

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Department of Environmental Protection are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH**Board of Medicine**

RULE TITLE: RULE NO.:

List of Approved Forms; Incorporation 64B8-1.007

PURPOSE AND EFFECT: The proposed rule amendments are intended to incorporate revised forms into the rule and add additional forms which are utilized by the Board.

SUMMARY: The proposed rule amendments incorporate revised forms into the rule and specify additional forms which are utilized by the Board.

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

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

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) through (16) No change.

(17) DH-MQA 1031, entitled "Florida Board of Medicine Office Surgery Registration Form," (4/04).

(18)(17) No change.

(19)(18) DH-MQA 1069, entitled "ARNP/EMT/Paramedic Advanced Registered Nurse Practitioner (ARNP) Protocol Form," (9/04) (10/02).

(19) through (22) renumbered (20) through (23) No change.

(24) DH-MQA 1087, entitled "Application for Licensure as an Anesthesiologist Assistant," (9/04).

(25) DH-MQA 1088, entitled "Anesthesiologist Assistants Financial Responsibility," (7/04).

(26) DH-MQA 1090, entitled "Anesthesiologist Assistant Protocol," (10/04).

(23) through (27) renumbered (27) through (31) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History--New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2004

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 29, 2004

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

59G-4.050

RULE TITLE:

Community Behavioral Health
Services

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. 30, No. 40, October 1,

2004, issue of the Florida Administrative Weekly. This change is in response to comments received from the Joint Administrative Procedures Committee.

The following correction was made to subsection (2), first sentence. The date of the Florida Medicaid Community Behavioral Health Coverage and Limitations Handbook was corrected to read, "October 2004," instead of "January 2004."

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
60BB-4	Florida Partnership for School Readiness
RULE NOS.:	RULE TITLES:
60BB-4.400	Required Parent Co-payment
60BB-4.401	Co-payment Collection
60BB-4.500	Reimbursement
60BB-4.501	Reimbursement During Emergency Closures
60BB-4.502	Records to be Maintained and Monitoring for Reimbursements
60BB-4.503	Misrepresentation or Fraud Regarding Reimbursement

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. 30, No. 29, July 16, 2004, issue of the Florida Administrative Weekly.

SUMMARY OF CHANGE: In response to the review by the Joint Administrative Procedures Committee, the Agency is making the following changes:

60BB-4.400 Required Parent Co-payment.

(1) Each family that receives school readiness services shall be assessed a co-payment based on family size and the family's income, according to the sliding fee scale included in the coalition's approved school readiness plan.

(a) For protective services in-home placements and out-of-home placements (relative/non-relative/foster placements) in which the child does not receive a TANF "child-only" benefit, relative caregiver payment, or other income:

1. The co-payment shall be assessed against the income of the parent or legal guardian of the child, and shall be court ordered if necessary; or

2. The co-payment may be temporarily reduced to the minimum fee on a case by case basis during an event that limits a parent's ability to pay, such as: reduced to the minimum fee, based on the documented recommendation of the Department of Children and Families, or its designee.

a. Child's parents/guardians are in prison;

b. Child's parents/guardians are in residential treatment;

c. Child's parents/guardians become incapacitated;

d. Death of child's parents/guardians;

e. Homeless shelter/ living arrangements;

f. Child's parents/guardians experience a natural disaster (storm, earthquake etc.);

g. Child's parents/guardians experience an emergency situation such as a fire or robbery; or

h. Child's parents/guardians become unemployed.

Each coalition must include a list of such qualifying events in its business plan and outline the procedure for obtaining a co-payment reduction.

(b) For protective services out-of-home placements (relative/non-relative/foster placement) in which the child receives a TANF "child-only" benefit in which the needs of the relative or legal guardian are not included in the grant, or and TANF at-risk (Relative Caregiver Program) participants, based upon appropriate documentation identifying the child as TANF at-risk or as a TANF "child only" benefit recipient, from the court system or the Department of Children and Families, or its designee:

1. The co-payment shall be assessed against the child's income and paid by the relative or legal guardian; or

2. The amount of the co-payment may be temporarily reduced to the minimum fee on a case by case basis during an event that limits a parent's ability to pay, such as: reduced to the minimum fee based on the documented recommendation of the Department of Children and Families, or its designee.

a. Child's parents/guardians are in prison;

b. Child's parents/guardians are in residential treatment;

c. Child's parents/guardians become incapacitated;

d. Death of child's parents/guardians;

e. Homeless shelter/ living arrangements;

f. Child's parents/guardians experience a natural disaster (storm, earthquake etc.);

g. Child's parents/guardians experience an emergency situation such as a fire or robbery; or

h. Child's parents/guardians become unemployed.

Each coalition must include a list of such qualifying events in its business plan and outline the procedure for obtaining a co-payment reduction.

(c) A co-payment may be temporarily waived on a case-by-case basis for foster parents and families participating in an at-risk program during an event that limits a parent's ability to pay, such as: based on documented recommendation of the Department of Children and Families, or its designee.

1. Child's parents/guardians are in prison;

2. Child's parents/guardians are in residential treatment;

3. Child's parents/guardians become incapacitated;

4. Death of child's parents/guardians;

5. Homeless shelter/ living arrangements;

6. Child's parents/guardians experience a natural disaster (storm, earthquake etc.);

7. Child's parents/guardians experience an emergency situation such as a fire or robbery; or

8. Child's parents/guardians become unemployed.

Each coalition must include a list of such qualifying events in its business plan and outline the procedure for obtaining a co-payment reduction.

(2) A coalition shall ~~may~~ adopt a policy that establishes criteria and authorization procedures for fee reduction on case-by-case basis during the duration of special circumstances set forth in the coalition policy. A special circumstance is any event that temporarily reduces the parent's ability to pay the required co-payment. The coalition policy must describe the special circumstances that qualify for fee reduction. The duration of the fee reduction shall coincide with the duration of the special circumstances.

(3) through (4) No change.

(d) If there is any change in marital status, employment status, income or family size.

1. The coalition or its designee shall not take action to recover a reimbursement rate overpayment caused by an incorrect co-payment due to an error of the coalition or its designee.

2. A reimbursement rate overpayment caused by an incorrect co-payment which resulted from program participant error or program participant fraud shall be recovered by the coalition or its designee pursuant to the laws of the State of Florida or applicable rule.

Specific Authority ~~120,~~ 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.a.(4)(k) FS. History-New _____.

60BB-4.401 Co-payment Collection.

No change.

Specific Authority 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.a. FS. History-New _____.

60BB-4.500 Reimbursement.

No change.

Specific Authority ~~120,~~ 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.f.(4)(k) FS. History-New _____.

60BB-4.501 Reimbursement During Emergency Closures.

No change.

Specific Authority ~~120,~~ 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.f.(4)(k) FS. History-New _____.

60BB-4.502 Records to be Maintained and Monitoring for Reimbursements.

(1) No change.

(2) Each coalition is responsible for implementing a records retention policy ensuring ~~insuring~~ that all documentation is maintained in accordance with the provisions set forth in their sub-grant awards.

(3) The coalition ~~and/~~ or its ~~it's~~ designee must conduct monitoring activities to ensure the accuracy of payments of the monthly reimbursement requests.

Specific Authority ~~120,~~ 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.f.(4)(k) FS. History-New _____.

60BB-4.503 Misrepresentation or Fraud Regarding Reimbursement.

~~(1) If a school readiness provider misrepresents enrollment or attendance which results in a disallowed cost to the coalition, the coalition may disengage services of that provider. This applies to either contracted reimbursement or voucher reimbursement.~~

~~(2)~~ If a school readiness provider, after investigation and adjudication by a court of competent jurisdiction, has fraudulently misrepresented enrollment or attendance for funds related to the school readiness programs, the coalition shall permanently disengage services of that provider. This applies to either contracted reimbursement or voucher reimbursement.

Specific Authority ~~120,~~ 411.01(4)(k) FS. Law Implemented 411.01(5)(d)3.f.(5)(e) FS. History-New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:

RULE TITLE:

61G4-17.001

Normal Penalty Ranges

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. 30, No. 41, of the October 8, 2004, issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on November 12, 2004, voted to change subsection (2) of the rule.

When changed, subsection (2) shall read as follows:

(2) In instances where the nature of the charges or the facts of the case indicate that the respondent lacks understanding of the laws and rules regulating the construction industry the Board shall require continuing education hours as an additional penalty to the guidelines listed above. All continuing education hours assessed as part of a penalty shall be in excess of the credit hours required for biennial renewal as stated in this act and rules.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: 61G4-18.004
 RULE TITLE: Approval of Continuing Education Courses

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. 30, No. 39, of the September 24, 2004, issue of the Florida Administrative Weekly.

The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on November 12, 2004, voted to change subsection (3) of the rule.

When changed subsection (3) shall read as follows:

(3) The application shall include the total number of classroom or interactive distance learning hours, the course syllabus, a detailed outline of the contents of the course, the name and qualifications of all instructors known at the time of the application and the minimum qualifications of any instructors not known at the time of the application. In addition, a course provider making application to offer interactive distance learning must submit documents indicating the following:

(a) The means by which the course will demonstrate interactivity between the student and course provider within a maximum of 24 hours, which promotes student involvement, and demonstrates that the course measures learning and addresses comprehension of content at regular intervals.

(b) The means by which the course provider is able to monitor student enrollment, participation and course completion.

(c) The means by which the course provider will be able to satisfactorily demonstrate that stated course hours are consistent with the actual hours spent by each student to complete the course.

(d) The means by which the provider will assure qualified instructor(s) will be available to answer questions and provide students with necessary support during the duration of the course.

(e) That the student will be required to complete a statement at the beginning and end of the course that indicates that he/she personally completed each module/session of instruction.

Section 455.2123, F.S., shall also be added to the Law Implemented citation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-54.002	Definitions
67-54.003	Notice of Program and Invitation to Participate
67-54.004	Program Documents
67-54.005	Issuance of Certificate
67-54.006	Loan Processing
67-54.007	Eligible Borrowers
67-54.008	Eligible Properties
67-54.009	Reporting Requirements
67-54.010	Fees

NOTICE OF CORRECTION

The above-referenced proposed rules were published in the September 24, 2004, issue of the Florida Administrative Weekly, Vol. 30, No. 43, on page 4002.

The notice included August 27, 2004, as the date of the Notice of Rule Development for these rules. This date is incorrect. The correct date for the Notice of Rule Development is August 13, 2004.

The foregoing correction does not affect the substance of the proposed rule.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Wallisa Cobb, Single Family Bonds Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329