

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER TITLE: RULE CHAPTER NO.:

Best Management Practices for Citrus, Cow/Calf, and Other Land Uses 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 the 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., February 26, 2003

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

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel management, Department of Agriculture and consumer Services, (850)488-1806, at least seven days prior to the meeting.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, 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, fax (850)921-2153

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

DEPARTMENT OF REVENUE

Child Support Enforcement Program

RULE TITLES: RULE NOS.:

Administrative Establishment of Child Support Obligations 12E-1.030 Health Care Coverage and Medical Support 12E-1.031

PURPOSE AND EFFECT: (a) The purpose of proposed Rule 12E-1.030, F.A.C., is to describe procedures for establishing support obligations through an administrative procedure by explaining the information custodial parents, noncustodial parents, and caretaker relatives must provide; providing for the ability to proceed in court rather than through the administrative process; providing the ability to consent to an administrative order; providing a method for requesting an administrative hearing; providing the results of a final administrative support order; and providing methods for terminating, suspending, reinstating, or modifying an administrative support order. The effect of the rule is to provide guidelines to be followed when establishing a support obligation through the administrative procedure. (b) The purpose of proposed Rule 12E-1.031, F.A.C., is to establish procedures for identifying and enforcing uncovered medical expenses and for issuing, enforcing, and protesting the national medical support notice. The effect of the rule is to provide procedures for uncovered medical expenses and use of the national medical support notice to enforce health care and medical coverage.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is to discuss the proposed new rules as described above.

SPECIFIC AUTHORITY: 61.13(1)(b)6., 409.2557(3)(i),(p), 409.2563(16), 409.2576(10) FS.

LAW IMPLEMENTED: 61.13(1)(b), 61.14, 61.30, 88.4011, 120.569, 120.57(1),(2), 409.2561, 409.2563, 409.2567, 409.2569, 409.2576 FS.

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

TIME AND DATE: 9:00 a.m., March 31, 2003

PLACE: Room 301, 4070 Esplanade Way, Tallahassee, Florida 32399-0350

Copies of the agenda for the rule development workshop may be obtained from: Phil Scruggs, Government Analyst II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, (850)922-9558.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in any proceeding before the Child Support Enforcement Program is asked to advise the Department at least 48 hours before such proceeding by contacting Phil Scruggs, (850)922-9558. If you are hearing or speech-impaired, please contact the Department by calling 1(800)DOR-TDD1 (1(800)367-8331).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT WORKSHOP IS: Phil Scruggs, Government Analyst II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, (850)922-9558 (The preliminary text of the proposed rule development is also available on the department website at <http://myflorida.com/dor>)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

CHILD SUPPORT ENFORCEMENT PROGRAM

12E-1.030 Administrative Establishment of Child Support Obligations.

(1) Financial Information.

The following information must be provided by the custodial parent and noncustodial parent:

- (a) Names of parents;
- (b) Sources of income, the amounts, and how often received;
- (c) If unemployed, information concerning last job;
- (d) Legally required or allowable deductions from income, the amount, and frequency;
- (e) Number of exemptions claimed for tax purposes;
- (f) A copy of the most recent pay stub, benefits statement, or other proof of income and deductions;
- (g) Information on assets owned including cash, stocks, bonds, trusts, and real estate;
- (h) Information on liabilities including mortgage or rent payments, student loan payments, and other monthly payments;
- (i) Information on legally ordered child or spousal support that is actually paid;
- (j) Names of persons insured on current health care coverage policies, name and address of insurance company, policy number, and premium paid;
- (k) If health care coverage is not currently provided, whether health care coverage for the children is available through the employer or union and how much it would cost per month;
- (l) Amount of child care expenses being paid;
- (m) Amount and explanation of any special needs or extraordinary expenses required for the children;
- (n) Information concerning other statutory deviation factors claimed by either parent or the caretaker relative; and
- (o) Signature of individual attesting to the form and the date signed.

(2) Parent or Caretaker Relative Information Form.

In addition to the requirements in Section 409.2563(13)(b), Florida Statutes, the following information must be provided by the custodial parent, noncustodial parent, and caretaker relative, if applicable:

- (a) Name, other names known by, Social Security Number, date of birth, address, and driver license number;
 - (b) Employment information;
 - (c) Information on whether the mother and father have ever lived together;
 - (d) Details on any financial support provided while the parents did not live together, including proof of the payments;
 - (e) Information on health care coverage;
 - (f) Information concerning statutory deviation factors claimed by either parent or the caretaker relative;
 - (g) Health care costs paid by the caretaker relative for the children; and
 - (h) Signature of individual attesting to the form and the date signed.
- (3) Waiver of service.
- (a) If a noncustodial parent who is served with a Notice of Proceeding to Establish Administrative Support Order wishes to proceed in circuit court for a determination of support obligations, the noncustodial parent may request that the department file an action in circuit court to determine the noncustodial parent's support obligation. The request must be in writing and contain the name of the noncustodial parent, the address of the noncustodial parent, and the child support enforcement case number. The request must be received by the Deputy Agency Clerk at the address provided in the Notice of Proceeding to Establish Administrative Support Order within 20 days after the date of receipt of the Notice of Proceeding.
 - (b) If the noncustodial parent files a timely request to proceed in circuit court, the department shall initiate an action in the appropriate circuit court to determine the support obligation of the noncustodial parent and shall send the noncustodial parent a notice of commencement of the action and a form for waiving service of process. If the request to proceed in circuit court is not received timely, the department shall notify the noncustodial parent and the custodial parent or caretaker relative that the administrative proceeding will continue and that the department will not file an action in circuit court.
 - (c) If the noncustodial parent signs and returns the waiver of service of process form to the department within 10 days of the date the form was mailed, the department shall terminate the administrative support order proceeding and continue with the circuit court action.
 - (d) If the noncustodial parent signs and returns the waiver of service of process after the 10 day time period, the department shall continue the administrative support proceeding. However, if the waiver of service was not received timely and a proposed order has not been issued, the department shall terminate the administrative support proceeding and continue with the circuit court action.
 - (e) The department will only litigate the support obligation issue in circuit court and will not litigate issues involving custody or parental contact.

(4) Consenting to an administrative support order.

At any time prior to the issuance and rendering of a final order, the noncustodial parent may waive the right to a hearing and consent to the entry of an administrative support order by contacting the department at the address or telephone number provided in the Notice or Proceeding to Establish Administrative Support or by personal visit to a local department Child Support Enforcement Program office.

(5) Request for Administrative Hearing.

(a) To request an administrative hearing, the noncustodial parent must submit a written request to the Deputy Agency Clerk at Florida Department of Revenue, Child Support Enforcement Program, Post Office Box 4972, Orlando, FL 32802-4972. The request must be received no later than 20 days after the date on the document providing the rights to an administrative hearing.

(b) A written request for administrative hearing must:

1. Contain the name, current mailing address, telephone number, and child support enforcement case number of the noncustodial parent;

2. Identify the name and date of the department's document that is in dispute; and

3. State each objection to the department document and the reasons for each objection.

(c) If a request for an administrative hearing is not received within the 20 day time period, the request will be denied.

(6) Final Administrative Support Orders.

Duration. Amounts ordered to be paid for current support are due and payable until:

(a) The Final Administrative Support Order is modified, suspended, or terminated by the department.

(b) The Final Administrative Support Order is vacated on appeal by a District Court of Appeal or superseded by a circuit court order.

(c) The current support obligation ends because the youngest child has emancipated; however, if retroactive support or arrears are still owed when the youngest child has emancipated, the collection of the retroactive support or arrears will continue at the same amount as the current support payment until all retroactive support or arrears are fully paid.

(7) Terminating, suspending, reinstating, or modifying administrative support orders.

(a) A noncustodial parent, custodial parent, or caretaker relative may request in writing to the Deputy Agency Clerk at Florida Department of Revenue, Child Support Enforcement Program, Post Office Box 4782, Orlando, FL 32802-4972, that an administrative support order, or part of an administrative support order, be terminated, suspended, reinstated, or modified. An administrative support order may be modified but not terminated or suspended if retroactive support or arrears are owed. A notice of proceeding to terminate, suspend,

reinstate, or modify the administrative support order shall be served on the non-requesting parent or caretaker relative in the manner specified by section 409.2564(4), F.S.

(b) A request for termination, suspension, reinstatement, or modification by the noncustodial parent, custodial parent, or caretaker relative must include the following information, if known:

1. Names and addresses of the noncustodial parent, custodial parent, and caretaker relative, if applicable;

2. Social security numbers of the noncustodial parent and custodial parent;

3. Child support enforcement case number, administrative support order number, or court case number;

4. Names of child or children;

5. Specific reasons for the request to terminate, suspend, reinstate, or modify; and

6. Any written documentation that supports the request.

(c) Termination, suspension, reinstatement, or modification of an administrative support order may be requested and granted for the following reasons:

1. The support order contains errors.

2. The child is emancipated.

3. The child no longer resides with the custodial parent or caretaker relative.

4. The custodial parent, noncustodial parent, caretaker relative, or child is deceased.

5. The custodial parent, noncustodial parent, caretaker relative, or child cannot be located.

6. The noncustodial parent has a medically verified total or permanent disability with no evidence of present or potential future ability to pay support.

7. The noncustodial parent is temporarily incapacitated or unemployed and the custodial parent or caretaker relative has agreed the noncustodial parent should not be responsible for support during this time and has requested that the case be closed or that the support obligation be suspended.

8. The custodial and noncustodial parents have reconciled and are living with the child.

9. The factors that led to the suspension of the order have changed and reinstatement is appropriate.

10. The income, deductions, or expenses of the custodial parent or noncustodial parent have increased or decreased; or the needs of the child have changed; or there has been a substantial change in the circumstances since the previous guideline calculations.

11. Other documented, substantial changes of circumstances for which support order modification is proper under Florida law.

Specific Authority 61.13(1)(b)6., 409.2557(3)(p), 409.2564(16) FS. Law Implemented 61.30, 88.4011, 120.569, 120.57(1),(2), 409.2561, 409.2563, 409.2567, 409.2569 FS. History—New _____.

12E-1.031 Health Care Coverage and Medical Support.

(1) Uncovered medical expenses.

(a) As used in this rule, "uncovered medical expenses" means medical, dental, and prescription medication expenses that are ordered to be paid by a support order and are not reimbursed by health care coverage. This includes health care coverage co-payments that must be paid and are not reimbursed.

(b) The department will request that uncovered medical, dental, and prescription medication expenses of the child be included in the basic support obligation. When the support order has not been calculated with uncovered medical expenses included in the basic support obligation and instead provides that medical expenses are to be paid by the obligee and obligor in an equal amount or a percentage amount, the following will be considered as uncovered medical expenses that must be paid:

1. Physician and dentist office visits and procedures.
2. Hospital visits or stays.
3. Tests ordered by a physician or hospital.
4. Prescriptions ordered by a physician or dentist.

(c) When the obligee requests the department to pursue the obligor for support ordered uncovered medical expenses that have not been paid, the obligee must provide the following to the department:

1. A copy of the initial receipt for the services rendered.
2. A copy of the latest billing of expenses currently due.
3. Copies of any checks, money orders, or receipts received for medical expenses that the obligee has paid.

(d) The department will review the documentation and determine if it is sufficient to pursue payment from the obligor. If it is not sufficient, the department will provide an explanation in writing to the obligee. If the information is sufficient, the department will proceed as follows:

1. The department will proceed with a delinquency action in accordance with Section 409.2564(10)(b), F.S. The obligee must notify the department if payment for the uncovered medical expenses is received from the obligor.

2. If the obligor refuses to pay or does not respond to the obligee or the department within 20 days of receiving notification to pay uncovered medical expenses, the department will proceed in accordance with Section 409.2564(10)(a) and (b), F.S.

3. If the obligor files a petition in circuit court to contest the uncovered medical expenses delinquency action, the department will cease further collection activities.

(2) National medical support notice.

(a) The national medical support notice shall be issued in accordance with Section 61.13, F.S.

(b) Contesting the withholding.

If the obligor wishes to contest the withholding imposed by the national medical support notice, the obligor must provide in writing the following information within 15 business days after the date of receiving written notification of the issuance of the national medical support notice:

1. Obligor's and obligee's names, addresses, telephone numbers, and email addresses.
2. Obligor's and obligee's social security numbers.
3. Name of the child or children for whom the withholding is intended.
4. Name and address of the employer who received the national medical support notice.
5. An explanation of the mistake of fact.

The contest must be mailed to the Deputy Agency Clerk at Florida Department of Revenue, Child Support Enforcement Program, Post Office Box 8030, Tallahassee, FL 32314-8030.

(c) Requesting an administrative hearing.

If an informal conference is held and the dispute involving uncovered medical expenses is not resolved, the obligor may request an administrative hearing in writing by providing the following information within 5 business days after the termination of the informal conference:

1. Obligor's and obligee's names, addresses, telephone numbers, and email addresses.
2. Obligor's and obligee's social security numbers.
3. Name of the child or children for whom the withholding is intended.
4. Name and address of the employer who received the national medical support notice.
5. An explanation of the mistake of fact.
6. Date of the informal conference.
7. Attendees at the informal conference.
8. The matter still in dispute that was not resolved at the informal conference.

The request for administrative hearing must be mailed to the address in paragraph (2)(b).

Specific Authority 61.13(1)(b)6., 409.2557(3)(i), 409.2563(16), 409.2576(10) FS. Law Implemented 61.13(1)(b), 61.30(8), 409.2563(1)(a),(2)(c),(7)(3)6., 409.2576(7) FS. History—New _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER TITLE: Rules of Procedure – Decisions

RULE CHAPTER NO.: 14-6

Affecting Substantial Interests

14-6

RULE TITLE: Final Orders

RULE NO.: 14-6.0011

PURPOSE AND EFFECT: Paragraph 14-6.0011(2)(d), F.A.C., is amended to include a website address for reviewing Final Orders issued by the Department of Transportation.

14-6.0011

SUBJECT AREA TO BE ADDRESSED: This is an editorial amendment to provide a website address where the Department of Transportation Final Orders can be viewed on the Internet.

SPECIFIC AUTHORITY: 120.53(1), 334.044(2) FS.
LAW IMPLEMENTED: 120.53(2) 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, Management Analyst 4, 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:

14-6.0011 Final Orders.

- (1) No change.
- (2) Public Inspection and Duplication.
- (a) through (c) No change.

(d) Final orders required to be indexed under Section 120.53(1)(a)2.c., Florida Statutes, which are entered on or after July 1, 1998, will also be maintained, stored, and indexed on an electronic database. Pursuant to Section 120.53(2)(a), Florida Statutes, the Department hereby designates the Municipal Code Corporation as its official reporter for creating the electronic database and indexing and preserving final orders therein. The electronic database will allow users to research and retrieve the full texts of agency final orders by using commonly used search terms and descriptive information about the orders, including major subject headings. The indexing system for the electronic database shall have fixed fields to ensure common usage of such terms by anyone who uses the system. The Department will maintain the electronic database and make it available for public use. The following website is available to view Final Orders issued by the Department: <http://www.mccimagin.com>. ~~The public may utilize the electronic database by contacting the Clerk of Agency Proceedings at the address provided in subsection (c).~~

(3) through (6) No change.

Specific Authority 120.53(1), 334.044(2) FS. Law Implemented 120.53(2) FS. History—New 4-6-93, Amended 2-20-96, 11-16-00, _____.

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Fresh Fruit Maturity Tests	20-34

RULE TITLE:	RULE NO.:
Juice Content in Grapefruit – Sampling and Testing	20-34.006

PURPOSE AND EFFECT: Would provide additional sizes to an alternative method of evaluating juice content for establishing fresh grapefruit maturity.

SUBJECT AREA TO BE ADDRESSED: Additional sizes to an alternative method of testing fresh grapefruit maturity.

SPECIFIC AUTHORITY: 601.10(1),(7), 601.18, 601.24, 601.25 FS.

LAW IMPLEMENTED: 601.18, 601.24, 601.25, 601.44 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

DEPARTMENT OF CITRUS

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Containers, Packs, Stamping and Labeling of Fresh Fruit	20-39

RULE TITLE:	RULE NO.:
Approved Boxes	20-39.003

PURPOSE AND EFFECT: Would provide for a new container to be added to the list of containers approved for use in shipping fresh Florida Citrus.

SUBJECT AREA TO BE ADDRESSED: Approved containers for use in shipping fresh Florida Citrus.

SPECIFIC AUTHORITY: 601.11 FS.

LAW IMPLEMENTED: 601.11 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

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

PUBLIC SERVICE COMMISSION

UNDOCKETED

RULE TITLE:	RULE NO.:
Accounting for Asset Retirement Obligations Under SFAS 143	25-14.014

PURPOSE AND EFFECT: The rule provides guidance to regulated utilities regarding how to account for Asset Retirement Obligations under SFAS 143 on their books regulated by the Public Service Commission (PSC). The rule

will result in more consistent accounting treatment for SFAS 143 among utilities regulated by the PSC. The rule mandates that SFAS 143 be revenue neutral so that the earnings of the utilities are not altered from what they are now under current accounting requirements.

SUBJECT AREA TO BE ADDRESSED: Accounting for asset retirement obligations under SFAS 143.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.03, 364.035, 366.05(1), 367.121(1)(a) 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. (EST), March 25, 2003

PLACE: Betty Easley Conference Center, Room 152, 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 IS: Christine Romig, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6447

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-14.014 Accounting for Asset Retirement Obligations Under SFAS 143.

(1) The Financial Accounting Standards Board issued Statement No. 143, Accounting for Asset Retirement Obligations (SFAS 143) in June 2001. The statement applies to legal obligations associated with the retirement of tangible, long-lived assets that result from the acquisition, construction, development or the normal operation of a long-lived asset. For utilities required to implement SFAS 143, it shall be implemented in a manner such that the assets, liabilities and expenses created by SFAS 143 and the application of SFAS 143 shall be revenue neutral in the rate making process.

(2) Definitions. For purposes of this rule, the following definitions apply:

(a) "Accretion Expense." The concurrent cost that is recorded as an operating item in the statement of income to account for the passage of time and the resulting period-to-period increase in the Asset Retirement Obligation.

(b) "Asset Retirement Cost." The amount capitalized that increases the carrying amount of the long-lived asset when a liability for an Asset Retirement Obligation is recognized.

(c) "Asset Retirement Obligation." An obligation associated with the retirement of a tangible long-lived asset.

(3) Pursuant to SFAS 143, each utility shall recognize the fair value of a liability for an Asset Retirement Obligation in the period in which it is incurred if a reasonable estimate of the fair value can be made. If a reasonable estimate of fair value cannot be made in the period the Asset Retirement Obligation is incurred, the liability shall be recognized when the reasonable estimate of fair value can be made. The fair value of the liability for an Asset Retirement Obligation is the amount at which that liability could be settled in a current transaction between willing parties, that is, other than in a forced or liquidation transaction. If quoted market prices are not available, the estimate of fair value shall be based on the best information available in the circumstances including prices for similar liabilities and the result of present value or other valuation techniques. The Asset Retirement Obligations shall be kept by function and recorded in separate subaccounts.

(4) Upon initial recognition of a liability for an Asset Retirement Obligation, the utility shall capitalize an Asset Retirement Cost by increasing the carrying amount of the long-lived assets by the same amount as the liability. The Asset Retirement Cost shall be kept by function and recorded in a separate subaccount as intangible plant. The utility shall subsequently allocate that Asset Retirement Cost to expense over its useful life. The expense shall be recorded in a separate subaccount.

(5) Asset Retirement Costs do not qualify for Allowance for Funds Used During Construction.

(6) Pursuant to SFAS 143, in periods subsequent to the initial measurement, a utility shall recognize period-to-period changes in the liability for an Asset Retirement Obligation resulting from accretion or revisions to either the timing or the amount of the original estimate of undiscounted cash flows.

(a) A utility shall measure the accretion cost in the liability for an Asset Retirement Obligation due to passage of time by applying the interest method of allocation to the amount of the liability at the beginning of the period. This amount shall be recognized as an increase in the carrying amount of the liability.

(b) The accretion expense shall be recorded in a separate subaccount.

(c) Revisions to a previously recorded Asset Retirement Obligation will result from changes in the assumptions used to estimate the cash flows required to settle the Asset Retirement Obligation, including changes in estimated probabilities, amounts, and timing of the settlement of the Asset Retirement Obligation, as well as changes in the legal requirements of an obligation. Upward revisions to the undiscounted estimated cash flows shall be treated as a new liability and discounted at

the current rate. Downward revisions will result in a reduction of the Asset Retirement Obligation. The amount of the liability to be removed shall be discounted at the rate that was used at the time the obligation was originally recorded. The concurrent debit or credit shall be made to the Asset Retirement Cost.

(7) Differences between amounts prescribed by the Commission and those used in the application of SFAS 143 shall be recorded as Regulatory Liabilities or Regulatory Assets in separate subaccounts.

(8) The Regulatory Debit and Regulatory Credit accounts shall be used to record the differences between the Commission prescribed amounts and the amounts which are reported as expense under SFAS 143.

(9) Each utility shall keep records supporting the calculation and the assumptions used in the determination of the Asset Retirement Obligation and the related Asset Retirement Cost and the related Regulatory Assets and Regulatory Liabilities established in accordance with this rule and the implementation of SFAS 143.

(10) If a utility is not required to establish an Asset Retirement Obligation for an asset or group of assets, the cost of removal shall continue to be included in the calculation of the depreciation expense and accumulated depreciation.

Specific Authority 350.127(2) FS. Law Implemented 364.03, 364.035(5), 366.05(1), 367.121(1)(a) FS. History—New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Administration of Medication to DS
 Waiver Beneficiaries

RULE NO.: 59G-8.201

PURPOSE AND EFFECT: The purpose of this rule amendment is to provide to all unlicensed direct care staff who provide DS Waiver services to beneficiary's with developmental disabilities in adult day programs, foster homes, group homes, independent living and supported living arrangements with guidelines regarding: (1) when supervision of self-administration of medication is appropriate; (2) what may and may not be done in supervising the self-administration of medication; (3) when they may not administer medications; (4) when appropriate, how to safely administer oral, patch, inhaled and topical medications, and medication administered through inhalers; and (5) the safe handling of medications. This policy does not apply to family members who administer medication or who assist in self-administering medication for other family members, without compensation. The effect will be to permit the administration of medications to DS Wavier beneficiaries by unlicensed direct care staff that provides DS Waiver services to beneficiaries with developmental disabilities.

SUBJECT AREA TO BE ADDRESSED: Administration of Medication to DS Waiver Beneficiaries.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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: 10:00 a.m. – Noon, Tuesday, February 18, 2003

PLACE: AHCA Headquarters, 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, FL 32317-2600

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Karen Henderson, Medicaid Services, P. O. Box 12600, Tallahassee, Florida 32317-2600, (850)414-9756

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT WILL BE AVAILABLE AT THE TIME OF THE ABOVE SCHEDULED WORKSHOP.

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE TITLE: Requirements for Sworn Invoices Submitted

RULE NO.:

By or on Behalf of Wireless Service Providers

60DD-1.001

PURPOSE AND EFFECT: The Board proposes the new rule to implement Section 365.173(2)(b), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The new rule is proposed to address the requirements for sworn invoices submitted by wireless service providers seeking reimbursement for actual costs incurred to provide 911 or E911 service.

SPECIFIC AUTHORITY: 365.172(6)(a)12., 365.173(2)(b) FS.

LAW IMPLEMENTED: 365.173(2)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE NEXT AVAILABLE BOARD MEETING.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Winston E. Pierce, Chair, State of Florida Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF MANAGEMENT SERVICES

State Technology Office

RULE TITLE: Rural County Grants

RULE NO.:

60DD-1.002

PURPOSE AND EFFECT: The Board proposes the new rule to implement Section 365.173(2)(c), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The new rule is proposed to address the eligibility and the general conditions of application for rural county grants to assist with the installation and maintenance of an Enhanced 911 system.

SPECIFIC AUTHORITY: 365.172(6)(a)12., 365.173(2)(c) FS.

LAW IMPLEMENTED: 365.173(2)(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AT THE NEXT AVAILABLE BOARD MEETING.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Winston E. Pierce, Executive Director, Wireless 911 Board, 4030 Esplanade Way, Suite 235M, Tallahassee, Florida 32399-0950
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE CHAPTER TITLE: Rules and Procedures for Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback) **RULE CHAPTER NO.:** 62B-33

The Department of Environmental Protection proposes rule development of Chapter 62B-33, F.A.C., Rules and Procedures For Coastal Construction and Excavation (Permits for Construction Seaward of the Coastal Construction Control Line and Fifty-Foot Setback)

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 entitled “Official Notices.” If you have additional questions please contact Rosaline Beckham, (850)488-3181.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE CHAPTER TITLE: Public Swimming Pools and Bathing Places **RULE CHAPTER NO.:** 64E-9

PURPOSE AND EFFECT: Revise existing rules for the purpose of clarification, incorporate necessary technical changes and to provide for the protection of public health and safety.

SUBJECT AREA TO BE ADDRESSED: Areas to be discussed include: Operational requirements, design criteria, construction standards, hydraulic requirements, existing system modification standards, permitting requirements, fees, definitions, forms, supervision and safety, bathing places, and pool service technicians requirements.

SPECIFIC AUTHORITY: 381.0011, 381.006, 514.0115, 514.021, 514.033, 514.05, 514.075 FS.

LAW IMPLEMENTED: 381.006, 381.0011, 381.0015, 381.0025, 386.01, 386.02, 386.03, 386.041, 386.051, 514.011, 514.0115, 514.021, 514.025, 514.028, 514.03, 514.031, 514.033, 514.04, 514.05, 514.06, 514.071 FS.

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

TIME AND DATE : 10:00 a.m. – 4:00 p.m., March 11, 2003

PLACE: Conference Room “B”, Hurston South Tower, 400 West Robinson Street, Orlando, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Robert Pryor, Department of Health, Bureau of Water Programs, Bin #C-22, 4052 Bald Cypress Way, Tallahassee, FL 32399-1742, (850)245-4444, Ext. 2369

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE TITLES:	RULE NOS.:
Definitions	65A-1.701
Special Provisions	65A-1.702
Family-Related Medicaid Coverage Groups	65A-1.703
SSI-Related Medicaid Coverage Groups	65A-1.710
SSI-Related Medicaid Income Eligibility Criteria	65A-1.713
SSI-Related Medicaid Post – Eligibility Treatment of Income	65A-1.714

PURPOSE AND EFFECT: These proposed rule amendments implement a standard income disregard for certain Medically Needy filing unit members and, due to action of the 2002 Legislature, provide that Medicaid will not pay for expenses used to meet the Medically Needy share of cost. Additionally, due to a change in federal policy, the exclusion of either VA aid and attendance or unreimbursed medical expenses, or both, from VA pension income in determining patient responsibility (post-eligibility treatment of income) for institutionalized individuals is changed. Further, these rule amendments implement the Statewide Inpatient Psychiatric Program (SIPP) waiver.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments applicable to the Medically Needy program provide for a \$270 income disregard from the countable income of the filing unit when determining the Medically Needy eligibility of a pregnant woman, a non-relative child under 19, other children under 21, or an aged, blind, or disabled individual. This disregard is applied to the filing unit as a total disregard no matter how many individuals in the filing unit have income. Additionally, in regard to the Medically Needy program, these rule amendments implement 2002 Legislation to provide that Medicaid does not pay bills or

those parts of bills used to meet the share of cost. Once bill tracking for the month is completed to determine the share of cost, any new allowable bills presented and not covered by Medicaid or third party liability will be used to meet the share of cost in a future month and will not be paid by Medicaid.

The proposed amendments applicable to post-eligibility treatment of VA pension income provide that, for certain individuals, the amount of a veteran's pension, including any payment made due to the need for aid and attendance, or for unreimbursed medical expenses, that is in excess of \$90 per month shall be counted in the determining the total income available to meet the individual's patient responsibility to the VA nursing facility. This provision applies only to the following individuals: a veteran who does not have a spouse or child and who resides in a state veterans' home to which the Secretary of Veterans Affairs makes per diem payments for nursing home care; and, a surviving spouse (with no child) of a veteran who is residing in the same living arrangement.

The Statewide Inpatient Psychiatric Program (SIPP) waiver is for certain individuals under age 18 who are at high risk of need for inpatient mental health services. Individuals must be eligible for Medicaid to receive services under this waiver program. AHCA determines eligibility for this waiver program.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.904, 409.906, 409.919 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., February 17, 2003

PLACE: Building 3, Room 100, 1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Audrey Mitchell, Program Administrator, Building 3, Room 421, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)488-3090

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

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE CHAPTER TITLE:	Behavioral Health Services	RULE CHAPTER NO.:	65E-11
RULE TITLES:	Definitions	RULE NOS.:	65E-11.002
	Scope of Behavioral Health Services		65E-11.003

Clinical Guidelines for Referral	65E-11.004
Practice Guidelines for Behavioral Health Services to Ensure Cost-Effective Treatment and to Prevent Unnecessary Expenditures	65E-11.007

PURPOSE AND EFFECT: Notice is hereby given that the following additional changes are being considered to the promulgated Rule 65E-11, 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. 26, No. 36, September 8, 2000, and in Vol. 26, No. 47, November 22, 2000, as the first Notice of Change. The effective date of this rule was January 17, 2001.

SUBJECT AREA TO BE ADDRESSED: These additional revisions are in response to updates in required forms, program name change, refined program operations since the original rule publication, and technical rule citations changes as a result of these revisions.

SPECIFIC AUTHORITY: 409.8135(6) FS.

LAW IMPLEMENTED: 409.8135 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE AND IS NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michael Sorrell, Medical/Health Care Program Analyst, 1317 Winewood Blvd., Bldg. 6, Room 297, Tallahassee, Florida 32399-0700

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-11.002 Definitions.

Definitions as used in Chapter 65E-11, F.A.C.

(1) through (4) No change.

(5) “Behavioral Health Network” means the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance-related disorders who are determined eligible for the Title XXI part of the KidCare Program. This network includes providers who are managed behavioral health organizations, private and state funded mental health and substance-related disorders providers, and Lead Agencies. The Behavioral Health Network is administered by the Department of Children and Families, Children’s Mental Health State Program Office to provide a comprehensive behavioral health benefits package for children with serious mental or substance-related disorders. ~~“Behavioral Health Specialty Care Network” means the single entity or local alliance of Providers of Behavioral Health Services, who provide behavioral health services to children enrolled in the Behavioral Health Specialty Care Network.~~

(6) “Behavioral Health Services” means those services, contingent on the child’s presenting condition, that are provided to enrolled children in the Behavioral Health Network Behavioral Health Specialty Care Network for the treatment of mental or substance-related disorders.

(7) ~~“Behavioral Health Network Coordinator”~~ ~~“Behavioral Health Specialty Care Coordinator”~~ means the department’s designated representative for overseeing the enrollment and provision of care by a single entity or local alliance of Providers of Behavioral Health services who comprise a behavioral health care network.

~~(8) “Behavioral Health Specialty Care Network” means the statewide network of Providers of Behavioral Health Services who serve non-Medicaid eligible children with mental or substance-related disorders who are determined eligible for the Title XXI part of the KidCare Program that includes providers who are managed behavioral health organizations, private and state funded mental health and substance-related disorders providers, and Lead Agencies. The Behavioral Health Specialty Care Network is administered by the Department of Children and Families, Children’s Mental Health State Program Office to provide a comprehensive behavioral health benefits package for children with serious mental or substance-related disorders.~~

~~(8)(9) “Benefits Package” means the required benefits and Alternative Services described in Rule 65E-11.003, F.A.C., that are made available to each child upon enrollment into the Behavioral Health Network Behavioral Health Specialty Care Network described in section 65E-11.003.~~

~~(9)(10) “Child” means any individual five (5) years of age and not yet (19) years of age who is enrolled in the Behavioral Health Network Behavioral Health Specialty Care Network.~~

~~(10)(11) No change.~~

~~(11)(12) “Eligible” means a child that has been screened by the behavioral health liaison as meeting the Behavioral Health Network Behavioral Health Specialty Care Network clinical and treatability criteria and by the department for Title XXI financial eligibility criteria but is not yet enrolled in the program to receive Behavioral Health Network Behavioral Health Specialty Care Network services.~~

~~(12)(13) No change.~~

~~(13)(14) “Enrollment” means a child is eligible for and receiving services in the Behavioral Health Network Behavioral Health Specialty Care Network after an official acceptance into the Behavioral Health Network Behavioral Health Specialty Care Network based on separate determinations of financial eligibility by the department that the child is eligible for the Title XXI component of KidCare and that the child is clinically eligible for enrollment.~~

(15) through (20) renumbered (14) through (19) No change.

~~(20)(21) “Reverification” means the redetermination of a child’s eligibility based on the criteria described in Rule 65E-11.004, F.A.C. the clinical eligibility criteria described in Section 65E-11.005, F.A.C., for the purpose of reverification of eligibility for the Behavioral Health Specialty Care Network.~~

(22) through (25) renumbered (21) through (24) No change.

~~(25)(26) “Targeted Outreach” means the planned and coordinated efforts to communicate information about the Behavioral Health Network Behavioral Health Specialty Care Network with an overall intent to increase awareness, participation, and enrollment in the program.~~

~~(26)(27) “Treatment Plan” means that identifiable section of the medical record that depicts goals and objectives for the provision of services with specific treatment environments. The treatment plan shall be developed by a team consisting of individuals with experiences and competencies in the provision of behavioral health services to children as described in subsection Section 65E-11.002(10)(17), F.A.C.; including, if deemed appropriate by the family, the child and family or family representatives; and other agencies, providers or other persons.~~

~~(27)(28) No change.~~

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New 1-17-01, Amended.

65E-11.003 Scope of Behavioral Health Services.

(1) through (6) No change.

(a) Alternative Services shall be approved so long as they are related to the child’s treatment services plan. Documentation of approved Alternative Services shall include the name of the district Behavioral Health Network Behavioral Health Specialty Care Coordinator with signature and shall contain the following elements:

1. through (11)(n) No change.

(o) Complete the Behavioral Health Network Screening and Eligibility Tracking form, March 1, 2002, version and the Behavioral Health Network Reverification and Request for Disenrollment form, March 1, 2002, version Behavioral Health Specialty Care Network Screening and Eligibility Tracking form, September 2000 version July 1, 1999 version hereby incorporated by reference as if fully set out here. The Behavioral Health Network Screening and Eligibility Tracking form and the Behavioral Health Network Reverification and Request for Disenrollment Behavioral Health Specialty Care Network Screening and Eligibility Tracking form may be obtained from the district Alcohol, Drug Abuse, and Mental Health Program Office. Upon completion, the Behavioral Health Liaison shall submit a copy of the Behavioral Health Network Screening and Eligibility Tracking form and the Behavioral Health Network Reverification and Request for Disenrollment form(s) Behavioral Health Specialty Care

~~Network Screening and Eligibility Tracking form~~ to the Children's Medical Services area office and the district Alcohol, Drug Abuse, and Mental Health Program Office.

(12) through (13) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New 1-17-01, Amended _____.

65E-11.004 Clinical Guidelines for Referral.

(1) Every child referred to ~~the Behavioral Health Network a Behavioral Health Specialty Care Network~~ shall be screened as a first step in determining the child's ~~clinical~~ eligibility for services. If the screening indicates the child has the potential to meet the ~~Behavioral Health Network Behavioral Health Specialty Care Network~~ clinical eligibility criteria described in this section, ~~and there is available capacity within the network to enroll the child,~~ an assessment shall be conducted.

(2) A child shall be considered eligible for behavioral health services from ~~the Behavioral Health Network Behavioral Health Specialty Care Network~~ when the child is determined to be Title XXI eligible for the Florida KidCare Program, be at least five (5) years of age and not yet nineteen (19) years of age, and

(a) through (e) No change.

1. Criteria Set 1:

1.a. No change.

~~2.b. A child diagnosed with Attention-Deficit/Hyper Activity Disorder as the primary DSM-IV-R Axis I diagnosis does not qualify for Behavioral Health Network services, and Attention-Deficit and Disruptive Behavior disorders shall be excluded as DSM-IV Axis I mental disorders in determining clinical eligibility for the Behavioral Health Specialty Care Network, and~~

~~3.c. The child demonstrates a significant level of functional impairment as measured by the Children's Global Assessment Scale (C-GAS), with a score of fifty or below; or The child is experiencing significant functional impairment as a result of his or her condition, or~~

~~2. Criteria Set 2: The child is in a school-based program for children with serious emotional disturbance, or~~

~~3. Criteria Set 3: The child has been committed for the treatment of substance-related disorders under the Hal S. Marchman Act of 1993, Section 397.01, Florida Statutes, at least once within the last six months.~~

(3) ~~Disenrollment Criteria. A child shall be considered disenrolled from the Behavioral Health Network at midnight of the last day of the current enrollment month if one of the following occurs: Ineligibility Criteria. A child shall be considered ineligible for Title XXI Behavioral Health Specialty Care Network behavioral health services if any one of the following criteria is met:~~

(a) ~~The parent has neglected to pay the premium; The child does not meet the Title XXI eligibility criteria with regard to age, income, premium payment, and other insurance~~

~~coverage or the child does not meet the following Behavioral Health Network criteria: Behavioral Health Specialty Care Network eligibility criteria described in Section 65E-11.004, F.A.C., above,~~

~~(b) The child turns 19 years old; The child is placed in long term residential care exceeding 30 days,~~

~~(c) The child becomes Medicaid eligible or obtains other insurance coverage; The child moves out of the state of Florida.~~

~~(d) The child moves out of state;~~

~~(e) The child is placed in residential treatment exceeding thirty days;~~

~~(f) The child becomes an inmate of a public institution; or~~

~~(g) The child no longer meets the Behavioral Health Network's treatability or clinical eligibility criteria.~~

~~(4) When determining or reviewing a child's eligibility under the program, the applicant shall be provided with notice of changes in eligibility. When a transition from the Behavioral Health Network to another program is appropriate, the Behavioral Health Liaison shall notify the Children's Medical Services case manager in writing and shall ensure the affected family is afforded a transition which promotes continuity of behavioral health care coverage.~~

~~(5)(4) The department shall be the final authority on all admissions, transfers, and discharges of children into and from the Behavioral Health Network Behavioral Health Specialty Care Network and retains the right to override any decision of a Lead Agency with regard to a child's admission, transfer, and discharge.~~

~~(6)(5) In the case of any dispute between the department and a Lead Agency, an enrolled child shall remain in the Behavioral Health Network Behavioral Health Specialty Care Network and continue to receive care at the expense of the Lead Agency for the duration of the resolution of the dispute.~~

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History—New 1-17-01, Amended _____.

65E-11.007 Practice Guidelines for Behavioral Health Services to Ensure Cost-Effective Treatment and to Prevent Unnecessary Expenditures.

(1) Treatment Plan. A written ~~treatment service~~ plan shall be developed within 10 working days of enrollment into the ~~Behavioral Health Network Behavioral Health Specialty Care Network~~ for each enrolled child. At a minimum, the plan shall include clear time-limited treatment objectives, related interventions, clinical criteria for discharge, and evidence that the child and family, consistent with the statutes and rules of the department for family involvement, have been included in the development of the treatment plan.

(a) A board certified child psychiatrist ~~or a Licensed Practitioner of the Healing Arts~~ with experience treating children who have mental or substance-related disorders shall serve as the authorizing authority for necessary services. The

Lead Agency shall communicate the details of the plan to the local Children’s Medical Services Area Office. The plan shall be reviewed and updated no later than ninety (90) days apart.

(b) Notwithstanding paragraph 65E-11.007(1)(a), F.A.C., above, if the provider can demonstrate that a board certified child psychiatrist or a Licensed Practitioner of the Healing Arts with experience treating children who have mental or substance-related disorders is not available for participation due to the lack of availability, a psychiatrist with experience treating children who have mental disorders or a medical doctor with experience treating children for substance-related disorders shall serve as the authorizing authority for necessary services.

(2) Behavioral health services financed through the Behavioral Health Network ~~Behavioral Health Specialty Care Network~~ shall not begin until after the child’s enrollment as defined in Rule 65E-11.003, F.A.C.

(3) through (4)(c) No change.

(d) Collection of data to review the criteria and process used to evaluate services for medical necessity as described in subsection 65E-11.002(18)(19), F.A.C.

(e) through (8)(b) No change.

1. The claim documents psychiatric admission for the treatment of Emergency Behavioral Health Care as defined in Rule Section 65E-11.002(12)(44), F.A.C., and includes the date of admission, reason for admission, location of the treatment facility, duration of service noted, and any Behavioral Health Services authorized by the referring Lead Agency.

2. through 3. No change.

(9) through (11) No change.

(12) Exceptions to the drive-time provision shall be made by the Behavioral Health Network ~~Behavioral Health Specialty Care~~ Coordinator to address the lack of specialty providers or other service constraints existing in rural areas.

(13) No change.

(a) No change.

(b) Urgent Care as defined in subsection ~~Section~~ 65E-11.002(27)(29), F.A.C., shall be evaluated and delivered within twenty-four (24) hours.

(c) No change.

(14) No change.

Specific Authority 409.8135(6) FS. Law Implemented 409.8135 FS. History–New 1-17-01, Amended.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Programs

RULE TITLE:	RULE NO.:
Integrated Children’s Crisis Stabilization Unit and Addictions Receiving Facility Demonstration Models	65E-12.110

PURPOSE AND EFFECT: Amends Rule 65E-12, F.A.C., Public Mental Health Crisis Stabilization Units and Short-term Residential Treatment Facilities, to create demonstration models for integrated children’s crisis units and standards to run these units.

SUBJECT AREA TO BE ADDRESSED: Licensure and Designation, Unit Operating Policies and Procedures, Staffing Requirements, Case Records, Content of Records, Signatures and Entries, Facility Admissions, Provider Discharge Requirements, and Provider Universal Infection Control.

SPECIFIC AUTHORITY: 394.499 FS.

LAW IMPLEMENTED: 394.499 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THIS NOTICE AND IS NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A HEARING WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Michael Sorrell, Medical/Health Care Program Analyst, 1317 Winewood Blvd., Bldg. 6, Room 297, Tallahassee, Florida 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., and Chapter 65E-5, 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 “CSU/ARF.” The facilities will serve minors under the age of 18 years of age who present with a serious and acute mental illness or 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 facility shall also be designated as a Children’s CSU and an ARF by the department. Proof of ARF designation must be submitted to the agency prior to the CSU receiving substance abuse patients and upon renewal of an ARF designation. The facility shall be in compliance with CSU requirements at all times. Complaints received by the Department of Children and Families or by the Agency shall be jointly investigated whenever possible and passed on to the local Advocacy

Councils within 24 hours of the complaint. Within 26 months from the date of approval by the department, the department shall make a determination to extend or not to extend the demonstration model.

(3) Special Provisions and Requirements.

(a) Unit Operating Policies and Procedures. The facility shall prepare uniform policies and 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 that conform with national standards, rules and regulations, and best practices. These procedures shall include provisions that address 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 the approval of the organization's Medical Director and the advisory governing board.

(b) Staff Orientation and Training. Staff shall meet the training requirements of Rule 65E-5.330, F.A.C., 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) Staffing Requirements.

1. The CSU/ARF shall have a Medical Director licensed under Chapter 458 or 459, F.S., who is responsible for overseeing all medical services delivered by the facility. A Medical Director licensed under Chapter 458 or 459, F.S., who has been designated to oversee all medical services of the facility and has been given authority and responsibility for medical services delivered by the facility meets this requirement.

2. 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.

3. In addition to the requirements of Rule 65E-12.105, F.A.C., minimum staffing for the facility shall include a qualified professional specializing in substance abuse. The qualified professional must be a physician licensed under Chapter 458 or 459, F.S., or a practitioner licensed under Chapter 490 or 491, F.S., or certified through a department

recognized certification process as provided in subsection 397.311(25) and section 397.416, F.S. Individuals who are certified are permitted to serve in the capacity of a qualified professional, but only within the scope of their certification. This person shall be available on-call 24 hours per day, seven days per week. This person shall be on-site daily for at least 15 hours per week within the first six months of operation and at least eight hours per week thereafter. The provider's operating procedures shall include a description of those circumstances requiring the qualified professional to be on-site.

(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 CSU/ARF 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. The department and the Agency shall have access to confidential records, as needed, to conduct monitoring visits, surveys, complaint investigations, and other required site visits.

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

(5) Facility Admission. Each child determined to be in need of services shall provide a blood sample for laboratory testing pursuant to Rule 65D-30.004, F.A.C., or in accordance with the medical protocol developed by the medical director. The Medical Director shall develop medical protocols including the circumstances under which a test on blood shall not be performed. In addition, a urine drug screen shall be required for each child determined to need services.

(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, and other prescribed medications, such as methadone or other substance abuse maintenance 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 local Advocacy Council shall

be notified if a child remains in the CSU/ARF beyond seven days. The CSU/ARF shall coordinate with the aftercare service provider and shall document the after care planning.

(b) Prescriptions for psychotropic medications shall be provided to a discharged child’s legal guardian to cover the intervening days until the first scheduled aftercare appointment. Discharge planning shall address the availability of and access to 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 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

FISH AND WILDLIFE CONSERVATION COMMISSION

Manatees

RULE TITLES:	RULE NOS.:
Scope	68C-22.001
Definitions	68C-22.002
Management Provisions	68C-22.004

PURPOSE AND EFFECT: The purpose of this rule development is to make revisions in response, in part, to enactment of Chapter 2002-264, Laws of Florida, which amended portions of Section 370.12(2), F.S. We also are considering changes to reflect revised definitions adopted in Chapter 68D-23, F.A.C.; and to otherwise improve the rules and remove unnecessary language. The effect of the amendments would be to delete unnecessary rules and ensure consistency between the rules and other authority. Options being considered include amending only those portions of the rules that are in direct conflict with the revised statute, and repealing one or more of the rules in their entirety based on the premise that the rules are not needed because the statute provides sufficient guidance.

SUBJECT AREA TO BE ADDRESSED: Manatee protection procedural rules and definitions.

SPECIFIC AUTHORITY: 370.12(2)(g)-(j),(l)-(o) FS.

LAW IMPLEMENTED: 370.12(2)(d),(g)-(j),(l)-(o) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Mr. Scott Calleson, Fish and Wildlife Conservation Commission, Bureau of Protected Species Management (OES-BPS), 620 South Meridian Street, Tallahassee, Florida 32399, (850)922-4330

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

**Section II
Proposed Rules**

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE TITLES:	RULE NOS.:
Sales for Export; Sales to Nonresident Dealers and Foreign Diplomats	12A-1.0015
Consumer’s Certificates of Exemption; Exemption Certificates	12A-1.038
Sales for Resale	12A-1.039
Fuels	12A-1.059
Registration	12A-1.060
Sales to Licensed Common Carriers Operating Motor Vehicles or Railroad Rolling Stock in Interstate or Foreign Commerce	12A-1.064
Sales of Vessels Used in Interstate or Foreign Commerce or for Commercial Fishing Purposes	12A-1.0641
Rentals, Leases, or Licenses to Use Tangible Personal Property	12A-1.071
Self-Accrual Authorization; Direct Remittance on Behalf of Independent Distributors	12A-1.0911
Public Use Forms	12A-1.097

PURPOSE AND EFFECT: The purpose of the proposed creation of Rule 12A-1.0015, F.A.C. (Sales for Export; Sales to Nonresident Dealers and Foreign Diplomats), is to provide a single administrative rule containing tax guidelines on sales of tangible personal property exported from Florida, sales to nonresident dealers, and sales to foreign diplomats and consular employees.

The purpose of the proposed amendments to Rule 12A-1.038, F.A.C. (Consumer’s Certificates of Exemption; Exemption Certificates), is to provide technical changes made necessary with the creation of Rule 12A-1.0015, F.A.C., as proposed.

The purpose of the proposed amendments to Rule 12A-1.039, F.A.C. (Sales for Resale), is to provide technical changes made necessary with the creation of Rule 12A-1.0015, F.A.C., as proposed, and the substantial rewording of Rule 12A-1.064, F.A.C., as proposed.