

**AGENCY FOR PERSONS WITH DISABILITIES**  
**Statement Of Estimated Regulatory Costs (SERC)**

Division: Agency for Persons with Disabilities  
Board:  
Rule Number: 65G-2.017  
Rule Description: Health Safety Standards  
Contact Person: Miranda Johnson, Operations Review Specialist (850-414-9132)

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**Please remember to analyze the impact of the rule, NOT the statute, when completing this form.**

A. Is the rule likely to, **directly or indirectly**, have an adverse impact on economic growth, private-sector job creation or employment, or private-sector investment in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

- |  |                              |  |
|--|------------------------------|--|
| 1. Is the rule likely to reduce personal income?           | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. Is the rule likely to reduce total non-farm employment? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Is the rule likely to reduce private housing starts?    | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 4. Is the rule likely to reduce visitors to Florida?       | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 5. Is the rule likely to reduce wages or salaries?         | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 6. Is the rule likely to reduce property income?           | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Explanation:

The proposed rule does not add any new requirements that are likely to have any ascertainable costs, but that may have a de minimus adverse impact on economic growth, private sector job creation or employment, or private-sector investment that should not exceed \$1 million in the aggregate within 5 years after the implementation of the rule. All requirements stated in this rule are currently required in the Agency's licensing standards, were previously required by the Department of Health, or have such a minimal impact that their cost cannot be ascertained.

New requirements that may have a minor cost increase could include adjustments in refrigerator temperature, time required to properly thaw frozen foods, pre-rinsing dishes before placing them in a dishwasher, the use of pest control services for persistent pest problems, and flea and rabies treatments for pets in facilities. None of these costs can be effectively determined. For example, very few facilities currently possess any domesticated animals, so it is unknown to what extent the flea and rabies treatments could increase regulatory costs.

Training for these new standards has already been completed, and the total cost to the Agency will be less than \$45,000. This total includes Agency staff time, coordination with subject matter experts, and the cost of materials necessary for inspections.

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If any of these questions are answered "Yes," presume that there is a likely and adverse impact in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

B. Is the rule likely to, **directly or indirectly**, have an adverse impact on business competitiveness, including the ability of persons doing business in the state to compete with persons doing business in other states or domestic markets, productivity, or innovation in excess of \$1 million in the aggregate within 5 years after the implementation of the rule?

1. Is the rule likely to raise the price of goods or services provided by Florida business?

Yes       No

2. Is the rule likely to add regulation that is not present in other states or markets?

Yes       No

3. Is the rule likely to reduce the quantity of goods or services Florida businesses are able to produce, i.e. will goods or services become too expensive to produce?

Yes       No

4. Is the rule likely to cause Florida businesses to reduce workforces?

Yes       No

5. Is the rule likely to increase regulatory costs to the extent that Florida businesses will be unable to invest in product development or other innovation?

Yes       No

6. Is the rule likely to make illegal any product or service that is currently legal?

Yes       No

Explanation:

The proposed rule revisions add very few new requirements and, as such, they are not likely to, directly or indirectly, have an adverse impact on business competitiveness. Further, almost all of the affected entities use specified Medicaid service rates and exclusively provide services to Florida Medicaid recipients.

If any of these questions are answered "Yes," presume that there is a likely and adverse impact in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

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C. Is the rule likely, **directly or indirectly**, to increase regulatory costs, including any transactional costs (see F below for examples of transactional costs), in excess of \$1 million in the aggregate within 5 years after the implementation of this rule?

1. Current one-time costs	Indeterminable
2. New one-time costs	Indeterminable
3. Subtract 1 from 2	NA
4. Current recurring costs	Indeterminable
5. New recurring costs	Indeterminable
6. Subtract 4 from 5	NA
7. Number of times costs will recur in 5 years	NA
8. Multiply 6 times 7	NA
9. Add 3 to 8	NA

If 9. is greater than \$1 million, there is likely an increase of regulatory costs in excess of \$1 million, and the rule must be submitted to the legislature for ratification.

D. Good faith estimates (numbers/types):

1. The number of individuals and entities likely to be required to comply with the rule.

The Agency currently licenses just under 1,600 facilities that provide housing and services to persons with developmental disabilities. These facilities include foster care facilities, group home facilities, residential habilitation centers, and comprehensive transitional education programs.

2. A general description of the types of individuals likely to be affected by the rule.

These rule revisions will affect the businesses and individuals that operate these licensed facilities and these rule revisions are intended to protect the vulnerable residents of these facilities.

E. Good faith estimates (costs):

1. Cost to the department of implementing the proposed rule:

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None. The department intends to implement the proposed rule within its current workload, with existing staff.

Minimal. The staff training time and cost of materials totals less than \$45,000 and costs have been paid through previously appropriated funds.

Other.

2. Cost to any other state and local government entities of implementing the proposed rule:

None. This proposed rule will only affect the department.

Minimal.

Other.

3. Cost to the department of enforcing the proposed rule:

None. The department intends to enforce the proposed rule within its current workload with existing staff.

Minimal.

Other.

4. Cost to any other state and local government of enforcing the proposed rule:

None. This proposed rule will only affect the department.

Minimal.

Other.

F. Good faith estimates (transactional costs) likely to be incurred by individuals and entities, including local government entities, required to comply with the requirements of the proposed rule.

None. This proposed rule will only affect the department.

Minimal. As noted in the explanation on page one of this document, any costs to outside entities are indeterminable.

Other.

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- G. An analysis of the impact on small business as defined by s. 288.703, F.S., and an analysis of the impact on small counties and small cities as defined by s. 120.52, F.S.

A small business is defined in Section 288.703, F.S., as "...an independently owned and operated business concern that employs 200 or fewer permanent full-time employees and that, together with its affiliates, has a net worth of not more than \$5 million or any firm based in this state which has a Small Business Administration 8(a) certification. As applicable to sole proprietorships, the \$5 million net worth requirement shall include both personal and business investments."

A small county is defined in Section 120.52(19), F.S., as "any county that has an unincarcerated population of 75,000 or less according to the most recent decennial census." And, a small city is defined in Section 120.52(18), F.S., as "any municipality that has an unincarcerated population of 10,000 or less according to the most recent decennial census."

The estimated number of small businesses that would be subject to the rule:

- 1-99                                       100-499                                       500-999  
 1,000-4,999                                       More than 5,000  
 Unknown, please explain:

- Analysis of the impact on small business:

Some of the Agency's licensed facilities are operated and owned by small businesses. While these businesses will be affected by the proposed rule revisions, the negative impact on these businesses is minimal.

As noted above, many of the requirements stated in the proposed rule were previously required by the Department of Health. As such, almost all of the Agency's licensed facilities have previously been required to comply with these standards and are unlikely to incur significant costs as a result of these requirements.

- There is no small county or small city that will be impacted by this proposed rule.

A small county or small city will be impacted. Analysis:

Lower impact alternatives were not implemented? Describe the alternatives and the basis for not implementing them.

- H. Any additional information that the agency determines may be useful.

None.

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Additional.

I. A description of any good faith written proposal for a lower cost regulatory alternative to the proposed rule which substantially accomplishes the objectives of the law being implemented and either a statement adopting the alternative or a statement of the reasons rejecting the alternative in favor of the proposed rule.

No good faith written proposals for a lower cost regulatory alternative to the proposed rule were received.

See attachment "A".

Adopted in entirety.

Adopted / rejected in part.

Rejected in entirety.

See attachment "B".

Adopted in entirety.

Adopted / rejected in part.

Rejected in entirety.

See attachment "C".

Adopted in entirety.

Adopted / rejected in part.

Rejected in entirety.

See attachment "D".

Adopted in entirety.

Adopted / rejected in part.

Rejected in entirety.

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