

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures

RULE CHAPTER NO.: 9B-3

RULE TITLE: State Building Code Adopted

RULE NO.: 9B-3.047

PURPOSE AND EFFECT: To accept comment on specific authorities and responsibilities delegated to the Commission by Chapter 2005-147, Laws of Florida. Additionally, the Commission shall take comment identifying modifications that occurred during correlation and publication of the Code limited only those changes in text not reflected on the Commission’s tracking charts and supporting materials circulated prior to adoption. Upon the close of public comment, the Commission shall review comments and staff recommendations regarding the foregoing subjects and develop code changes responsive to those actions for which action is legislatively required and those that achieve consensus among the Commissioners.

Lastly, the Commission will consider a conforming amendment to that adopted to Rule 9B-3.050, F.A.C., concerning the form on which proposed code amendments are submitted.

SUBJECT AREA TO BE ADDRESSED: Chapter 2005-147, Laws of Florida authorizes the Commission to amend the 2004 edition of the Florida Building Code on a variety of subjects; specifically, by section number:

- Sec. 21 – relating to backflow prevention devices;
Sec. 32 – relating to battery-powered swimming pool exit alarms;
Sec. 33 – relating to ventless attics;
Sec. 34 – relating to roof-attachment weaknesses and water intrusion;
Sec. 36 – relating to the version of the wind-resistance design standard, ASCE-7, applicable in the state;
Sec. 44 – relating to the permissible size of mezzanines in non-hazardous storage occupancies;
Sec. 46 – directing the amendment of tables and the addition of an exception pertaining to emergency exit from residential occupancies; and
Sec. 48 – relating to plywood thickness of sheathing.

Additionally, Commission staff have become aware of comments objecting to modifications to the text of 2004 edition of the Code during the correlation and publication of the Code.

The Commission will take comments pertaining to these topics and determine what action is appropriate at this time. Additionally, the Commission will consider an amendment to

update the form adopted for submittal of proposed code amendments that has been adopted by amendment to subsection 9B-3.050(4), F.A.C.

SPECIFIC AUTHORITY: 553.73(1),(2),(7) FS.

LAW IMPLEMENTED: 553.72, 553.73(2),(3),(7),(9) FS.

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

TIME AND DATE: 9:10 a.m., August 24, 2005

PLACE: Don Shula Hotel, 6842 Main Street, Miami Lakes, Florida

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures

RULE CHAPTER NO.: 9B-3

RULE TITLE: Triennial Update of the Florida Building Code

RULE NO.: 9B-3.0475

PURPOSE AND EFFECT: To accept comment on specific limitations and conditions imposed on the Commission’s triennial code update process imposed by Chapter 2005-147, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The Commission shall accept public comment and determine whether there is a need for rules relating to the triennial code update process pursuant to the new limitations on that process imposed by section 7 the above-cited bill as it amends Section 553.73(6), Florida Statutes.

SPECIFIC AUTHORITY: 553.73(6) FS.
LAW IMPLEMENTED: 553.73(6) FS.

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

TIME AND DATE: 9:50 a.m., August 24, 2005

PLACE: Don Shula Hotel, 6842 Main Street, Miami Lakes, Florida

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures

RULE CHAPTER NO.: 9B-3

RULE TITLE: Statewide Amendments to the Florida Building Code

RULE NO.: 9B-3.050

PURPOSE AND EFFECT: To accept comment on the provision of Chapter 2005-147, Laws of Florida, relating to staff review of proposed code amendments contained in section 7 of the bill amending 553.73(7)(c), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Commission shall accept public comment and determine whether there is a need for rules relating to staff review of code amendment proposals pursuant to the new requirements imposed by section 7 the above-cited bill as it amends Section 553.73(7)(c), Florida Statutes.

SPECIFIC AUTHORITY: 553.73(3),(6),(7)(c) FS.

LAW IMPLEMENTED: 553.73(3),(6),(7)(c) FS.

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

TIME AND DATE: 9:55 a.m., August 24, 2005

PLACE: Don Shula Hotel, 6842 Main Street, Miami Lakes, Florida

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures

RULE CHAPTER NO.: 9B-3

RULE TITLE: Alternative Plans Review and Inspection Forms Adopted

RULE NO.: 9B-3.053

PURPOSE AND EFFECT: To adopt a form to contain identifying information relating to a private provider of building code inspection services to be posted at the job site as required by Section 11, Chapter 2005-147, Laws of Florida, amending 553.791(4), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: The Commission is charged by the above-cited bill with developing and adopting the form for use in conjunction with the system whereby private professionals may perform building code inspection services. The form is to identify the provider and is to be posted at the job site.

SPECIFIC AUTHORITY: 553.791(4) FS.

LAW IMPLEMENTED: 553.791(4) FS.

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

TIME AND DATE: 10:15 a.m., August 24, 2005

PLACE: Don Shula Hotel, 6842 Main Street, Miami Lakes, Florida

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER TITLE: Florida Building Commission – Operational Procedures

RULE CHAPTER NO.: 9B-3

RULE TITLE: Binding Interpretation of the Florida Building Code; Commission Review of Local Interpretations

RULE NO.: 9B-3.055

PURPOSE AND EFFECT: To receive and consider public comment relating to the binding interpretation process established in Section 553.775(3)(c), Florida Statutes, created by section 9, Chapter 2005-147, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The above-cited provisions direct the Commission to create and direct a process whereby an aggrieved party may obtain a timely review and binding determination of the validity of a local interpretation of the Florida Building Code. The Commission is directed to designate panels, create forms and establish fees by rule.

SPECIFIC AUTHORITY: 553.775(3)(c) FS.

LAW IMPLEMENTED: 553.775(3)(c) FS.

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

TIME AND DATE: 10:05 a.m., August 24, 2005

PLACE: Don Shula Hotel, 6842 Main Street, Miami Lakes, Florida

Any person requiring special accommodations at the workshop because of a disability of physical impairment should contact: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247, at least seven days prior to the date of the workshop using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

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.”

PUBLIC SERVICE COMMISSION

DOCKET NO: 050421-TL

RULE TITLE: Telephone Directories: Directory Assistance

RULE NO.: 25-4.040

PURPOSE AND EFFECT: To address petition to initiate rulemaking to require local exchange telecommunications companies to include “211” information in telephone directories.

SUBJECT AREA TO BE ADDRESSED: Information, including “211” information, required to be published on inside cover of telephone directories.

SPECIFIC AUTHORITY: 350.127(2) FS.

LAW IMPLEMENTED: 364.01(4), 364.02(2), 364.025, 364.0251, 364.03, 364.385, 365.171, 395.1027 FS.

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

TIME AND DATE: 9:30. a.m., September 22, 2005

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

Any person requiring some accommodation at this workshop because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Victor Cordiano, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6590, e-mail: vcordian@psc.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-4.040 Telephone Directories; Directory Assistance.

(1) through (2) No change.

(3)(a) The name of the local exchange telecommunications company, the individual exchanges included in the directory and the month/year of issuance shall appear on the front cover of each directory.

(b) Beginning with directories issued on or after January 1, 1995, the following information shall be listed on the inside of the front cover of the directory:

1. through 3. No change.

4. “211” instructions for exchanges with “211 services, including a short description of “211”.

(c) No change.

(4) through (9) No change.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.02(2), 364.025, 364.0251, 364.03, 364.385, 365.171, 395.1027 FS. History—New 12-1-68, Amended 3-31-76, 1-4-78, 12-10-84, Formerly 25-4.40, Amended 11-28-89, 3-31-91, 2-11-92, 12-16-94, _____.

PUBLIC SERVICE COMMISSION

DOCKET NO: 050438-EU

RULE TITLE: Continuity of Service
RULE NO.: 25-6.044

PURPOSE AND EFFECT: To provide more advanced notice of scheduled interruptions to electric service.

SUBJECT AREA TO BE ADDRESSED: Continuity of electric service.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 366.03, 366.04(2)(c), (5), 366.05 FS.

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

TIME AND DATE: 9:30 a.m., September 29, 2005

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, 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Bill McNulty, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6443, e-mail: bmcnulty@psc.state.fl.us.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.044 Continuity of Service.

(1) through (3) No change.

(4) When the service is necessarily interrupted or curtailed, it shall be done at a time which, when at all practicable, will result in the least inconvenience to customers and all such scheduled interruptions shall be preceded by reasonable notice whenever practicable to affected customers. Reasonable notice, whenever practicable, shall require the utility to notify affected customers no less than 24 hours in advance of interruption of service. Notification may consist of a letter, flyer, doorhanger, telephone call, direct contact or any other reasonable means. Each utility shall maintain a current copy of its noticing procedures with the Division of Economic Regulation.

(5) No change.

Specific Authority 366.05(1) FS. Law Implemented 366.03, 366.04(2)(c),(5), 366.05 FS. History—New 7-29-69, Formerly 25-6.44, Amended 2-25-93, 11-7-02,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Food Services – Standards of Operation
RULE NO.: 33-204.003

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to extend the time period for which therapeutic diets can be prescribed.

SUBJECT AREA TO BE ADDRESSED: Therapeutic Diets.

SPECIFIC AUTHORITY: 20.315, 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-204.003 Food Services – Standards of Operation.

(1) through (3) No change.

(4) Therapeutic Diets. Therapeutic diets for medical or dental reasons shall be provided as ordered by a Department of Corrections credentialed physician, clinical associate (physicians assistant, advanced registered nurse practitioner) or dentist. All orders for therapeutic diets shall be in writing. Non-standard therapeutic diets shall be approved by the public health nutrition program manager and the regional medical executive director. Therapeutic diets shall be served for a maximum of 180 ~~90~~ days. Diets extending for periods longer than 180 ~~90~~ days shall require a new diet order from the attending Department of Corrections credentialed physician, clinical associate (physicians assistant or advanced registered nurse practitioner) or dentist. Diet prescription orders must be received in food services prior to the expiration of the current prescription to avoid interruption of the therapeutic diet. The Public Health Nutrition Program Manager and the Public Health Consultants shall be available for consultation by health and food service personnel regarding therapeutic diets.

(5) No change.

Specific Authority 20.315, 944.09 FS. Law Implemented 20.315, 944.09 FS. History—New 1-18-89, Amended 7-21-97, Formerly 33-30.003, Amended 8-9-00, 11-16-00, 10-2-01, 2-18-02, 7-2-03, 11-1-04, 2-27-05,_____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Inmate Orientation
RULE NO.: 33-601.100

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to require that inmates address staff and official visitors in a respectful manner.

SUBJECT AREA TO BE ADDRESSED: Inmate Behavior.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.100 Inmate Orientation.

(1) Upon initial arrival in the Department of Corrections, each inmate shall be provided with orientation at which time the rules and procedures of the Department of Corrections shall be explained. Upon transfer within the Department, each inmate shall be provided with orientation that is specific to the local institution. The warden shall review and approve the contents of the orientation to ensure that the security of the institution is not compromised. The reception centers shall provide a more in-depth orientation of overall department rules, while the receiving institutions which serve as the inmates' permanent locations shall emphasize the local operating procedures in their orientation. As inmates are received into the department, reception centers shall provide each inmate with a printed copy of Rules 33-601.301-601.314, F.A.C., Inmate Discipline. Translations or translation assistance shall be provided as needed. Copies of the rules and procedures shall be available to inmates upon request to read or review (not for retention).

(2) Inmates shall respond to staff and official visitors in a respectful manner. Inmates shall address uniformed staff by rank and last name and non-uniformed staff and official visitors by Mr./Ms. or title and last name.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 1-19-03, Amended 9-6-04, _____.

DEPARTMENT OF CORRECTIONS

RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions

RULE NO.: 33-601.314

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add additional disciplinary charges for gang-related activities.

SUBJECT AREA TO BE ADDRESSED: Inmate Disciplinary Penalties.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, "DC" means the maximum number of days of disciplinary confinement that may be imposed and "GT" means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

| Disciplinary | Maximum Disciplinary Actions |
|---|---|
| SECTION 1 through SECTION 2 – No change. | |
| SECTION 3 – CONTRABAND – ANY ARTICLE NOT SOLD IN THE CANTEEN, OR ISSUED BY THE INSTITUTION, OR FOR WHICH YOU DO NOT HAVE A SPECIFIC PERMIT AUTHORIZED BY THE INSTITUTION WHERE PRESENTLY HOUSED | |
| 3-1 through 3-14 | No change. |
| 3-15 | <u>Possession of gang related paraphernalia or related material, gang symbols, logos, gang colors, drawings, hand signs, or gang related documents.</u> 30 DC + 30 GT |
| SECTION 4 through SECTION 8 – No change | |
| SECTION 9 – MISCELLANEOUS INFRACTIONS | |
| 9-1 through 9-35 | No change. |
| 9-36 | <u>Gang related activities, including recruitment; organizing; display of symbols, groups, or group photos; promotion or participation</u> 30 DC + 60 GT |
| SECTION 10 through SECTION 11 – No change. | |

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History--New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, _____.

DEPARTMENT OF ELDER AFFAIRS

Aging and Assisted Living Programs

RULE CHAPTER TITLE: Assisted Living Facilities
RULE CHAPTER NO.: 58A-5

RULE TITLE: Extended Congregate Care Services
RULE NO.: 58A-5.030

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to clarify the intent of paragraph 58A-5.030(3)(b), F.A.C., as it relates to the number of extended congregate care residents permitted to share a bathroom.

SUBJECT AREA TO BE ADDRESSED: Clarification of the maximum number of extended congregate care residents that may share a bathroom.

SPECIFIC AUTHORITY: 400.441 FS.

LAW IMPLEMENTED: 400.402, 400.407, 400.4255, 400.426, 400.428, 400.441 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, Office of the General Counsel, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-5.030 Extended Congregate Care Services.

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

(b) A bathroom, with a toilet, sink, and bathtub or shower, which is shared by a maximum of 4 ~~other~~ residents. A centrally located hydro-massage bathtub may substitute for the bathtub or shower in two of the bathrooms. The entry door to the bathroom shall have a lock which is operable from the inside by the resident with no key needed. The resident's service plan may allow for a non-locking bathroom door if the resident's safety would otherwise be jeopardized.

(4) through (10) No change.

Specific Authority ~~400.407~~, 400.441 FS. Law Implemented 400.402, 400.407, 400.4255, 400.426, 400.428, 400.441 FS. History--New 9-30-92, Formerly 10A-5.030, Amended 10-30-95, 6-2-96, 11-2-98, 10-17-99, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid Contracts for Prepaid Health Plans
RULE NO.: 59G-8.100

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Payment Methodology for Participating Medicaid Managed Health Care

Plans, as incorporated by reference in Rule 59G-8.100, F.A.C., effective July 1, 2005, to provide the following changes based on the 2005-06 General Appropriations Act, Specific Appropriations 225, 226, Senate Bill 838, Section 20 and 409.9124, Florida Statutes.

The Agency is amending this rule to:

1. Include capitation rate limitation to the per member per month average that do not exceed the amounts allowed for in the General Appropriations Act applicable to the fiscal year for which the rates will be in effect;
2. Separate the under one age band into two bands: ages 0-2 months and ages 3-11 months; and
3. For the 2005-2006 fiscal year only, the agency shall make an additional adjustment in calculating the capitation payments to prepaid health plans, excluding prepaid mental health plans. This adjustment must result in an increase of 2.8 percent in the average per-member, per-month rate paid to prepaid health plans, excluding prepaid mental health plans, which are funded from Specific Appropriations 225 and 226 in the 2005-2006 General Appropriations Act.

SUBJECT AREA TO BE ADDRESSED: Payment methodology for participating Medicaid managed health care plans.

SPECIFIC AUTHORITY: 409.9124, 409.919 FS.

LAW IMPLEMENTED: 409.9124 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., August 23, 2005

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759

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

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE TITLE: Filing Initial and Additional Claims; Reopening Previously Filed Claims
RULE NO.: 60BB-3.013

PURPOSE AND EFFECT: This rule implements the federal requirement that a claimant filing for unemployment compensation benefits must disclose any pending child support obligations in accordance with 42 USC 503 (e)(2)(A)(i).

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Claims and Benefits.

SPECIFIC AUTHORITY: 120.53(1)(b), 120.54(6), 443.171(2)(a) FS.

LAW IMPLEMENTED: 443.036(8), 443.091(1), 443.051 FS.

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

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Monday, August 29, 2005

PLACE: 107 E. Madison Street, Room 110, Tallahassee, Florida 32399, (850)245-7150

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mindy Raymaker, Deputy General Counsel, Agency for Workforce Innovation, 107 E. Madison Street, MSC 110, Tallahassee, FL 32399-4128

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60BB-3.013 Filing Initial and Additional Claims; Reopening Previously Filed Claims.

(1) through (2) No change.

(3) Disclosure of Support Obligations. Each individual filing a new or additional claim for unemployment compensation must disclose at the time of filing whether support obligations are owed and being enforced by a child support agency.

(3) through (4) renumbered (4) through (5) No change.

Specific Authority 120.53(1)(b), 120.54(6), 443.171(2)(a) FS. Law Implemented 443.036(8), 443.091(1), 443.051 FS. History--New 8-25-92, Formerly 38B-3.013, Amended.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLES: RULE NOS.:
Certification and Registration of Business Organizations 61G4-15.0021
Public Liability Insurance 61G4-15.003

PURPOSE AND EFFECT: The Board proposes to review the rules to decide whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Public liability insurance for Swimming Pool Specialty Contractors and criteria for addition entities committee.

SPECIFIC AUTHORITY: 489.108, 489.115(5), 489.129(3) FS.

LAW IMPLEMENTED: 489.105, 489.107, 489.115, 489.115(5), 489.119, 489.1195, 489.143 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: RULE NO.:
Normal Penalty Ranges 61G4-17.001

PURPOSE AND EFFECT: The Board proposes to review the rule to determine whether amendments are necessary.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Fines.

SPECIFIC AUTHORITY: 455.227, 489.108, 489.129 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 489.129 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE TITLE: RULE NO.:
Fees 61J1-2.001

PURPOSE AND EFFECT: To update the fees charged by the Florida Real Estate Appraisal Board for changes to licensure status.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.2281, 475.6147, 475.615, 475.618, 475.619, 475.630 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN 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: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

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

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 Hearing Aid Specialists

RULE TITLES: RULE NOS.:
 Wall Certificate and Duplicate License Fee 64B6-4.007
 Inactive Delinquent Status Fees 64B6-4.009
 PURPOSE AND EFFECT: The Board proposes to amend these rules to delete obsolete language and to add fees for retirement status license.

SUBJECT AREA TO BE ADDRESSED: Obsolete Wall Certificate and Duplicate License Fees; and \$50.00 retirement status fee.

SPECIFIC AUTHORITY: 456.025(2),(7), 484.044, 456.036(3),(4),(8) FS.

LAW IMPLEMENTED: 456.013(2), 456.025(7), 456.036(3),(4),(8) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-4.007 Wall Certificate and Duplicate License Fee.

~~(1) Licensees licensed prior to July 1, 1998, may obtain wall certificates by submitting a written request to the Board along with a \$25.00 fee.~~

~~(2) Licensees may obtain a duplicate wall certificate by submitting a written request to the Board along with a \$25.00 fee.~~

~~(3) The fee for issuance of a duplicate license shall be \$25.00.~~

Specific Authority 456.025(2),(7), 484.044 FS. Law Implemented 456.013(2), 456.025(7) FS. History–New 10-21-91, Formerly 21JJ-4.015, 61G9-4.015, Amended 4-30-00,_____.

64B6-4.009 Inactive and Delinquent Status Fees.

The fees for individuals holding a license pursuant to Section 484.045, F.S., shall be as follows:

(1) through (4) No change.

(5) The fee for retirement status of an active or inactive license shall be \$50.00.

Specific Authority 456.036(3),(4),(7),(8) FS. Law Implemented 456.036(3),(4),(7),(8) FS. History–New 12-6-94, Formerly 61G9-4.017, Amended _____.

DEPARTMENT OF HEALTH

Board of Hearing Aid Specialists

RULE TITLE: RULE NO.:
 Minor Violations; Notices of Noncompliance 64B6-7.006

PURPOSE AND EFFECT: The Board proposes the development of an additional subsection to address advertisements which do not include the required statements for “free” or “discounted services.”

SUBJECT AREA TO BE ADDRESSED: Minor Violations; Notices of Noncompliance.

SPECIFIC AUTHORITY: 120.695, 456.073(3), 484.044 FS.

LAW IMPLEMENTED: 120.695, 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B6-7.006 Minor Violations; Notices of Noncompliance.

(1) through (6)(k) No change.

(l) Advertising in a manner that does not include the required statement regarding free or discounted services, pursuant to Section 456.062, F.S.

Specific Authority 120.695, 456.073(3), 484.044 FS. Law Implemented 120.695, 456.073(3) FS. History–New 10-15-90, Amended 3-5-91, Formerly 21JJ-7.009, 61G9-7.009, Amended 9-24-97, 10-29-98,_____.

DEPARTMENT OF HEALTH

Division of Disease Control

| | |
|--|-------------------|
| RULE TITLES: | RULE NOS.: |
| Definitions | 64D-3.001 |
| Notifiable Diseases or Conditions to be Reported | 64D-3.002 |
| Notification by Laboratories | 64D-3.003 |
| Notifiable Disease Case Report Content Authority, DOH County Health Department Director or Administrator and State Health Officer | 64D-3.004 |
| Reports, Medical Facilities and Freestanding Radiation Therapy Centers | 64D-3.006 |
| Control of Communicable Diseases, Public and Non-Public Schools, Grades preschool, and Kindergarten Through 12; Forms and Guidelines | 64D-3.011 |
| Procedures for Control of Specific Communicable Diseases | 64D-3.013 |
| Diseases Designated as Sexually Transmissible Diseases | 64D-3.015 |
| Reporting Requirements for Practitioners for Sexually Transmissible Diseases (STDs), Including HIV and AIDS | 64D-3.016 |
| Reporting Requirements for Laboratories | 64D-3.017 |
| Partner Notification | 64D-3.018 |
| Blood Testing of Pregnant Women | 64D-3.019 |
| Enforcement and Penalties | 64D-3.020 |
| Definitions | 64D-3.021 |
| Reporting Requirements for Individuals | 64D-3.022 |
| Reporting Requirements for Laboratories | 64D-3.023 |

PURPOSE AND EFFECT: The purpose of these rule amendments is to clarify and streamline current rule language, and to comply with new statutory requirements. These amendments will reduce language redundancy, enhance communicable disease reporting efficiency, and clarify reporting and testing requirements for health care providers and laboratories.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed are communicable disease testing and reporting requirements, responsible parties, and data requirements.

SUMMARY STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 381.011(4),(6),(13), 381.003(2), 381.006(16), 381.031(6), 384.25(2), 384.33, 384.34(4), 392.53(2), 392.66 FS.

LAW IMPLEMENTED: 154.04, 381.0011,(4),(6),(8), 381.003,(1),(a),(c), 381.0031, 381.0031(1),(2),(5),(6), 384.23, 384.25, 384.26, 384.27, 384.28, 384.34, 385.202, 392.52, 392.53(1), 392.565, 392.64 FS.

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

TIME AND DATE: 1:30 p.m., August 22, 2005

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Rooms 178 and 182, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY TEXT, IF AVAILABLE, IS: Karla Schmitt, Chief, Bureau of Sexually Transmitted Diseases, 2585 Merchant’s Rows Blvd., Bin #19, Tallahassee, FL 32399-1716
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

| | |
|-----------------------------|-------------------|
| RULE TITLES: | RULE NOS.: |
| Cost Principles | 65E-14.017 |
| Unit Cost Method of Payment | 65E-14.021 |

PURPOSE AND EFFECT: Chapter 65E-14, F.A.C., entitled Community Substance Abuse and Mental Health Services – Financial Rules, is being amended to make improvements and corrections to the substance abuse and mental health contracting system and financial rule, based upon input from departmental staff.

SUBJECT AREA TO BE ADDRESSED: Chapter 65E-14, F.A.C., is being amended to: update a reference as how the method of depreciation is followed; add a clarification as to how the Mental Health Clubhouse staff hours shall be paid; add language pertaining to how Day-Night services are to be provided to resolve a conflict with paragraph 65D-30.002(16)(e), F.A.C.; add language to the Crisis Support/Emergency, Intervention services and Outpatient services descriptions that allows the maximum rate to be paid for these services during a Governor’s Emergency Declaration for natural or man-made disasters; add a clarification to the description of the Prevention/Intervention-Day services cost center that includes in the cost center children and adolescents in non-school based programs or the Florida Youth Initiative Program; add a new cost center for Direct Administrative Expense for use in TANF Adult Mental Health and Adult Substance Abuse managing entity contracts; add a new cost

center for Direct Administrative Expense for contract oversight services; add a new cost center for Older Adult services that would serve the older adult substance abuse population; add Aftercare and Intervention services, to the list of services eligible for special rates for group treatment; add a new section on alternative method of payment for use under conditions of a Governor’s Emergency Declaration for natural or man-made disasters; and add a updated form for the Monthly Request for Non-TANF Payment.

SPECIFIC AUTHORITY: 394.78(1), 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.

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:

PRIOR TO, OR AT THE TIME OF THE WORKSHOP, ANY PERSON MAY SUBMIT INFORMATION (1) RELATING TO THE DEPARTMENT’S STATEMENT OF ESTIMATED REGULATORY COSTS (IF ONE HAS BEEN REQUESTED OR IF ONE HAS BEEN PREPARED); AND (2) ANY PROPOSALS AS TO HOW THE DEPARTMENT REGULATORY GOALS CAN BE ACHIEVED WITH A LOWER REGULATORY COST.

TIME AND DATE: 1:00 p.m. – 5:00 p.m., August 29, 2005

PLACE: The Department of Children and Family Services, 1317 Winewood Boulevard, Building 6, Conference Room 335, Tallahassee, Florida 32399-0700

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Larry Ochalek, Senior Management Analyst Supervisor, The Department of Children and Family Services, 1317 Winewood Blvd., Building 6, Room 237, Tallahassee, FL. (850)414-1500, e-mail: larry_ochalek@dcf.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

65E-14.017 Cost Principles.

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

4. Where depreciation method is followed, the period of useful service, useful life established in accordance with guidelines as published by the American Hospital Association, Revised 2004 Edition ~~1973 Edition~~ of the “Estimated Useful Lives of Depreciable Hospital Assets” ~~Chart of Accounts for Hospitals, “Estimated Useful Life of Land Improvements, Buildings and Fixed Equipment.”~~ The method of depreciation used to assign the cost of an asset, or group of assets, to accounting periods shall reflect the pattern of consumption of the asset during its useful life. In the absence of clear evidence indicating that the expected consumption of the asset will be significantly greater in the early portions of its useful life than in the later portions, the straight-line method shall be presumed

to be the appropriate method. Depreciation methods once used shall not be changed unless approved in advance by the department. When the depreciation method is introduced for application to assets previously subject to a use allowance, the combination of use allowances and depreciation applicable to such assets must not exceed the total acquisition cost of the assets. When the depreciation method is used for buildings, a building’s shell may be segregated from each building component, for example, plumbing system, heating, and air conditioning system, etcetera, and each item depreciated over its estimated useful life; or the entire building, that is, the shell and all components, may be treated as a single asset and depreciated over a single useful life.

5. through (ss) No change.

Specific Authority 394.78(1), 397.321(5) FS. Law Implemented 394.74, 394.77, 394.78(1), 397.481 FS. History–New 2-23-83, Amended 2-25-85, Formerly 10E-14.17, Amended 7-29-96, Formerly 10E-14.017, Amended 9-17-97, 7-1-03,_____.

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 (5)(a)9. No change.

10. Clubhouse Staff Hour. This unit of measure represents an hour of staff time in which one or more persons (Clubhouse members) are being provided with a service or activity within the Clubhouse or away from the Clubhouse. It may also include staff time spent on behalf of members away from the facility, such as, developing employment prospects or exploring housing alternatives. Staff time spent in travel on behalf of Clubhouse members or activities may also be included. Clubhouse staff hours shall be paid on the basis of utilization.

(b) through (7)(d) No change.

(e) Crisis Support/Emergency.

1. Description – These non-residential care services are generally available twenty-four (24) hours per day, seven (7) days per week, or some other specific time period, to intervene in a crisis or provide emergency care. Examples include: mobile crisis, crisis support, crisis/emergency screening, crisis telephone, and emergency walk-in. During the period of time covered by a Governor’s Emergency Declaration, and in the counties so named in that declaration, the rate for Crisis Support/Emergency services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (7)(f)5. No change.

(g) Day-Night.

1. Description – Day-Night services provide a structured schedule of non-residential services for four (4) or more consecutive hours per day. Activities for children and adult mental health programs are designed to assist individuals to attain skills and behaviors needed to function successfully in living, learning, work, and social environments. Generally, a

person receives three (3) or more services a week. Activities for substance abuse programs emphasize rehabilitation, treatment, and education services, using multidisciplinary teams to provide integrated programs of academic, therapeutic, and family services. For substance abuse services the minimal hours of service required on a weekly basis for this cost center are specified in Chapter 65D-30, F.A.C., Licensure Standards for Substance Abuse Services.

2. through (7)(n)5. No change.

(o) Intervention

1. Description – Intervention services focus on reducing risk factors generally associated with the progression of substance abuse and mental health problems. Intervention is accomplished through early identification of persons at risk, performing basic individual assessments, and providing supportive services, which emphasize short-term counseling and referral. The services are targeted toward individuals and families. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Intervention services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (7)(r)5. No change.

(s) Outpatient.

1. Description – Outpatient services provide a therapeutic environment, which is designed to improve the functioning or prevent further deterioration of persons with mental health and/or substance abuse problems. These services are usually provided on a regularly scheduled basis by appointment, with arrangements made for non-scheduled visits during times of increased stress or crisis. Outpatient services may be provided to an individual or in a group setting. The group size limitations applicable to the Medicaid program shall apply to all Outpatient services funded through a state substance abuse and mental health program contract. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Outpatient services may be paid at the maximum allowable under Chapter 65E-14, F.A.C.

2. through (7)(v)5. No change.

(w) Prevention/Intervention – Day.

1. Description – This cost center includes school-based day services for children and adolescents for four (4) or more consecutive hours per day. For children with mental health problems, these services include school-based mental health services for children who have been identified by the school as having, or are at risk of developing, mental health problems. Services are individualized and may be provided in a self-contained classroom, a regular classroom, or as a component of a full service school. For children and adolescents with substance abuse problems, it includes Alpha and Beta targeted prevention programs serving students in grades 4-6 and 6-8, respectively, who are identified as at risk

for alcohol or other drug abuse. These services consist of multiple, structured contacts over time to specific individuals or groups identified as having behavioral, biological or environmental at-risk characteristics. These programs promote skills building and reduce the risk of establishing patterns of use. Services are provided through community provider agencies in partnership with county school boards. Counselors provide individual, group, and family counseling, and school personnel implement an intensive education program. This cost center also includes children and adolescents who are at risk of substance abuse problems and receive targeted prevention services in non-school based programs or through the Florida Youth Initiative Program.

2. through (7)(kk)5. No change.

(ll) Direct Administrative Expense – Temporary Assistance for Needy Families (TANF).

1. Description – Direct Administrative Expense – TANF: These administrative services include approval of TANF eligibility notification form, validation of the invoice, and service validation to assure compliance with TANF guidelines.

2. Programs – Adult Mental Health and Adult Substance Abuse.

3. Unit of Measure – \$50.00

4. Data Elements:

a. Service Documentation – Time Sheet:

(I) Staff name and identification number:

(II) Pay period:

(III) Job Description:

(IV) Job Title:

(V) Job functions as it pertains to cost center:

(VI) Percentage of performance time:

(VII) Program:

b. Audit Documentation:

(I) Time Sheet:

(II) Staff name and identification number:

(III) Pay period:

(IV) Job Description:

(V) Job Title:

(VI) Job functions as it pertains to cost center:

(VII) Percentage of performance time:

(VIII) Program:

(IX) Payroll records:

(X) Signature of supervisor:

5. Maximum Unit Cost Rate: \$50.00.

(mm) Direct Administrative Expense – Contract Oversight

1. Description – Direct Administrative Expense – Contract oversight services include maintaining contract and corresponding subcontract files in managing entity contracts. Oversight responsibilities also includes the monitoring of

contract deliverables to ensure timeliness and accuracy of submittals and reviewing subcontract monthly billing for accuracy.

2. Programs – Adult Substance Abuse, Adult Mental Health, Children Substance Abuse, and Adult Mental Health.

3. Unit of Measure – \$50.00.

4. Data Elements:

a. Service Documentation – Time Sheet:

(I) Staff name and identification number;

(II) Pay period;

(III) Job Description;

(IV) Job Title;

(V) Job functions as it pertains to cost center;

(VI) Percentage of performance time;

(VII) Program.

b. Audit Documentation

(I) Time Sheet;

(II) Staff name and identification number;

(III) Pay period;

(IV) Job Description;

(V) Job Title;

(VI) Job functions as it pertains to cost center;

(VII) Percentage of performance time;

(VIII) Program;

(IX) Payroll records;

(X) Signature of supervisor.

5. Maximum Unit Cost Rate: \$50.00.

(nn) Older Adult

1. Description – Older Adult – Services include prevention education, outreach, intervention, and brief treatment with access to intensive treatment services for the older adult population. This cost center is designed to effectively serve the older adult population with a continuum of required care.

2. Programs – Adult Substance Abuse

3. Unit of Measure – Direct Staff Hour

4. Data Elements:

a. Service Documentation – Activity Log:

(I) Cost Center;

(II) Staff name and identification number;

(III) Recipient name and identification number;

(IV) Service date;

(V) Duration;

(VI) Service (specify); and

(VII) Program

b. Audit Documentation – Recipient Service Chart

(I) Recipient name and identification number;

(II) Staff name and identification number;

(III) Service date;

(IV) Duration; and

(V) Service (specify)

5. Maximum Unit Cost Rate: \$53.59.

(8) through (9)(c) No change.

(d) Special Rates for Group Treatment. The state rate for group treatment for Aftercare, Intervention, and Outpatient Services is equal to 25 percent of the state rate for individual Aftercare, Intervention, and Outpatient Services.

(10) through (d)2. No change.

(e) Alternative Method of Payment for Use Under Conditions of a Governor’s Emergency Declaration for Natural or Man-Made Disasters.

1. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the department may use an alternate method of payment to continue the provision of substance abuse and mental health services in adversely affected counties.

2. The department’s alternate method of payment may, if funds are available, release a prorated monthly share of the contract in the amount of one-twelfth (1/12) of the total annual dollar amount in lieu of the method of payment specified in the contract, based upon a written request from the contractor in the named disaster declaration county.

3. The contractor shall reconcile the total number of service units invoiced provided during the term of the contract with the total service units contracted by the department in the contractor’s final request for payment before the close of the current state fiscal year.

4. During a period of time covered by a Governor’s Emergency Declaration for natural or man-made disasters, and in the counties so named in that declaration, the rate for Intervention, Crisis Support and Outpatient services may be paid at the maximum allowable by Chapter 65E-14, F.A.C.

(11) The following form is hereby incorporated by reference, copies of which may be obtained from the Substance Abuse Program Office, ATTN: PDSA, 1317 Winewood Blvd., Building 6, Tallahassee, Florida 32399-0700.

(a) through (e) No change.

(f) CF-MH 1047, ~~Jul 2005~~ ~~Nov 2003~~ Monthly request for Non-TANF Payment/ Advance, consisting of a two page form and three pages of instructions.

(g) through (j) No change.

PROPOSED EFFECTIVE DATE: October 10, 2005

Specific Authority 394.78(1), 397.321(5) FS. Law Implemented 216.181(16), 394.66(9), 394.74(2)(b), (3)(d),(e), (4), 394.77, 394.77, 394.77, 394.78(1),(6), 397.321(10), 402.73(7) FS. History–New 7-1-03, Amended 12-14-03, 1-3-05, 10-10-05.