB poverty income guidelines the client would be responsible for payment of a portion of the provider's cost of the services provided based upon a sliding fee schedule.~~

~~(c) When the net family income is at or above 200 percent of the federal OMB poverty income guidelines the client would be responsible for 100% of the provider's cost of services.~~

Rulemaking ~~Specific~~ Authority 385.207(4) FS. Law Implemented 385.207~~, 39, 402.33~~ FS. History–New 11-1-92, Amended 5-5-94, 4-29-96, Formerly 10D-117.004, Amended _____.

64F-9.003 Individual Action Plan (IAP).

Specific Authority 385.207(4) FS. Law Implemented 385.207, 402.33 FS. History–New 11-1-92, Amended 4-29-96, Formerly 10D-117.006, Repealed _____.

64F-9.004 Prevention Program Activities.

Specific Authority 385.207(4) FS. Law Implemented 385.207 FS. History–New 11-1-92, Amended 4-29-96, Formerly 10D-117.011, Repealed _____.

64F-9.005 ESP Reporting Requirements.

Specific Authority 385.207(4) FS. Law Implemented 385.207 FS. History–New 11-1-92, Amended 4-29-96, Formerly 10D-117.014, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sarah Cawthon

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: John H. Armstrong, MD, FACS, Surgeon General and Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 21, 2015

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: March 28, 2014

Section III
Notice of Changes, Corrections and Withdrawals

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: RULE TITLE:
40E-1.800 Lobbyist Registration

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 40 No. 192, October 2, 2014 issue of the Florida Administrative Register has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: RULE TITLE:
59G-7.007 Health Insurance Premium Payment Program

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. 211, October 29, 2014 issue of the Florida Administrative Register.

(1) Under the Health Insurance Premium Payment (HIPP) program, the Agency for Health Care Administration (AHCA) shall provide financial assistance to recipients in order to obtain or maintain Employer Sponsored Insurance (ESI) coverage pursuant to Sections 409.9122(14) and 409.977(4), Florida Statutes ~~F.S.~~. This includes the recipient's share of the ESI premiums, copayments, deductibles, coinsurance, and other cost sharing obligations for ~~items and~~ Medicaid services and items covered under the State Plan. The amount of financial assistance provided for each recipient may not exceed the amount of the Medicaid managed care premium that would have been paid for that recipient.

(a) The recipient's health care services will be covered through their ESI primary coverage. Medicaid will cover the lesser of the ESI required copayments, deductibles, or coinsurance, up to the Medicaid fee when the recipient's ESI provider is also a Medicaid enrolled provider. Medicaid will deduct any applicable Medicaid copay for covered state plan services. If a recipient chooses to utilize non-Medicaid providers, only the ESI coverage will apply and the recipient may be subject to ESI required copayments, deductibles, or coinsurance.

(b) Medicaid will cover any state plan services that are not provided by the recipient's ESI when those services are provided by an enrolled Medicaid provider.

(2) Participation in the HIPP program.

(a) Recipients must enroll in or be enrolled in and maintain their ESI coverage during the period of participation. Recipients will be identified by AHCA, or its designee, and will be sent an enrollment package.

(2)(b) through (3)(b) No change.

(4) HIPP ~~P~~premium payments.

~~(a)~~ Any financial assistance provided towards the payment of a recipient's share of the ESI premium shall be in the form of a reimbursement issued after ~~AHCA's~~ receipt of the proper documentation. Recipients must pay their ESI premium and submit a request with supporting documentation for reimbursement to AHCA, or its designee.

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-4.010 Sanitation and Safety Requirements

NOTICE IS HEREBY GIVEN that on January 23, 2015, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for Paragraph 4-301.12(A), 2009 FDA Food Code and subsection 61C-4.010(5), F.A.C., paragraph 61C-1.004(1)(a), F.A.C., Section 5-203.13, 2009 FDA Food Code from Renaissance Resort Coffee Shop located in St. Augustine. The above referenced F.A.C. addresses the requirement that dishwashing facilities for manually washing, rinsing and sanitizing equipment and utensils are provided; and at least one service sink is provided for the cleaning of mops or similar cleaning tools and the disposal of mop water. They are requesting to share the dishwashing and mop sink facilities within an adjacent food service establishment under the same ownership and same premise.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received before 5:00 p.m.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lydia.Gonzalez@myfloridalicense.com, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1011.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

The Board of Cosmetology hereby gives notice that it has received a petition, filed on January 2, 2015, by Linda M. Campbell. The Petitioner does not state on which rule she is requesting a variance or waiver. However, it appears that Petitioner is requesting a waiver of 40 hours of remedial course study.

Comments on this petition should be filed with the Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790, within 14 days of publication of this notice.
For a copy of the petition, contact: Robyn Barineau, Executive Director, at the above address or telephone: (850)487-1395.

DEPARTMENT OF HEALTH
Board of Dentistry
RULE NO.: RULE TITLE:
64B5-2.021 Additional Education Requirements for Reexamination
NOTICE IS HEREBY GIVEN that on January 7, 2015, the Board of Dentistry received a petition for variance of waiver filed by Edwin A. Bayo, Esquire, on behalf of Ahmed Saleh Kiwan, D.D.S., seeking a variance or waiver of subsection 64B5-2.021(1), F.A.C., which requires that any applicant who has failed to pass the clinical examination in three attempts shall not be eligible for reexamination until he or she completes a one year general practice residency, advanced education general dentistry residency, or pedodontic residency or a minimum of one academic year of undergraduate clinical coursework in dentistry at a dental school approved by the American Dental Association's Commission on Dental Accreditation.
A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone: (850)245-4474. Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

DEPARTMENT OF HEALTH
Board of Optometry
RULE NO.: RULE TITLE:
64B13-4.001 Examination Requirements
NOTICE IS HEREBY GIVEN that on January 20, 2015, the Board of Optometry received a petition for waiver of Rule 64B13-4.001, F.A.C., and §463.006, F.S., filed by Delicia A. Morris, OD, requesting a waiver of the requirement that passing scores on Part I, Part II, and Part III of the licensure examination be obtained within the 7-year period immediately preceding application to take Part IV of the licensure examination. The Board will consider this petition at its meeting currently scheduled for February 27, 2015.
Comments on this petition should be filed with the Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.
A copy of the Petition for Waiver may be obtained by contacting: Adrienne Rodgers, Executive Director, at the above address or telephone: (850)245-4393.

DEPARTMENT OF HEALTH
Board of Optometry
RULE NO.: RULE TITLE:
64B13-4.001 Examination Requirements
NOTICE IS HEREBY GIVEN that on January 21, 2015, the Board of Optometry received a petition for waiver of Rule 64B13-4.001, F.A.C., and §463.006, F.S., filed by Elliot R. Roth, OD, requesting a waiver of the requirement that passing scores on Part I, Part II, and Part III of the licensure examination be obtained within the 7-year period immediately preceding application to take Part IV of the licensure examination. The Board will consider this petition at its meeting currently scheduled for February 27, 2015.
Comments on this petition should be filed with the Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.
A copy of the Petition for Waiver may be obtained by contacting: Adrienne Rodgers, Executive Director, at the above address or telephone: (850)245-4393.

Section VI
Notice of Meetings, Workshops and Public Hearings

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
Division of Plant Industry
RULE NO.: RULE TITLE:
5B-54.018 Compensation for Infested or Infected Colonies
The Division of Plant Industry announces a public meeting to which all persons are invited.
DATE AND TIME: February 18, 2015, 10:00 a.m. – 2:00 p.m.
PLACE: Doyle Conner Building Auditorium, Division of Plant Industry, 1911 Southwest 34th Street, Gainesville, FL 32608
GENERAL SUBJECT MATTER TO BE CONSIDERED: Honey Bee Technical Council.
AGENDA: Florida Department of Agriculture and Consumer Services, Division of Plant Industry, Bureau of Plant and Apiary Inspection, Apiary Inspection Section
10:00 a.m. – 10:05 a.m. Welcome – David A. Westervelt, Assistant Chief, Bureau of Plant and Apiary Inspection, FDACS/DPI
10:05 a.m. – 10:10 a.m. Roll Call – Jerry Latner, Chairman, Honey Bee Technical Council
10:10 a.m. – 10:15 a.m. Approval of Honey Bee Technical Council Minutes

10:15 a.m. – 11:00 a.m. Panel Discussion – Changes forthcoming to bee industry
11:00 a.m. – 11:15 a.m. break
11:15 a.m. – 12:00 Noon Jeanette Klopchin – Bee Protection
12:00 Noon – 1:00 p.m. Lunch Break
1:00 p.m. – 1:45 p.m. Ashley Mortensen and Daniel Schmehl – University of Florida, Review of current research projects
1:45 p.m. p.m. – 2:00 p.m. Other Issues
2:00 p.m. Adjournment
A copy of the agenda may be obtained by contacting: Mr. Gary Van Cleef, Apiary Inspection Section, Bureau of Plant and Apiary Inspection, Division of Plant Industry, 1911 South West 34th Street, Gainesville, FL 32608.
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: Mr. Gary Van Cleef, Apiary Inspection Section, Bureau of Plant and Apiary Inspection, Division of Plant Industry, 1911 South West 34th Street, Gainesville, FL 32608. 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: Mr. Gary Van Cleef, Apiary Inspection Section, Bureau of Plant and Apiary Inspection, Division of Plant Industry, 1911 South West 34th Street, Gainesville, FL 32608.

DEPARTMENT OF EDUCATION
The Florida Rehabilitation Council for the Blind announces a public meeting to which all persons are invited.
DATE AND TIME: February 11, 2015, 8:30 a.m. – 4:30 p.m.
PLACE: DoubleTree Hotel Tallahassee, 101 S. Adams Street, Tallahassee, FL 32301
GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting of the Rehabilitation Council.
A copy of the agenda may be obtained by contacting: Alise Fields, The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392, Alise.Fields@dbs.fldoe.org.
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 10 days before the workshop/meeting by contacting: Alise Fields, The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392, Alise.Fields@dbs.fldoe.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).
For more information, you may contact: Alise Fields, The Division of Blind Services, 325 W. Gaines Street, Room 1114, Tallahassee, FL 32399, (850)245-0392, Alise.Fields@dbs.fldoe.org.

DEPARTMENT OF TRANSPORTATION
The Florida Department of Transportation announces a public meeting to which all persons are invited.
DATE AND TIME: Tuesday January 27th, 2015, 5:30p.m. – 7:30 p.m.
PLACE: Mount Dora Community Building, 520 N. Baker Street, Mount Dora, Florida 32757
GENERAL SUBJECT MATTER TO BE CONSIDERED: 429356-1-32-01
Public Meeting for State Road (SR) 500/US 441 from SR 46 to SR 44 Design Project
The department is designing improvements for SR 500/US 441 to provide roadway capacity to address future traffic demand, serve the community's needs, and improve the quality of life for residents. The project will widen the roadway from a four-lane, divided rural roadway to a six-lane, high-speed urban roadway which will tie in to the SR 46 interchange to the south, and the six-lane section of SR 500/US 441 west of SR 44 to the north. The project is funded for design and right-of-way (2018-2019), but is not yet funded for construction. The purpose of this meeting is to present the design concepts for this project to the public.
A copy of the agenda may be obtained by contacting: Eileen LaSeur, Public Involvement Coordinator, by phone at (407)883-8257 or by email at eileen.laseur@qcausa.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 7 days before the workshop/meeting by contacting: Eileen LaSeur, Public Involvement Coordinator, by phone at (407)883-8257 or by email at eileen.laseur@qcausa.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).
For more information, you may contact: Eileen LaSeur, Public Involvement Coordinator, by phone at (407)883-8257 or by email at eileen.laseur@qcausa.com.

DEPARTMENT OF MANAGEMENT SERVICES
Division of Purchasing
The Department of Management Services, Division of State Purchasing announces a public meeting to which all persons are invited.
DATE AND TIME: Monday, February 19, 2015, 2:00 p.m., EST
PLACE: 4050 Esplanade Way, Suite 360K, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 120.525, Florida Statutes, a bid opening is hereby noticed within the timeline for the Invitation to Bid (ITB) Number 10-81161708-S, for Telephony Systems Maintenance and Support. The Department reserves the right to issue amendments, addenda, and changes to the timeline and specifically to the meeting notice listed above. The Department will post notice of any changes or additional meetings within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statutes, and will not re-advertise notice in the Florida Administrative Register (FAR). Access the VBS at: http://vbs.dms.state.fl.us/vbs/main_menu.

A copy of the agenda may be obtained by contacting: Jerilyn Bailey at (850)921-4072, jerilyn.bailey@dms.myflorida.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 48 hours before the workshop/meeting by contacting: Jerilyn Bailey at (850)921-4072, jerilyn.bailey@dms.myflorida.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).

For more information, you may contact: Jerilyn Bailey at (850)921-4072, jerilyn.bailey@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, February 10, 2015, 10:00 a.m.

PLACE: Conference call: 1(888)670-3525, conference code: 2938723619.

GENERAL SUBJECT MATTER TO BE CONSIDERED: CE/Exams/Public Awareness committee meeting of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (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 7 days before the workshop/meeting by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (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: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

The Construction Industry Licensing Board announces public meetings to which all persons are invited.

DATES AND TIMES: Wednesday, February 11, 2015, 12:00 Noon; Thursday, February 12, 2015, 8:00 a.m.; Friday, February 13, 2015, 8:00 a.m.

PLACE: Hyatt Regency Jacksonville Riverfront, 225 E Coastline Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business, disciplinary and committee meetings of the board.

A copy of the agenda may be obtained by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (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 7 days before the workshop/meeting by contacting: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (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: Amanda Wynn, Senior Management Analyst Supervisor, 1940 North Monroe Street, Tallahassee, FL 32399-1039, (850)487-1395.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

The Building Code Administrators & Inspectors Board announces public meetings to which all persons are invited.

DATES AND TIMES: April 8, 9, and 10, 2015, 9:00 a.m.

PLACE: Residence Inn Marriott, 2301 Sadler Road, Fernandina Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings, probable cause panel (portions of which may be closed to the public); general board business.

A copy of the agenda may be obtained by contacting: Board's website: MyFloridaLicense.com - Out Businesses & Professions - Building Code.

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 Board office. 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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BDC36-14/15 St. Andrews State Park Gator Lake Shoreline Stabilization Project

NOTICE OF INVITATION TO BID: The Florida Department of Environmental Protection, Bureau of Design and Construction is soliciting formal, competitive, sealed bids from contractors for bid number BDC36-14/15 St. Andrews State Park Gator Lake Shoreline Stabilization. More info at http://tinyurl.com/BDC36-14-15.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

RULE NOS.:	RULE TITLE:
65G-4.0213	Definitions
65G-4.0214	Allocation Algorithm
65G-4.0215	General Provisions
65G-4.0216	Establishment of the iBudget Amount
65G-4.0217	iBudget Cost Plan
65G-4.0218	Significant Additional Needs Funding

The Agency for Persons with Disabilities announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2015, 9:00 a.m. – 11:00 a.m., EST

PLACE: Agency for Persons with Disabilities, 4030 Esplanade Way, Room 301, Tallahassee, FL 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Rules 65G-4.0213 through 65G-4.0218 noticed in the Florida Administrative Register Vol. 40 No. 235 published on December 5, 2014, regarding the implementation of iBudget Florida as required by Section 393.0662, F.S.

A copy of the agenda may be obtained by contacting: David De La Paz, Esq., Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-9512, david.delapaz@apdcares.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: David De La Paz, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-9512, david.delapaz@apdcares.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: David De La Paz, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 380, Tallahassee, Florida 32399, (850)922-9512, david.delapaz@apdcares.org.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Agency for Persons with Disabilities

The Agency for Persons with Disabilities announces a public meeting to which all persons are invited.

DATE AND TIME: February 12, 2015, 1:00 p.m., CST

PLACE: Agency for Persons with Disabilities - Sunland Center, 3700 Williams Drive, Administration Building, Marianna, FL 32446

GENERAL SUBJECT MATTER TO BE CONSIDERED: In accordance with Section 286.011, Florida Statutes, a Solicitation Conference and Site Visit is hereby noticed within the timeline for the Invitation to Bid, number APD 14-009, titled "Boiler Replacement."

The Agency for Persons with Disabilities reserves the right to issue amendments, addenda and changes to this timeline and specifically to the meeting notices listed above. Notice of any change will be posted within the Vendor Bid System (VBS) in accordance with Section 287.042(3), Florida Statues, and will not be re-advertised in the Florida Administrative Register (F.A.R.). The VBS can be accessed at http://vbs.dms.state.fl.us/vbsmain_menu.

A copy of the agenda may be obtained by contacting: Joni Laramore at (850)482-9345 or via email: joni.laramore@apdcares.org.

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 3 days before the workshop/meeting by contacting: Joni Laramore at (850)482-9345 or via email: joni.laramore@apdcares.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Joni Laramore at (850)482-9345 or via email: joni.laramore@apdcares.org.

DEPARTMENT OF ECONOMIC OPPORTUNITY

The Florida Department of Economic Opportunity announces a public meeting to which all persons are invited.

DATE AND TIME: February 26, 2015, 2:00 p.m.

PLACE: Caldwell Building, 107 E. Madison Street, room 132, Tallahassee, FL. 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Substantial amendment to the State of Florida Annual Action Plan for federal fiscal years 2010, 2011, 2012, 2013, and 2014.

The Florida Department of Economic Opportunity (DEO) announces (1) the release of the DRAFT Substantial Amendments to the 2010 through 2014 Annual Action Plans, (2) commencement of the 30-day comment period, and (3) the public hearing to receive public comments to which all interested parties are invited.

PURPOSE: To conduct a public hearing to encourage citizen participation regarding Substantial Amendments to the Annual Action Plans for Federal Fiscal Years 2010 through 2014. The Substantial Amendments to these Plans require a 30-day comment period to be undertaken.

SUMMARY: Substantial Amendments to Annual Action Plans are required if there are changes in allocation priorities or a change in the method of distribution of funds. The State of Florida has timely submitted the 2010 through 2014 Annual Action Plans to the U. S. Department of Housing and Urban Development (HUD) in order to receive federal funding from that agency. The Annual Action Plans cover the grant program funded by HUD. The grant program pertaining to the Substantial Amendments are administered by a state agency: the Florida Department of Economic Opportunity–Florida Small Cities Community Development Block Grant (CDBG). The 2010 through 2014 Annual Action Plans specified the manner in which State Administrative and Training and Technical Assistance funds will be distributed. The Department is revising the allocation for State Administration from 2.0% to 2.5% and for Training and Technical Assistance from 1.0% to 0.5% in the Annual Action Plans from 2010 through 2014. Revisions are also being made to the 2011 Annual Action Plan to reflect the final allocations.

ACTION TO BE TAKEN: At the public hearing to be held on February 26, 2015, at 2:00 p.m., staff from the CDBG program will review and accept comments on the Substantial Amendments to the 2010 through 2014 Annual Action Plans. A draft of each Substantial Amendment is currently available for review and comment on the Department's website: http://www.floridajobs.org/Annual-Action-Plan. Comments on the Substantial Amendments will be accepted beginning January 27, 2015, and will conclude on February 26, 2015.

A copy of the agenda may be obtained by contacting: Florida Department of Economic Opportunity, Florida Small Cities CDBG Program, Caldwell Building, MSC 400, 107 East Madison Street, Tallahassee, Florida 32399-6508, telephone: (850)717-8410, email: ginger.waters@deo.myflorida.com, email: george.hutton@deo.myflorida.com.

Written comments on any of the Substantial Amendments to the 2010 through 2014 Annual Action Plans are encouraged. They may be made at the public hearing, emailed, or mailed to the address listed above.

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 Florida Department of Economic Opportunity at (850)717-8410. 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).

QCAUSA

The Florida Department of Transportation announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, February 18, 2015, 6:00 p.m. – 8:00 p.m.

PLACE: Coral Gables Library, 3443 Segovia Street, Coral Gables, FL 33134

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Road (SR) 5/US 1/S. Dixie Highway Safety Enhancement Projects, SW 37 Avenue to Ponce De Leon Boulevard & at Riviera Drive, Project Identification Numbers: 433455-1-32-01 & 433455-2-32-01. Attendees can arrive any time between 6:00 p.m. and 8:00 p.m. to speak with project personnel and get information about these projects.

A copy of the agenda may be obtained by contacting: Tish Burgher at (954)325-8022 or Tish.Burgher@QCAusa.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 7 business days before the workshop/meeting by contacting: Tish Burgher at (954)325-8022 or Tish.Burgher@QCAusa.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).

For more information, you may contact: Tish Burgher at (954)325-8022 or Tish.Burgher@QCAusa.com.

Section VII
Notice of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

NOTICE IS HEREBY GIVEN that the Department of Financial Services (the "Department") has issued an order disposing of the petition for declaratory statement filed by Tammy Zurla, Interim Fire Marshal, Hillsborough County Fire Rescue (the "Petitioner") on October 29, 2014. The following is a summary of the agency's disposition of the petition:

The Notice of Receipt of the Petition was published November 4, 2014, in Volume 40, Number 215, of the Florida Administrative Register. The Petition seeks the Department's interpretation of National Fire Prevention Association (NFPA) 101:31.3.4.5, and NFPA 101:9.6.2.10. The Petition seeks the Department's clarification whether Declaratory Statement Case No. 104405-09-FM (the "Original Declaratory Statement") using the Florida Fire Prevention Code (the "FFPC") 2007 edition which includes the National Fire Prevention Association (NFPA) 101:31.3.4.5, and 101:9.6.2.10 is still valid using the FFPC 2010 edition. The Declaratory Statement sought clarification on whether smoke alarms are required to be hard wired outside of the sleeping rooms in the immediate vicinity of the sleeping rooms for apartment occupancy. The Petition was answered: The Original Declaratory Statement is still valid using the FFPC 2010 edition. The FFPC 2010 includes NFPA 101:31.3.4.5.1 and 101:9.6.2.10.2 and NFPA 72. These provisions taken collectively require smoke alarms outside of sleeping rooms to be hard-wired in the immediate vicinity of the sleeping rooms for apartment occupancy, which is the same conclusion reached in the original Declaratory Statement.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Melissa E. Dembicer, Assistant General Counsel, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0333 or by email: Melissa.dembicer@myfloridacfo.com.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

NOTICE IS HEREBY GIVEN that the Department of Financial Services (the "Department") has issued an order disposing of the petition for declaratory statement filed by Thomas Ippolito (the "Petitioner") on October 17, 2014. The following is a summary of the agency's disposition of the petition:

The Notice of Petition for Declaratory Statement was published October 29, 2014, in Vol. 40, No. 211 of the Florida Administrative Register. The following is a summary of the Department's disposition of the Petition: The Petition seeks the Department's interpretation of National Fire Prevention Association (NFPA) 13:13.6.2, and NFPA 13:13.6.8.1.3.1. Specifically, whether fire extinguishers in the condominium units meet the requirements NFPA 13.6.2 and whether they need up-to-date inspection tags. Additionally, whether the fire extinguishers in the units meet the requirements of readily accessible and immediately available for the common areas of the building as provided by NFPA 13:13.6.8.1.3.1 and if no, then would fire extinguishers be required in the common areas. The Petition was answered: Fire extinguishers are permitted to be located at exterior or interior locations as long as all portions of the buildings are within 75 feet of travel distance to a fire extinguisher. In addition, the fire extinguishers must be inspected, serviced, and maintained in accordance with the manufacturer's maintenance procedures and with the applicable National Fire Protection Association standards, including the application of an up-to-date inspection tag.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Melissa E. Dembicer, Assistant General Counsel, Department of Financial Services, 200 E. Gaines Street, Tallahassee, Florida 32399-0333 or by email: Melissa.dembicer@myfloridacfo.com.

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 Adminstrative Procedures Committee

NONE

Section XI
Notices Regarding Bids, Proposals and Purchasing

HERNANDO COUNTY PLANNING DEPARTMENT
REQUEST FOR QUALIFICATIONS; MPO-GENERAL PLANNING CONSULTANT
RFQ #15-RG0050/TKB

The Hernando County Board of County Commissioners, invites interested parties to submit proposals no later than 3:00 P.M., FEBRUARY 26, 2015, for General Planning Consultant(s) for Hernando/Citrus Metropolitan Planning Organization.

Interested firms may secure the qualification documents and all other pertinent information by visiting the website of Bid Net at www.floridabidsystem.com. For additional project information, please visit the Hernando County Board of County Commissioners Purchasing and Contracts Department at www.hernandocounty.us or by calling Bid Net at (800)835-4603 or the Purchasing and Contracts Department at (352)754-4020.

Qualified firms desiring consideration shall submit one (1) original and six (6) copies of the Qualification packages, clearly marked "Sealed Qualifications for "RFQ #15-RG0050/TKB – MPO-GENERAL PLANNING CONSULTANT" to Hernando County Purchasing and Contracts Department, 20 North Main Street, Room 365, Brooksville, Florida 34601, on or before the time stipulated above. Qualifications shall be plainly marked on the outside of a sealed envelope/container with: Firm's name and address, and Qualification Name and Qualification Number. Qualifications are to be submitted:

Physical Address: Hernando County Purchasing & Contracts, 20 N. Main Street, Room 365, Brooksville, FL 34601-2800.

The Board of County Commissioners will not be responsible in the event the U.S. Postal Service or any other courier system fail to deliver any proposal by the deadline stated above.

ExParte Communication: Please note that to insure proper and fair evaluation of a submittal, the County prohibits exparte communication (i.e. unsolicited) initiated by the Respondent to the County Official or Employee evaluation or considering the submittals prior to the time a proposal decision has been made. Communication between Respondent and the County will be initiated by the appropriate County Official or Employee in order to obtain information or clarification needed to develop a proper and accurate evaluation of the proposal. Exparte communication may be grounds for disqualifying the offending Respondent from consideration or award of the proposal then in evaluation or any future proposal.

All firms are hereby placed on formal notice that neither the County Commissioners nor candidates for County Commission, nor any employees from the Hernando County Government, Hernando County staff members, nor any members of the Professional Services Review Committee are to be lobbied, either individually or collectively, concerning this project. Firms and their agents who intend to submit qualifications, or have submitted qualifications, for this project are hereby placed on formal notice that they are not to contact County personnel for such purposes as holding meetings of introduction, meals, or meetings relating to the selection process outside of those specifically scheduled by the County.

Any such lobbying activities may cause immediate disqualification for this project.

Purchasing and Contracts Division will post addenda on Bid Net at www.floridabidsystem.com to all questions in accordance with the Solicitation Instructions. It is the responsibility of prospective bidders to visit the Bid Net at www.floridabidsystem.com to insure that they are aware of all addenda issued relative to this solicitation.

Pursuant to Florida Statutes 119.071 (2011) sealed bids, proposals, or replies received by an agency pursuant to a competitive solicitation are exempt from inspection until such time as the agency provides notice of an intended decision or until thirty (30) days after opening the bids, proposals, or final replies whichever is earlier.

The Hernando County Board of County Commissioners will select and contract with the most qualified firm responding to this solicitation and County Policy.

BOARD OF COUNTY COMMISSIONERS

HERNANDO COUNTY, FLORIDA

RUSSELL WETHERINGTON, CPCM, CPPB, CPM

ASSISTANT COUNTY ADMINISTRATOR-GENERAL SERVICES

CHIEF PROCUREMENT OFFICER, HERNANDO COUNTY

NOTICE TO PROPOSERS

To ensure that your proposal is responsive, you are urged to request clarification or guidance on any issues involving this solicitation before submission of your response. Your point-of-contact for this solicitation is Tara Bohnsack, Purchasing and Contracts at (352)754-4020.

Section XII
Miscellaneous

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

Notice of Availability VOCA Grant Funds

Announcement: The Office of the Attorney General (OAG) is pleased to announce the anticipated availability of Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice. The purpose of VOCA grant funds is to support the provision of services to victims of crime. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after victimization, assist victims to understand and participate in the criminal justice system, and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit corporations registered in Florida, or a combination thereof. The funding cycle for the VOCA grant funds under this notice is October 1, 2014, through September 30, 2015.

Application and Deadline: Organizations may participate in the annual competitive grant process which involves submission of an application followed by an application review. Applications must be submitted using the Subgrantee Technology Automated Resource System (STARS) which can be accessed at http://STARS.myfloridalegal.com. The STARS website will be available to the public on January 6, 2014. STARS is a new web-based grant management system that replaces the paper application process used for VOCA grants previously.

The Office of the Attorney General will offer STARS technical assistance workshops throughout the state. Applicant agencies are strongly encouraged to send employees responsible for grant applications to one of the workshops. Workshops will be provided in the following cities:

Tallahassee	January 9, 2014	9:30 a.m. and 1:30 p.m.
West Palm Beach	January 13, 2014 and January 14, 2014	9:30 a.m. and 1:30 p.m. daily
Ft. Lauderdale	January 15, 2014	9:30 a.m. and 1:30 p.m.
Miami	January 16, 2014	9:30 a.m. and 1:30 p.m.
Pensacola	January 22, 2014 and January 23, 2014	9:30 a.m. and 1:30 p.m. daily
Ft. Myers	January 28, 2014 and January 29, 2014	9:30 a.m. and 1:30 p.m. daily
Tampa	January 30, 2014	9:30 a.m. and 1:30 p.m.
Orlando	February 4, 2014 and February 5, 2014	9:30 a.m. and 1:30 p.m. daily
Jacksonville	February 6, 2014 and February 7, 2014	9:30 a.m. and 1:30 p.m. daily

Due to limited seating pre-registration is required for all STARS technical assistance workshops. Contact the Bureau of Advocacy and Grants Management at (850)414-3380 to register for a workshop or for technical assistance completing the grant application.

The deadline for applying for a VOCA grant under this notice is no later than 5:00 p.m. Eastern Standard Time on Friday, February 28, 2014. Paper applications will not be accepted, only electronic submissions using the STARS system will be allowed.

DEPARTMENT OF TRANSPORTATION

Proposed Site Approval Order for Aventura Hospital and Medical Center

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Aventura Hospital & Medical Center, a private airport, in Miami-Dade County, at Latitude 25° 58' 13.75" and Longitude 80° 8' 42.00", to be owned and operated by Hospital Corporation of America, 3663 South Miami Avenue Miami, FL 33133.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting Aaron N. Smith, State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4514, aviation.fdot@dot.state.fl.us, Website: http://www.dot.state.fl.us/aviation.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

NOTICE OF HOSPITAL FIXED NEED POOL FOR PSYCHIATRIC BEDS

The Agency for Health Care Administration has projected fixed bed need pools for children and adolescent psychiatric and adult substance abuse beds for July 2020 pursuant to the provisions of Rules 59C-1.008, 59C-1.040, F.A.C. Fixed need pool projections as published in the January 16, 2015 edition of the Florida Administrative Register are being revised due to an error in the fixed need pool calculations. The fixed need pool is revised as follows:

Children & Adolescent Psychiatric Beds Net Adjusted Bed Need

Service Area	Net Need
District 7	0
State Total	3

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On January 23, 2015, the State Surgeon General issued an Order of Emergency Restriction of Certification with regard to the certificate of Joanna S. Lagana, C.N.A., Certificate #: CNA 266104. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2014). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF HEALTH

Board of Nursing

Notice of Emergency Action

On January 23, 2015, State Surgeon General issued an Order of Emergency Restriction of License with regard to the license of Sheilagh K. Tuttle, L.P.N., License #: PN 5146776. This Emergency Restriction Order was predicated upon the State Surgeon General's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes (2014). The State Surgeon General determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

DEPARTMENT OF ECONOMIC OPPORTUNITY
Division of Community Development
Final Order No.: DEO-15-014

NOTICE IS HEREBY GIVEN that the Florida Department of Economic Opportunity issued Final Order No. DEO-15-014 on January 21, 2015, in response to applications submitted by Innerarity Island Association, Inc. for covenant revitalization under Chapter 720, Part III, Florida Statutes.

DEO determined that the application did not meet the statutory requirements for covenant revitalization because the application was not submitted to the Department within 60 days after the date of the proposed revived declaration and other governing documents were approved by the affected parcel owners, in violation of Section 720.406(1), Florida Statutes. Accordingly, DEO's Final Order denied the applications for covenant revitalization.

Copies of the final order may be obtained by writing to the Agency Clerk, Department of Economic Opportunity, 107 E. Madison Street, MSC 110, Tallahassee, Florida 32399-4128 or Katie.zimmer@DEO.MyFlorida.com.

Section XIII
Index to Rules Filed During Preceeding Week

RULES FILED BETWEEN JANUARY 20, 2015 AND JANUARY 23, 2015

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
DEPARTMENT OF EDUCATION				
Board of Regents				
6C6-3.018	1/20/2015	2/9/2015	Newspaper	
6C6-5.001	1/20/2015	2/9/2015	Newspaper	
6C6-5.030	1/20/2015	2/9/2015	Newspaper	
PUBLIC SERVICE COMMISSION				
25-30.091	1/21/2015	2/10/2015	40/246	
25-30.440	1/21/2015	2/10/2015	40/246	
DEPARTMENT OF CORRECTIONS				
33-601.100	1/23/2015	2/12/2015	40/215	
33-601.301	1/23/2015	2/12/2015	40/215	40/239
AGENCY FOR HEALTH CARE ADMINISTRATION				
Health Facility and Agency Licensing				
59A-33.002	1/23/2015	2/12/2015	40/194	40/244
59A-33.006	1/23/2015	2/12/2015	40/194	40/244
59A-33.008	1/23/2015	2/12/2015	40/194	40/244
59A-33.012	1/23/2015	2/12/2015	40/194	40/244
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION				
Division of Alcoholic Beverages and Tobacco				
61A-2.024	1/20/2015	2/9/2015	40/209	
DEPARTMENT OF ENVIRONMENTAL PROTECTION				
62-621.300	1/21/2015	2/10/2015	40/119	40/239
DEPARTMENT OF HEALTH				
Board of Dentistry				
64B5-13.0046	1/22/2015	2/11/2015	40/243	
Board of Psychology				
64B19-15.003	1/20/2015	2/9/2015	40/233	
FISH AND WILDLIFE CONSERVATION COMMISSION				
68-1.003	1/20/2015	2/9/2015	40/244	

LIST OF RULES AWAITING LEGISLATIVE APPROVAL PURSUANT TO SECTION 120.541(3), FLORIDA STATUTES

DEPARTMENT OF ELDER AFFAIRS				
Federal Aging Programs				
58A-5.0191	3/28/2014	******	39/231	40/43
DEPARTMENT OF FINANCIAL SERVICES				
Division of Worker's Compensation				
69L-7.020	10/24/2011	*****	37/24	37/36