

payment made for aid and attendance, that is in excess of \$90 per month count in determining total income available to meet the individual's patient responsibility to the VA nursing facility.

(c) through (g) No change.

(2) No change.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rodney McInnis, Operations Review Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Audrey Mitchell, Program Administrator, Public Assistance Policy Bureau – Policy Support Unit

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2003

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 27, 2002 and January 31, 2003

Section III Notices of Changes, Corrections and Withdrawals

STATE BOARD OF ADMINISTRATION

RULE NO.: 19-8.013
RULE TITLE: Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes

NOTICE OF CHANGE

NOTICE IS HEREBY GIVEN by the State Board of Administration of Florida that the following changes to Rule 19-8.013, F.A.C. have been made in accordance with subparagraph 120.54(3)(d)1., F.S., published in the Florida Administrative Weekly on February 21, 2003, in Vol. 29, No. 8. The changes noticed are numbered 1. through 3., below.

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), Florida Statutes.

1. The first sentence in paragraph (3) improperly struck the word "Fund." Also, the word "of" has been stricken and replaced with the word "for." This sentence now reads as follows:

The Florida Hurricane Catastrophe Fund's (Fund or FHCF) liability under the Reimbursement Contracts entered into, pursuant to Section 215.555(4)(a), Florida Statutes, paragraph (a) of subsection (4), with Participating Insurers writing Covered Policies, is limited to the Balance of the Fund for as of December 31 of the Contract Year in which the Covered Events have occurred, any reinsurance purchased by the FHCF, plus the amount the Board has raised or is able to raise

through the issuance of revenue bonds pursuant to the provisions of Section 215.555(6), Florida Statutes, subsection (6).

2. A reference to "any reinsurance purchased by the FHCF" has been added to the first sentence in paragraph (3)(a). This sentence now reads as follows:

(a)2. The Board notes the requirement in Section 215.555(4)(c)2., Florida Statutes paragraph (e) of subsection (4) to publish estimates of the Fund's anticipated borrowing capacity in May and October of each year and states that, although the Board will in good faith attempt to sell revenue bonds up to the amounts estimated, the Fund's liability is nevertheless limited to the Balance of the Fund as of December 31, any reinsurance purchased by the FHCF and the amount which the Board is able to raise through the issuance of revenue bonds, not the amount which the Board estimates it is able to raise through such issuance.

3. The first sentence in paragraph (4)(c)1. has been reworded as follows:

1. If the Board determines that the amount of revenue produced under Section 215.555(5), Florida Statutes, is insufficient to fund the obligations, costs, and expenses of the Fund and the Corporation, including repayment of revenue bonds, and the Balance of the Fund is likely to be exhausted, the Board shall direct the Office of Insurance Regulation to levy an Emergency Assessment on each insurer writing property and casualty business in this state. The Board interprets the word "insufficient" in the first sentence of subparagraph 1. of paragraph (a) of subsection (6), which reads: "Upon the occurrence of a hurricane and a determination that the moneys in the fund are or will be insufficient to pay reimbursement at the levels promised in the reimbursement contract, the board may take the necessary steps under paragraph (b) or paragraph (e) for the issuance of revenue bonds for the benefit of the fund;" and in the first sentence of subparagraph 3. of paragraph (a) of subsection (6), which reads:

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.0035
RULE TITLE: Application for Provisional and/or Standard Certification

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 48, of the November 27, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Building Code Administrators and Inspectors

Board, at its meeting held on March 6, 2003, in Hollywood, Florida, voted to make a change to the rule. The change is as follows:

(1) Each individual who wishes to obtain a provisional and/or standard certificate in any certificate category shall submit the following to the Board:

(a) A completed application form for the category in which certification is sought. The form that shall be used for this purpose shall be provided by the Department and available on the Department's website.

(b) An affidavit describing in detail each separate period of work experience listed in the application form, signed by a licensed architect, engineer, contractor, or building code administrator who has knowledge of the applicant's duties and responsibilities during the period indicated. The form that shall be used for this purpose shall be provided by the Department and available on the Department's website. Each affidavit must include the name and address of the applicant's employer during the work experience period, the dates of employment, and a description of the applicant's duties and responsibilities during the employment including any supervisory responsibilities, in sufficient detail to enable the Board to determine whether or not the applicant has the experience required for certification.

(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought.

(d) Each applicant seeking to qualify for certification through a combination of postsecondary education and work experience shall submit an official copy of all college or university transcripts which document the applicant's education in addition to all required affidavits of work experience.

(e) Each applicant who is not employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time of the application shall submit payment of all applicable application, examination and certification fees as specified in Chapter 61G19-10, F.A.C.

(2) In addition to all other required items, each applicant for an inspector or plans examiner certificate shall submit with the application a statement from the applicant's current employer which shall indicate the applicant's present status with the employer. Each applicant employed by local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time the application is submitted must include on the

statement the signature and license number of the building code administrator or building official for the applicant's employing agency.

(3) In addition to all other required items, each applicant for a building code administrator certificate shall submit with the application a statement from the applicant's current employer which shall indicate the applicant's present status with the employer.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, FL 32399-2202.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.:

RULE TITLE:

61G19-6.008

Reexamination

NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 48, of the November 27, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Building Code Administrators and Inspectors Board, at its meeting held on March 6, 2003, in Hollywood, Florida, voted to make a change to the rule. The change is as follows:

(1) All applicants who have taken and failed the licensure examination for a standard certificate and who wish to apply for reexamination in that certificate category shall submit the following to the Board:

(a) A completed application form for reexamination in the category in which certification is sought. The form that shall be used for this purpose shall be provided by the Department and available on the Department's website.

(b) Those individuals who are not employed by a local government agency having responsibility for building code inspection, building construction regulation, and enforcement of building, plumbing, mechanical, electrical, gas, fire prevention, energy, accessibility, and other construction codes at the time of their application for reexamination shall submit payment of the applicable reexamination fees as specified in Chapter 61G19-10, F.A.C.

(2) All application forms, reexamination forms, and any other required forms and documents must be received by the Board at least sixty (60) days prior to the date of the examination for which the individual is applying.

(3) A candidate for certification in the category of 1 and 2 family dwelling must pass a test in each trade in which he or she has not received prior certification.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony Spivey, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE NOS.:	RULE TITLES:
64B6-8.001	Definitions
64B6-8.002	Qualifications for Trainees, Sponsors and Designated Hearing Aid Specialists

CORRECTED NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the above proposed rules in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 52, December 27, 2002, and a Notice of Change published in Vol. 29, No. 14, April 4, 2003 issue of the Florida Administrative Weekly. The changes are in response to comments received from the Joint Administrative Procedures Committee.

Subsection (2) of Rule 64B6-8.001, F.A.C., shall now read as follows:

(2) Sponsor: An active, licensed hearing aid specialist under whose direct supervision one or more trainees are studying hearing aid dispensing for the purpose of qualifying for certification to sit for the licensure examination.

Subsections (2)(a) and (3)(a) of Rule 64B6-8.002, F.A.C., shall now read as follows:

(2)(a) The prospective sponsor must have possessed an active license and have been actively practicing for at least two (2) consecutive years immediately prior to sponsorship, and must be Board certified by the National Board for Certification in Hearing Instrument Sciences (NBCHIS), except that audiologists who are also licensed hearing aid specialists licensed under Chapter 484, Part II, Florida Statutes, are not required to be NBCHIS certified. Compliance with national board certification will take effect three (3) years from the time this rule takes effect;

(3)(a) The designated person must have possessed an active hearing aid specialist license and have been actively practicing for at least two (2) consecutive years immediately prior to being designated to assist in a training program; and must be Board certified by the National Board for Certification in Hearing Instrument Sciences, except that audiologists who are also licensed hearing aid specialists licensed under Chapter 484, Part II, Florida Statutes, are not required to be NBCHIS certified. Compliance with national board certification will take effect three (3) years from the time this rule takes effect; and

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Hearing Aid Specialist, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF HEALTH

Board of Massage Therapy

RULE NO.:	RULE TITLE:
64B7-32.003	Minimum Requirements for Board of Massage Therapy Approval

NOTICE OF CORRECTION

Notice is hereby given that when the Notice of Proposed Rulemaking for Rule 64B7-32.003, F.A.C., was published in Vol. 28, No. 31, August 2, 2002, issue of the Florida Administrative Weekly, the course of study “Kinesiology, and System Related Pathology” was not underlined, thereby erroneously denoting that the language was existent before the proposed amendment was prepared. This Notice of Correction is to advise the public of the amended language with the correct strikeouts and underlines of the rule.

Subsection (1)(b) of the rule as Noticed shall now read as follows:

(1)(b) Effective July 1, 2004, offers a course of study that includes, at a minimum, the 700 classroom hours listed below, completed at the rate of no more than 40 classroom hours per calendar week ~~Offer a course of study that includes, at a minimum, the 500 classroom hours listed below, completed at the rate of no more than 6 classroom hours per day and no more than 30 classroom hours per calendar week:~~

Course of Study	Classroom Hours
Anatomy and Physiology <u>(Western/Nonwestern)</u>	<u>190</u> 150
<u>Kinesiology, and System Related Pathology</u>	
<u>Massage Related Pathology</u>	<u>45</u>
Basic Massage Theory and Clinical Practicum	<u>315</u> 225
<u>Professional and Personal Development</u>	<u>36</u>
<u>Medical Errors</u>	<u>2</u>
Florida Statutes/Rules and History of Massage	10
Theory and Practice of Hydrotherapy	15
Allied Modalities	<u>80</u> 97
<u>Professional Ethics</u>	<u>4</u>
HIV/AIDS Education	3
<u>Total</u>	<u>700</u>

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, 4052 Bald Cypress Way, Tallahassee, Florida 32399-3256

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: RULE TITLE:
64B8-55.004 Mediation
 NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 28, No. 38, of the September 20, 2002, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board of Medicine, at its meeting held on April 5, 2003, in West Palm Beach, Florida, voted to make a change to the rule. The change is as follows:

- (1) No change.
- (2) For purposes of Section 456.078, F.S., the board designates the following as being appropriate for mediation:
 - (a) Failure to respond timely to a continuing education audit;
 - (b) Failure to comply with advertising requirements, where there has been no harm to any patients;
 - (c) Permitting a license to become delinquent for fewer than 30 days, provided the licensee has not practiced, attempted to practice, or offered to practice the profession during the delinquency period; and
 - (d) Offering discounted or free professional services without providing the statement required by Section 456.062, F.S., where there has been no harm to any patients.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kaye Howerton, Executive Director, Board of Medicine, Electrolysis Council, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NOS.: RULE TITLES:
65E-14.014 Contractor's Financial Management
 Responsibilities
65E-14.019 Methods of Paying for Services
65E-14.020 Cost Reimbursement Method of
 Payment
65E-14.021 Unit Cost Method of Payment
65E-14.022 Data Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 29, No. 10, March 7, 2003, issue of the Florida Administrative Weekly.

- 65E-14.014 Contractor's Financial Management Responsibilities.
- (1) Financial Eligibility.

(a) Patients receiving Baker Act services must meet financial eligibility criteria based on current federal Poverty Income Guidelines published in the Federal Register, and the criteria on CF-MH Form 3084, Jan. 98 HRS-MH Form 3084, Oct. 84, known as PUBLIC BAKER ACT SERVICE ELIGIBILITY.

(b) No change.

(2) An individual's diagnostic and financial eligibility shall be documented on CF-MH Form 3084, Jan. 98 HRS-MH Form 3084, Oct. 84, known as PUBLIC BAKER ACT SERVICE ELIGIBILITY, and which is included by reference. This form requires justification and description of the manner in which the individual's condition specifically met the required diagnostic eligibility criteria as well as documentation of the individual's financial eligibility. CF-MH Form 3084, Jan. 98 HRS-MH Form 3084, Oct. 84, must be completed at the time of admission or shortly thereafter, at which time the patient or significant others must be advised of the individual's eligibility status and of its meaning. This documentation shall be maintained in the patient clinical record. Copies of CF-MH Form 3084, Jan. 98 HRS-MH Form 3084, Oct. 84, may be obtained from the Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Tallahassee, Florida department.

(3) through (7) No change.

(8) Monitoring of contractors for Baker Act services shall include the following:

- (a) No change.
- (b) The completion of CF-MH Form 3084, Jan. 98 HRS-MH Form 3084, Oct. 84, for all applicants of public Baker Act services.
- (c) No change.

65E-14.019 Methods of Paying for Services.

- (1) No change.
- (2) Cost Reimbursement Contracts.
- (a) through (b) No change.

(c) All supporting documentation shall comply with the Reference Guide for State Expenditures Comptroller Memorandum No. 10 (1991-1992) and any requirements which are a condition of the receipt of state or federal grant funds as specified in the contract other applicable state and federal requirements.

(3) No change.

(4) The Reference Guide for State Expenditures (Updated March 2003) is hereby incorporated by reference and may be obtained from the Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Tallahassee, Florida.

65E-14.020 Cost Reimbursement Method of Payment.

- (1) through (3) No change.
- (4) The following forms are hereby incorporated by reference and may be obtained from the Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Tallahassee, Florida.

- (a) CF-MH 1038, Jul. 2003 ~~Cost Reimbursement~~ Line Item Operating Budget
- (b) CF-MH 1039, Jul. 2003 ~~Cost Reimbursement~~ Budget Narrative
- (c) CF-MH 1040, Jul. 2003 Cost Reimbursement Report of Expenditures & Request for Payment or Advance

65E-14.021 Unit Cost Method of Payment.

This section provides guidelines and requirements for implementing a unit cost method of payment for substance abuse and mental health services.

- (1) through (4) No change.
- (5) Unit Measurements:
 - (a) No change.

(b) Definition of Hour. An hour is a measurement of time rounded to the nearest 10-minute interval. When used to document intermittent services to or on behalf of a specific client during a single day, the actual cumulative time spent providing the service during that day shall be rounded to the nearest 10-minute interval. The cumulative, rounded number of minutes shall be divided by 60 to derive the number of units. For case management, if the time interval required by Medicaid is different than described above, the Medicaid interval may be used instead.

- (c) No change.
- (6) No change.

(7) The descriptions, applicable programs, units of measure, and documentation requirements for state-designated cost centers are as follows:

- (a) through (p) No change.
- (q) Mental Health Clubhouse Services.
 - 1. through 4. No change.

5. Maximum Unit Cost Rate: ~~\$10.50~~ ~~\$6.63~~ for up to ~~5~~ ~~8~~ hours per day.

- (r) through (kk) No change.
- (8) through (11) No change.

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

65E-14.022 Data Requirements.

The following document is hereby incorporated by reference and may be obtained from the Substance Abuse Program Office, 1317 Winewood Blvd., Building 6, Tallahassee, Florida:

- (1) CFP 155-2, ~~Apr. Jan.~~ 2003 ~~Substance Abuse and Mental Health and Substance Abuse~~ Measurement and Data Pamphlet

Section IV
Emergency Rules

NONE

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on March 25, 2003, the South Florida Water Management District (SFWMD) received a Petition for Variance (Application 030325-5) from Palm Beach Aggregates for a project known as Temporary Disposal Area B, located in Palm Beach County. The petition seeks relief from the Surface Water Management Basin and Related Criteria, subsection 40E-41.263(3), Florida Administrative Code, pertaining to flood plain encroachment.

A copy of the petition may be obtained from Beth Colavecchio at (561)682-6905 or e-mail at bcolavec@sfwmd.gov.

The SFWMD will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33401, Attn: District Clerk.

NOTICE IS HEREBY GIVEN that on April 1, 2003, South Florida Water Management District (District) received a petition for waiver from the Town of Lake Clarke Shores, Application No. 03-0328-4, for utilization of Works or Lands of the District known as the C-51 Canal, Palm Beach County, for revegetation adjacent to the proposed I-95 sound walls along the District's easterly right-of-way along the C-51 canal. The petition seeks relief from Rules 40E-6.011(4) and (6), Fla. Admin. Code, and 40E-6.221(9), Fla. Admin. Code, which govern the placement of permanent and semi-permanent above-ground structures within forty feet of the top of canal bank within Works or Lands of the District and which require an applicant own or lease the land adjacent to or served by the portion of the works or lands of the District involved. A copy of the petition may be obtained from Jan. Sluth at (561)682-6299 or e-mail at jsluth@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn.: Jan Sluth, Office of Counsel.