

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

Division of Victim Services and Criminal Justice Programs

RULE TITLE: Claims
 RULE NO.: 2A-2.002

PURPOSE AND EFFECT: Division of Victim Services and Criminal Justice Programs intends to revise an existing form it utilizes in its domestic violence assistance program and to incorporate two additional forms into the rule.

SUBJECT AREA TO BE ADDRESSED: The revision of an existing domestic violence assistance claim form and the incorporation of two new forms in the rule.

SPECIFIC AUTHORITY: 960.045(1) FS.

LAW IMPLEMENTED: 960.065, 960.07, 960.13(1)(b), 960.198 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: 1:30 p.m., August 28, 2001

PLACE: The Collins Building, 107 W. Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ellen Winslow, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2A-2.002 Claims.

Application and benefit payment criteria, limitations and procedures for victim assistance are provided in the publication entitled "Victim Compensation Assistance," BVC-P001 (January 2000), effective 2-3-00, which is incorporated into these rules by reference. In addition, the following documents are incorporated into this rule by reference:

(1) through (5) No change.

(6) BVC 105, entitled "Domestic Violence Relocation Certification" (8/01) ~~(10/99)~~, effective 2-3-00.

(7) BVC 105A, entitled "Domestic Violence Relocation Expense Worksheet," (8/01), effective _____.

(7) through (10) renumbered (8) through (11) No change.

(12) BVC 421, entitled "Notification of Possible Recoupment and/or Prosecution for Fraud" (8/01), effective _____.

Specific Authority 960.045(1) FS. Law Implemented 960.065, 960.07, 960.13(1)(b), 960.198 FS. History--New 1-1-92, Amended 11-1-92, 9-13-94, 1-8-96, 6-25-96, 10-1-96, 9-24-97, 8-17-99, 2-3-00, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission –
 Handicapped Accessibility Standards

RULE CHAPTER NO.:

RULE TITLE: Procedures
 RULE NO.: 9B-7.003

PURPOSE AND EFFECT: To update section 8, "Reason(s) for Waiver Request," of Request for Waiver, Form No. 1997-03, adopted by reference in this rule. Section 8 lists the criteria for waiver of accessibility requirements, and the proposed amendment will replace outdated criteria with those criteria currently prescribed in subsection 9B-7.003(6), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Application for waiver from accessibility requirements.

SPECIFIC AUTHORITY: 553.512(1) FS.

LAW IMPLEMENTED: 553.512(1) FS.

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

TIME AND DATE: 1:30 p.m., Tuesday, August 28, 2001

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. 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)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-7.003 Procedures.

(1) All applications for a waiver or modification of the requirements of the Act or the Code shall be filed on the Request for Waiver, Forms No. 2001-1 ~~1997-03~~ and 1997-04, which the Commission hereby incorporates by reference, effective October 1, 1997. Copies of Forms No. 2001-1 ~~1997-03~~ and 1997-04 are available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Upon certification from an applicant that all information requested by these rules has been furnished, the

request will be scheduled for consideration at the Commission's next scheduled meeting provided that at least 14 days notice can be given to the members of the Advisory Council.

(2) through (7) No change.

Specific Authority 553.512(1) FS. Law Implemented 553.512(1) FS. History—New 1-31-79, Formerly 9B-7.03, Amended 10-1-96, 9-14-97, 9-7-00, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER TITLE: Florida Building Commission – Handicapped Accessibility Standards
 RULE CHAPTER NO.: 9B-7
 RULE TITLE: Florida Accessibility Code for Building Construction
 RULE NO.: 9B-7.0042

PURPOSE AND EFFECT: To adopt by reference the 2001 revisions to the 1997 Florida Accessibility Code for Building Construction (Code). The proposed 2001 revisions consist of minor amendments to Figure 30(e), which depicts three illustrations of an accessible toilet stall with a lavatory, and was first adopted by the Florida Building Commission (Commission) in 1999 without the input of the U.S. Department of Justice (DOJ). The current amendment of the 1999 version of Figure 30(e) was suggested by the DOJ. In 1998, the DOJ certified the Code as equivalent to federal standards for accessibility of buildings, structures, and facilities, and Section 553.502, F.S., requires that the Code be maintained to assure its certification by the DOJ. After working with the DOJ to develop the 2001 revisions to the Code, upon final adoption of the 2001 revisions the Commission will submit documentation of the revisions to the DOJ in order to obtain the DOJ's official assurance that the 2001 revisions will not negatively impact the certification of the Code.

SUBJECT AREA TO BE ADDRESSED: Requirement for a lavatory in accessible toilet stall.

SPECIFIC AUTHORITY: 553.503 FS.

LAW IMPLEMENTED: 553.503 FS.

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

TIME AND DATE: 1:30 p.m., Tuesday, August 28, 2001

PLACE: Rosen Plaza Hotel, 9700 International Drive, Orlando, Florida

Any person requiring special accommodations at the workshop because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. 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)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-7.0042 Florida Accessibility Code for Building Construction.

The 1997 Florida Accessibility Code for Building Construction (the Code) is adopted by reference as the rule of this Commission, effective October 1, 1997. The 2001 ~~1999~~ revisions to the Code are hereby incorporated into this rule by reference and shall take effect on the effective date of this rule. Copies of the Code and the 2001 ~~1999~~ revisions are available by writing to the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

Specific Authority 553.503 FS. Law Implemented 553.503 FS. History—New 9-14-97, Amended 10-31-99, _____.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Emergency Management

RULE CHAPTER TITLE: Hazard Mitigation Grant Program
 RULE CHAPTER NO.: 9G-22
 RULE TITLES: Purpose, Definitions, Eligibility, LMS Working Groups, Local Mitigation Strategy, County Allocations and Project Funding, Application
 RULE NOS.: 9G-22.001, 9G-22.002, 9G-22.003, 9G-22.004, 9G-22.005, 9G-22.006, 9G-22.007

PURPOSE AND EFFECT: This chapter describes the processes for application, project selection and distribution of funds under the Hazard Mitigation Grant Program.

SUBJECT AREA TO BE ADDRESSED: Grants.

SPECIFIC AUTHORITY: 252.46 FS.

LAW IMPLEMENTED: 252.311, 252.32, 252.35 FS.

THIS NOTICE OF PROPOSED RULE DEVELOPMENT IS UNDERTAKEN PURSUANT TO SECTION 120.54(2)(a), FLORIDA STATUTES. 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.

WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO: Daniel T. Crabb, Planner IV, Bureau of Recovery and Mitigation,

Division of Emergency Management, 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100, Telephone: (850)413-9818, Fax: (850)922-0325; E-mail: daniel.crabb@dca.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9G-22.001 Purpose.

This chapter describes the processes for application, project selection and distribution of funds under the Hazard Mitigation Grant Program.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History–New.

9G-22.002 Definitions.

(1) “Adoption” means a resolution, ordinance or other formal action taken by the governing body of a county or municipality indicating agreement with and acceptance of the relevant Local Mitigation Strategy.

(2) “Application” means the request for hazard mitigation funding as submitted to the Division by an Applicant.

(3) “Applicant” means a state agency, local government, Native American tribe or authorized tribal organization or eligible private non-profit organization, as defined in 44 C.F.R., §206.221(e), requesting hazard mitigation funding.

(4) “Disaster” means any emergency or major disaster as defined in 44 C.F.R., Part 206, Subpart A.

(5) “Division” means the Division of Emergency Management within the Department of Community Affairs.

(6) “FEMA” means the Federal Emergency Management Agency.

(7) “Florida Hazard Mitigation Strategy” means Florida’s version of the Hazard Mitigation Plan referred to in 44 C.F.R., Part 206, Subpart M. The Florida Hazard Mitigation Strategy (Rev. Month/Day/Year) is hereby incorporated into this rule by reference.

(8) “Hazard” means a condition that exposes human life or property to harm from a man-made or natural disaster.

(9) “Hazard Mitigation” means any action taken to reduce or eliminate the exposure of human life or property to harm from a man-made or natural disaster.

(10) “Hazard Mitigation Grant Program”, herein referred to as HMGP, means the program authorized under Section 404 of the Stafford Act and implemented by 44 C.F.R., Part 206, Subpart N, which provides funding for mitigation projects as identified in the State Hazard Mitigation Strategy.

(11) “Local Mitigation Strategy” or “LMS” means a plan to reduce the identified hazards within a county.

(12) “Project” means an approved hazard mitigation proposal for funding under the Hazard Mitigation Grant Program.

(13) “Working Group” is the group responsible for the development and implementation of the Local Mitigation Strategy.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History–New.

9G-22.003 Eligibility.

(1) Eligible types of projects shall include, but not be limited to, the following:

(a) New construction activities that will result in protection from hazards;

(b) Retrofitting of existing facilities that will result in increased protection from hazards;

(c) Elevation of floodprone structures;

(d) Vegetative management/soil stabilization;

(e) Infrastructure protection measures;

(f) Stormwater management/flood control projects;

(g) Property acquisition or relocation; and

(h) Plans that identify and analyze mitigation problems and include funded, scheduled programs for implementing solutions.

(2) In order to be eligible for funding, projects shall meet the following requirements:

(a) Conform to the Florida Hazard Mitigation Strategy;

(b) Conform to the funding priorities for the disaster as established in the LMS governing the project;

(c) Conform to 44 C.F.R., Part 9, Floodplain Management and Protection of Wetlands, and 44 C.F.R., Part 10, Environmental Considerations;

(d) Eliminate a hazard independently or substantially contribute the elimination of a hazard where there is reasonable assurance that the project as a whole will be completed; and

(e) Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a disaster.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History–New.

9G-22.004 LMS Working Groups.

Each county electing to participate in the HMGP must have a formal LMS Working Group and a current LMS.

(1) Not later than the last working weekday of January of each year the Chairperson of the Board of County Commissioners shall submit to the Division a list of the members of the Working Group and its designated chairperson and Vice-Chairperson.

(2) The Working Group shall include, at a minimum:

(a) Representation from various agencies of county government which may include, but not be limited to, planning and zoning, roads, public works and emergency management;

(b) Representation from all interested municipalities within the county; and

(c) Representation from all interested private organizations, civic organizations, Native American Tribes or authorized tribal organizations, water management districts, independent special districts and non-profit organizations.

(3) The county shall submit documentation to show that within the preceding year it has issued a written invitation to each municipality, private organization, civic organization, Native American Tribe or authorized tribal organization, water management district, independent special district and non-profit organization, as applicable, to participate in the LMS working group. This documentation shall accompany the membership list submitted to the Division.

(4) The Working Group shall have the following responsibilities:

- (a) To designate a Chairperson and Vice-Chairperson;
- (b) To develop and revise an LMS as necessary;
- (c) To coordinate all mitigation activities within the County;
- (d) To set an order of priority for local mitigation projects; and
- (e) To submit annual LMS updates to the Division by the last working weekday of each January. Updates shall address, at a minimum:
 - 1. Changes to the hazard assessment;
 - 2. Changes to the project priority list;
 - 3. Changes to the critical facilities list;
 - 4. Changes to the repetitive loss list; and
 - 5. Revisions to any maps.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New _____.

9G-22.005 Local Mitigation Strategy.

Each LMS shall have the following components:

- (1) A description of the activities of local government and private organizations that promote hazard mitigation; a description of the policies, ordinances or programs that guide those activities; and any deficiencies in the policies, ordinances, and programs with recommendations to correct those deficiencies;
- (2) A description of the methods used to engage private sector participation;
- (3) A statement of general mitigation goals, with Working Group recommendations for implementing these goals, and estimated dates for implementation;
- (4) A description of the procedures used by the Working Group to review the LMS at regular intervals to ensure that it reflects current conditions within the County;
- (5) A hazard assessment to include, at the minimum, an evaluation of the vulnerability of structures, infrastructure, environmental resources and the economy to storm surge, high winds, flooding, wildfires and any other hazard to which the community is susceptible;

(6) A statement of procedures used to set the order of priority for projects based on project variables which shall include technical and financial feasibility;

(7) A list of approved projects in order of priority with estimated costs and associated funding sources;

(8) A list of critical facilities that must remain operational during and after a disaster;

(9) A list structures that have suffered two or more occurrences of damage due to flooding and which have received payouts from the National Flood Insurance Program as a result of those occurrences (i.e. repetitive loss structures); and

(10) Maps, in Geographical Information System (GIS) format, depicting hazard areas, project locations, critical facilities and repetitive loss structures.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New _____.

9G-22.006 County Allocations and Project Funding.

(1) The available HMGP funds shall be allocated to the counties included in the relevant disaster declaration in proportion to each county's share of the total disaster damages, as measured by the Public Assistance figures approved by FEMA immediately following the disaster, plus the actual disaster claims from the Individual Assistance and Small Business Administration programs as of 90 days after the disaster declaration. No county with an estimated allocation of less than \$10,000 shall be eligible to receive funding under this paragraph.

(a) Eligible and submitted projects for each county included in the relevant disaster declaration will be funded in order of priority as outlined in the LMS until the allocated funds are exhausted, or all eligible projects are funded, whichever occurs first.

(b) Any allocation remaining after all eligible projects in any declared county are funded shall be re-allocated to those counties included in the relevant disaster declaration whose allocation was not sufficient to fund all submitted eligible projects in proportion to each county's share of unfunded projects.

(2) If funds remain after all eligible projects under paragraph (1) above have been funded, then they shall be applied to fund eligible projects submitted from counties not included in the relevant disaster declaration on a first-come-first-served basis until all available funds are obligated.

(3) Once a project has been selected for funding, the agreement between the applicant and the Division regarding the terms and conditions of the grant shall be formalized by contract.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New _____.

9G-22.007 Application.

(1) The following entities may apply for funding under the program:

(a) State agencies and local governments;

(b) Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in 44 C.F.R., §206.221(e); and

(c) Indian tribes or authorized tribal organizations.

(2) The Division shall notify potential applicants of the availability of HMGP funds by publishing a Notice of Funding Availability in the Florida Administrative Weekly.

(3) Applicants will have not less than ninety (90) days from the date of notification to submit project applications. The opening and closing dates will be specified in the Notice of Funding Availability, and applications must be postmarked no later than 5:00 PM on the final due date.

(4) A letter shall accompany each application from the Chairperson or Vice-Chairperson of the LMS Working Group endorsing the project. The endorsement shall verify that the proposed project does appear in the current LMS and state its priority in relation to other submitted projects. The endorsement shall also confirm that the municipality in which the proposed project is located has adopted the LMS. Applications without this letter of endorsement will not be considered.

(5) Applications must be submitted using Form No. DCA-XXXX, State of Florida Joint Hazard Mitigation Grant Program & Flood Mitigation Assistance Application (Effective Date MM/DD/YY), which is incorporated into this rule by reference.

(6) Late but complete applications will be considered on a first-come-first-served basis until all available funds are obligated.

(7) If the Division receives an incomplete application, the applicant will be notified in writing of the deficiencies. The applicant will have thirty (30) calendar days from the date of the letter to resolve the deficiencies. If the deficiencies are not corrected by the deadline the application will not be considered for funding.

(8) Applications are to be delivered or sent to: Florida Department of Community Affairs, Division of Emergency Management, Bureau of Mitigation, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, ATTENTION: Hazard Mitigation Grant Program.

Specific Authority 252.46 FS. Law Implemented 252.311, 252.32, 252.35 FS. History—New.

PUBLIC SERVICE COMMISSION

DOCKET NO: 010810-TP

RULE TITLE:

Customer Billing for Local Exchange Telecommunications Companies

RULE NO.:

25-4.110

PURPOSE AND EFFECT: To consider the procedures for imposing and removing a freeze on the choice of the preferred telecommunications carrier.

SUBJECT AREA TO BE ADDRESSED: Preferred carrier freezes.

SPECIFIC AUTHORITY: 350.127, 364.603, 364.604(5) FS.

LAW IMPLEMENTED: 364.17, 350.113, 364.03, 364.04, 364.05, 364.052, 364.19, 364.602, 364.603, 364.604 FS.

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

TIME AND DATE: 1:00 p.m., August 27, 2001

PLACE: Betty Easley Conference Center, Room 182, 4075 Esplanade Way, Tallahassee, Florida

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (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 AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rick Moses, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862

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

DEPARTMENT OF CORRECTIONS

RULE TITLE:

RULE NO.:

Correctional Probation Officers

Carrying Firearms

33-302.104

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify procedures related to correctional probation officers obtaining authorization to carry firearms.

SUBJECT AREA TO BE ADDRESSED: Correctional Probation Officers Carrying Firearms.

SPECIFIC AUTHORITY: 20.315, 120.53(1)(a), 790.06, 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.53(1)(a), 790.06, 944.09 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 IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-302.104 Correctional Probation Officers Carrying Firearms.

(1) Intent and Purpose. ~~The purpose of this rule is in order to promote the personal safety of the certified correctional probation officer engaged in field supervision and investigation of assigned offenders. The, it is the intent of the Department of Corrections to formulate procedures governing the authorization for officers to carry a firearm is for defensive purposes while on duty.~~

(2) through (3)(a) No change.

(b) Any correctional probation officer who elects to carry a firearm while on duty shall complete Form DC3-226, Request for Authorization to Carry a Firearm on Duty, and submit it for such authorization through the circuit administrator. Form DC3-226, Request for Authorization to Carry a Firearm on Duty, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. ~~Requests for copies to be mailed must be accompanied by a self-addressed stamped envelope.~~ The effective date of this form is March 4, 2001. Any circuit administrator or deputy to the director of regional community corrections who elects to carry a firearm while on duty shall make application utilizing Form DC3-226 to the director of regional community corrections. A director of regional community corrections who elects to carry a firearm while on duty shall make application utilizing Form DC3-226 to the deputy assistant secretary of community corrections. The written application shall contain documentation that the individual has complied with the training and qualification requirements set forth in (c) below. The application shall also contain a statement that the officer has read and understands Rule 33-302.104 and 33-209.103, F.A.C.

(c) through (e) No change.

(f) The firearms authorization card, Form DC3-223, shall expire one year from the date of ~~initial~~ firearms card issuance unless written documentation of re-qualification is submitted to the authorizing entity prior to the expiration of the firearms card. The officer shall be required to successfully re-qualify each year thereafter pursuant to Rule 33-209.103, F.A.C., and this rule in order to remain qualified to carry a firearm. All correctional probation officers shall be provided the opportunity to prepare for annual firearms re-qualification by participating in re-qualification firearms training. A correctional probation officer who declines the opportunity to participate in re-qualification firearms training shall sign a statement indicating that the opportunity was provided and was declined. Form DC2-902, Refusal of Re-qualification Firearms Training, shall be used for this purpose. Form DC2-902 is hereby incorporated by reference. A copy of the form is

available from the Forms Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is March 4, 2001.

(g) Re-qualification must occur ~~within 90 days~~ prior to the employee's firearm card expiration date. Upon re-qualification, the firearms instructor will complete the Firearm Re-qualification Certificate, Form DC3-241, with the re-qualification score, and will sign the form as the trainer. The officer will certify that the firearm referenced on this form is the firearm used in the course of his or her duties and that he or she uses only authorized ammunition, and shall return the form to the reviewing authority for issuance of a new Firearms Qualification and Authorization Card, Form DC3-223. An FCIC/NCIC check shall be conducted during the re-qualification process. The new firearm card will be issued effective the date of re-qualification. The DC3-223 will expire with an expiration date one year from the expiration date of requalification the previous firearm card.

(h) No change.

(i) A correctional probation officer who fails to complete firearm re-qualification after remedial training has been provided, and who wishes to renew authorization to carry a firearm, must re-attend and successfully complete department approved basic recruit firearm qualification training at the officer's own expense.

(j) A correctional probation officer who does not re-qualify prior to the date of expiration of the firearm card shall not be permitted to carry a firearm while on duty, except for firearm training purposes. The officer shall have one year from the date the firearm card expired to successfully re-qualify to continue to carry a firearm. If the officer successfully re-qualifies, after the card expires, a new firearm card will be issued with an expiration date one year from the date of re-qualification. If the officer does not successfully re-qualify within that year, the officer will be required to re-attend and successfully complete department approved basic recruit firearm qualification training at his or her own expense.

(k) The officer shall immediately notify his or her immediate supervisor in the case of theft or loss of the authorized firearm. The officer ~~or supervisor~~ shall notify local law enforcement agencies and the Florida Department of Law Enforcement in writing of the theft or loss and provide a copy to the supervisor to ensure the notification has been made as required. A Community Corrections Incident Report, Form DC3-225, An Inspector General's Office Electronic Mail E-Form shall be prepared by the officer any time a loss or theft occurs and shall be submitted to his or her immediate supervisor within 24 hours. The supervisor shall forward Form DC3-225 to the circuit administrator, who shall complete a MINS report. Form DC3-225 is hereby incorporated by reference. A copy of this form is available from the Forms

Control Administrator, Office of the General Counsel, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is _____.

(4) through (8) No change.

(9) Removal of Authorization to Carry a Firearm.

(a) ~~The reviewing authority circuit administrator shall have the authority to permanently remove or to temporarily suspend the authorization to carry a firearm for a correctional probation officer, a correctional probation supervisor or circuit deputy administrator if:~~

1. ~~The correctional probation officer has exhibited behavior which indicates that the carrying of a firearm by this officer could present a threat to the security of other officers, offenders, or the general public, or~~

2. ~~The correctional probation officer has demonstrated an inability to properly care for, maintain, handle or secure the firearm. The regional director of community corrections shall have this same authority with regard to a circuit administrator or assistant to the regional director of community corrections. The deputy director of community corrections shall have the same authority with regard to a regional director of community corrections. The regional director of community corrections shall be notified each time a decision is made to remove an officer's authorization to carry a firearm.~~

3. ~~(b) The correctional probation An officer is found to have been negligent by failure to comply with those standards and procedures provided in the training required by Chapter 33-209, F.A.C. and the standards set forth in this rule in the case of loss or theft of the firearm while on duty shall have the authorization to carry the firearm removed and shall be subject to disciplinary action in accordance with Chapter 33-208, F.A.C.~~

4. ~~(e) The correctional probation Should an officer fails to complete re-qualification, or the reviewing authority shall immediately suspend the officer's authorization to carry a firearm and secure the officer's authorization card. Upon successful completion of re-qualification attempts and re-qualification pursuant to Chapter 33-209, F.A.C., the officer shall have his or her authorization reinstated.~~

5. The correctional probation officer notifies the department of physical or pharmacological conditions that could affect his or her ability to carry a firearm or other weapon safely.

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

(d) Each officer shall ensure that the firearm is properly stored and secured when not being worn so that it is not accessible to unauthorized persons. ~~When at home, the officer shall secure it in a manner as to limit access in compliance with s. 790.174, F.S.~~

(e) No change.

(11) Costs. Unless otherwise appropriated by the Legislature, or as specified in this rule, the all costs of the firearms, ammunition, training, licensing and other associated matters shall be borne by the employee.

Specific Authority 20.315, 120.53(1)(a), 790.06, 944.09 FS. Law Implemented 20.315, 120.53(1)(a), 790.06, 944.09 FS. History--New 5-28-86, Amended 7-7-92, 12-20-92, 03-30-94, 9-27-94, 12-19-94, 3-8-95, 2-15-98, Formerly 33-24.013, Amended 3-4-01, _____.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER TITLE: Procedural
 RULE CHAPTER NO.: 40D-1

RULE TITLE: Forms and Instructions
 RULE NO.: 40D-1.659

PURPOSE AND EFFECT: Forms which the District uses in dealings with the public must be formally adopted by rule pursuant to Section 120.55(1)(a)4., Florida Statutes. The purpose of these amendments is to incorporate into the District's rules a new Notification and Request for Transfer of Environmental Resource Permit form. This new form consolidates three forms the District currently uses in different circumstances to transfer environmental resource permits. The adoption of this new form is necessary to comply with the requirements of the above-referenced statutory provision. The amendments will also delete District form No. 41.00-114(07/00) because it has been incorporated into the new form. The effect of these amendments will be to streamline the District's environmental resource permitting forms. Forms which the District uses in dealings with the public must be formally adopted by rule pursuant to Section 120.55(1)(a)4., Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The consolidation of three separate District forms into one form, for use when transferring environmental resource permits.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.116, 373.216, 373.219, 373.229, 373.239, 373.413, 373.414, 373.416, 373.419, 373.421 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 IS: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34609-6899, (352)796-7211, Extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this Chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (19) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (11) No change.

(12) NOTIFICATION AND REQUEST FOR TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT FORM NO. 04.10R-022 (07/01) TRANSFER OF ENVIRONMENTAL RESOURCE PERMIT FOR RESIDENTIAL SUBDIVISIONS OR CONDOMINIUMS PREVIOUSLY TRANSFERRED TO OPERATION PHASE FORM 41.00-114 (07/00)

(13) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.116, 373.216, 373.219, 373.229, 373.239, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History–New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-95, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 10-26-00, 6-26-01,

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Payment Methodology for Federally Qualified Health Center Services

RULE NO.: 59G-6.080

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Florida Title XIX Federally Qualified Health Center Services Reimbursement Plan (the Plan) payment methodology, effective January 1, 2001. The proposed rates for Medicaid FQHCs’ and RHCs’ reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs’/RHCs’ Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified

FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

The effect of the proposed amendment is the proposed rates for Medicaid FQHCs’ and RHCs’ reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs’/RHCs’ Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed is the proposed rates for Medicaid FQHCs’ and RHCs’ reimbursement will be rates resulting from the current methodology used to calculate per diem rates except for the following:

In the first phase of the new Medicaid Prospective Payment System (PPS), January 1, 2001 – September 30, 2001, Florida will pay current FQHCs/RHCs the average of their Medicaid per diem rates in effect for the state fiscal years 1999 and 2000 (calculating the payment amount on a per visit basis). Beginning October 1, 2001, each FQHCs’/RHCs’ Medicaid per diem rate will be increased by the percentage increase in the Medicare Economic Index (MEI) for primary care services. This increase shall be made annually on October 1. A FQHC/RHC may apply for an adjustment to its current Medicaid per diem rate if the FQHC/RHC experiences a change in their scope of service(s), which on a per visit basis is greater than 3% of the current per diem rate. Newly qualified FQHCs/RHCs after fiscal year 2000 will have initial payments established either by reference to payments to other clinics in the same or adjacent areas, or in the absence of such other clinics, through cost reporting methods. After the initial year, payment shall be set using the MEI methods used for other clinics.

SPECIFIC AUTHORITY: 409.905(11) FS.
 LAW IMPLEMENTED: 409.908 FS.
 IF REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD):
 TIME AND DATE: 10:00 a.m., Monday, August 27, 2001
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Owens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2756
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH
Board of Chiropractic Medicine

RULE TITLE: Licensure Examination
 PURPOSE AND EFFECT: To correct information inadvertently left out of the rule.
 SUBJECT AREA TO BE ADDRESSED: Licensure Examination.

RULE NO.: 64B2-11.003

SPECIFIC AUTHORITY: 456.017(1), 460.405 FS.
 LAW IMPLEMENTED: 456.017(1), 460.406(1) 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 TO BE ANNOUNCED.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Board Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B2-11.003 Licensure Examination.

(1) No change.

(2) A score of 75% on each subject area in subsection (1) shall be necessary to achieve a passing score on the practical portion of the examination outlined in subsection (1). Upon initial examination, an applicant must take the entire practical examination. The applicant must pass at least two (2) of the three (3) subject areas of the practical examination in order to retake any failed subject area. The applicant may retake a failed subject area only twice, upon which time the applicant must retake the entire practical examination.

(3) through (5) No change.

Specific Authority 456.017(1), 460.405 FS. Law Implemented 456.017(1), 460.406(1) FS. History--New 1-10-80, Amended 3-15-81, 10-25-83, 10-10-85, Formerly 21D-11.03, Amended 10-6-86, 5-10-87, 10-12-87, 1-5-88, 3-24-88, 4-19-89, 12-31-89, 7-8-90, 7-15-91, 4-26-93, 7-14-93, Formerly 21D-11.003, Amended 3-7-94, Formerly 61F2-11.003, 59N-11.003, Amended 11-4-98, _____.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE TITLE: Standards for Approved Providers
 RULE NO.: 64B5-12.0175

PURPOSE AND EFFECT: The Board proposes to amend this rule to update the rule text with regard to approved providers.

SUBJECT AREA TO BE ADDRESSED: Standards for approved providers.

SPECIFIC AUTHORITY: 466.004(4), 466.014 FS.

LAW IMPLEMENTED: 466.0135, 466.014 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE ANNOUNCED 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B5-12.0175 Standards for Approved Providers.

Approved continuing professional education providers and providers authorized pursuant to Rule 64B5-12.013(3)(b), shall comply with the following requirements:

(1) No change.

(2) Instructors shall be adequately qualified by training, experience or licensure to teach specified courses. Because domestic violence courses must contain information specifically appropriate for, directly pertinent to, and useful in, dentistry, all domestic violence instructors shall be familiar with dental injuries indicative of domestic violence, reporting obligations under Florida and federal law, and incidence statistics in the dental profession. Instructors who have had a professional license revoked, suspended, or otherwise acted against, in Florida or in another jurisdiction, may be disqualified. In making this determination, the Board shall examine the date, nature and number of disciplinary actions.

(3) through (10) No change.

Specific Authority 466.004(4), 466.014 FS. Law Implemented 466.0135, 466.014 FS. History--New 1-18-89, Amended 7-9-90, Formerly 21G-12.0175, 61F5-12.0175, 59Q-12.0175, Amended 10-3-99, 10-29-00, _____.

DEPARTMENT OF HEALTH

Board of Occupational Therapy Practice

RULE TITLE: Standards of Practice; Discipline
RULE NO.: 64B11-4.003

PURPOSE AND EFFECT: The Board proposes to update its disciplinary guidelines rule in light of current statutory requirements.

SUBJECT AREA TO BE ADDRESSED: Standards of Practice; Discipline.

SPECIFIC AUTHORITY: 456.079, 468.204 FS.

LAW IMPLEMENTED: 456.072 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 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 Occupational Therapy Practice

RULE TITLE: Citations
RULE NO.: 64B11-4.005

PURPOSE AND EFFECT: The Board proposes to update its citation rule in accordance with current statutory requirements regarding contents.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 468.204 FS.

LAW IMPLEMENTED: 456.077 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 TO BE ANNOUNCED.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND FOR A COPY OF THE PRELIMINARY DRAFT IS: Kaye Howerton, Board Executive Director, Board of Occupational Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLES: Definitions
RULE NOS.: 64C-1.001

Program Organization
 64C-1.002

Requirements of CMS Network Applicants and Participants
 64C-1.003

PURPOSE AND EFFECT: The 1998 substantial revisions to Chapter 391, F.S., include a significant use of language and information, which are contained in the Children’s Medical Services (CMS) rule Chapter 64C-1, F.A.C. Therefore, the Division of Children’s Medical Services proposes to amend rule Section 64C-1.001, F.A.C., to eliminate the duplication of definitions; to amend, through substantial rewording, rule section 1.002 to present an updated and accurate description of the CMS Program Organization; and to amend rule Section 64C-1.003, F.A.C., to eliminate duplicative information.

SUBJECT AREA TO BE ADDRESSED: Definition of terms, organization of the CMS Program, and requirements of the CMS Network applicants and participants

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 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. – 12:00 p.m., Monday, August 27, 2001

PLACE: 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children’s Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222, or Fax (850)488-3813

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64C-1.001 Definitions.
- As used in ~~this~~ rule Chapters 64C-1 through 64C-5:
 - (1) “CMS” means Children’s Medical Services Program, which is comprised of two divisions: the CMS Network and Related Programs and the Prevention and Intervention Programs. ~~“Applicant” means an individual who:~~

- (a) Has reached the age of majority; or
- (b) Is the parent or legal representative of a minor; or
- (c) Has had the disability of nonage removed, either by marriage or court order, and requests an eligibility determination for CMS sponsorship.

(2) “CMS Network” means Children’s Medical Services Network, which is the health insurance component of the CMS Program.

(3)(2) “Case Care manager” means the individual designated to provide prescribed health care management services, including care coordination, directly with, or on behalf of, a participant patient. The CMS Network Case Manager may be referred to as the CMS Network Care Coordinator.

(3) “Children with Special Health Care Needs” is a term that describes a broad population of children of all ages with health problems that require more than routine and basic care. These children have disabilities, handicapping conditions, chronic illnesses, psychosocial and physical problems, health-related educational or behavioral problems, or are at risk for these problems. Children with or at risk for cerebral palsy, mental retardation, sensory deprivation, developmental disabilities, spina bifida, hemophilia, other genetic disorders, and health-related learning disorders are included in this population.

(4) “Chronic Illness” means an illness that lasts three months or more.

(5) “Family” means the entity, which claims the CMS patient as a dependent for IRS purposes.

(6) “Financial Eligibility” means the determination that an individual has a legal family gross income that is equal to or less than the current eligibility limits established by the Economic Services Program Office or that the family’s annual medical expenses, medical obligations or a projected cost of care which reduces the gross income to or below the Federal Poverty Level, or that the child is eligible for funding from the Governor’s Transplant Lifeline for Children fund. The term applies to either the person receiving services or the legal representative.

(4)(7) “Florida Resident”, for the purpose of these regulations, means anyone physically residing within the State of Florida, regardless of the length of that residency. People residing on Federal Indian Reservations within Florida’s boundaries are also considered Florida residents.

(8) “Medically Eligible Individual” means a child who is 0-21 years of age with a special health care need which hinders the achievement of normal growth and development regardless of any perceived rehabilitation potential, or a female of any age with a high risk pregnancy.

(9) “Patient Record” means an official document verifying activities on behalf of the CMS participant and family.

(10) “Patient” means an individual, under the age of 21, unless specifically provided for in statute or appropriation, who meets the medical and financial eligibility criteria for Children’s Medical Services.

(11) “Prescribed Health Care Management” (CMS care management) means directing services for children with special health care needs and their families that is designed to minimize the adverse effects of medical conditions and optimize the patient’s developmental potential in accordance with a prescribed plan. The prescribed plan is developed, in coordination with families.

(12) “Sponsorship” means the assumption of the responsibility by CMS for the arrangement of medical care, the provision of prescribed health care management, and the payment for prescribed services when other funding sources are not available.

Specific Authority 391.026(18)(12) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-1.05, Amended 8-4-93, 3-28-96, Formerly 10J-1.005, Amended _____.

(Substantial rewording of Rule 64C-1.002 follows. See Florida Administrative Code for present text.)

64C-1.002 Program Organization.

(1) Components of the CMS Program are listed in 391.025(2), F.S.

(2) The CMS Program components are accessed through the two divisions of CMS: the Division of CMS Network and Related Programs and the Division of Prevention and Intervention.

(3) The Division of CMS Network and Related Programs provides a statewide managed care service system for children with special health care needs defined in s. 391.025(1), F.S., as individuals who are:

(a) Enrolled in the Medicaid program (Title XIX);

(b) Enrolled in the Florida KidCare program (Title XXI);
and

(c) Uninsured or underinsured, provided that they meet the financial eligibility requirements established in this act and to the extent that resources are appropriated for their care (Safety Net).

(4) The Division of Prevention and Intervention provides:

(a) The infant metabolic screening program,

(b) The regional perinatal intensive care centers program,

(c) The developmental evaluation and intervention program,

(d) The sexual abuse treatment program, and

(e) The child protection team standards.

Specific Authority 391.026(18)(12) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-1.06, Amended 8-4-93, 2-15-95, 3-28-96, Formerly 10J-1.006, Amended _____.

64C-1.003 Requirements Responsibilities of CMS Network Applicants and Participants Patients.

(1) All applicants for ~~CMS services and participants in the CMS patients Network~~ will ~~shall~~ furnish accurate medical and financial information requested by ~~to~~ the CMS Network and will also ~~shall~~ keep the CMS Network informed of any changes in circumstances. ~~This responsibility which~~ includes notifying CMS of all assets, resources and funds, including health care insurance and plans, settlements, awards and trust funds, which are available to the family for medical services.

~~(2) The family or legal guardian shall apply for health insurance coverage. Health insurance coverage shall be maintained by the family unless the family demonstrates a financial inability to do so and the staff of the CMS district office concurs. CMS sponsors care for pre-existing conditions which are ineligible for reimbursement by an insurance policy. CMS shall not pay the health care premium for a CMS patient unless it is warranted by the family's need for such assistance.~~

~~(2)(3)~~ Families who are income eligible or potentially income eligible for Title XIX (Medicaid) or Title XXI (KidCare) Medicaid shall apply for Title XIX or Title XXI Medicaid benefits.

~~(4) CMS patients who receive Medicaid benefits or medical treatment from a private foundation such as Nemours or Shriners shall have a CMS care manager.~~

~~(3)(5)~~ Applicants and participants patients shall apply for any other funding resources, including health insurance for which they may qualify, when directed by CMS.

~~(4)(6)~~ Participants Families are required to utilize the CMS Network approved providers and facilities if the CMS Network is to pay for the care and provide the CMS Network case care management.

Specific Authority ~~391.026(18)(12), 402.24(2)(h)~~ FS. Law Implemented ~~391.026, 391.047, 402.24~~ FS. History-New 1-1-77, Formerly 10J-1.07, Amended 8-4-93, 3-28-96, Formerly 10J-1.007, Amended.

DEPARTMENT OF HEALTH

Division of Children's Medical Services

RULE TITLES: RULE NOS.:

Application for Services 64C-2.001
 Eligibility for CMS Network Services 64C-2.002
 Redetermination of Eligibility 64C-2.003

PURPOSE AND EFFECT: The Division of Children's Medical Services (CMS) proposes the repeal of rule Rule 64C-2.001, F.A.C., since the significant rewrite of Chapter 391, F.S., together with Chapter 904.811, F.S., has rendered most of the information obsolete. The remaining provisions have been incorporated into rule section 64C-1.003, F.A.C., Also, the Division of Children's Medical Services (CMS) proposes substantial rewrites of Rules 64C-2.002 and 64C-2.003, F.A.C., to eliminate duplicative information, resulting from the 1998 substantial revisions to Chapter 391,

F.S., which includes a significant use of language and information found in these Children's Medical Services (CMS) rule sections.

SUBJECT AREA TO BE ADDRESSED: Repeal of application rule section and requirements for determining eligibility initially and eligibility redetermination for CMS Network services.

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026, 409.166 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. – 12:00 p.m., Monday, August 27, 2001

PLACE: 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children's Medical Services (CMS) Network, 4052 Bald Cypress Way, Bin #A06, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222 or Fax (850)488-3813

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64C-2.001 Application for Services.

Specific Authority 391.026 FS. Law Implemented 391.026 FS. History-New 1-1-77, Formerly 10J-2.06, Amended 3-28-96, Formerly 10J-2.006, Repealed.

(Substantial rewording of Rule 64C-2.002 follows. See Florida Administrative Code for present text.)

64C-2.002 Eligibility for CMS Network Treatment Services.

- (1) A participant must be a Florida resident.
- (2) The CMS Network will determine medical eligibility.
- (3) Safety Net participants will have their financial eligibility for the CMS Network determined by the local CMS area office in accordance with 391.029(2)(d), F.S.

Specific Authority 391.026(18) FS. Law Implemented ~~391.07~~ 391.026(2), 391.029, 409.166 FS. History-New 1-1-77, Formerly 10J-2.08, Amended 3-28-96, Formerly 10J-2.008, Amended.

(Substantial rewording of Rule 64C-2.003 follows. See Florida Administrative Code for present text.)

64C-2.003 Redetermination Determination of Continuing Eligibility.

- (1) Financial eligibility for the Safety Net participants is redetermined annually or whenever there is a change in the family's income or the child's insurance coverage.

(2) All CMS Network participants shall have their medical eligibility for the CMS Network redetermined on an annual basis.

Specific Authority 391.026(18)(42) FS. Law Implemented 391.026(2),(41); ~~391.046, 391.029~~ FS. History—New 1-1-77, Amended 11-18-82, Formerly 10J-2.09, Amended 3-28-96, Formerly 10J-2.009, Amended.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLES: RULE NOS.:

Authorization and Reimbursement for CMS 64C-3.001
 Network Services

Recovery of Third Party Payments 64C-3.002

PURPOSE AND EFFECT: The Division of Children’s Medical Services (CMS) proposes a substantial rewording of Rule 64C-3.001, F.A.C., to eliminate duplication, resulting from the 1998 substantial revisions to Chapter 391, F.S., which include a significant use of language and information found in this Children’s Medical Services (CMS) Rule section. Also, the Division of Children’s Medical Services (CMS) proposes to repeal Rule 64C-3.002, F.A.C., since the 1998 substantial revisions to Chapter 391, F.S., along with Chapter 402, F.S., include sufficient information regarding third party payment, thus eliminating the need to maintain this rule section.

SUBJECT AREA TO BE ADDRESSED: Requirements for authorization and reimbursement for CMS Network services. Repeal of recovery of third party payments.

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 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. – 12:00 p.m., Monday, August 27, 2001

PLACE: 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children’s Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, ext. 2222, or FAX (850)488-3813

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64C-3.001 follows. See Florida Administrative Code for present text.)

64C-3.001 Authorization and Reimbursement for CMS Network Services ~~Methods of Resource Development and Allocation.~~

(1) Health Services reimbursed using Title XXI funds must be prior authorized by the CMS Network primary care physician.

(2) Reimbursable health services for Safety Net participants must be prior authorized by the CMS Network case manager. Reimbursement of services is subject to the availability of funds.

(3) Providers seeking reimbursement from the CMS Network must bill the CMS Network within 90 days of the provision of authorized health services.

(4) Providers must accept the CMS Network payment as payment in full, and participants shall not be additionally billed. CMS Network participants shall not be charged a co-payment or a deductible for CMS funded health services.

(5) CMS Network payment for health services shall not exceed Medicaid rates, except as otherwise expressly provided by law or by contract with the department.

Specific Authority 391.026(18)(42) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-3.06, Amended 6-22-94, 3-28-96, 12-15-96, Formerly 10J-3.006, Amended.

64C-3.002 Recovery of Third Party Payments.

Specific Authority 402.24(2)(h) FS. Law Implemented 402.24, 391.026(9) FS. History—New 3-11-87, Amended 6-22-94, 3-28-96, Formerly 10J-3.007, Repealed.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLES: RULE NOS.:

CMS Health Care Providers: Physician and 64C-4.001
 Non-Physician

Diagnostic and Treatment Facilities or 64C-4.002
 Services – General

Diagnostic and Treatment Facilities or 64C-4.003
 Services – Specific

PURPOSE AND EFFECT: The proposed amendments to Rules 64C-4.001 and 64C-4.002, F.A.C. update and reflect the CMS standards for Physician and Non-Physician health care providers and for Diagnostic and Treatment Facilities or Services – General providing care to CMS Network participants, respectively. Also, a substantial rewording of CMS Rule 64C-4.003, F.A.C. updates and reflects the CMS required standards for Diagnostic and Treatment Facilities or Services – Specific providing care to CMS Network participants. This rule section incorporates by reference the following documents: the CMS Cardiac Facilities Standards, May 2001, and the CMS Cleft Lip/Palate Clinics and CMS Craniofacial Centers Standards, July 2001.

SUBJECT AREA TO BE ADDRESSED: Requirements for CMS Physician and Non-Physician health care providers and for diagnostic and treatment facilities or services, general and specific

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 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. – 12:00 p.m., Monday, August 27, 2001

PLACE: 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children’s Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, ext. 2222, or FAX (850)488-3813

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64C-4.001 CMS Health Care Providers Professional Consultants: Physician and Non-Physician.

~~(1) CMS Physician Providers. CMS Physician providers consultants for CMS will be approved appointed on a statewide basis by the CMS Headquarters Program Office upon the recommendation of a District CMS Medical Director, and verification by the CMS Headquarters that Program Office of the physician’s has having met the following criteria conditions:~~

~~(a) Active, valid State of Florida medical license.~~

~~(b)(a) Certification by specialty board. The CMS physician provider shall be certified by a specialty board must become certified by a specialty board within three consecutive examination cycles after becoming eligible for the full requirements of a specialty board or shall be dropped automatically as a consultant. Under special unusual circumstances, and when in the best interests of the CMS Network participants child health care, the Deputy Secretary for Children’s Medical Services may Program Office Staff Director will be empowered to grant temporary CMS physician provider consultant status for one (1) year to any physician licensed in the State of Florida. The Deputy Secretary for Children’s Medical Services Program Office Staff Director shall review all CMS physicians with temporary provider the physician’s board eligibility status annually to determine if the temporary consultant status shall be continued participation. This list should be reviewed annually with the Program Office Advisory Council.~~

~~(c)(b) Certification by sub-specialty board, when applicable. A CMS physician provider consultant will not be eligible to provide care for sub-specialty patients until certified by the primary board. As new sub-specialty boards are created, individuals who wish to continue to provide such sub-specialty services must comply with these new boards within three consecutive examination cycles after establishment of such boards.~~

~~(e) Member in good standing of county medical society;~~

~~(d) Admitting staff privileges at a CMS approved facility or Letter of Transfer Agreement with a CMS physician provider in good standing who has admitting privileges at a CMS approved hospital in a licensed and accredited hospital, by the Department for CMS patient care services;~~

~~(e) Compliance shall comply with the post-graduate education requirements established by the Continuing Medical Education Committee of the Florida Medical Association;~~

~~(f) Completion of all CMS physician provider approval and reapproval process criteria. In those specialty areas where existing recertification boards are required, such standards must be met;~~

~~(g) A demonstrated interest in and commitment to children.~~

(2) CMS Non-Physician Providers.

~~(a)(2) All CMS Non-Physician providers of professionals providing medical and health related services to CMS Network participants patients of this program will be additionally qualified to provide such services as may be necessary to deal effectively with complications of the services provided.~~

~~(b)(3) CMS Non-Physician providers, for example, Health professionals such as dentists, physical therapists, optometrists, and psychologists, must meet licensing and certification requirements of governmental agencies and professional associations in their specialty areas. The services of such professionals must be authorized ordered by the participant’s CMS primary care CMS physician.~~

~~(c)(4) Individuals performing genetic evaluations and counseling must be under the direction of a CMS physician certified by the American Board of Medical Genetics or the American Osteopathic Association in the area of genetics.~~

~~(d)(5) Exceptions to the above may be made in emergency situations by the Deputy Secretary for Children’s Medical Services CMS Medical Director or the Deputy Secretary’s CMS Medical Director’s designee for when a CMS Network participant in order to facilitate access to emergency or urgent care might be at risk from the inability of the Program to use a particular specialist or facility, and there is no other means to provide for the particular needs of the patient. Exception These cases shall be reviewed and approved on an individual basis by the Deputy Assistant Secretary for Children’s Medical Services or the Deputy Assistant Secretary’s designee.~~

~~(e)(6) The CMS Network may secure the services of non-physician providers consultants in any field of knowledge deemed necessary to aid in its provision of services medical programs.~~

Specific Authority 391.026(18) FS. Law Implemented 391.026(10), 391.035 391.036 FS. History—New 1-1-77, Amended 2-11-85, Formerly 10J-5.07, Amended 3-28-96, Formerly 10J-5.007, Amended _____.

64C-4.002 Diagnostic and Treatment Facilities or Services – General.

Each AH hospital and skilled nursing care facility facilities approved by the Department for the provision of health CMS patient care services to CMS Network participants shall conform to the following standards:

(1) Holds an active, valid Licensed by the State of Florida licensure.

(2) Maintains accreditation from Approval of the Joint Commission on Accreditation of Health Organizations (JCAHO) Hospitals.

(3) Has a physically definable hospital unit or ward to which only children are admitted. CMS Network participants Patients receiving CMS Network services will be admitted to CMS approved facilities institutions with a physically definable hospital unit or ward to which only children are admitted. The entire pediatric unit will have an average daily census of fifteen children or more, excluding normal newborns and those in neonatal intensive care units. In making the selection and designation of approved patient care centers, the CMS Network will give priority to those facilities that which demonstrate emphasis on quality children’s medical services, including the presence of an adolescent ward, a neonatal intermediate and intensive care unit, and a pediatric intensive care unit. When a hospital within a CMS Service area is the only facility available within that area to admit CMS Network participants, an exception to the designation criteria may be made by the Deputy Secretary for Children’s Medical Services at the request of the area CMS Medical Director, when an exception would be in the best interest of CMS Network participants. In a particular district delivery area for CMS services in which only a single hospital is utilized to admit all children sponsored by the Department for CMS, but in which the population base of the area does not allow achievement of the average daily census indicated above, the District Medical Director, in consultation with the Program Office, can make arrangements that are in the best interest of the child.

(4) All patient care facilities, programs and specialized patient care centers will At a minimum, meets applicable national standards whenever available, including those promulgated by the American Medical Association, the American Hospital Association, the American College of Surgeons, Board of Thoracic Surgery, the American Academy of Pediatrics, Committee on Optimal Resources for Examination of the Chest and Cardiovascular System, of the Inter-Society Commission for Heart Disease Resources, the American Heart Association, the Joint Committee on Perinatal Health and the American Osteopathic Association.

Specific Authority 391.026(18) FS. Law Implemented 391.026(10) 391.031 FS. History–New 1-1-77, Amended 2-11-85, Formerly 10J-5.08, Amended 3-28-96, Formerly 10J-5.008, Amended _____.

(Substantial rewording of Rule 64C-4.003 follows. See Florida Administrative Code for present text.)

64C-4.003 Diagnostic and Treatment Facilities or Services – Specific.

(1) CMS Cardiac Facilities.

Cardiac facilities for the CMS Network participants are approved on a statewide basis by CMS Headquarters upon consideration of the recommendation of the Cardiac Advisory Council, as established in s.391.222, F.S. In addition, CMS approved cardiac facilities will comply with the following criteria:

(a) Established CMS volume standards for the number of cardiac surgeries, cardiac catheterizations and echocardiograms performed within a 12-month period;

(b) Established CMS morbidity and mortality review standards; and

(c) CMS Cardiac Facility approval and re-approval requirements; as published in the CMS Cardiac Facilities Standards, May 2001, which are incorporated herein by reference and available from CMS Headquarters, 4052 Bald Cypress Way, Bin A06, Tallahassee, FL 32399-1707.

(2) CMS Cleft Lip/Palate Services.

All physician and non-physician providers delivering services to CMS Network participants with cleft lip, cleft palate, and craniofacial anomalies must comply with the Standards for CMS Cleft Lip/Palate Clinics and CMS Craniofacial Centers, July 2001, which are incorporated herein by reference and available from CMS Headquarters, 4052 Bald Cypress Way, Bin A06, Tallahassee, FL 32399-1707.

Specific Authority 391.026(18) FS. Law Implemented 391.026(10) 391.031 FS. History–New 1-1-77, Amended 2-11-85, Formerly 10J-5.09, 10J-5.009, Amended _____.

DEPARTMENT OF HEALTH

Division of Children’s Medical Services

RULE TITLE: Methods of Service Delivery RULE NO.: 64C-5.001

PURPOSE AND EFFECT: The Division of Children’s Medical Services (CMS) proposes a substantial rewording of Rule 64C-5.001, F.A.C., to eliminate duplication of information, resulting from the 1998 substantial revisions to Chapter 391, F.S., which include a significant use of language and information found in this rule section.

SUBJECT AREA TO BE ADDRESSED: Requirements of all who deliver services.

SPECIFIC AUTHORITY: 391.026(18) FS.

LAW IMPLEMENTED: 391.026 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. – 12:00 p.m., Monday, August 27, 2001

PLACE: 4025 Esplanade Way, Conference Room 301, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Lynn B. Ellis, Registered Nurse Consultant, Children’s Medical Services (CMS) Network, Bin #A06, 4052 Bald Cypress Way, Tallahassee, FL 32399-1707, (850)245-4444, Ext. 2222, or Fax (850)488-3813.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial rewording of Rule 64C-5.001 follows. See Florida Administrative Code for present text.)

64C-5.001 Methods of Service Delivery.

(1) In all CMS Network Area Offices and CMS Network facilities, respect will be maintained for the privacy of the participant and parent or guardian during interview, examination, and treatment.

(2) All CMS Network participants will have a timely care plan developed and updated as needed in order to ensure coordination of individualized services for the participant.

Specific Authority 391.026(18)(42) FS. Law Implemented 391.026 FS. History—New 1-1-77, Formerly 10J-6.02, Amended 7-12-93, Formerly 10J-6.002, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE TITLES:	RULE NOS.:
Applicability	65E-14.001
Retention and Access Requirements for Records	65E-14.002
Audits of Contractors Participating in the Substance Alcohol, Drug Abuse and Mental Health Programs	65E-14.003
Program Income and Interest Earned on Advanced Funds	65E-14.004
Matching	65E-14.005
Valuation of Donated and Volunteer Services	65E-14.006
Appraisal of Real Property	65E-14.007
Property	65E-14.010
Programmatic Changes and Budget Revisions	65E-14.011
Contract Closeout, Suspension, and Termination	65E-14.012
Contractor’s Financial Management Responsibilities	65E-14.014
Transactions Resulting in Additional Cost to the Program	65E-14.016
Cost Principles	65E-14.017
Slide Fee Schedule	65E-14.018
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-14.023

PURPOSE AND EFFECT: Chapter 65E-14, F.A.C., entitled Community Alcohol, Drug Abuse and Mental Health Services – Financial Rules, is being amended to streamline the financial processes related to purchased services, modify the method of determining rates paid to service providers, update audit and data requirements for service providers and update rule chapter references to reflect changes in the substance abuse and mental health area.

SUBJECT AREA TO BE ADDRESSED: Methods of reimbursement, financial data maintenance and reporting, audit and other financial requirements related to substance abuse and mental health service providers.

SPECIFIC AUTHORITY: 394.457(3), 394.493(2), 394.674(4),(6), 394.74, 394.76, 394.77, 394.78(1),(3),(6), 397.321(5), 402.73(7) FS.

LAW IMPLEMENTED: 394.457(3), 394.493(2), 394.66(9),(12), 394.674(3),(4), 394.74, 394.76(1),(5), 394.77, 394.78(1),(3),(6), 397.321(3)(c),(10), 397.431, 397.481 FS.

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

TIME AND DATES: 9:00 a.m., August 28-30, 2001; September 11-12, 2001 (Note: The subjects of data requirements and sliding fee schedule will be addressed at 9:00 a.m., August 29, 2001)

PLACE: 1317 Winewood Blvd., Building 6, Winewood Office Complex, Room Number 361, Tallahassee, Florida

Prior to, or at the time of the workshop, any person may submit information (1) relating to the department’s statement of estimated regulatory costs (if one has been requested or if one has been prepared); and (2) any proposals as to how the same department regulatory goal can be achieved with a lower regulatory cost.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, WHEN AVAILABLE, IS: Jim Fraizer, 1317 Winewood Blvd., Building 6, Room 307, Tallahassee, Florida 32399-0700, Phone (850)414-1500

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE TITLE: Commercial Values for Penalty Assessments
 RULE NO.: 5E-1.016
 PURPOSE AND EFFECT: The purpose of this rule is to provide the most recent market prices of fertilizer components to be used for penalty assessments of deficient fertilizer.