

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF STATE**

**Division of Elections**

RULE TITLE: Electronic Transmission of Absentee Ballots  
 RULE NO.: 1S-2.030

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update the rule to reflect legislative changes in Chapter 2005-277, Laws of Florida, relating to the oath in the voter’s certificate, and to the acceptance of electronically transmitted voted ballots from overseas voters.

SUBJECT AREA TO BE ADDRESSED: Electronic Transmission of Absentee Ballots.

SPECIFIC AUTHORITY: 20.10(3), 97.012(1), 101.697 FS.

LAW IMPLEMENTED: 101.64, 101.65, 101.697 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIMES, DATES AND PLACES SHOWN BELOW:

TIME AND DATE: 10:30 a.m., Monday, April 3, 2005 (following Rule Development Workshop for Rules 1S-2.017, 1S-2.020, 1S-2.021, and 2.045).

PLACE: Florida Heritage Hall, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Lisa Ginn at (850)245-6200, at least three (3) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Ms. Maria Matthews, Assistant General Counsel, Division of Elections, R.A. Gray Building, Tallahassee, Florida 32399; (850)245-6536; e-mail: [mimatthews@dos.state.fl.us](mailto:mimatthews@dos.state.fl.us).

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLES: Course Requirements – Grades 6-12  
 Basic and Adult Secondary Programs  
 RULE NOS.: 6A-1.09412

Requirements for Programs and Courses Which Are Funded Through the Florida Education Finance Program and for Which the Student May Earn Credit Toward High School Graduation  
 6A-1.09441

PURPOSE AND EFFECT: The purpose of this amendment is to obtain approval of an addendum to the “Course Code Directory and Instructional Personnel Assignments” for 2006-2007, as required in Rule 6A-1.09441(5), F.A.C. This rule provides specific conditions for which students may earn

credit toward high school graduation and for which the courses are funded through the Florida Education Finance Program (FEFP). Revisions to the narrative section will be made to align course requirements with state law. The addendum will also incorporate the course descriptions of new courses into the “Course Code Directory and Instructional Personnel Assignments” for 2006-2007, as required in Rule 6A-1.09441(5), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Revisions to the “Course Code Directory and Instructional Personnel Assignments” will be made to include new courses, align teacher certification, and revise the narrative section to reflect recent changes in state laws. The new courses and course descriptions direct school and district personnel by providing the essential content and course requirements for each course in grades 6-12 contained in the “Course Code Directory and Instructional Personnel Assignments” and ensure consistency and alignment with the Sunshine State Standards.

SPECIFIC AUTHORITY: 1011.62 FS.

LAW IMPLEMENTED: 1011.62(1)(r), 1001.03(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME AND DATE TO BE ADVERTISED IN A FUTURE EDITION OF THE FLORIDA ADMINISTRATIVE WEEKLY.

Requests for the rule development workshop should be addressed to Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Jo Butler, Bureau Chief, K12 Student Achievement, Division of Public Schools, 325 West Gaines Street, Tallahassee, Florida (850)245-9939

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Voluntary Prekindergarten (VPK) Director Credential for Private Providers  
 RULE NO.: 6A-6.040

PURPOSE AND EFFECT: The purpose of this rule development is to allow the public an opportunity to provide input in the development of minimum standards for private prekindergarten providers delivering the Voluntary Prekindergarten Education Program.

SUBJECT AREA TO BE ADDRESSED: Voluntary Prekindergarten (VPK) Director Credential.

SPECIFIC AUTHORITY: 1002.57(1) FS.  
LAW IMPLEMENTED: 1002.57(1), 1002.55(3)(f), 1002.51(3),(4) FS.

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

TIMES AND DATE: 12:00 p.m. – 2:00 p.m. and 5:00 p.m. – 7:00 p.m., April 3, 2006

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 152, Tallahassee, Florida 32399-0950

TIME AND DATE: 1:00 p.m. – 3:00 p.m., April 5, 2006

PLACE: Early Learning Coalition of Miami/Dade and Monroe, 2555 Ponce de Leon Blvd., Board Meeting Room, Coral Gables, Florida 33134

TIME AND DATE: 5:00 p.m. – 7:00 p.m., April 6, 2006

PLACE: Children’s Board, Board Meeting Room, 1002 E. Palm Avenue, Tampa, Florida 33605

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person needing special accommodations to participate in this proposed rule development workshop should contact the Department of Education, Office of Early Learning, (850)245-0445, at least two (2) business days in advance to make appropriate arrangements. Any person who is hearing or speech impaired may contact the Department by using the Florida Relay Service with the following toll free number: 1(800)955-8770 (Voice) or 1(800)955-8771.

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Shan Goff, Executive Director, Office of Early Learning, Department of Education, 325 W. Gaines Street, Suite 1532, Tallahassee, Florida 32399-0400, (850)245-0445

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: Procedures for Appealing a District School Board Decision Denying Application for Charter School  
RULE NO.: 6A-6.0781

PURPOSE AND EFFECT: The purpose of this rule development is to review the requirements for appealing a district school board decision for denying an application for a charter school to determine what, if any, amendments should be proposed. The effect will be a rule which is consistent with governing statute and procedures of the Department.

SUBJECT AREA TO BE ADDRESSED: Procedures for appealing a district school board decision for denying a charter school application.

SPECIFIC AUTHORITY: 1002.33(24) FS.

LAW IMPLEMENTED: 1002.33 FS.

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

TIME AND DATE: 10:00 a.m., April 4, 2006

PLACE: 325 West Gaines Street, Room 1721, Tallahassee, Florida 32399-0400

Requests for the rule development workshop should be addressed to: Lynn Abbott, Agency Clerk, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Lynn Abbott, Office of the Chief of Staff, Department of Education, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Emergency Management**

RULE CHAPTER TITLE: Comprehensive Emergency Management Plan  
RULE CHAPTER NO.: 9G-2  
RULE TITLE: State Comprehensive Emergency Management Plan Adopted  
RULE NO.: 9G-2.002

PURPOSE AND EFFECT: To adopt the 2006 revised version of the State CEMP as required by Chapter 252, Florida Statutes. This action would replace the 2004 version.

SUBJECT AREA TO BE ADDRESSED: The State Comprehensive Emergency Management Plan.

SPECIFIC AUTHORITY: 252.35(2)(u) FS.

LAW IMPLEMENTED: 252.35(2)(a) FS.

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 WEEKLY.

Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Charlie Worthen, Planner IV, Bureau of Preparedness and Response, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, Suncom 293-9973, at least seven days before the date of the hearing.

If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Charlie Worthen, Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9973, Suncom 293-9973

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9G-2.002 State Comprehensive Emergency Management Plan Adopted.

(1) The Department hereby adopts and incorporates by reference into this Chapter the State Comprehensive Emergency Management Plan (February 1, 2006 February 1, 2004 Edition).

(2) The State Comprehensive Emergency Management Plan shall be the master operations document for the State of Florida in responding to all emergencies, and all catastrophic, major, and minor disasters.

Specific Authority 252.35(2)(u) FS. Law Implemented 252.35(2)(a) FS. History—New 1-4-01, Amended 7-8-02, 8-4-04, \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**PUBLIC SERVICE COMMISSION**

DOCKET NO: 060035-GU

RULE TITLE: Change in Character of Service

RULE NO.: 25-7.037

PURPOSE AND EFFECT: To state clearly that where a local distribution company makes certain changes to the character of its service it must revise its tariffs, obtain Commission approval and notify the customers.

SUBJECT AREA TO BE ADDRESSED: Scope of Rule 25-7.037, F.A.C.

SPECIFIC AUTHORITY: 366.05 FS.

LAW IMPLEMENTED: 366.05(1), 366.05(3) FS.

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 WEEKLY.

THE WORKSHOP REQUEST MUST BE SUBMITTED IN WRITING TO: The Commission’s Division of The Commission Clerk and Administrative Services, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850.

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at

(850)413-6770 at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ed Mills, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6650

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-7.037 Change in Character of Service.

A utility shall not make any changes in heating value, pressure, specific gravity, gas composition, or other condition or characteristic of the gas it delivers which would impair the safe, efficient utilization of the gas in customers’ the customer’s appliances shall not be made without tariff revisions setting forth the changes, the prior approval of the Commission, and ~~without~~ adequate notice to the customers. Any such change by the utility shall be accompanied by a general inspection and adjustment of all appliances that would be affected thereby to the extent necessary that such appliances the appliance may operate as efficiently and give as good service as was possible before the change. This shall be done promptly, without direct charge, and with a minimum of inconvenience to the customer.

Specific Authority 366.05 FS. Law Implemented 366.05(1), 366.03 FS. History—Repromulgated 1-8-75, 5-4-75, Formerly 25-7.37, Amended \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE TITLE: Agreements

RULE NO.: 40C-3.035

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference the water well permitting delegation agreement between St. Johns River Water Management District and the Florida Department of Health-Marion County Health Department.

SUBJECT AREAS TO BE ADDRESSED: The subject area to be addressed is the permitting of the construction, repair, and abandonment of water wells by the Florida Department of Health, Marion County Health Department.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.046, 373.083, 373.309 FS.

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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River

Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-3.035 Agreements.

The Governing Board hereby incorporates by reference the following documents:

(1) through (15) No change.

(16) An agreement between Florida Department of Health-Marion County Health Department and St. Johns River Water Management District entitled Water Well Permitting Delegation Agreement dated (effective date).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.046, 373.083, 373.309 FS. History–New 10-14-84, Amended 12-5-85, Formerly 40C-3.035, 40C-3.0035. Amended 1-8-96, 4-21-96, 7-21-96, 12-22-96, 3-10-97, 1-3-00, 9-06-01, 6-25-02, 7-25-02, 1-11-06, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Disputed Reimbursement Rule	59A-31
RULE TITLES:	RULE NOS.:
Disputed Reimbursement Avoidance	59A-31.001
Disputed Reimbursement	59A-31.002
Petition Form	59A-31.003
Carrier Response Form	59A-31.004
Petition Requirements	59A-31.005
Consolidation of Petitions	59A-31.006
Service of Petition on Carrier and Affected Parties	59A-31.007
Computation of Time	59A-31.008
Carrier Response Requirements	59A-31.009
Effect of Non-Response by Carrier	59A-31.010
Complete Record	59A-31.011
Petition Withdrawal	59A-31.012

Overutilization Issues Raised in Reimbursement Dispute Resolution	59A-31.013
Managed Care Arrangements	59A-31.014

PURPOSE AND EFFECT: The purpose of the proposed rules is to substantially reword the existing rule to establish uniform procedures and form filing requirements for health care providers and employer/carriers regarding AHCA resolution of workers' compensation reimbursement disputes.

SUBJECT AREA TO BE ADDRESSED: Workers' compensation medical services reimbursement disputes between health care providers and carriers.

SPECIFIC AUTHORITY: 440.13(7), 440.134(25)(e), 440.591 FS.

LAW IMPLEMENTED: 440.13(7) FS.

A RULE DEVELOPMENT WORKSHOP WILL HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., April 12, 2006

PLACE: Room 104-J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Beverly J. Williams, Medical Health Care Program Analyst AHCA, Workers' Compensation Unit, 2012 Capital Circle, Southeast, Tallahassee, Florida 32399-4232

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**RESOLUTION OF WORKERS' COMPENSATION REIMBURSEMENT DISPUTES ~~DISPUTED~~ REIMBURSEMENT**

59A-31.001 Disputed Reimbursement Avoidance.

Specific Authority 440.13(7) FS. Law Implemented 440.13(2)(a),(i) FS. History–New 5-15-1991, Formerly 38F-7.517, 4L-7.517, Repealed \_\_\_\_\_.

59A-31.002 Disputed Reimbursement

Specific Authority 440.13(7) FS. Law Implemented 440.13(2)(a),(i) FS. History–New 5-15-1991, Formerly 38F-7.517, 4L-7.517, Repealed \_\_\_\_\_.

59A-31.003 Petition Form.

(1) The Petition for Resolution of Reimbursement Dispute Form (AHCA Form XXXX) is hereby incorporated by reference. This form may be obtained on the internet at <http://www.fldfs.com/wc/forms.html> or by contacting the Agency at (850)413-1613.

(2) A petition to contest carrier disallowance or adjustment of payment pursuant to Section 440.13(7)(a), F.S., must be on the Petition for Resolution of Reimbursement Dispute form. Any submission seeking to contest the disallowance or adjustment of payment by a carrier pursuant to Section 440.13(7)(a), F.S., which does not include a completed Petition for Resolution of Reimbursement Dispute form will be dismissed.

Specific Authority 440.13(7)(e) FS. Law Implemented 440.13(7)(a) FS. History–New \_\_\_\_\_.

59A-31.004 Carrier Response Form.

(1) The Carrier Response to Petition for Resolution of Reimbursement Dispute form (AHCA Form YYYY) is hereby incorporated by reference. This form may be obtained on the Internet at <http://www.fldfs.com/wc/forms.html> or by contacting the Agency at (850)413-1613.

(2) The Carrier Response to Petition for Resolution of Reimbursement Dispute form shall be considered a required element of the requested documentation to the Agency under Section 440.13(7)(b), F.S. The Carrier Response to Petition for Resolution of Reimbursement Dispute form shall be the only form accepted by the Agency upon which a carrier may submit to the Agency its response to a Petition for Resolution of Reimbursement Dispute form. Any submission by a carrier pursuant to Section 440.13(7)(b), F.S., which does not include

a completed Carrier Response to Petition for Resolution of Reimbursement Dispute form shall constitute failure to submit requested documentation to the Agency.

Specific Authority 440.13(7)(e) FS. Law Implemented 440.13(7)(b) FS. History–New \_\_\_\_\_.

#### 59A-31.005 Petition Requirements.

(1) All documents and records that support the allegations contained in the petition must accompany the petition. A petition that is accompanied by all items specified below will not be dismissed for failure to submit supporting documents and records:

(a) A copy of each Explanation of Bill Review received from the carrier providing notice of disallowance or adjustment of payment in this dispute. If the Explanation of Bill Review does not contain a date stamp, which clearly reflects date of receipt, documentation of a verifiable login process establishing date of receipt of the Explanation of Bill Review must be submitted. An affidavit attesting to date of receipt will not be accepted as proof of date of receipt.

(b) A copy of each medical bill or request for reimbursement for which payment was disallowed or adjusted by the carrier on the contested Explanation of Bill Review(s).

(c) All medical documentation and records submitted to the carrier in support of the medical bill(s) or request(s) for reimbursement which are the subject of this dispute.

(d) If the answer to question 5 on the Petition for Resolution of Reimbursement Dispute form is yes, a copy of all applicable provision(s) of the reimbursement contract.

(e) Documentation of carrier authorization for non-emergency treatment for the date(s) of service covered by the petition.

(2) Documents and records accompanying the petition must be submitted in hard copy.

(3) Each allegation contained in the petition must be accompanied by documents and records that support the allegation. If a petition contains multiple allegations which form the basis for contesting the disallowance or adjustment of payment by the carrier, any allegation that the Agency determines is not supported by the documents and records accompanying the petition will be dismissed with prejudice.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a) FS. History–New \_\_\_\_\_.

#### 59A-31.006 Consolidation of Petitions.

(1) If multiple petitions have been filed by petitioner contesting disallowance or adjustment of payment by the same carrier, the Agency may, in its discretion, consolidate the petitions into a single determination.

(2) If the Agency consolidates multiple petitions into a single determination, the timetable for rendering a determination upon a consolidated petition shall be expanded to 120 days after Agency receipt of all documentation.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(e) FS. History–New \_\_\_\_\_.

#### 59A-31.007 Service of Petition on Carrier and Affected Parties.

(1) A Petition for Resolution of Reimbursement Dispute must be served on the carrier and all affected parties by United States Postal Service (USPS) certified mail. Service on the carrier shall include all documents and records submitted to the Agency in support of the petition.

(2) The petitioner shall effectuate service on the carrier and on all affected parties by serving a copy of the petition and all documents and records in support of the petition, by United States Postal Service (USPS) certified mail on the entity identified on the Explanation of Bill Review as the entity the carrier designates to receive service on behalf of the carrier and all affected parties. If the Explanation of Bill Review does not specifically identify the name and mailing address of the entity the carrier designates to receive service on behalf of the carrier and all affected parties, as required by paragraph 69L-7.602(5)(q), F.A.C., the petitioner may effectuate service of the petition on the carrier and all affected parties by serving a copy of the petition and all documents and records in support of the petition by United States Postal Service (USPS) certified mail, on the entity who issued the Explanation of Bill Review at the address from which the Explanation of Bill Review was issued.

(3) Service by certified mail means service by United States Postal Service (USPS) certified mail. Service by United States Postal Service (USPS) delivery other than certified mail or service by common carrier does not constitute service by certified mail, as required by statute, even if carrier delivery and receipt of the petition are confirmed.

(4) If a carrier has not been properly served in accordance with this subsection, the petitioner will be notified by the Agency of the deficiency in service. The petitioner shall have 10 calendar days from receipt of the notice of deficiency in service to provide the Agency with proof of proper service. If the Agency does not receive proof of proper service within 10 days after petitioner's receipt of the notice of deficiency, the petition will be dismissed with prejudice. For purposes of this rule, "proof of proper service" means that a copy of the petition and all documents and records in support of the petition have been sent by United States Postal Service (USPS) certified mail to the proper entity at the proper address as set forth in this rule, and a certified mail receipt number is provided to the Agency to confirm mailing.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a) FS. History–New \_\_\_\_\_.

#### 59A-31.008 Computation of Time.

(1) Pursuant to paragraph 69L-7.602(5)(q), F.A.C., notice of disallowance or adjustment of payment, which begins the 30 day time period in Section 440.13(7), F.S., shall only be through receipt of an Explanation of Bill Review issued by or

on behalf of a carrier. Therefore, the 30 day time period within which a petition must be served upon the Agency begins upon receipt of the Explanation of Bill Review by the health care provider or by an entity designated by the provider to receive such notice on behalf of the health care provider. The health care provider shall document receipt of the Explanation of Bill Review using a date stamp which clearly reflects date of receipt or by using a verifiable login process. An affidavit attesting to date of receipt will not be accepted as proof of date of receipt.

(2) Petitioning the Agency shall be effectuated upon service of the petition upon the Agency. The timeliness of a Petition for Resolution of Reimbursement Dispute shall be calculated based upon service of the petition upon the Agency. Service upon the Agency shall be by United States Postal Service (USPS) mail or by common carrier. If service is by United States Postal Service mail, the date of service shall be the postmark date. If service is by common carrier, the date of service shall be the common carrier pick-up date.

(3) Carrier date of receipt of the petition by certified mail will be established by reference to the United States Postal Service (USPS) certified mail receipt date. Timely submission by the carrier of the Carrier Response to Petition for Resolution of Reimbursement Dispute form and accompanying documentation to the Agency shall be determined based upon the date of service of the Carrier Response to Petition for Resolution of Reimbursement Dispute form and accompanying documentation to the Agency. If service is by United States Postal Service mail, the date of service shall be the postmark date. If service is by common carrier, the date of service shall be the common carrier pick-up date.

(4) Neither the request for, nor the conducting of, an on-site audit performed under the Florida Workers' Compensation Reimbursement Manual for Hospitals or referral of the health care provider for peer review consultation or independent medical examination shall toll the timeframe for petitioning the Agency for the resolution of a reimbursement dispute as set forth in Section 440.13(7)(a), F.S., or for the carrier to submit requested documentation under Section 440.13(7)(b), F.S.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a),(b) FS. History--New \_\_\_\_\_.

#### 59A-31.009 Carrier Response Requirements.

(1) The Carrier Response to Petition for Resolution of Reimbursement Dispute form, accompanied by all requested information, must be served on the Agency within 10 days after receipt of a copy of the petition by certified mail. The carrier's response to the petition must include a completed Carrier Response to Petition for Resolution of Reimbursement Dispute form (AHCA form YYYY). Failure of the carrier to meet these requirements constitutes waiver of all objections to the petition.

(2) Documents and records accompanying the carrier's Response to Petition for Resolution of Reimbursement Dispute form must be in hard copy.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(b) FS. History--New \_\_\_\_\_.

#### 59A-31.010 Effect of Non-Response by Carrier.

(1) Failure of a carrier to timely submit a Carrier Response to Petition for Resolution of Reimbursement Dispute form (AHCA form YYYY) and accompanying documentation substantiating its disallowance or adjustment of payment constitutes a waiver of all objections to the petition. Waiver of all objections to the petition shall result in the Agency determination and final order being based solely upon the allegations and supporting documentation submitted by the petitioner.

(2) If a carrier has waived all objections to the petition under Section 440.13(7), F.S., with regard to a particular disallowance, adjustment or denial of payment, the carrier has also waived relief under Section 440.13(8) or 440.13(11), F.S., with regard to the payment(s) that was in dispute in the petition under Section 440.13(7), F.S.

Specific Authority 440.13(7), 440.591 FS. Law Implemented 440.13(7)(b) FS. History--New \_\_\_\_\_.

#### 59A-31.011 Complete Record.

The evidentiary record upon which the Agency determination will be made shall be the Petition for Resolution of Reimbursement Dispute and all supporting documents and records accompanying the petition and the Carrier's Response to the Petition for Resolution of Reimbursement Dispute and all accompanying documents.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(c) FS. History--New \_\_\_\_\_.

#### 59A-31.012 Petition Withdrawal.

(1) Prior to the issuance of a determination the petitioner may voluntarily withdraw its Petition for Resolution of Reimbursement Dispute.

(2) Withdrawal of a petition shall be in writing and must clearly indicate:

(a) The name of the health care provider or facility requesting withdrawal;

(b) The name of the carrier against whom the petition has been initiated;

(c) The date(s) of service covered by the petition; and

(d) The identity of the injured employee to whom medical services were delivered.

(3) The result of receipt by the Agency of a request for withdrawal of a petition shall be dismissal of the determination case by the Agency.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(a), (c) FS. History--New \_\_\_\_\_.

59A-31.013 Overutilization Issues Raised in Reimbursement Dispute Resolution.

If the carrier, in its response to the petition for Resolution of Reimbursement Dispute, asserts and submits documentation substantiating that a basis for disallowing petitioner’s claim for payment is overutilization and the Agency, in its discretion, determines that the reimbursement dispute cannot be resolved without addressing the overutilization issue, the Agency will issue a determination pursuant to Section 440.13(7), F.S. that the reimbursement dispute can not be resolved under Section 440.13(7), F.S., and is being converted to a proceeding under Section 440.13(8), F.S. and/or Section 440.13(11), F.S.

Specific Authority 440.13(7)(e), 440.591 FS. Law Implemented 440.13(7)(b),(c) FS. History–New \_\_\_\_\_.

59A-31.014 Managed Care Arrangements.

A health care provider may not elect to contest under Section 440.13(7), F.S., disallowance or adjustment of payment by a carrier for services rendered pursuant to a managed care arrangement unless the managed care plan of operation pursuant to Section 440.134(6)(c),(7), F.S., specifically provides for reimbursement dispute resolution pursuant to Section 440.13(7), F.S.

Specific Authority 440.13(7)(e), 440.134(25)(e), 440.591 FS. Law Implemented 440.13(7) FS. History–New \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection’s home page at <http://www.dep.state.fl.us/> under the link or button titled “Official Notices.”

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Curriculum Standards for Electrolysis

RULE NO.:

Training Programs 64B8-53.002

PURPOSE AND EFFECT: The Council proposes the development of a rule amendment to address appropriate curriculum standards for training courses in electrolysis.

SUBJECT AREA TO BE ADDRESSED: Appropriate curriculum standards with regard to electrolysis training programs.

SPECIFIC AUTHORITY: 478.43(4), 478.50(4)(b) FS.

LAW IMPLEMENTED: 478.43(4), 478.45(1)(e), 478.50(4)(b) FS.

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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE TITLE: Equipment and Devices; Protocols for Laser

RULE NO.:

and Light-Based Devices. 64B8-56.002

PURPOSE AND EFFECT: The Council proposes the development of a rule development to address post electrolysis licensure training to utilize laser equipment.

SUBJECT AREA TO BE ADDRESSED: Appropriate post electrolysis licensure training to utilize laser equipment.

SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS.

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 WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Board of Opticianry**

RULE TITLE: Citations.

RULE NO.: 64B12-8.021

PURPOSE AND EFFECT: The Board proposed amendment will cite practicing opticianry with a retired status license as a violation and will fine accordingly.

SUBJECT AREA TO BE ADDRESSED: Citation for practicing with a retired status license.

SPECIFIC AUTHORITY: 456.077, 484.005 FS.

LAW IMPLEMENTED: 456.073, 456.077, 484.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B12-8.021 Citations.

(1) through (2) No change.

(3) The Board hereby designates the following as citation violations, which shall result in the indicated penalty:

(a) through (i) No change.

(j) Practicing opticianry with an active or retired status license, so long as the license has been inactive for a period not to exceed two months, pursuant to Section 456.036(1), F.S., \$500.00;

(k) through (n) No change.

(4) through (5) No change.

Specific Authority 456.077, 484.005 FS. Law Implemented 456.073, 456.077, 484.014 FS. History—New 1-19-92, Amended 5-27-92, Formerly 21P-8.021, Amended 5-2-94, Formerly 61G13-8.021, Amended 12-4-95, Formerly 59U-8.021, Amended 8-6-97, 6-14-01, 8-16-04, 8-28-05, \_\_\_\_\_.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Substance Abuse and Mental Health Programs**

RULE TITLES: RULE NOS.:

Audits of Contractors Participating in the Substance Abuse and Mental Health Programs	65E-14.003
Cost Principles	65E-14.017
Methods of Paying for Services	65E-14.019
Cost Reimbursement Method of Payment	65E-14.020
Unit Cost Method of Payment	65E-14.021
Data Requirements	65E-14.022

PURPOSE AND EFFECT: The purpose of the amendments is to make improvements and corrections to the substance abuse and mental health contracting system and financial rule, based upon input from departmental staff.

SUBJECT AREA TO BE ADDRESSED: Amendments are made to Chapter 65E-14, F.A.C. to: update the contact person, update a reference as how the method of depreciation is followed; add language allowing the department to pursue alternative methods of payment pursuant to Section 394.74(2)(b), F.S., add a clarification as to how the Mental Health Clubhouse staff hours shall be paid; add language pertaining to how Day-Night services are to be provided to resolve a conflict with paragraph 65D-30.002(16)(e), F.A.C.; add language to the Crisis Support/Emergency, Intervention services and Outpatient services descriptions that allows the maximum rate to be paid for these services during a Governor’s Emergency Declaration for natural or man-made disasters; add a clarification to the description of the

Prevention/Intervention-Day services cost center that includes in the cost center children and adolescents in non-school based programs or the Florida Youth Initiative Program; add Intensive Inpatient Services to the Residential Level 1 cost center and the maximum rate to be paid for these services; add Aftercare and Intervention services to the list of services eligible for special rates for group treatment and the unit of measure for those; add a new section on alternative method of payment for use under conditions of a Governor’s Emergency Declaration for natural or man-made disasters; delete the provision for units billed to cost centers paid on the basis of utilization; add an updated form for the Monthly Request for Non-TANF Payment and add an updated Worksheet for Request for Payment.

SPECIFIC AUTHORITY: 394.78(1), 397.321(5) FS.

LAW IMPLEMENTED: 216.181(16), 394.66(9), (12), 394.74(2)(b), (3)(d), (e), (4), 394.77, 394.78(1), (6), 397.321(10), 402.73(7) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m. – 12:00 Noon, March 31, 2006

PLACE: 1317 Winewood Blvd., Building 6, Conference Room A, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Amy Johnson, Senior Management Analyst Supervisor, Department of Children and Families, 1317 Winewood Blvd., Building 6, Room 233, (850)413-0934, e-mail: amy\_johnson@dcf.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-14.003 Audits of Contracts Participating in the Substance Abuse and Mental Health Programs.

(1) through (4) No change.

(5) The following special audit schedule and documents are hereby incorporated by reference, copies of which may be obtained from the Mental Health Substance Abuse Program Office, Attn.: PDMH PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

(a) through (e) No change.

Specific Authority 394.74, 394.77, 394.78(1), (3), 397.321(5) FS. Law Implemented 394.74, 394.66(9), 394.76(5), 394.77, 394.78(3), 397.481 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.03, Amended 7-29-96, Formerly 10E-14.003, Amended 7-1-03, 12-14-03, \_\_\_\_\_.

65E-14.017 Cost Principles.

(1) through (4)(i) No change.

4. Where depreciation method is followed, the period of useful service, useful life established in accordance with guidelines as published by the American Hospital Association, Revised 2004 Edition ~~1973 Edition~~ of the “Estimated Useful Lives of Depreciable Hospital Assets” ~~Chart of Accounts for Hospitals, “Estimated Useful Life of Land Improvements,~~



**Buildings and Fixed Equipment.** The method of depreciation used to assign the cost of an asset, or group of assets, to accounting periods shall reflect the pattern of consumption of the asset during its useful life. In the absence of clear evidence indicating that the expected consumption of the asset will be significantly greater in the early portions of its useful life than in the later portions, the straight-line method shall be presumed to be the appropriate method. Depreciation methods once used shall not be changed unless approved in advance by the department. When the depreciation method is introduced for application to assets previously subject to a use allowance, the combination of use allowances and depreciation applicable to such assets must not exceed the total acquisition cost of the assets. When the depreciation method is used for buildings, a building's shell may be segregated from each building component, for example, plumbing system, heating, and air conditioning system, etcetera, and each item depreciated over its estimated useful life; or the entire building, that is, the shell and all components, may be treated as a single asset and depreciated over a single useful life.

5. through (ss) No change.

Specific Authority 394.78(1), 397.321 (5) FS. Law Implemented 394.74, 394.77, 394.78 (1), 397.481 FS. History— New 2-23-83, Amended 2-25-85, Formerly 10E-14.17, Amended 7-29-96, Formerly 10E-14.017, Amended 9-17-97, 7-1-03,\_\_\_\_\_.

65E-14.019 Methods of Paying for Services.

(1) through (3) No change.

(4) Nothing in subsection (1) or (2) shall be construed to preclude the department from utilizing alternative methods of contracting pursuant to Section 394.74(2)(b), F.S. Additional services may also be negotiated between the provider and the department through a properly executed contract document.

(5)(4) The Reference Guide for State Expenditures (updated January 2005) is hereby incorporated by reference, copies of which may be obtained from the Mental Health Substance Abuse Program Office, ATTN: PDMH PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

Specific Authority 394.74(2), 394.76(4), 394.78(1), (6), 397.321(5) FS. Law Implemented 394.66(9), (12), 394.74(2), 394.76(4), 394.78(1), (6) FS. History—New 7-1-03, Amended 12-14-03,\_\_\_\_\_.

65E-14.020 Cost Reimbursement Method of Payment.

(1) through (3) No change.

(4) The following forms are hereby incorporated by reference, copies of which may be obtained from the Mental Health Substance Abuse Program Office, ATTN.: PDMH PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700

(a) through (c) No change.

Specific Authority 394.78(1), (6), 397.321(5) FS. Law Implemented 394.66(9), 394.74(2)(c), (3)(d), (4), 394.78(1), (6), 397.321(10) FS. History—New 7-1-03, Amended 12-14-03,\_\_\_\_\_.

65E-14.021 Unit Cost Method of Payment.

(1) through (5)(a) 9. No change.

10. Clubhouse Staff Hour. This unit of measure represents an hour of staff time in which one or more persons (Clubhouse members) are being provided with a service or activity within the Clubhouse or away from the Clubhouse. It may also include staff time spent on behalf of members away from the facility, such as, developing employment prospects or exploring housing alternatives. Staff time spent in travel on behalf of Clubhouse members or activities may also be included. Clubhouse staff hours shall be paid on the basis of utilization.

(b) through (7)(d). No change.

(e) Crisis Support/Emergency.

1. Description – These non-residential care services are generally available twenty-four (24) hours per day, seven (7) days per week, or some other specific time period, to intervene in a crisis or provide emergency care. Examples include: mobile crisis, crisis support, crisis/emergency screening, crisis telephone, and emergency walk-in. During the period of time covered by a Governor's Emergency Declaration, and in the counties so named in that declaration, the rate for Crisis Support/Emergency services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (7)(f) No change.

(g) Day-Night.

1. Description – Day-Night services provide a structured schedule of non-residential services for four (4) or more consecutive hours per day. Activities for children and adult mental health programs are designed to assist individuals to attain skills and behaviors needed to function successfully in living, learning, work, and social environments. Generally, a person receives three (3) or more services a week. Activities for substance abuse programs emphasize rehabilitation, treatment, and education services, using multidisciplinary teams to provide integrated programs of academic, therapeutic, and family services. For substance abuse services the minimal hours of service required on a weekly basis for this cost center are specified in Chapter 65D-30, F.A.C., Licensure Standards for Substance Abuse Services.

2. through (7) (n) No change.

(o) Intervention

1. Description – Intervention services focus on reducing risk factors generally associated with the progression of substance abuse and mental health problems. Intervention is accomplished through early identification of persons at risk, performing basic individual assessments, and providing supportive services, which emphasize short-term counseling and referral. The services are targeted toward individuals and families. During a period of time covered by a Governor's Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Intervention services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (7)(r) No change.

(s) Outpatient.

1. Description – Outpatient services provide a therapeutic environment, which is designed to improve the functioning or prevent further deterioration of persons with mental health and/or substance abuse problems. These services are usually provided on a regularly scheduled basis by appointment, with arrangements made for non-scheduled visits during times of increased stress or crisis. Outpatient services may be provided to an individual or in a group setting. The group size limitations applicable to the Medicaid program shall apply to all Outpatient services funded through a state substance abuse and mental health program contract. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Outpatient services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (7)(v) No change.

(w) Prevention/Intervention – Day.

1. Description – This cost center includes school-based day services for children and adolescents for four (4) or more consecutive hours per day. For children with mental health problems, these services include school-based mental health services for children who have been identified by the school as having, or are at risk of developing, mental health problems. Services are individualized and may be provided in a self-contained classroom, a regular classroom, or as a component of a full service school. For children and adolescents with substance abuse problems, it includes Alpha and Beta targeted prevention programs serving students in grades 4-6 and 6-8, respectively, who are identified as at risk for alcohol or other drug abuse. These services consist of multiple, structured contacts over time to specific individuals or groups identified as having behavioral, biological or environmental at-risk characteristics. These programs promote skills building and reduce the risk of establishing patterns of use. Services are provided through community provider agencies in partnership with county school boards. Counselors provide individual, group, and family counseling, and school personnel implement an intensive education program. This cost center also includes children and adolescents who are at risk of substance abuse problems and receive targeted prevention services in non-school based programs or through the Florida Youth Initiative Program.

2. through (7)(w) No change.

(x) Residential Level I.

1. Description – These licensed services provide a structured, live-in, non-hospital setting with supervision on a twenty-four (24) hour, seven (7) days per week basis. A nurse is on duty in these facilities at all times. For adult mental health, these services include group homes. Group homes are for longer-term residents. These facilities offer nursing supervision provided by, at a minimum, licensed practical nurses on a twenty-four (24) hours a day, seven (7) days per

week basis. For children with serious emotional disturbances, Level 1 services are the most intensive and restrictive level of residential therapeutic intervention provided in a non-hospital or non-crisis support unit setting, including residential treatment centers. Medicaid Residential Treatment Centers in a non-hospital or a non-crisis support unit setting, including residential treatment centers. Medicaid Residential Treatment Centers (MRTC) and Residential Treatment Centers (RTC) are reported under this cost center. On-call medical care must be available for substance abuse programs. Level 1 provides a range of assessment, treatment, rehabilitation and ancillary services in an intensive therapeutic environment, with an emphasis on treatment, and may include formal school and adult education programs. Substance Abuse Intensive Inpatient services may also be provided under this cost center. Services include an increased medical overlay and increased frequency and intensity of contact. Payment for these services may not exceed the Maximum Unit Cost Rate plus fifteen percent (15%).

2. through (7)(kk) No change.

(8) through (9)(c) No change.

(d) Special Rates for Group Treatment. The state rate for group treatment for Aftercare, Intervention, and Outpatient Services is equal to 25 percent of the state rate for individual Aftercare, Intervention, and Outpatient Services. Services for group rates shall be paid on the basis of a contact hour.

(10) through (10)(b)2. No change.

3. ~~Funding Flexibility for Individual Cost Centers.~~

~~a. Except for cost centers designated pursuant to sub-subparagraph 3.e. below, a contractor may invoice and be paid up to 15 percent more than the non-Temporary Assistance to Needy Families (TANF) funding amount specified in the contract for an individual cost center within a program; however, a contractor may not invoice and be paid more than the aggregate non-TANF funding amount provided in the contract for all cost centers within the program, but not across programs. The department may combine cost centers into groups within a program, and the aggregate amount of payment that may not be exceeded is the total contract amount associated with the cost centers within each group, but not across groups.~~

~~b. The substance abuse and mental health program supervisors in the district or region may increase from 15 percent up to 30 percent the amount contractor may exceed the total non-TANF funding specified in the contract for an individual cost center within a program and may further specify that funding may be added to that cost center but not subtracted from that cost center.~~

~~e. The state Directors of the Substance Abuse and Mental Health Programs may identify specific cost centers where the non-TANF funding flexibility specified in sub-subparagraphs a. and b. above shall not exist. In each such cost center, payment for units of service shall not exceed the contracted~~

amount, and the contracted funds are restricted to payment for units of service in only that cost center. The substance abuse and mental health program supervisors in a district or region, upon a finding in the District or Regional Substance Abuse and Mental Health Plan that an extraordinary need exists to provide a precise number of service units in a particular cost center, may add that cost center to those identified by the state Program Directors.

d. When entering into a contract with a particular contractor, the substance abuse and mental health program supervisors in a district or region may deny non-TANF flexibility for all cost centers if the contractor is currently under a corrective action plan or has failed to implement a corrective action plan pursuant to Rule 65-29.001, F.A.C., or if the substance abuse and mental health program supervisors in a district or region present a justification to and obtains the approval of state Directors of the Substance Abuse and Mental Health Programs.

### 3. Aggregate Invoice Amounts.

a. With non-TANF funds, the contractor may invoice and be paid an amount for any individual cost center specified for non-TANF funding in the contract not to exceed the total amount of non-TANF funds provided in the contract for all such cost centers within a program or group of cost centers within a program; however, the aggregate amount invoiced and paid for all such cost centers shall also not exceed the total amount of non-TANF funds provided in the contract for the program or for the group of cost centers.

~~3.e.b.~~ With TANF funds, the contractor may invoice and be paid an amount for any individual cost center specified for TANF funding in the contract not to exceed the total amount of TANF funds provided in the contract for all such cost centers within a program or group of cost centers within a program; however, the aggregate amount invoiced and paid for all such cost centers shall also not exceed the total amount of TANF funds provided in the contract for the program or for the group of cost centers. The contract shall specify the unit cost rate for each cost center contracted for TANF funding, which shall be the same rate as for non-TANF funding, but the contract shall not specify the number of TANF units or the amount of TANF funding for individual cost centers.

### 4. Alternative Method of Payment for Use Under Conditions of a Governor's Emergency Declaration for Natural or Man-Made Disasters.

a. During a period of time covered by a Governor's Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the department may use an alternate method of payment to continue the provision of substance abuse and mental health services in adversely affected counties.

b. The department's alternate method of payment may, if funds are available, release a prorated monthly share of the contract in the amount of one-twelfth (1/12) of the total annual

dollar amount in lieu of the method of payment specified in the contract, based upon a written request from the contractor in the named disaster declaration county.

c. The contractor shall reconcile the total number of service units invoiced provided during the term of the contract with the total service units contracted by the department in the contractor's final request for payment before the close of the current state fiscal year.

d. During a period of time covered by a Governor's Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Intervention, Crisis Support and Outpatient services may be paid at the maximum allowable by Chapter 65E-14, F.A.C.

### 5.4. Financial Penalties.

The department shall apply the provisions of Rule 65-29.001, F.A.C., if a contractor fails to comply with a department-approved corrective action plan in response to a finding of unacceptable performance, nonperformance, or noncompliance to the terms and conditions of a contract.

~~6.5.~~ Deducting Units Paid for by Other Sources of Funds. When preparing a request for payment for services provided, the contractor shall:

a. through c. No change.

### ~~7.6.~~ Submission of Request for Payment.

a. No change.

~~b. For cost centers paid for on the basis of utilization, the year-to-date number of units of service reported on a request for payment or any associated worksheet shall not exceed the total number of units reported and accepted in the department's data system pursuant to Rule 65E-14.022, F.A.C. for those same cost centers, the year-to-date number of units of service reported on the request for payment or any associated worksheet as billable to Medicaid shall be no fewer than the number reported and accepted in the department's data system, and the year-to-date number of units reported on the request for payment as provided to Temporary Assistance to Needy Families (TANF) clients and billed to the department shall not exceed the number reported and accepted in the department's data system. If the department, through no fault of the contractor, is unable to validate compliance with this requirement within 10 days of receipt of the request for payment, the processing of the contractor's request for payment shall not be delayed further.~~

~~b.e.~~ For cost centers paid on the basis of availability, the year-to-date number of units reported on a request for payment or any associated worksheet shall not exceed the prorated share of contracted units.

(c) through (d) No change.

(11) The following forms are hereby incorporated by reference, copies of which may be obtained from the Mental Health Substance Abuse Program Office, ATTN: PDMH SA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

- (a) through (e) No change.
- (f) CF-MH 1047, Monthly request for Non-TANF Payment/ Advance, consisting of a two page form and three pages of instructions.
- (g) through (j) No change.

Specific Authority 394.78(1),(6), 397.321(5) FS. Law Implemented 216.181(16), 394.66(9), (12), 394.74(2)(b), (3)(d), (e), (4), 394.77, 394.78(1), (6) 397.321(10), 402.73(7) FS. History—New 7-1-03, Amended 12-14-03, 1-2-05,\_\_\_\_\_

65E-14.022 Data Requirements.

The following document is hereby incorporated by reference, copies of which may be obtained from the Mental Health Substance Abuse Program Office, ATTN.: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700:

CFP 155-2, Oct 2004 Mental Health and Substance Abuse Measurement and Data Pamphlet, 7th ~~6th~~ Edition ~~Version 1~~ consisting of 267 ~~441~~ pages.

Specific Authority 394.78(1), (6), 397.321(5) FS. Law Implemented 216.181(16), 394.66(9), (12), 384.74(2)(b), (3)(d), (e), (4), 394.78(1), (6), 397(10), 402.73(7) FS. History—New 7-1-03, Amended 12-14-03, 1-2-05,\_\_\_\_\_

**FLORIDA HOUSING FINANCE CORPORATION**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Definitions	67-51.001
Notice of Funding Availability	67-51.002
General Program Restrictions	67-51.003
Application Procedures	67-51.004
Terms and Conditions of Loans	67-51.005
Loan Processing	67-51.006
Fees	67-51.007

**PURPOSE AND EFFECT:** The purpose of Rule Chapter 67-51, Florida Administrative Code (F.A.C.), is to establish the procedures by which the Florida Housing Finance Corporation shall: administer and implement HAMI Loan Program provisions authorized by Section 420.507(41), Florida Statutes and identify the definitions for terms when used in conjunction with the Single Family Revenue Bond Program.

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development Workshop will be held to receive comments and suggestions from interested persons relative to the (1) amendment of General Program Requirements that prescribe the procedures used for allocating Homeownership Assistance for Moderate Income Loan Program funds and (2) deletion of notification provisions when used in conjunction with the Single Family Mortgage Revenue Bond Program.

**SPECIFIC AUTHORITY:** 420.507(12), (24), (41) FS.

**LAW IMPLEMENTED:** 420.507(41), 420.509(11)(c) FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 2:00 p.m., April 4, 2006

**PLACE:** Florida Housing Finance Corporation, Formal Conference Room, 5th Floor, 227 North Bronough Street, Tallahassee, FL 32301

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS:** Wallisa Cobb, Single Family Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.**

Any person requiring special accommodations at the Workshop because of a disability or physical impairment should contact Wallisa Cobb at the Florida Housing Finance Corporation (850)488-4197 at least five days prior to the Workshop. If you are hearing or speech impaired, please contact the Florida Housing Finance Corporation using the Florida Dual Party Relay System which can be reached at (800)955-9770 (voice) or (800)988-8711 (TDD).

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of State Fire Marshal**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
The Florida Fire Prevention Code	69A-60
<b>RULE TITLE:</b>	<b>RULE NO.:</b>

Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2003 Edition, Adopted 69A-60.004

**PURPOSE AND EFFECT:** To reconcile a conflict between the Florida Fire Prevention Code and the Florida Building Code and to make the Florida Fire Prevention Code uniform with the Americans with Disabilities Act, which was incorporated into the Florida Building Code.

**SUBJECT AREA TO BE ADDRESSED:** Distance of new handrails from walls.

**SPECIFIC AUTHORITY:** 633.01, 633.0215, 633.025 FS.

**LAW IMPLEMENTED:** 633.01, 633.0215, 633.025 FS.

**IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A WORKSHOP IS NOT REQUESTED, NO WORKSHOP WILL BE HELD.**

**TIME AND DATE:** 9:00 a.m., April 3, 2006

**PLACE:** Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida 32399-0300

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Jim Goodloe, Chief, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. Phone (850)413-3621, Fax (850)414-6119, email: [Jim.Goodloe@fldfs.com](mailto:Jim.Goodloe@fldfs.com).

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, F.S., any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting Millicent King, Phone (850)413-3619.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

69A-60.004 Standards of the National Fire Protection Association, NFPA 101, the Life Safety Code, Florida 2003 Edition, Adopted.

(1) through (2) No change.

(3) Subdivision 7.2.2.4.4.5, of NFPA 101, Florida 2003 edition, as adopted herein, shall read: New handrails shall be installed to provide a clearance of not less than 1 and 1/2 inches between the handrail and the wall or other surface to which it is fastened.

Specific Authority 633.01, 633.0215, 633.025 FS. Law Implemented 633.01, 633.0215, 633.025 FS. History--New 11-15-01, Amended 11-28-04, Formerly 4A-60.004, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

**RULE TITLE:** Procedures for Imputing Payroll and Penalty Calculations

**RULE NO.:** 69L-6.028

**PURPOSE AND EFFECT:** The purpose and effect of the amendment to the rule is to clarify that the department will not recalculate the employer's imputed payroll when the employer has provided business records sufficient for the department to determine the employer's payroll after forty-five days from the date the employer received a written request to produce business records, and that the imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be based upon the highest rated workers' compensation classification code of the employer, unless the employer's business records demonstrate the assignment of an alternative classification code.

**SUBJECT AREA TO BE ADDRESSED:** Calculation of employer penalties where the employer has failed to provide business records sufficient to enable the department to determine payroll for the period requested.

**SPECIFIC AUTHORITY:** 440.107(9), 440.591 FS.

**LAW IMPLEMENTED:** 440.107(5) (2002), 440.107(7)(e) FS.

**A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:**

**TIME AND DATE:** 10:00 a.m., April 11, 2006

**PLACE:** Room 104J, Hartman Building, 2012 Capital Circle, Southeast, Tallahassee, Florida

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Andrew Sabolic, Bureau Chief, Bureau of Compliance, Division of Workers'

Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1600

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting the person listed above.

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

69L-6.028 Procedures for Imputing Payroll and Penalty Calculations.

(1) No change.

(2) No change.

(a) through (c) No change.

(d) The imputed weekly payroll for each employee, corporate officer, sole proprietor, or partner shall be assigned to the highest rated workers' compensation classification code associated with the employer's business activities, unless the employer's business records demonstrate the assignment of an alternative workers' compensation classification code.

(3) If subsequent to imputation of weekly payroll pursuant to section (2) herein, but before and only until the expiration of forty-five calendar days from the receipt by the employer of written request to produce business records, the employer provides business records sufficient for the department to determine the employer's payroll for the period requested for the calculation of the penalty pursuant to Section 440.107(7)(e), Florida Statutes, the department shall recalculate the employer's penalty to reflect the payroll information provided in such business records.

(4) No change.

Specific Authority 440.107(9), 440.591 FS. Law Implemented 440.107(5) (2002), 440.107(7)(e) FS. History--New 7-12-05, Amended \_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

<b>RULE CHAPTER TITLE:</b>	<b>RULE CHAPTER NO.:</b>
Admission of Animals for Exhibition	5C-4
<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
General Requirements and Limitations	5C-4.001
Definitions	5C-4.0015
Applications, Cards, Forms, Other Official Documents Required and Fees	5C-4.0016
General Requirements, Exemptions and Limitations	5C-4.0017