

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
RULE CHAPTER NO.: 1S-1
RULE TITLE: Voting Machine Equipment Regulation/
Purchase, Use and Sale
RULE NO.: 1S-2.004

PURPOSE AND EFFECT: To amend the topic title shown above so that this rules will be in compliance with the requirements of Chapter 2001-40, Laws of Florida, the "Florida Election Reform Act of 2001."

SUBJECT AREA TO BE ADDRESSED: Requirements for voting machine equipment purchase and use.

SPECIFIC AUTHORITY: 101.294 FS.

LAW IMPLEMENTED: 101.292, 101.293, 101.294, 101.295 FS.

TIME AND DATE: 3:00-5:00 p.m., April 26, 2002

PLACE: The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

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

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
RULE CHAPTER NO.: 1S-1
RULE TITLES: Minimum Security Procedures for Voting Systems
RULE NOS.: 1S-2.015

Minimum Security Procedures for Transmission of Returns by Dedicated Teleprocessing Lines
RULE NO.: 1S-2.016

PURPOSE AND EFFECT: To amend the topic titles shown above so that these rules will be in compliance with the requirements of Chapter 2001-40, Laws of Florida, the "Florida Election Reform Act of 2001."

SUBJECT AREA TO BE ADDRESSED: Minimum security procedures for voting systems and for the transmission of election returns.

SPECIFIC AUTHORITY: 101.015 FS.

LAW IMPLEMENTED: 101.015(4), 101.5607 FS.

TIME AND DATE: 4:00 - 6:00 p.m., April 22, 2002

PLACE: The Ralph D. Turlington Florida Education Center, Room 1706, 325 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

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

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
RULE CHAPTER NO.: 1S-1
RULE TITLES: Safeguards for the Counting of Votes
Sorting Overvotes and Undervotes
RULE NOS.: 1S-2.035
1S-2.036

PURPOSE AND EFFECT: To establish standards for the topic titles shown above, in compliance with the requirements of Chapter 2001-40, Laws of Florida, the "Florida Election Reform Act of 2001."

SUBJECT AREA TO BE ADDRESSED: Procedural requirements and standards for the topic titles shown above.

SPECIFIC AUTHORITY: 102.166(3) FS.

LAW IMPLEMENTED: 102.166(3) FS.

TIME AND DATE: 4:00 - 6:00 p.m., April 23, 2002

PLACE: The Ralph D. Turlington Florida Education Center, Room 1721/1725, 325 West Gaines Street, Tallahassee, Florida 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399, (850)245-6200

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

DEPARTMENT OF INSURANCE

RULE TITLE: Pre-Qualification and Licensure of Emergency Adjuster
RULE NO.: 4-220.001

PURPOSE AND EFFECT: To adopt and incorporate Form DI4-1297 into rule by reference.

SUBJECT AREA TO BE ADDRESSED: Non-resident Independent and Public Adjusters required affidavits per statute.

SPECIFIC AUTHORITY: 624.308(1), 626.8732(5), 626.8734(4) FS.

LAW IMPLEMENTED: 626.8732, 626.8734 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: 9:00 a.m., May 1, 2002

PLACE: Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Audrey Huggins, Bureau of Agent and Agency Licensing, Department of Insurance, 200 East Gaines Street, Tallahassee, Florida 32399-0319, (850)413-5405

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Yvonne White at (850)413-4214.

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

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Water Policy

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Best Management Practices for Citrus,

Cow/Calf, Dairy, and animal wastes used

in the Lake Okeechobee priority basins

(S-191, S-154, S-65 D and E) 5M-3

PURPOSE AND EFFECT: The purpose of this rule is to effect pollutant reduction through the implementation of non-regulatory and incentive based programs, which may be determined to have minimal individual or cumulative adverse impacts to the water resources of the state.

SUBJECT AREA TO BE ADDRESSED: The purpose of this workshop is to review a draft rule that adopts the document titled *Water Quality/Quantity BMPs for Indian River Area Citrus Groves* and the document titled *Water Quality/Quantity BMPs for Cow/Calf Operations*. The draft rule also purposes to adopt, by reference, *Site Specific Agricultural Nutrient Management Assessments and Plans for Dairies and Cow/Calf operations*. In addition, the draft rule establishes record keeping requirements and procedures for landowners and leaseholders to submit a Notice of Intent to Implement Best Management Practices (BMPs) and interim measures.

SPECIFIC AUTHORITY: 403.067(7) FS.

LAW IMPLEMENTED: 373.4595(3) FS.

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

TIME AND DATE: 7:00 p.m. – 9:00 p.m., May 7, 2002

PLACE: Okeechobee County Civic Center, Hwy. 98 North, Okeechobee, FL 34972, (863)763-6469

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: R. Clegg Hooks, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor’s Square Blvd., Suite 200, Tallahassee, Florida 32399-1650, (850)488-6249 or FAX (850)921-2153

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Office of Agricultural Water Policy, Department of Agriculture and Consumer Services, (850)488-6249, at least seven days prior to the meeting.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Outdoor Advertising Sign Regulation and Highway Beautification Program

14-10

RULE TITLE: RULE NO.:

Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit Signs

14-10.0052

PURPOSE AND EFFECT: This new rule is to clarify the use of commercial or industrial zoning for signs. The previous Rule 15-10.051, relating to Zoned and Unzoned Commercial and Industrial Areas along Interstate and Federal-Aid Primary Highways, was repealed.

SUBJECT AREA TO BE ADDRESSED: A new rule is being adopted pertaining to comprehensively enacted zoning, and zoning enacted primarily to permit signs.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7) FS.

LAW IMPLEMENTED: 479.07(10) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Administrative and Management Support Level IV, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.0052 Comprehensively Enacted Zoning and Zoning Enacted Primarily to Permit Signs.

(1) Commercial or industrial zoning which is not comprehensively enacted, or which is enacted primarily to permit signs, shall not be recognized as commercial or industrial zoning, and sign permits shall not be issued in such areas.

(2) “Commercial or Industrial Zoning” for purposes of this Rule, only includes property on which commercial or industrial uses are currently permitted under “comprehensively enacted zoning,” (as defined below) and does not include any property on which commercial or industrial uses have only been allowed primarily to permit the erection or maintenance of signs.

(3) “Comprehensively Enacted Zoning” means ordinances or other laws of general application, properly adopted by the local general purpose government with authority over the development and use of the affected property, that designate or control the currently allowable uses of the affected property, pursuant to a comprehensive plan enacted in accordance with Chapter 163, Florida Statutes.

(4) Zoning ordinances, or other land use controls, whether or not constituting “comprehensively enacted zoning,” will be deemed to have been enacted primarily to permit the erection or maintenance of signs under any one or more of the following circumstances:

(a) Commercial or industrial uses are only allowed on the affected property by variance, special exception, special use permit, or the equivalent, and not as a matter of any right.

(b) The allowable commercial or industrial uses on the affected property are limited to signs, or signs and any of the following:

1. Agricultural, forestry, ranching, grazing, farming, or related activities, including wayside fresh produce stands.
2. Transient or temporary activities.
3. Railroad tracks or sidings.
4. Communication towers.
5. Electric transmission, telephone, telegraph, or other communication services lines.
6. Ditches, sewers; water, heat, or gas lines.
7. Pipelines, tanks, or pumps.
8. Fences.
9. Drainage ponds or water retention facilities.
10. Canals.
11. Roads.

(c) Previously existing zoning or other land use controls are amended solely to add signs, or signs and any of the uses identified in paragraph (4)(b) above, as allowable uses on the affected property.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 479.07(10) FS. History—New

AGENCY FOR HEALTH CARE ADMINISTRATION

Cost Management and Control

RULE TITLES:	RULE NOS.:
Reporting Instructions	59B-13.001
Uniform Data Specifications	59B-13.003
Uniform Publication Format	59B-13.006

PURPOSE AND EFFECT: The proposed rule amendments require that health maintenance organizations report chlamydia screening indicators to the agency, and the proposed rule amendments eliminate the antidepressant medication management indicators. The proposed rule amendments clarify that health maintenance organizations shall exclude Florida Healthy Kids or MediKids members from the Medicaid product line. The proposed rule amendments eliminate the reporting of percentage of pharmacy benefits. The proposed rule amendments update the indicator reference, prenatal care in the first trimester to timeliness of prenatal care. The proposed rule amendments modify the format for publication of health maintenance indicator data to include a notation that the health plan is new or small and to delete the required publication of upper and lower confidence intervals while retaining the reporting requirements for confidence intervals. The proposed rule amendments specify that the reporting format include a space or tab between each data elements and eliminate leading zeros for specified data elements.

SUBJECT AREA TO BE ADDRESSED: Health maintenance organizations are required to release to the agency data that are indicators of access and quality of care. The agency is developing rule amendments modifying data reporting procedures for these indicators as required by s. 641.51(9), Florida Statutes.

SPECIFIC AUTHORITY: 408.15(8) FS.

LAW IMPLEMENTED: 641.51(9), 408.061, 408.063(2), 408.08(5), 408.15(11) FS.

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

TIME AND DATE: 10:00 a.m., April 30, 2002

PLACE: Agency for Health Care Administration, Building 3, First Floor Conference Room, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Elizabeth Dye, Bureau Chief, State Center for Health Statistics, Building 3, 2727 Mahan Drive, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59B-13.001 Reporting Instructions.

(1) No change.

(2) Beginning with calendar year 1999 data, each health maintenance organization shall submit indicator data for each calendar year period no later than October 1 of the following year. The amendments appearing herein are effective beginning with calendar year 2002 data due October 1, 2003.

(3) through (7) No change.

Specific Authority 408.15(8) FS. Law Implemented ~~641.51(9), 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11) FS.~~ History—New 6-27-00, Amended _____.

59B-13.003 Uniform Data Specifications.

(1) Each health maintenance organization shall submit Florida member data for each indicator of access or quality of care listed in (a) through (y) below as required by the HEDIS rotation schedule for the calendar year. Indicators not referenced in the HEDIS rotation schedule must be reported annually. For each indicator, use the HEDIS specifications for the calendar year of data to be reported.

(a) Indicator 001 – Breast cancer screening. Required for Medicaid, commercial, and Medicare patients.

(b) Indicator 002 – Cervical cancer screening. Required for Medicaid and commercial patients.

(c) Indicator 003 – Timeliness of prenatal care. ~~Prenatal care in the first trimester.~~ Required for Medicaid and commercial patients.

(d) Indicator 004 – Controlling high blood pressure. Required for Medicaid, commercial, and Medicare patients.

(e) Indicator 005 – Beta blocker treatment after a heart attack. Required for Medicaid, commercial, and Medicare patients.

(f) Indicator 006 – Diabetes care, lipid profile performed. Required for Medicaid, commercial, and Medicare patients.

(g) Indicator 007 – Diabetes care, lipids controlled. Required for Medicaid, commercial, and Medicare patients.

(h) Indicator 008 – Diabetes care, dilated eye exam performed. Required for Medicaid, commercial, and Medicare patients.

(i) Indicator 009 – Diabetes care, kidney disease monitored. Required for Medicaid, commercial, and Medicare patients.

(j) Indicator 010 – Use of appropriate medications for people with asthma, 5 to 9 year-olds. Required for Medicaid and commercial patients.

(k) Indicator 011 – Use of appropriate medications for people with asthma, 10 to 17 year-olds. Required for Medicaid and commercial patients.

(l) Indicator 012 – Use of appropriate medications for people with asthma, 18 to 56 year-olds. Required for Medicaid and commercial patients.

(m) Indicator 013 – Use of appropriate medications for people with asthma, combined. Required for Medicaid and commercial patients.

(n) Indicator 014 – Chlamydia screening in women, 16 to 20 year-olds. Required for Medicaid and commercial patients. ~~Antidepressant medication management, optimal practitioner contacts for medication management. Required for Medicaid, commercial, and Medicare patients.~~

(o) Indicator 015 – Chlamydia screening in women, 21 to 26 year-olds. Required for Medicaid and commercial patients. ~~Antidepressant medication management, effective acute phase treatment. Required for Medicaid, commercial, and Medicare patients.~~

(p) Indicator 016 – Chlamydia screening in women, combined. Required for Medicaid and commercial patients. ~~Antidepressant medication management, effective continuation phase treatment. Required for Medicaid, commercial, and Medicare patients.~~

(q) Indicator 017 – Well-child visits in the first 15 months of life, zero visits. Required for Medicaid and commercial patients.

(r) Indicator 018 – Well-child visits in the first 15 months of life, one visit. Required for Medicaid and commercial patients.

(s) Indicator 019 – Well-child visits in the first 15 months of life, two visits. Required for Medicaid and commercial patients.

(t) Indicator 020 – Well-child visits in the first 15 months of life, three visits. Required for Medicaid and commercial patients.

(u) Indicator 021 – Well-child visits in the first 15 months of life, four visits. Required for Medicaid and commercial patients.

(v) Indicator 022 – Well-child visits in the first 15 months of life, five visits. Required for Medicaid and commercial patients.

(w) Indicator 023 – Well-child visits in the first 15 months of life, six or more visits. Required for Medicaid and commercial patients.

(x) Indicator 024 – Well-child visits in the third, fourth, fifth and sixth year of life. Required for Medicaid and commercial patients.

(y) Indicator 025 – Adolescent well-care visits. Required for Medicaid and commercial patients.

(2) Each health maintenance organization shall report the following data elements for each of the required indicators in (1) above and report the indicator data separately for each product line required in (1) above, as described below:

(a) through (c) No change.

(d) Product line – The product line represented by the data:

1. Medicare – Use code 01 to indicate that the product line is Medicare.

2. Medicaid – Use code 02 to indicate that the product line is Medicaid (excluding any Florida Healthy Kids or MediKids members).

3. Commercial – Use code 03 to indicate that the product line is commercial.

(e) through (m) No change.

~~(n) Percentage with pharmacy benefits – Number of members in the denominator for which the health maintenance organization manages or provides pharmacy benefits. Leave blank (zero fill) if the indicator is not indicators 010 through 013.~~

(3) Each health maintenance organization shall report indicator data in the following format with a space or tab between each data element listed below, starting a new line with each sequence of data elements (a) through (m) formats:

(a) through (e) No change.

(f) Eligible member population – Number of digits required. Eight digits, right justified. Zero fill leading digits.

(g) Sample size – Number of digits required. Eight digits, right justified. Zero fill leading digits.

(h) Denominator – Number of digits required. Eight digits, right justified. Zero fill leading digits.

(i) Number of numerator events – Number of digits required. Eight digits, right justified. Zero fill leading digits.

(j) Number of substitute records – Number of digits required. Eight digits, right justified. Zero fill leading digits.

(k) through (m) No change.

~~(n) Percentage with pharmacy benefits – Five digits with two decimal places required, right justified. Zero fill leading digits. Include decimal. Use the format: xxx.xx where x represents any digit and xxx.xx is a value between 0 and 100.00.~~

Specific Authority 408.15(8) FS. Law Implemented ~~641.51(9), 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11)~~ FS. History–New 6-27-00, Amended _____.

59B-13.006 Uniform Publication Format.

(1) The agency shall publish the following indicator data for each indicator no less frequently than every two years:

- (a) Health maintenance organization name;
- (b) Calendar year of data;
- (c) Type of product line;
- (d) Rate;

(e) Notation that the health plan is new or small (not measurable) if applicable. Upper and lower confidence interval.

(2) In each publication of indicator data, the agency shall include a title and a summary description of the indicator.

Specific Authority 408.15(8) FS. Law Implemented ~~641.51(9), 641.51(8), 408.061, 408.063(2), 408.08(5), 408.15(11)~~ FS. History–New 6-27-00, Amended _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Durable Medical Equipment and Supplies
 RULE NO.: 59G-4.070

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Durable Medical Equipment and Supply Coverage and Limitations Handbook, April 2001. The handbook contains the 2001 Durable Medical Equipment and Supplies fee schedule. The effect will be to incorporate by reference in the rule the current Florida Medicaid Durable Medical Equipment and Supply Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Durable Medical Equipment and Supply Handbook and Fee Schedule.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: For Medicaid services enter either 409.905, 409.906, 409.908, 409.9081 FS., if the program has a copayment.

IF REQUESTED IN WRITING BY AN AFFECTED PERSON 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: 9:00 a.m., April 23, 2002

PLACE: Agency for Health Care Administration, 2728 Ft. Knox Boulevard, Building 3, Conference Room E, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Alanna J. Steaple, Medicaid Program Development, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)922-7306

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.070 Durable Medical Equipment and Supplies.

(1) No change.

(2) All durable medical equipment and supply providers enrolled in the Medicaid program must comply with the Florida Medicaid Durable Medical Equipment and Supply Services Coverage and Limitations Handbook, April 2001 ~~April 1998~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, HCFA-1500 and EPSDT 221, incorporated in Rule 59G-5.020, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

(4) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907(7), 409.908 FS. History–New 8-26-92, Formerly 10C-7.070, Amended 5-23-94, 1-7-96, 3-4-99, 10-18-00, 4-30-01, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: RULE NO.:

Payment Methodology for County Public Health Unit Services 59G-6.090

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate the following changes to the Florida Title XIX County Public Health Unit Reimbursement Plan:

1. The Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS).
2. County Public Health Unit (CPHU) has been renamed County Health Department (CHD) in accordance with Chapter 154, F.S.
3. The Florida Department of Health and Rehabilitative Services (HRS) no longer exists and has been replaced by the Florida Department of Health (DOH).
4. The Code of Federal Regulation (CFR) references have been updated to reflect the year 2000.
5. The length of time that a cost report may be submitted is changed from no later than 3 months to no later than 5 months after the close of its cost-reporting year.
6. The number of complete, legible copies of the cost report submitted to AHCA has changed from 4 to 1.
7. The length of time that a cost report is considered to be late has changed from 90 days or 3 months to 5 months.
8. The F.A.C. has transferred Rule 21A-20.008 to Rule 61H1-20.008, F.A.C.
9. References to Section 409.902, Florida Statutes have changed to Section 414.41(4), Florida Statutes, concerning the terms of repayment.

The effect of the proposed changes will be: County Health Departments (CHD) participating in the Florida Medicaid Program shall submit a cost report postmarked or accepted by a common carrier no later than five 5 calendar months after the close of its cost reporting year; one complete, legible copy of the cost report shall be submitted to the Agency for Health Care Administration (AHCA); if a County Health Department (CHD) provider submits a cost report late, after the 90 day period, and that cost report would have been used to set a lower reimbursement rate for a rate period had it been submitted within 5 months, then the CHD provider's rate for that rate period shall be retroactively calculated using the new cost report, and full payments at the recalculated rate shall be effective retroactively; all audits shall be performed in accordance with generally accepted auditing standards as incorporated by reference in Rule 61H1-20.008, F.A.C. of the American Institute of Certified Public Accountants (AICPA); the Health Care Financing Administration (HCFA) has been renamed the Centers for Medicare and Medicaid Services (CMS); County Public Health Unit (CPHU) has been renamed County Health Department (CHD); the Florida Department of

Health and Rehabilitative Services (HRS) does not exist anymore and has been replaced by the Florida Department of Health (DOH); the Code of Federal Regulation (CFR) references have been updated to reflect the year 2000.

SUBJECT AREA TO BE ADDRESSED: State Department names, statutes, rule numbers and references have been updated, Medicaid providers cost report submission time frames have been updated and the Code of Federal Regulations (CFR) has been updated to reflect the year 2000.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME, AND LOCATION BELOW (IF NOT REQUESTED IN WRITING, A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD):

TIME AND DATE: 10:00 a.m., April 24, 2002

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James Estes, Medicaid Program Analysis, 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 AVAILABLE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

DOCKET NO.: 02-23R

RULE CHAPTER TITLE: **RULE CHAPTER NO.:**

Stationary Sources – General 62-210

Requirements **RULE NO.:**

Forms and Instructions 62-210.900

PURPOSE AND EFFECT: The Department is proposing to update the applications for air permit (DEP Forms 62-210.900(1), (3), and (4)), create a new Application for Post-Construction Non-Title V Air Operation Permit (DEP Form 62-210.900(2)), and update the Acid Rain Program forms (DEP Forms 62-210.900(1)(a)1. through 5.) in accordance with EPA's recent updates to the corresponding federal Acid Rain Program forms.

A rule development workshop has been scheduled.

The full text of this notice is published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Emergency Medical Services 64E-2

PURPOSE AND EFFECT: Automatic External Defibrillators – To establish guidelines on the placement of automated external defibrillator devices in buildings or portions of buildings owned or leased by the state, and to provide recommendations on the deployment of automated external defibrillator devices in such buildings.

Do Not Resuscitate Orders – To delete language on DH Form 1896, Florida Do Not Resuscitate Order Form, which indicates authority for use of the form by facilities not licensed or regulated by the Department of Health.

Grants – To amend the grant process and combine the rural and general matching grant booklets into one booklet and set of forms. This will provide more effective and efficient allocation and use of state EMS grants funds with improved clarity for grant applicants, and better accountability.

Trauma Transport Protocols – Amend current rule language governing submission requirements and content of trauma transport protocols.

Repeal Issues – (Disaster Plan, Out-of-State Trauma Transport Protocols, Dispatch of inter-hospital trauma patients) – To delete rules which are either unnecessary or lack statutory authority.

SUBJECT AREAS TO BE ADDRESSED: Automatic External Defibrillators, Grants, Do Not Resuscitate Orders, Trauma Transport Protocols, Repeal Issues.

SPECIFIC AUTHORITY: 381.0011, 395.1041, 395.4045, 401.113, 401.121, 401.45 FS.

LAW IMPLEMENTED: 381.0011, 395.1041, 395.4045, 401.45 FS.

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

TIME AND DATE: 10:00 a.m., May 7, 2002

PLACE: Department of Health, Bureau of Emergency Medical Services, 4025 Esplanade Way, Room 301 A & B, Tallahassee, Florida

TIME AND DATE: 9:00 a.m., May 9, 2002

PLACE: Florida College of Emergency Physicians, 3717 S. Conway Road, Orlando, Florida. (PLEASE DO NOT CONTACT THE FLORIDA COLLEGE REGARDING DIRECTIONS OR WORKSHOP SPECIFICS. REFER TO THE END OF THIS NOTICE FOR CONTACT INSTRUCTIONS)

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pam Lesley, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733

DRAFT MATERIALS WILL BE AVAILABLE, UPON REQUEST, ONE WEEK PRIOR TO THE FIRST WORKSHOP.

P.O. G10454

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Tanning Facilities 64E-17

RULE TITLE: RULE NO.:

Licenses and Fees 64E-17.006

PURPOSE AND EFFECT: The Bureau of Facility Programs of the Division of Environmental Health announces its intent to amend Rule 64E-17.006, F.A.C., Licenses and Fees. The rule is being amended to make certain language in that section more consistent with law and to eliminate the requirement for an annual license application in certain situations.

SUBJECT AREA TO BE ADDRESSED: The proposed revisions will address when a license application needs to be completed and submitted to the department and make the license fees more consistent with law. The latter will include revising the current annual license fee, revising the fee for each additional tanning device, deleting the fee cap for each establishment, deleting the late fee requirement, and amending or deleting the requirement for prorating fees.

SPECIFIC AUTHORITY: 381.89(13) FS.

LAW IMPLEMENTED: 381.89(3)(a),(b),(c), (13) FS.

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

TIME AND DATE: 12:00 Noon – 4:00 p.m., May 8, 2002

PLACE: Barnett Park, 4801 West Colonial Drive, Orlando, Florida 32808

TIME AND DATE: 8:00 a.m. – 12:00 Noon, May 10, 2002

PLACE: Nova S. E. University, 3100 S. W. 9th Avenue, Ft. Lauderdale, Florida 33315

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ken Widergren, Bureau of Facility Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1710, (850)245-4444 ext. 2453. For directions to the Ft. Lauderdale location, contact Howard Rosen at (954)467-4854; for directions to the Orlando location, contact David Overfield at (407)836-2550 ext. 78138

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE CHAPTER TITLE: Eligibility and Fee Assessment for Services Offered by County Public Health Units

RULE CHAPTER NO.: 64F-16

RULE TITLE: Sliding Fee Scale

RULE NO.: 64F-16.006

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate changes required by the U.S. Department of Health and Human Services program guidelines for family planning services provided under Title X of the Public Health Services Act. These guidelines require that family planning services are offered at a discounted rate for people whose income is between 100% and 250% of poverty. SUBJECT AREAS TO BE ADDRESSED: Chapter 64F-16, F.A.C., outlines eligibility and fee assessment for services provided at county health departments. Rule 64F-16.006, F.A.C., covers sliding fee scales. The proposed amendment to Rule 64F-16.006, F.A.C., provides a sliding fee rate for family planning services only for people whose income is between 200% and 250% of poverty, while the sliding fee scales for people between 100% to 200% of poverty remain the same for all services, including family planning.

SPECIFIC AUTHORITY: 154.011(5) FS.

LAW IMPLEMENTED: 154.011 FS.

IF REQUESTED WITHIN 14 DAYS OF THIS NOTICE AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 10:00 a.m., April 23, 2002

PLACE: Department of Health, 4025 Esplanade Way, Room 125-N, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bob Peck, Bin A-13 (HSFFM), 4052 Bald Cypress Way, Tallahassee, FL 32399-1723, telephone: (850)245-4444, ext. 2965

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64F-16.006 Sliding Fee Scale.

(1) Persons with net family incomes between 100 and 200 percent of the Federal Office of Management and Budget poverty guidelines shall be charged a fee on a sliding scale based on the following increments. For family planning services only, persons with incomes between 200 and 250 percent of poverty shall be charged on a sliding fee scale as described in paragraph 64F-16.006(3)(h), F.A.C., below:

(a) through (g) No change.

(2) No change.

(3) This sliding fee scale applies to recipients of integrated family health and communicable disease control services, with the following exceptions:

(a) through (g) No change.

(h) For family planning services only, persons with net family incomes between 100 and 200 percent of the Federal Office of Management and Budget poverty guidelines shall be charged a sliding fee scale as outlined in (1)(a)-(g) above, and persons with net family incomes between 200 and 250 percent shall be charged a fee on a sliding scale based on the following increments:

1. Persons with incomes at 200 to 224 percent of the OMB poverty guidelines shall pay 90 percent of the full fee for family planning services.

2. Persons with incomes at 225 to 249 percent of the OMB poverty guidelines shall pay 95 percent of the full fee for family planning services.

3. Persons with incomes at or above 250 percent of the OMB poverty guidelines shall pay the full fee for family planning services.

(4) Persons with net family incomes above 200 percent of the OMB poverty guidelines shall be charged the full fee promulgated by the department or the relevant board of county commissioners, with the exception of those groups listed in (a) through ~~(h)(g)~~ above.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS. History—New 10-14-93, Amended 8-2-94, 4-29-96, Formerly 10D-121.007, Amended _____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE TITLE: Integrated Children’s Crisis Stabilization Unit/Addictions Receiving Facility Demonstration Models

RULE NO.: 65E-12.110

PURPOSE AND EFFECT: Notice is hereby given that the following additional changes are being considered to the promulgated Rule 65E-12, F.A.C., in accordance with subparagraph 120.54(3)(d)1., F.S. This rule was originally published in the Florida Administrative Weekly, Vol. 24, No. 26, June 19, 1998 issue. The effective date of this rule was September 1, 1998.

SUBJECT AREA TO BE ADDRESSED: These additional revisions are in response to the creation of a prototype dually licensed Crisis Stabilization Unit and Addictions Receiving Facility for children. It is necessary to address updates needed in order to be able to provide services to children with co-occurring mental illness and substance abuse in a manner that is integrated across treatment systems.

SPECIFIC AUTHORITY: 394.499 FS.

LAW IMPLEMENTED: 394.499 FS.

IF REQUESTED 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: 9:30 a.m., Thursday, April 25, 2002

PLACE: Department of Children and Families, 1317 Winewood Blvd., Building 6, Conference Room C, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED WITH REGARD TO THE PROPOSED RULE DEVELOPMENT IS: Terry Hall, Government Operations Consultant, II, 1317 Winewood Blvd., Building 6, Rm. 291, Tallahassee, FL 32399-0700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-12.110 Integrated Children's Crisis Stabilization Unit and Addictions Receiving Facility Demonstration Models.

(1) All the requirements for licensure and operation as a Crisis Stabilization Unit (CSU) that are otherwise required by Chapter 65E-12, F.A.C., shall apply, except as provided for in section 394.499, Florida Statutes, and this rule section. This section applies to integrated children's crisis stabilization unit (CSU) and addictions receiving facility (ARF) services, hereafter referred to as "provider(s)" or "CSU/ARF". The facilities will serve minors under the age of 18 years who present with a serious and acute mental illness, or substance abuse impairment, or may present serious and acute co-occurring mental illness and substance abuse impairment. These facilities shall provide integrated CSU/ARF services within the same facility, and shall provide services to each person based upon their individual needs. This may include an emphasis on services that are typically provided in either an ARF or a CSU, as determined from the initial screening and assessment.

(2) Licensure and Designation. The facility shall be licensed as a Children's CSU under Chapter 394, F.S., and Chapter 65E-12, F.A.C., by the Agency for Health Care Administration, hereafter referred to as the "Agency". The license shall be valid for no more than twenty-six months from the date of approval, unless otherwise extended by the Agency and in collaboration with the Department of Children and Families, hereafter referred to as the "Department". The facility shall be designated as a CSU and as an ARF by the Department prior to receiving any patients.

(3) Special Provisions and Requirements.

(a) Unit Operating Policies and Procedures. The facility shall prepare uniform policies, procedures, and forms that provide for the integrated operation of CSU/ARF services. This shall include policies and procedures regarding admission, examination, physical health care, treatment, informed consent, referral, discharge planning, and aftercare. These procedures shall provide for the appropriate use of the Baker Act and the Marchman Act in accordance with the

person's diagnosis. The unit's operating policies and procedures shall be subject to approval by the organization's Medical Director.

(b) Provider Staff Orientation and Training. Staff shall meet the training requirements of Rule 65E-5.330 and subsection 65D-30.004(32), F.A.C., as a prerequisite to providing services. In addition, staff shall receive training from qualified professionals in substance abuse, as defined in subsection 397.311(25), F.S., that includes the etiology and characteristics of substance abuse, common street drugs and means of use, motivational stages, and principles of recovery and relapse.

(c) Provider Staffing Requirements.

1. A Registered Nurse shall ensure that emergency medical services are provided immediately in accordance with the medical protocols established by the Medical Director. Such protocols shall include provisions to ensure that new arrivals are promptly assessed for symptoms of substance abuse intoxication, and are given prompt medical care and attention. In addition, protocols shall ensure that monitoring of psychiatric medication is provided, and general health care needs are met.

2. A qualified professional, as defined in Chapter 65D-30, F.A.C., specializing in substance abuse, shall be available on call from 7:00 AM until 11:00 PM. This person shall be on-site for at least 15 hours per week to provide ongoing consultation to and mentoring of unit staff on substance abuse related practices. The provider's operating procedures shall include a description of those circumstances requiring the qualified professional to be on site.

3. In addition to the requirements of Rule 65E-12.105, F.A.C., minimum staffing for the facility shall include a qualified professional as defined in Rule 65E-30.002, F.A.C.

(d) In those cases where a child needs to be transported to other services, the provider shall arrange for such transportation.

(4) Case Records.

(a) Confidential Information. Each provider shall ensure that information in case records and any other identifying information for children reflecting a substance abuse diagnosis be maintained in accordance with 42 Code of Federal Regulations, Part 2.

(b) Signatures and Entries. In those instances where case records are maintained electronically, a staff identifier code will be acceptable in lieu of a signature. Documentation within case records shall not be deleted. Amendments or marked through changes shall be initialed and dated by the individual making such changes.

(c) Content of Records. The provider shall develop a uniform case record system regarding the content and format of case records pursuant to subsection 65D-30.004(13) and paragraph 65E-12.106(5)(c), F.A.C.

(5) Facility Admission. Each child admitted for substance abuse services shall provide a blood and urine sample for laboratory testing pursuant to Rule 65D-30.004, F.A.C. The medical director shall develop medical protocols including the circumstances under which a blood and urine test and drug screening shall not be performed.

(6) Provider Discharge Requirements.

(a) Development of a discharge and aftercare plan shall commence upon admission. The plan shall include information on the need for continuation of prescribed psychotropic medications, aftercare appointments for medication and case management, and shall be based upon the individualized needs of the child or adolescent. If the discharge is delayed, the CSU/ARF will notify the aftercare provider. The CSU/ARF shall coordinate with the aftercare service provider and shall document the aftercare planning.

(b) Prescriptions for psychotropic medication shall be provided to a discharged child's foster parent or legal guardian to cover the intervening days until the first scheduled aftercare appointment. Discharge planning shall address the availability of and access to psychotropic prescription medication in the community.

(7) Provider Universal Infection Control.

(a) A written Universal Infection Control plan shall be developed which shall apply to all staff, volunteers, and children receiving services and shall be reviewed and approved by the medical director and medical staff.

(b) The CSU/ARF shall conduct a risk assessment and screening for each child admitted for services who is determined to be substance abuse impaired as required by Rule 65D-30.004, F.A.C.

(c) All infection control activities shall be documented.

Specific Authority 394.499 FS. Law Implemented 394.499 FS. History--New _____.

Section II
Proposed Rules

DEPARTMENT OF STATE

Division of Elections

RULE CHAPTER TITLE: Elections
RULE CHAPTER NO.: 1S-1
RULE TITLES: Initiative Constitutional Amendment Petition Reporting Requirements for Candidates, Committees, and Political Parties; State Matching Funds
RULE NOS.: 1S-2.009 1S-2.017

PURPOSE AND EFFECT: Forms that are incorporated by reference have been updated in light of legislative changes. These rules are being amended to reflect the correct form effective date.

SUMMARY: These rules amend and update existing forms for initiative petitions and reporting requirements due to legislative changes.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so within 21 days of this notice.

SPECIFIC AUTHORITY: 100.371(3), 101.161(2), 106.35(1),(5) FS.

LAW IMPLEMENTED: 100.371, 101.161, 106.04, 106.07, 106.29, 106.30-.36 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 9:00 a.m., April 29, 2002

PLACE: The Collins Building, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Amy K. Tuck, Assistant General Counsel, Division of Elections, Room 100, 107 West Gaines Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Department at least 5 calendar days before the hearing by contacting Amy K. Tuck at (850)245-6200.

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-2.009 Initiative Constitutional Amendment Petition.

(1) through (6) No change.

(7) Form DS-DE-19 (1/01 42/95), as adopted by the Division of Elections, may be utilized as a sample format for petition forms. Form DS-DE 19, "Constitutional Amendment Petition Form" is hereby incorporated by reference and is available from the Division of Elections, Room L-66 4802, 107 West Gaines Street The Capitol, Tallahassee, Florida 32399-0250.

Specific Authority 100.371(3), 101.161(2) FS. Law Implemented 100.371, 101.161 FS. History--New 7-2-79, Formerly 1C-7.09, Amended 7-7-86, Formerly 1C-7.009, Amended 3-5-96, _____.

1S-2.017 Reporting Requirements for Candidates, Committees, and Political Parties; State Matching Funds.

(1) General Reporting Requirements.

(a) No change.

(b) All candidates, political parties, political committees, and committees of continuous existence shall submit campaign treasurer's reports on Form DS-DE 12 (Eff. 9/01 7/98). "Campaign Treasurer's Report Summary," and a magnetic diskette of the information required by Chapter 106, F.S., necessary to complete a campaign treasurer's report.