

Notice of Proposed Rule

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-4.016 Application Process

PURPOSE AND EFFECT: The purpose of this rulemaking is to ensure compliance with Chapter 2024-14, Laws of Florida, which amended section 393.065, Florida Statutes. The proposed amendments to the Rule modify the application for eligibility, incorporated by reference therein, will make the application clearer and earlier for applicants to complete. Furthermore, the Rule is being updated to follow the timeframe provided for in the amended statute describing the deadlines by which the Agency must make an eligibility determination.

SUMMARY: The Rule is being amended to conform to the requirements of s. 393.065, F.S., as amended by Chapter 2024-14, Laws of Florida. Specifically, the timeframe for the Agency to make an eligibility determination established in the Rule is being updated to conform to the amended statute. Furthermore, the application for eligibility is being modified to allow applicants to more easily understand and complete the application.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The SERC can be summarized as follows: the rules do not have an adverse impact on small business and are not likely to increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of each rule; the Agency determined that the amendments to these rules do not have an adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, productivity, or innovation, nor do they increase regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or in excess of \$1 million in the aggregate within five years after the implementation of the amendments to this rule; these rule amendments are a necessary come into conformance with section 363.065, F.S., as amended by Chapter 2024-14, Laws of Florida, which describe the timeframe by which the Agency must make an eligibility determination. The proposed modifications to the application incorporated by reference within this Rule will allow applicants greater ease in understanding, and ultimately, completing the application.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The SERC can be summarized as follows: the rules do not have an adverse impact on small business and are not likely to increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of each rule; the Agency determined that the amendments to these rules do not have an adverse impact on economic growth, private sector job creation or employment, private sector investment, business competitiveness, productivity, or innovation, nor do they increase regulatory costs, including transactional costs, in excess of \$200,000 in the aggregate within one year or in excess of \$1 million in the aggregate within five years after the implementation of the amendments to this rule; these rule amendments are a necessary come into conformance with section 363.065, F.S., as amended by Chapter 2024-14, Laws of Florida, which describe the timeframe by which the Agency must make an eligibility determination. The proposed modifications to the application incorporated by reference by this Rule will allow applicant's greater ease in understanding, and ultimately, completing the application. 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.

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RULEMAKING AUTHORITY: 393.065, 393.066, 393.501, F.S.

LAW IMPLEMENTED: 393.065, 393.066, F.S.

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: Brett Taylor, Deputy General Counsel, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399, (850)410-1309, Brett.Taylor@apdcares.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

65G-4.016 Application Process.

(1) Application for services from the agency shall be made by submitting an application by hand delivery, U.S. Postal Service, or facsimile to the agency office in the service area where the applicant resides. The Application for Services, ~~(Form 65G-4.016A 10-007, (2024 2007),~~ is available on the agency website at www.APD.myflorida.com, <http://www.apd.myflorida.com/customers/application/> or by contacting the agency. The application is available in English and Spanish and is hereby incorporated by reference, (new link) <http://www.flrules.org/Gateway/reference.asp?No-Ref-01203>.

(2) Upon receipt of a completed, signed, and dated Application for Services, as described in section 393.065(1)(d), F.S., the ~~area~~ Agency staff shall review the application and supporting documentation and notify the applicant of the final determination of eligibility for agency services, within time frames established in s. 393.065(1), F.S. 45 days for children under the age of 6 and 60 days for individuals 6 years of age and older, ~~shall notify the applicant of the final determination of eligibility for agency services.~~ If the Agency requires additional documentation, requests for collateral information, or if additional evaluations are necessary to determine eligibility, the timeframe for the determination process time may be extended for no more than an additional ninety (90) days tolled until any necessary documentation or information is received by the Agency or assessments are completed.

(3) through (6) no change.

Rulemaking Authority 393.065(10), 393.066(8), 393.501 FS. Law Implemented 393.065, 393.066 FS. History—New 5-16-12, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lynne Daw

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Taylor Hatch

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: 8/29/2024