

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Dairy Industry

RULE NOS.:	RULE TITLES:
5D-1.001	Documents Incorporated by Reference and Definitions
5D-1.003	Permits, Licenses and Inspections
5D-1.007	Dating; Standards for Milk, Milk Products and Frozen Desserts
5D-1.012	Future Dairy Farms, Milk Plants and Frozen Dessert Plants

PURPOSE AND EFFECT: The purpose of the rule amendment is to create rules governing manufacturing milk plants located within the State of Florida. It also updates the documents incorporated by reference and revision dates on required forms. The Department’s purpose in creating these rules is to achieve compliance with Chapter 502, Florida Statutes, which was amended in the 2007 legislative session.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the permitting, inspection and product standards for manufacturing milk plants.

SPECIFIC AUTHORITY: 502.014(6) FS.

LAW IMPLEMENTED: 502.012, 502.014, 502.053 FS.

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

DATE AND TIME: December 14, 2007, 10:00 a.m.

PLACE: Dairy Conference Room, 3125 Conner Boulevard, Room 27, Tallahassee, Florida 32399-1650

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Gary Newton, Chief, Bureau of Dairy Inspection, Division of Dairy Industry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)487-1470, e-mail: newtong@doacs.state.fl.us

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Marketing and Development

RULE NOS.:	RULE TITLES:
5H-26.001	Purpose
5H-26.002	Definitions
5H-26.003	General Requirements Relating to the Sale or Purchase of Horses

5H-26.004 Bill of Sale
PURPOSE AND EFFECT: The purpose and effect of these proposed rules is to prevent unfair or deceptive trade practices relating to the sale and purchase of horses in Florida.

SUBJECT AREA TO BE ADDRESSED: The subject area addressed by these proposed rules is unfair or deceptive trade practices surrounding the sale and purchase of horses in Florida.

SPECIFIC AUTHORITY: 535.16 FS.

LAW IMPLEMENTED: 535.16 FS.

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

DATE AND TIME: December 17, 2007, 1:00 p.m. – 5:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kerry Flack, Assistant Division Director of Marketing and Development, 407 South Calhoun Street, M9, Tallahassee, FL 32399-0800, (850)488-4031. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kerry Flack, Assistant Division Director of Marketing and Development, 407 South Calhoun Street, M9, Tallahassee, FL 32399-0800, (850)488-4031

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5H-26.001 Purpose.

The purpose of this rule chapter is to address unfair and deceptive trade practices surrounding the sale and purchase of horses in Florida. This rule enhances consumer protection by implementation of minimum requirements relating to the sale and purchase of horses in Florida.

Specific Authority 535.16 FS. Law Implemented 535.16 FS. History–New _____.

5H-26.002 Definitions.

As used in this rule, the following definitions shall apply:

(1) “Dual Agent” means a person who acts as an agent, consultant, consignor, or in any other capacity that creates a position of trust with both the Purchaser and the Owner.

(2) “Horse” means an equine as defined in Section 773.01(2), F.S.

Specific Authority 535.16 FS. Law Implemented 535.16 FS. History–New _____.

5H-26.003 General Requirements Relating to the Sale or Purchase of Horses.

(1) Any sale or purchase of a horse in Florida shall be:

(a) Accompanied by a written bill of sale described in Rule 5H-26.003, F.A.C.; and

(b) Signed by both the Purchaser and the Owner or their duly authorized agents or, in a transaction solely relating to a season or fractional interest in the horse, signed by the syndicate manager or horse manager. An agent who signs a written bill of sale or acknowledgement of purchase on behalf of his or her principal shall do so only if authorized in writing by such principal. When presented with such authorization, all other parties to the transaction may presume that an agent signing on behalf of his or her principal is duly authorized to act for the principal.

(2) A person shall not act as a dual agent in a transaction involving the sale or purchase of an interest in a horse without:

(a) The prior knowledge of both the Purchaser and the Owner; and

(b) Written consent of both the Purchaser and the Owner.

(3) No person acting on behalf of either a Purchaser or an Owner, or acting as a dual agent, in a transaction involving the sale or purchase of a horse, may receive consideration, compensation, fees, a gratuity, or any other item of value related directly or indirectly to such transaction, from an individual or entity, including any consigner involved in the transaction, other than an agent's principal, unless:

(a) The agent receiving, and the person or entity making, the payment disclose in writing the payment to both the Purchaser and Owner; and

(b) Each principal for whom the agent is acting consents in writing to the payment.

(4) Any person acting as an agent for a Purchaser or an Owner or acting as a dual agent in a transaction involving the sale or purchase of a horse shall, upon request by his or her principal or principals, furnish copies of all financial records and financial documents in the possession or control of the agent pertaining to the transaction to the principal or principals. For purposes of this section, financial records shall not include the agent's or Owner's work product used to internally evaluate the horse.

(5) A violation of any provision of Chapter 5H-26, F.A.C., shall be considered an unfair and deceptive trade practice pursuant to Chapter 501, Part II, F.S.

(6) Except as provided in subsection (4), nothing in this rule shall require disclosure of compensation arrangements between a principal and an agent where no dual agency exists, where the agent is acting solely for the benefit of his or her principal, and where the agent is being compensated solely by his or her principal.

(7) No contract or agreement for payment of a commission, fee, gratuity, or any other form of compensation in connection with any sale or purchase of a horse shall be enforceable by way of an action or defense unless:

(a) The contract or agreement is in writing and is signed by the party against whom enforcement is sought; and

(b) The recipient of the compensation provides a written bill of sale for the transaction that complies with the provisions of Chapter 5H-26, F.A.C.

Specific Authority 535.16 FS. Law Implemented 535.16 FS. History--New _____.

5H-26.004 Bill of Sale.

The sale or purchase of a horse in Florida must be accompanied by a written bill of sale that must include at a minimum the following:

(1) The name and address of the buyer and the Owner;

(2) The name and address of the duly authorized agent of the buyer and the Owner, if applicable;

(3) The date of the sale;

(4) The purchase price of the horse;

(5) Date of Purchase by current Owner;

(6) Birth date of the horse (if known);

(7) Birth Location of the horse (if known);

(8) Prior Ownership of horse (if known);

(9) A written disclosure statement describing the condition of the horse including disclosure of all known alterations that affect the performance or health of the horse and all known medical ailments, defects, and surgeries. In lieu of the written disclosure statement the Owner of the horse shall provide all existing medical records or copies thereof. The written disclosure statement or medical records must be made available to prospective purchasers prior to sale.

(10) A space for the printed name and signature of the buyer and the Owner and agent, if applicable.

Specific Authority 535.16 FS. Law Implemented 535.16 FS. History--New _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.002
 RULE TITLE: Inmate Grievances – Terminology and Definitions

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and

Department employees. Rule 33-103.002, F.A.C., is amended to clarify the reviewing authority for grievances, appeals, and specifically direct grievances.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
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 IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.002 Inmate Grievances – Terminology and Definitions

The following terms, as defined, shall be standard usage throughout the department:

(1) No change.

(2) Bureau of Inmate Grievance Appeals: The bureau authorized by the ~~S~~ecretary to receive, review, investigate, evaluate, and respond to grievance appeals and direct grievances as defined in subsection (8). The Bureau of Inmate Grievance Appeals is located in the Office of Research, Planning and Support Services and is managed by the Chief of Inmate Grievance Appeals.

(3) through (7) No change.

(8) Grievance Appeal, Direct Grievances, or Central Office Review: This is a statement of complaint filed with the Secretary of the Department of Corrections through the use of the Request for Administrative Remedy or Appeal, Form DC1-303. Appeals and direct grievances are addressed in Rule 33-103.007, F.A.C.

(9) through (14) No change.

(15) Reviewing Authority: Staff who are authorized to sign grievances or appeals as the final authority for review, e.g., warden, assistant warden, deputy warden, or the Secretary’s representative.

(a) Informal Grievance:

1. Staff member who is responsible for the issue grieved.

(b)~~(a)~~ Formal Grievance Level:

1. Major Institutions – warden or assistant warden;

2.~~(b)~~ Private Correctional Facilities – warden, deputy warden, or, when determined by staff in the Bureau of Inmate Grievance Appeals that further review is required, the warden, deputy warden, or the Executive Director of the Privatization Commission;

3.~~(e)~~ Road Prisons, Vocational Centers, Work Camps, Community Correctional Centers, and Contract Community Facilities – warden or assistant warden of the supervising institution.

(c)~~(d)~~ No change.

(d)~~(e)~~ Direct Grievances:

1. A direct grievance which is to be reviewed by the warden: The warden is authorized to designate the assistant warden or deputy warden (deputy warden applicable to private facilities only) to grant and implement relief as approved by the warden, except as to grievances involving discipline, grievances alleging violation of the Americans With Disabilities Act, grievances challenging placement in close management and subsequent reviews, grievances of an emergency nature, grievances of reprisal or grievances of a sensitive nature.

2. A direct grievance which is to be reviewed by the Bureau of Inmate Grievance Appeals: the Bureau Chief, or those staff designated by the Secretary to serve as his representative.

(16) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.002, Amended 10-11-00, 1-2-03, 9-16-03, 2-9-05, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.:

RULE TITLE:

33-103.004

Inmate Grievances – Staff and Inmate Participation

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees. Rule 33-103.004, F.A.C., is amended to reflect the changes made to Rule 33-103.002, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
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 IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.004 Inmate Grievances – Staff and Inmate Participation.

(1) Inmate and employee participation in the grievance process will take the form of solicitation of written comments by inmates and employees on selected formal inmate grievances that staff determine will significantly impact the inmate population and which challenge general procedures and practices prior to the initial adjudication of the grievance. Each institution shall within 5 calendar days of receipt, post copies of this type of formal grievance on inmate and employee bulletin boards, circulate among all inmates in all disciplinary, administrative, and close management areas, including all inmates under sentence of death. These grievances shall be posted and circulated without identification of individual names or identifying facts. Written comments must be received in the office of the reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (d), F.A.C., within 5 calendar days from the date of posting in order to receive consideration. With the exception of submitting written comments, no inmate or employee who appears to be involved in the matter shall participate in any capacity in the final resolution of a grievance.

(2) Inmates and employees have the opportunity to review the effectiveness and credibility of the department’s grievance procedure through the submission of written comments to the reviewing authority as defined in paragraphs 33-103.002(15)(a) through (c)(d), F.A.C. The reviewing authority shall review and respond to written comments received and institute procedural changes as appropriate. Comments received relating to this rule that are outside the decision making authority of the reviewing authority as defined in paragraphs 33-103.002(15)(a) through (c)(d), F.A.C. shall be forwarded to the Office of the General Counsel for review and appropriate action. If the comments or complaint focuses on the implementation of the rule at a particular institution, the reviewing authority as defined in paragraphs 33-103.002(15)(b)(a) through (c)(d), F.A.C., has the authority to make necessary changes in this implementation consistent with the rule. If the comments or complaint deal with the content of the rule itself and the only way a change could be effected would be to change the rule, then it needs to be forwarded to the Office of the General Counsel. The Office of the General Counsel shall review the complaint to see if there appears to be a problem with the rule itself. If changes are necessary, the Office of the General Counsel coordinates the rule promulgation process. The warden shall receive a response and in turn advise the employee or inmate.

(3) through (4) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History– New 10-12-89, Amended 1-15-92, 4-10-95, 12-7-97, Formerly 33-29.004, Amended 10-11-00, 2-9-05.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.005
 RULE TITLE: Informal Grievance

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees. Rule 33-103.005, F.A.C., is amended to clarify when an inmate may bypass the informal grievance process and when an informal grievance should not be utilized and to reflect the changes made to Rule 33-103.002, F.A.C. The requirement in Rule 33-103.005, F.A.C., that inmates deliver informal grievances to the responsible staff member, is amended to require that informal grievances be collected by a designated staff member, logged, and forwarded to the responsible staff member for response. The requirement in Rule 33-103.005, F.A.C., that attachments be submitted in triplicate, has also been removed.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
 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 IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.005 Informal Grievance.

(1) Inmates shall utilize the informal grievance process prior to initiating a formal grievance, ~~except~~ in the case of an emergency grievance, a grievance of reprisal, a grievance of a sensitive nature, a grievance alleging violation of the Americans with Disabilities Act, a medical grievance, a grievance involving admissible reading material, a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time, a grievance challenging placement in close management and subsequent reviews, grievances regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C., or a grievance involving disciplinary action (does not include corrective consultations) governed by Rules 33-601.301-314, F.A.C., an inmate may utilize the formal grievance process governed by Rule 33-103.006, F.A.C., directly, bypassing the informal grievance process. An inmate shall utilize the direct grievance process governed by subsection 33-103.007(6), F.A.C., for grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) rather than initiating an informal or formal grievance.

(a) When an inmate decides to initiate a grievance, An informal grievance shall be submitted to the designated staff by personally placing the informal grievance in a locked grievance box. Locked boxes shall be available to inmates in open population and special housing units. A staff person from classification, the grievance coordinator's office, or the assistant warden's office shall be responsible for the key. If the staff member collecting the grievances is from classification or the assistant warden's office, he or she shall retrieve the grievances and appeals and deliver them to the institutional grievance coordinator. The warden shall designate one (1) staff member who shall log all informal grievances and distribute to the appropriate department or staff.

(b) After being logged, informal grievances shall be forwarded to the staff member who is responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff. When an informal grievance is received by the reviewing authority as defined in paragraphs 33-103.002(15)(a) through (d), F.A.C., the reviewing authority shall respond to the grievance, refer the grievance to a staff member for response, or shall advise the inmate to re-file with a specific staff member.

(c) The inmate shall not file duplicate informal grievances with different staff members.

(2) When submitting an informal grievance, the inmate shall use Form DC6-236, Inmate Request, and shall:

(a) No change.

(b) On top of the page, or on the same line as the word "Request", or on the first line of the request section the inmate shall print the words "Informal Grievance". Failure to do this will cause the request to be handled routinely and it will not be considered an informal grievance. This will also cause the form to be unacceptable as documentation of having met the informal step if it is attached to a formal grievance submitted at the next step.

1. No change.

2. When completing the inmate request form for submission as an informal grievance, the inmate shall ensure that the form is legible, that included facts are accurately stated, and that only one issue or complaint is addressed. If additional space is needed, the inmate shall use attachments and not multiple copies of Form DC6-236. ~~Attachments that are a continuation of the grievance statement, shall be submitted in triplicate.~~ The inmate shall sign and date the form and write in his Department of Corrections number and forward the informal grievance to the designated staff person. If an inmate fails to sign his grievance, it shall result in a delay in addressing the grievance until it can be verified that it is that inmate's grievance.

3. ~~The inmate shall submit all copies of the completed form to the staff member who is responsible for the particular area of the problem.~~

(3) Upon receipt of the informal grievance, the recipient shall note the date of receipt on the form.

(4) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.006
 RULE TITLE: Formal Grievance – Institution or Facility Level

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees. Rule 33-103.006, F.A.C., is amended to reflect the changes made to Rule 33-103.002, F.A.C., and the requirement that formal grievances be submitted in triplicate has been removed.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
 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 IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.006 Formal Grievance – Institution or Facility Level.

(1) When an inmate decides to file a formal grievance, he shall do so by completing Form DC1-303, Request for Administrative Remedy or Appeal and filing within the time limits set forth in Rule 33-103.011. F.A.C.

(a) In institutions and private correctional facilities, inmates shall direct this form to the warden or warden or assistant warden or deputy warden as defined in paragraphs 33-103.002(15)(a),(b) and (c), F.A.C.

(b) No change.

(2) Procedural Requirements.

(a) through (c) No change.

~~(d) Attachments that are a continuation of Part A, the grievance statement, shall be submitted in triplicate. If the inmate fails to submit the continuation of his grievance statement of complaint in triplicate, it may result in no copy of the continuation pages being returned to the inmate with the response.~~

(e) through (g) renumbered (d) through (f) No change.

~~(g)(h)~~ The inmate shall attach a copy of the informal grievance and the response to the informal grievance to his DC1-303 form, unless the grievance is a direct formal grievance of the following: is an emergency grievance; a grievance of reprisal; a grievance of a sensitive nature; a medical grievance; a grievance alleging violation of the Americans with Disabilities Act; a grievance involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time; a grievance challenging placement in close management and subsequent reviews; a grievance regarding the return of incoming mail governed by subsection 33-210.101(14), F.A.C.; or a grievance of disciplinary action (excluding corrective consultations). Any other pertinent documentation shall be attached also. Informal grievances as described in subparagraph 33-103.005(2)(b)1., F.A.C., shall not be accepted as documentation of having met the requirements of the informal grievance step.

~~(h)(i)~~ The inmate shall ~~then~~ submit the grievance or appeal to designated staff by personally placing the grievance or appeal in a locked grievance box. Locked boxes shall be available to inmates in open population and special housing units. A staff person from classification, the grievance coordinator's office, or the assistant warden's office shall be responsible for the key. If the staff member collecting the grievances is from classification or the assistant warden's office, he or she shall retrieve the grievances and appeals and deliver them to the institutional grievance coordinator. The institutional grievance coordinator shall log all formal grievances and provide the inmates with receipts. The appeals will be forwarded to the Bureau of Inmate Grievance Appeals after being processed for mailing in accordance with paragraphs 33-103.006(8)(b) and (c), F.A.C. The Bureau of Inmate Grievance Appeals shall log all appeals and forward receipts to the inmates. Grievances and appeals shall be picked up and forwarded by the institutions daily Monday through Friday.

~~(i)(j)~~ No change.

(3) The following types of grievances may be filed directly with the reviewing authority as defined in paragraphs 33-103.002(15)(~~b)(a)~~ through ~~(d)~~, F.A.C., by-passing the informal grievance step, and may be sent in a sealed envelope through routine institutional mail channels:

(a) Emergency Grievance – Upon receipt, the reviewing authority as defined in paragraphs 33-103.002(15)(~~b)(a)~~ through ~~(d)~~, F.A.C., shall take the following action as soon as possible, but no later than two calendar days following receipt:

1. through 4. No change.

(b) through (i) No change.

(4) No change.

(5) Upon receipt of the formal grievance, the recipient [reviewing authority as defined in paragraphs 33-103.002(15)(~~b)(a)~~ through ~~(d)~~, F.A.C.] shall cause the following to occur:

(a) through (d) No change.

(6) Following investigation and evaluation by the reviewing authority as defined in paragraphs 33-103.002(15)(~~b)(a)~~ through ~~(d)~~, F.A.C., a response shall be provided to the inmate within 20 calendar days of receipt of the grievance as required by paragraph 33-103.011(3)(b), F.A.C. The degree of investigation is determined by the complexity of the issue and the content of the grievance. The response shall state whether the grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return.

(a) through (b) No change.

(c) The reviewing authority as defined in paragraphs 33-103.002(15)(~~b)(a)~~ through ~~(d)~~, F.A.C., shall retain a complete copy of the grievance on file.

(d) No change.

(7) No change.

(8) Mailing Procedures. The warden or person designated in paragraphs 33-103.002(15)(~~b)(a)~~ through ~~(d)~~, F.A.C., shall establish a procedure in the institution or facility under his supervision for processing those grievances which require mailing. Inmates who are filing grievances that require mailing shall be required to utilize the procedure set forth in this rule when processing their grievances or appeals to the reviewing authority of community facilities or the Bureau of Inmate Grievance Appeals in the central office. The institution or facility shall provide postage for grievances submitted through this process. Procedures implemented shall include, at a minimum, the following:

(a) through (e) No change.

(f) Upon receipt of a the mailed grievance by the reviewing authority as defined in paragraph 33-103.002(15)(d), F.A.C., or the Bureau of Inmate Grievance Appeals, the following shall occur:

1. The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:

a. No change.

b. ~~In the case of an appeal being filed with central office, by comparing the receipt date on the DC1-303 form to the response date of the formal grievance.~~

b.e. In the case of a grievance being filed directly at the institutional ~~or central office~~ level, by comparing the receipt date on the DC1-303 form to the date of the incident or situation giving rise to the complaint.

2. through 3. No change.

(9) through (10) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 5-10-98, 2-17-99, Formerly 33-29.006, Amended 8-1-00, 10-11-00, 2-9-05, 10-28-07, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.007
 RULE TITLE: Appeals and Direct Grievances to the Office of the Secretary

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees. Rule 33-103.007, F.A.C., is amended regarding the requirements of HIPAA related grievances, direct grievances to the Secretary, reflect the changes made to Rule 33-103.002, F.A.C., and for clarity. The requirement that attachments be submitted in triplicate has been removed.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
 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 IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.007 Appeals and Direct Grievances to the Office of the Secretary.

- (1) No change.
- (2) Procedural Requirements.
- (a) through (b) No change.

~~(c) Attachments that are a continuation of Part A, grievance statement, shall be submitted in triplicate. If the inmate fails to submit the continuation of his grievance statement of complaint in triplicate, it may result in no copy of the continuation pages being returned to the inmate with the response;~~

(d) through (g) renumbered (c) through (f) No change.

~~(3) If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:~~

- ~~(a) Attach a copy of his formal grievance and response;~~
- ~~(b) Attach a copy of his informal grievance and response, except when appealing grievances on disciplinary action (excluding corrective consultations), medical issues, admissible reading material, placement in close management and subsequent reviews, violation of the Americans with Disabilities Act, grievances regarding the return of incoming~~

~~mail governed by subsection 33-210.101(14), F.A.C., or grievances involving gain time governed by Rule 33-601.101, F.A.C., Incentive Gain Time;~~

~~(c) Attach any other documentation that the inmate has that is pertinent to the review and that the inmate wants reviewed. Attachments as required by the rule that do not meet the requirements of this rule may result in the grievance being returned to the inmate;~~

~~(d) Submit the complete form with attachments to the Office of the Secretary in accordance with subsection 33-103.006(8), F.A.C. Failure to submit a complete grievance shall result in the grievance being returned to the inmate without action.~~

~~(e) If the inmate is filing an amendment to a previously filed grievance or appeal, the inmate shall clearly state this at the beginning of PART A of the Request for Administrative Remedy or Appeal, Form DC1-303.~~

~~(3)(4) The Office of the Secretary has designated the Bureau of Inmate Grievance Appeals to receive, review, investigate, evaluate and respond to appeals and direct grievances filed with the Office of the Secretary. Appeals and direct grievances to the Office of the Secretary shall be turned over that same date to the Bureau of Inmate Grievance Appeals which shall ensure that the grievance is date-stamped in on the date of receipt. Upon receipt the appeal or direct grievance by the Bureau of Inmate Grievance Appeals, the following shall occur:~~

~~(a) The decision of whether or not the grievance has been timely filed by the inmate shall be made based upon the following comparisons:~~

~~1. In the case of an appeal being filed with the central office, by comparing the receipt date on the DC1-303 form to the response date of the formal grievance.~~

~~2. In the case of a grievance being filed directly at the central office level, by comparing the receipt date on the DC1-303 form to the date of the incident or situation giving rise to the complaint.~~

~~(4)(5) Upon receipt of the grievance appeal or direct grievance, the Chief of Inmate Grievance Appeals shall cause the following to occur:~~

~~(a) through (c) No change.~~

~~(d) A grievance appeal or direct grievance may be returned to the inmate for any one or more of the reasons stated in Rule 33-103.014, F.A.C., without further processing.~~

~~(e) No change.~~

~~(f) The response shall state whether the appeal or direct grievance is approved, denied, or being returned and shall also state the reasons for the approval, denial or return. The criteria considered in approving, denying or returning an appeal or direct grievance will vary with the facts of the grievance.~~

~~(5) Grievance appeals – If the grievance appeal is not a direct grievance to the Office of the Secretary, the inmate shall:~~

~~(a) through (c) No change.~~

(6) Direct Grievances.

(a) Emergency grievances, grievances of reprisals, or grievances of a sensitive nature may be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. Grievances alleging a violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303. The following shall apply:

1. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns either an emergency, or is a grievance of a reprisal, or a grievance of a sensitive nature. When alleging HIPAA violations, the inmate shall state that the grievance concerns HIPAA at the beginning of Part A of Form DC1-303.

2. The inmate must clearly state the reason for not initially bringing the complaint to the attention of institutional staff and by-passing the informal and formal grievance steps of the institution or facility, except in the case of a HIPAA violation grievance which must be filed directly with the Office of the Secretary.

3. The inmate may forward grievances of these ~~four~~ three types to the Office of the Secretary in a sealed envelope by following the procedure set out in paragraph 33-103.006(8)(d), F.A.C. When a direct grievance alleging violation of HIPAA is received at the Office of the Secretary, the Bureau of Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the Bureau of Inmate Grievance Appeals to ensure appropriate filing and routing.

(b) Emergency Grievances. An emergency grievance may be filed directly with the ~~S~~secretary. Upon receipt, staff of the Bureau of Inmate Grievance Appeals shall take the following actions as soon as possible, but no later than two calendar days following receipt:

1. through 4. No change.

(c) Grievances ~~appeals~~ filed directly with the Office of the Secretary that are grievances of reprisal, ~~or~~ grievances of a sensitive nature, or a grievance alleging a violation of HIPAA shall be responded to according to established time frames.

~~(d) Grievances alleging violation of the Health Insurance Portability and Accountability Act (HIPAA) must be filed directly with the Office of the Secretary using the Request for Administrative Remedy or Appeal, Form DC1-303, and shall be responded to according to established time frames. The inmate shall state at the beginning of Part A of Form DC1-303 that the grievance concerns HIPAA.~~

~~(d)(e)~~ No change.

(7) through (8) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, 2-9-05, 8-21-06, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.008
 RULE TITLE: Grievances of Medical Nature

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees. Rule 33-103.008, F.A.C., is amended to reflect the changes made to Rules 33-103.002 and 33-103.007, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
 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 IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.008 Grievances of Medical Nature.

(1)(a) No change.

(b) If a formal grievance of a medical nature is received by the reviewing authority of community facilities as defined in paragraph 33-103.002(15)(b)(~~e~~), F.A.C., it shall be forwarded to the Office of the Director for Regional Health Services for investigation and response. However, if the medical grievance originates out of one of the drug treatment centers which have a chief health officer, it shall be forwarded to that chief health officer for investigation and response. Following preparation of a response and signature of the responding employee, the grievance shall be returned to the reviewing authority of community facilities to ensure appropriate filing and routing.

(c) No change.

(2) If a grievance appeal of a medical nature ~~or a direct grievance alleging violation of HIPAA~~ is received by at the Office of the Secretary, the Bureau of Inmate Grievance Appeals shall forward the grievance to the Office of the Assistant Secretary for Health Services for investigation and response. The disclosure of medical information in a grievance authorizes staff to review the information and to use and disclose the medical information necessary to investigate in order to respond. Following preparation of a response and

signature of the responding employee, the grievance shall be returned to the Bureau of Inmate Grievance Appeals to ensure appropriate filing and routing. Other procedures applicable to the processing of a grievance appeal of a medical nature are as stated in Rule 33-103.007, F.A.C.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.008, Amended 6-29-03, 2-9-05, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.011 **RULE TITLE:** Time Frames for Inmate Grievances
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees. Rule 33-103.011, F.A.C., is amended to reflect the changes made to Rule 33-103.002, F.A.C.
SUBJECT AREA TO BE ADDRESSED: Inmate grievances
SPECIFIC AUTHORITY: 944.09 FS.
LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
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 IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.011 Time Frames for Inmate Grievances ~~Time frames.~~

When determining the time frames for grievances in all cases, the specified time frame shall commence on the day following the date of the incident or response to the grievance at the previous level. For example, if an incident occurred on December 1, fifteen days from that date would be December 16.

- (1) No change.
- (2) An extension of the above-stated time periods shall be granted when it is clearly demonstrated by the inmate to the satisfaction of the reviewing authority as defined in paragraphs 33-103.002(15)(b) and ~~(c)(a) through (d)~~, F.A.C., or the ~~S~~ecretary that it was not feasible to file the grievance within the relevant time periods and that the inmate made a good faith effort to file in a timely manner. The granting of such an extension shall apply to the filing of an original grievance or when re-filing a grievance after correcting one or more deficiencies cited in Rule 33-103.014, F.A.C.
- (3) Responding to Grievances.

- (a) No change.
- (b) Formal Grievances – The reviewing authority as defined in paragraphs 33-103.002(15)~~(b)(a) through (d)~~, F.A.C., shall have up to 20 calendar days from the date of receipt of the grievance to take action and respond. See Rule 33-103.006, F.A.C.
- (c) through (d) No change.
- (4) through (5) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.011, Amended 2-9-05, _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.012 **RULE TITLE:** Grievance Records
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees. Rule 33-103.012, F.A.C., is amended to reflect the changes made to Rules 33-103.002 and 33-103.005, F.A.C., including the requirement of logging informal grievances.
SUBJECT AREA TO BE ADDRESSED: Inmate grievances.
SPECIFIC AUTHORITY: 944.09 FS.
LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
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 IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-103.012 Grievance Records.
- (1) A log shall be made of each formal grievance, direct grievance, or appeal and shall contain, at a minimum, the following information:
 - (a) through (g) No change.
 - (2) No change.
 - (3) A log shall be made of each informal grievance and shall contain, at a minimum, the following information:
 - (a) Inmate name;
 - (b) Prison number;
 - (c) Date that the grievance or appeal was received;
 - (d) Staff member responsible in the particular area of the problem, the classification team, the appropriate section head, or other institutional staff who is to respond to the informal grievance.

~~(4)(3)~~ The Department shall maintain the confidentiality of inmate grievance records to the extent permitted under Florida law.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, Amended 12-22-92, 4-10-95, 12-7-97, Formerly 33-29.012, Amended 2-9-05,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-103.016
 RULE TITLE: Follow Through on Approved Grievances

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Chapter 33-103, F.A.C., for clarity and to simplify the grievance process for inmates and Department employees. Rule 33-103.016, F.A.C., is amended to include direct grievances.

SUBJECT AREA TO BE ADDRESSED: Inmate grievances.
 SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164
 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 IS: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-103.016 Follow Through on Approved Grievances.
- (1) No change.
- (2) Appeals and direct grievances to the Office of the Secretary. All grievances which are approved by the Office of the Secretary/Bureau of Inmate Grievance Appeals shall be handled as follows:
 - (a) through (f) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 4-10-95, Amended 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01, 8-21-06,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.: 59G-4.001
 RULE TITLES: Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider Reimbursement Handbook, CMS-1500, March 2008. The handbook was revised to include billing

instructions for Home and Community-Based Waiver Services and Targeted Case Management Services. Providers for these services will be required to bill on the CMS-1500 claim form when submitting paper claims. The handbook also contains updated references for the new Medicaid fiscal agent. The effect will be to incorporate by reference in rule the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the CMS-1500.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, December 18, 2007, 1:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711, girardk@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, March 2008, ~~February 2006~~, ~~updated January 2007 and November 2007~~, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent's website at <http://mymedicaid-florida.com> ~~floridamedicaid-aes-inc.com~~. ~~Click on Provider Support, and then on Handbooks.~~ Paper copies of the handbook may be obtained by calling Provider Inquiry at (800)377-8216.

(2) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History—New 10-1-03, Amended 7-2-06, 3-7-07,_____.

agent's website at <http://mymedicaid-florida.com>, ~~floridamedicaid.aes-inc.com~~. Click on Provider Support, and then on Handbooks.

~~(3) The following forms that are included in the Florida Medicaid Provider Reimbursement Handbook, UB 92, are incorporated by reference: The UB 92 Claim Form, UB 92 HCFA 1450, one page double sided; State of Florida, Florida Medicaid Authorization Request, PA01-04/2002, one page; Medically Needy Billing Authorization, DF ES 2902, June 2003, one page; State of Florida, Sterilization Consent Form, SCF 7/94, one page; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2001, one page; State of Florida, Abortion Certification Form, August 2001, one page. All the forms are available from the Medicaid fiscal agent by calling Provider Inquiry at (800)289-7799 or from its website at <http://floridamedicaid.aes-inc.com>. Click on Provider Support, and then on Medicaid Forms.~~

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908, 409.9081 FS. History--New 1-1-77, Revised 12-7-78, 1-18-82, Amended 7-1-83, 7-16-84, 7-1-85, 10-31-85, Formerly 10C-7.40, Amended 9-16-86, 2-28-89, 5-21-91, 5-13-92, 7-12-92, 1-5-93, 6-30-93, 7-20-93, 12-21-93, Formerly 10C-7.040, Amended 6-13-94, 12-27-94, 2-21-95, 9-11-95, 11-12-95, 2-20-96, 10-27-98, 5-12-99, 10-18-99, 3-22-01, 8-12-01, 2-25-03, 8-14-03, 11-28-04, 8-18-05, 1-10-06, 4-16-06.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.060
 RULE TITLE: Dental Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Provider Reimbursement Handbook, ADA Dental Claim Form, March 2008. The handbook replaces the Florida Medicaid Provider Reimbursement Handbook, Dental 111. Dental providers will be required to bill on the ADA Dental Claim Form when submitting paper claims. The handbook also contains updated references for the new Medicaid fiscal agent. The effect will be to incorporate by reference in rule the Florida Medicaid Provider Reimbursement Handbook, ADA Dental Claim Form.

SUBJECT AREA TO BE ADDRESSED: Dental Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: Wednesday, December 26, 2007, 1:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Mary Cerasoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328, cerasolm@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2006, updated January 2007, and the Florida Medicaid Provider Reimbursement Handbook, ADA Dental Claim Form Dental 111, March 2008 ~~October 2003~~, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent's website at <http://mymedicaid-florida.com>, ~~floridamedicaid.aes-inc.com~~. ~~Click on Provider Support, and then on Handbooks~~. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)377-8216.

(3) No change.

(4) The following form that is included in the Florida Medicaid Provider Reimbursement Handbook, ADA Dental Claim Form, is incorporated by reference: ADA Dental Claim Form, @2006 American Dental Association, J404.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History--New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, 6-28-05, 7-2-06, 5-21-07.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: 61B-24.006
 RULE TITLE: Economic Information

PURPOSE AND EFFECT: This rule amendment deletes references to form numbers appearing on division educational brochures. It also deletes a provision that relieves the developer of certain requirements when the division is unable to provide the developer with copies of educational brochures. Instead, the developer may print copies of the brochures from the division's Internet-site or request copies directly from the division.

SUBJECT AREA TO BE ADDRESSED: This rule addresses educational materials that must be provided to tenants by a developer when a condominium is created by conversion of existing improvements.

SPECIFIC AUTHORITY: 718.501(1)(f), 718.614(2) FS.

LAW IMPLEMENTED: 718.501(1)(e), 718.614(2) FS.

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

DATE AND TIME: December 14, 2007, 2:00 p.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 North Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II, at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. The preliminary draft rule is also available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-27.001 **RULE TITLE:** Screening and Case Management

PURPOSE AND EFFECT: Section 381.985, F.S., subsection 5. was passed during the 2006 legislative session and signed into law by Governor Jeb Bush. Section 381.985, F.S., Subsection 5. requires the Surgeon General to promulgate rules in accordance with its provisions. The effect of this rule will be to assume a comprehensive screening program and establish a standard of care for children under 72 months of age who have an elevated blood-lead level or confirmed lead poisoning.

SUBJECT AREA TO BE ADDRESSED: Blood-lead screening guidelines, case management guidelines, and proper standard of care for children under 72 months of age who have an elevated blood-lead level or confirmed lead poisoning.

SPECIFIC AUTHORITY: 381.985, subsection 5. FS.

LAW IMPLEMENTED: 381.985, subsection 5. 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: Ricky Harrison, Environmental Policy Analyst, Childhood Lead Poisoning Prevention Program, Florida Department of Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399. You may contact Ricky Harrison by phone at (850)245-4247

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

DEPARTMENT OF HEALTH

Division of Health Access and Tobacco

RULE NOS.: 64I-6.001 **RULE TITLES:** Title

64I-6.002 Program Components

PURPOSE AND EFFECT: Chapter 64I-6, F.A.C., entitled, Comprehensive Statewide Tobacco Education and Use Prevention Program, has been created to implement Section 27, Article X of the State Constitution and Section 381.84, F.S., requiring funding and implementation of a comprehensive statewide tobacco education and use prevention program.

SUBJECT AREA TO BE ADDRESSED: The proposed rules provide for specific program components to be implemented in accordance with the Federal Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs, October 2007.

SPECIFIC AUTHORITY: 381.84(2), (3), (9) FS.

LAW IMPLEMENTED: 381.84 FS.

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

DATE AND TIME: December 11, 2007, 2:00 p.m. – 3:45 p.m.

PLACE: Capitol Center Office Complex, 4052 Bald Cypress Way, Room 301, Tallahassee, Florida 32399-1743

Any persons requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carlos Martinez at the Division of Health Access and Tobacco, (850)245-4144, ext. 2473, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please call

the Florida Division of Health Access and Tobacco using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Carlos Martinez; telephone: (850)245-4144, ext. 2473; e-mail: carlos_martinez@doh.state.fl.us

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

Section II Proposed Rules

DEPARTMENT OF LAW ENFORCEMENT

Criminal Justice Standards and Training Commission

RULE NO.:	RULE TITLE:
11B-27.014	Implementation of the Federal Law Enforcement Officers Safety Act of 2004

PURPOSE AND EFFECT: To develop rules for retired law enforcement officers to carry a concealed firearm in Florida under the federal Law Enforcement Officers Safety Act of 2004, as defined in 18 U.S.C.A., §926C.

SUMMARY: This rule implements the Federal Law Enforcement Officers Safety Act of 2004: To require a retiree to demonstrate firearms proficiency on the Commission's approved course of fire prior to carrying a concealed firearm in Florida, to create requirements for range masters to administer the Commission's approved course of fire; to list firearms range requirements; and to create the Firearms Proficiency Verification Card form CJSTC-600.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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.

SPECIFIC AUTHORITY: 943.03(4), 943.12(1) FS.

LAW IMPLEMENTED: 943.12, 943.132 FS.

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

DATE AND TIME: January 3, 2008, 1:00 p.m.

PLACE: Florida Department of Law Enforcement, 2331 Phillips Road, Tallahassee, Florida 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by

contacting: Donna Hunt at (850)410-8615. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Donna Hunt, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, 2331 Phillips Road, Tallahassee, Florida 32308, (850)410-8516

THE FULL TEXT OF THE PROPOSED RULE IS:

11B-27.014 Implementation of the Federal Law Enforcement Officers Safety Act of 2004.

(1) Requirements to demonstrate the firearms proficiency requirements under the Federal Law Enforcement Officers Safety Act of 2004 (18 U.S.C.A. § 926C) in Florida.

(a) To carry a concealed firearm under the Federal Law Enforcement Officers Safety Act of 2004 ("Act"), a qualified retired law enforcement officer ("retiree"), as defined in 18 U.S.C.A. § 926C, shall show that he or she has demonstrated the firearms proficiency required by the Act within the past twelve months of the time he or she possesses a concealed firearm.

(b) The Act provides the following two methods for a retiree to demonstrate firearms proficiency:

1. One method allows the retiree to return to the agency from which he or she retired to meet the agency's firearms proficiency standards as applied to the agency's active officers. Under the Act, an agency has the option to offer this alternative.

2. The second method allows the retiree to meet the minimum firearms standards applied to active law enforcement officers by the state of the retiree's residence.

(c) For retirees who reside in Florida, the option to meet the state's minimum firearms standards shall be demonstrated using the Commission's approved minimum firearms proficiency course of fire ("course of fire"), conducted in a manner specified in subsection (2) of this rule section, pursuant to the Law Enforcement Officer Firearms Qualification Standard on form CJSTC-86A, incorporated by reference in subsection 11B-27.00212(14), F.A.C.

(2) Requirements for administering the course of fire are as follows:

(a) The range master conducting the course of fire shall be an active Commission-certified firearms instructor pursuant to subsection 11B-20.0014(2), F.A.C.

(b) The range master shall issue a Commission-approved Firearms Proficiency Verification Card, form CJSTC-600, created on July 9, 2007, hereby incorporated by reference, to each retiree who successfully completes the course of fire as required on form CJSTC-86A.