

Section I

Notice of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NOS.: RULE TITLES:

65G-4.014 Eligibility for Agency Services - Definitions
 65G-4.015 Eligibility for Agency Services Criteria
 65G-4.016 Application Process
 65G-4.017 Establishing Eligibility

PURPOSE AND EFFECT: To conform the rules to the changes made by Chapter 2026-129, L.O.F., to Section 393.063, F.S., regarding “Tatton-Brown-Rahman syndrome.” The proposed changes amend the definition of “developmental disability” to include Tatton-Brown-Rahman syndrome, add Tatton-Brown-Rahman syndrome to the definitions, and reorder the list of conditions in the rules so they are in alphabetical order. The proposed amendments also add Phelan-McDermid to the definitions in Rule 65G-4.104, and correct grammar, punctuation, and capitalization.

SUBJECT AREA TO BE ADDRESSED: Eligibility and application for APD services and Tatton-Brown-Rahman syndrome.

RULEMAKING AUTHORITY: 393.065(13), 393.066(8), 393.501(1) F.S.

LAW IMPLEMENTED: 393.065, 393.066 F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leslie Bryson, Rules Attorney, Leslie.Bryson@apdcares.org, (850)922-4464, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65G-4.014 Eligibility for Agency Services – Definitions.

(1) through (2) No change.

(3) Down syndrome – means a condition caused by the presence of extra chromosomal material on chromosome 21. This disorder is often associated with impairment in cognitive ability, characteristic physical growth and features, and congenital medical conditions.

~~(4)(3)~~ No change.

(5) Phelan-McDermid syndrome – means a disorder caused by the loss of the terminal segment of the long arm of chromosome 22, which occurs near the end of the chromosome at a location designated q13.3, typically leading to developmental delay, intellectual disability, dolicocephaly, hypotonia, or absent or delayed speech.

~~(6)(4)~~ No change.

~~(7)(5)~~ No change.

~~(6) Down Syndrome – means a condition caused by the presence of extra chromosomal material on chromosome 21. This disorder is often associated with impairment in cognitive ability, characteristic physical growth and features, and congenital medical conditions.~~

(8) Tatton-Brown-Rahman syndrome – means a disorder caused by a mutation in the DNMT3A gene typified by mild to severe intellectual disability, macrocephaly, stature and weight that is greater than or equal to two or more standard deviations above the mean for the person’s age and sex, and any of the following features presenting in infancy, childhood, or adolescence:

(a) Mild facial dysmorphism.

(b) Joint hypermobility.

(c) Hypotonia.

(d) Kyphoscoliosis.

(e) Seizures.

(f) Cryptorchidism.

(g) Deficits in behavior.

(h) Hematologic malignancies.

~~(9)(7)~~ No change.

~~(10)(8)~~ DD Waiver – Home and Community-Based Services (HCBS) waiver authorized by 42 U.S.C. 1396n(c)(1) of the federal Social Security Act and Section 409.906, F.S., that provides a package of Medicaid-funded home and community-based supports and services to eligible persons with developmental disabilities who live at home or in a home-like setting.

(11)(9) Agency Services – home and community-based community-based supports and services to eligible persons funded through general revenue allocations or sources other than the DD Waiver.

Rulemaking Authority 393.065(13)(40), 393.066(8), 393.501(1) FS. Law Implemented 393.065, 393.066 FS. History–New 5-16-12, Technical Change 11-3-25, Amended _____.

65G-4.015 Eligibility for Agency Services Criteria.

In order to be determined eligible for agency services the applicant must:

(1) through (2) No change.

(3) Have a confirmed diagnosis of one of the following developmental disabilities as defined in ~~this~~ these Eligibility Rules; ~~Rules 65G 4.014, 4.015, 4.016 and 4.017, F.A.C.:~~

- (a) through (b) No change.
- (c) ~~Down syndrome; Intellectual disability;~~
- (d) ~~Intellectual disability; Prader-Willi syndrome;~~
- (e) ~~Phelan-McDermid syndrome; Spina Bifida;~~
- (f) ~~Prader-Willi syndrome; Down Syndrome;~~
- (g) ~~Spina Bifida; Phelan-McDermid Syndrome; or~~
- (h) ~~Tatton-Brown-Rahman syndrome; or~~
- (i) ~~(h)~~ No change.
- (4) No change.

~~(5) This rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.~~

Rulemaking Authority 393.065(13)(40), 393.066(8), 393.501(1) FS. Law Implemented 393.065, 393.066 FS. History—New 5-16-12, Amended 6-3-20, Technical Change 11-3-25, Amended _____.

65G-4.016 Application Process.

(1) Application for Services from the Agency may be made by submitting an application by hand delivery, U.S. Postal Service, or facsimile to the Agency. The Application for Services may also be submitted through the Agency's online portal which can be found on the Agency's website, www.APD.myflorida.com. The Application for Services, Form 65G-4.016A, Rev. 2026 (2024), a printable paper application, is available on the Agency website at <https://apd.myflorida.com/services/apply.htm> ~~<http://www.apd.myflorida.com/customers/application/>~~ or upon request by contacting the Agency. The application is available in English, Spanish, and ~~Haitian~~ Haitian Creole and is hereby incorporated by reference, <https://flrules.org/Gateway/reference.asp?No=Ref-19720> ~~<http://www.flrules.org/Gateway/reference.asp?No=Ref-18077>~~. The Agency shall acknowledge receipt of all applications it receives, regardless of the manner of submission, with an immediate receipt confirmation provided in the same manner in which the application was received, unless the applicant has designated an alternative preferred method of communication on the submitted application.

(2) Upon receipt of a completed, signed, and dated Application for Services, as described in Section 393.065(1)(d), F.S., the Agency shall review the application and supporting documentation and make a final determination regarding the applicant's eligibility for Agency services within time frames established in Section ~~6~~, 393.065(1), F.S. If the Agency requires additional documentation, information or if additional evaluations are necessary to determine eligibility, the timeframe for the determination process may be tolled until any necessary documentation or information is received by the Agency or assessments are completed.

(3) If an applicant is unable to produce an existing evaluation that establishes eligibility or if there is concern that

the information provided is inaccurate, incorrect, or incomplete, the Agency will be responsible for obtaining an evaluation to establish eligibility. Professional diagnoses under Rule 65G-4.017, F.A.C., must document all criteria for eligibility as set forth in the Eligibility Rules, ~~65G-4.014-.017, F.A.C.~~ The evaluation process includes only those assessments necessary to determine eligibility that were administered by a person qualified to administer the instrument(s).

(4) through (6) No change.

Rulemaking Authority 393.065(13)(12), 393.066(8), 393.501(1) FS. Law Implemented 393.065, 393.066 FS. History—New 5-16-12, Amended 11-21-24, 7-6-25, _____.

65G-4.017 Establishing Eligibility.

(1) through (2) No change.

(3) Establishing Eligibility – Down Syndrome. Evidence under this category requires medical records documenting a chromosome analysis (also referred to as a karyotype) finding the individual has an extra genetic material on their number 21 chromosome. In the absence of a chromosome analysis, a diagnosis of Down syndrome can be accepted by written documentation from one or more of the following:

(a) A medical doctor; or

(b) A doctor of osteopathy.

(4)(3) No change.

(5) Establishing Eligibility – Phelan-McDermid syndrome. The diagnosis of Phelan-McDermid Syndrome must be confirmed utilizing genetic testing, with written documentation from:

(a) A medical doctor; or

(b) A doctor of osteopathy.

(6)(4) Establishing Eligibility – Prader-Willi Syndrome. Diagnosis is confirmed by written documentation from one or more of the following:

(a) through (c) No change.

(7)(5) No change.

~~(6) Establishing Eligibility – Down Syndrome. Evidence under this category requires medical records documenting a chromosome analysis (also referred to as a karyotype) finding the individual has an extra genetic material on their number 21 chromosome.~~

~~(7) Establishing Eligibility – Phelan-McDermid Syndrome. The diagnosis of Phelan-McDermid Syndrome must be confirmed utilizing genetic testing, with written documentation from a:~~

~~(a) Medical doctor, or~~

~~(b) Doctor of osteopathy.~~

(8) Establishing Eligibility – Tatton-Brown-Rahman syndrome. The diagnosis of Tatton-Brown-Rahman syndrome must be confirmed utilizing genetic testing, with written documentation from:

- (a) A medical doctor; or
 (b) A doctor of osteopathy.

(9)(8) No change.

(9) This rule shall be reviewed, and if necessary, renewed through the rulemaking process five years from the effective date.

Rulemaking Authority 393.0659(13)(40), 393.066(8), 393.501(1) FS. Law Implemented 393.065, 393.066 FS. History—New 5-16-12, Amended 6-3-20, Technical Change 11-3-25, Amended

DEPARTMENT OF CHILDREN AND FAMILIES

Agency for Persons with Disabilities

RULE NO.: RULE TITLE:

65G-11.004 Crisis Determination Procedure

PURPOSE AND EFFECT: To conform the rule to the changes made by Chapter 2026-129, L.O.F., to Section 393.063, F.S., regarding “Tatton-Brown-Rahman syndrome.” The proposed rule amendment adds Tatton-Brown-Rahman syndrome to the list of conditions that are a developmental disability. The proposed amendment also organizes the list of conditions by alphabetical order, and updates references to statutory authority.

SUBJECT AREA TO BE ADDRESSED: Preenrollment category one and Tatton-Brown-Rahman syndrome.

RULEMAKING AUTHORITY: 393.065(13), 393.501(1) F.S.

LAW IMPLEMENTED: 393.065 F.S.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE REGISTER.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Leslie Bryson, Rules Attorney, Leslie.Bryson@apdcare.org, (850)922-4464, Agency for Persons with Disabilities, 4030 Esplanade Way, Suite 335, Tallahassee, FL 32399.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65G-11.004 Crisis Determination Procedure.

(1) No change.

(2) The applicant or applicant’s representative shall request crisis enrollment through the Agency. The Agency may not enroll an applicant on the waiver unless the Agency has determined that the applicant has a developmental disability, as defined in Section 393.063, F.S., meets the level of care requirements set forth in section 393.065(5), F.S., the eligibility requirements of Chapter 65G-4, F.A.C. and:

(a) No change.

(b) The recipient’s IQ is 60-70 inclusive and the recipient has a secondary handicapping condition that includes:

1. Autism, Cerebral palsy, Down syndrome, epilepsy, Phelan-McDermid syndrome, spina bifida, Prader-Willi syndrome, spina bifida, Tatton-Brown-Rahman syndrome; epilepsy, autism, Down syndrome, Phelan-McDermid syndrome or

2. Ambulation, sensory, chronic health, and behavioral problems.;

(c) No change.

(d) The recipient is eligible under a primary disability of autism, Cerebral palsy, spina bifida, Prader-Willi syndrome, Down syndrome, Phelan-McDermid syndrome, Prader-Willi syndrome, spina bifida, or Tatton-Brown-Rahman syndrome, and the condition results in substantial functional limitations in three or more major life activities listed in paragraph (c), above.

(3) through (5) No change.

Rulemaking Authority 393.065(13), 393.501(1), 393.065(120) FS. Law Implemented 393.065 History—New 9-19-07, Formerly 65G-1.046, Amended 6-5-25,

Section II Proposed Rules

DEPARTMENT OF MANAGEMENT SERVICES

Public Employees Relations Commission

RULE NOS.: RULE TITLES:

60CC-3.001 Notice of Negotiations

60CC-3.002 Who May Serve as Mediator

60CC-3.008 Approval of Recommended Decision by Parties

PURPOSE AND EFFECT: The Commission proposes the repeal of Rules 60CC-3.001, 60CC-3.002, and 60CC-3.008 because they are obsolete and no longer necessary. Repealing these rules will improve clarity in the Commission’s regulatory framework.

SUMMARY: The proposed action repeals Rules 60CC-3.001, 60CC-3.002, and 60CC-3.008.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

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

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The Commission has also determined that legislative ratification is not required because the proposed repeal of these