

transmitting the information required on Form DFS-AA-580 may be used if approved in advance by the Department. This prior approval is necessary in order for the Department to properly perform its duties pursuant to Section 17.04, F.S. Delinquent Accounts Receivable Transmittal Form DFS-AA-580, revised 2/06 ~~11-20-94~~, is hereby incorporated ~~herein~~ by reference and is available from:

Department of Financial Services  
 Division of Accounting and Auditing  
 Bureau of Accounting  
 200 East Gaines Street  
 Tallahassee, Florida 32399-0354

Agencies will be notified, in writing, of the delinquent accounts assigned to a collection agency. Payment(s) received by an agency on accounts assigned to a collection agency must be reported, in writing, to the Bureau of Accounting within 30 days of receipt.

(3) An agency which has delinquent accounts receivable which it considers to be of such a nature that their assignment to a collection agency would be inappropriate may request, in writing, an exemption for those accounts. The request shall fully explain the nature of the delinquent accounts receivable and the reasons which the agency believes would preclude them from being assigned to a collection agency. The Department will disapprove the request in writing unless it is demonstrated ~~shown~~ that a ~~demonstrative~~ harm to the State of Florida will occur as a result of assignment of the account to a collection agency.

(4) through (6) No change.

~~(7) The contracted collection agent will send payment along with a remittance advice to each agency for accounts collected. To facilitate the transfer of moneys collected, each agency shall designate one FLAIR revenue account code to which all collected moneys will be transferred by journal transfer and notify the Department of the account code so designated. Agencies will be provided a detailed listing of amounts collected and collection fees charged, for each account. The Department will also provide instructions in accordance with General Accepted Accounting Principles on the appropriate method of recording the difference between any moneys collected and the amount of the delinquent account; i.e., treat the difference as cost of collection or provide approval for adjusting the balance of the account pursuant to Section 17.04, F.S.~~

Specific Authority 17.29 FS. Law Implemented 17.03, 17.04, 17.20 FS. History—New 1-8-86, Formerly 3A-21.03, Amended 4-12-89, 6-3-90, 11-20-94, 5-12-97, Formerly 3A-21.003, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Norm Crew, Senior Management Analyst, Bureau of Accounting

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Doug Darling, Director, Division of Accounting and Auditing  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 10, 2006

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF LEGAL AFFAIRS

RULE NO.:	RULE TITLE:
2-41.001	RV Mediation and Arbitration Program Qualification, Reporting, Disqualification, Manufacturer Conduct

#### 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. 32, No. 6, February 10, 2006, issue of the Florida Administrative Weekly. These changes are in response to written comments received from the Joint Administrative Procedures Committee.

Subsection (3) of the proposed rule is changed as follows:

(3) The department will ~~may~~ revoke the qualification of a program as to one or more participating manufacturers for any one of conduct that includes, but is not limited to, the following:

(a) Failure to adequately fund the program as demonstrated by:

1. Failure to pay the costs charged by the program in accordance with the contract or agreement entered into between the Program and the sponsoring manufacturer(s). The program administrator shall notify the department of a manufacturer's failure or refusal to make payment.

2. A history of ~~consistent~~ failure to pay the costs charged by the program within the time for payment specified by the program. The program administrator shall notify the department of a manufacturer's failure to make timely payment(s).

(b) Any attempt by a manufacturer, either directly, or indirectly, to exert undue influence or pressure upon the program administrator or staff in the performance of their duties, including, but not limited to, interference in the eligibility screening process, the determination of hearing locations, the initial assignment of mediators and arbitrators, except as provided by statute, this rule or the procedural rules of the program.

(c) Failure to provide documents requested by the program administrator under Section 681.1096(1)(k), F.S.

(d) Any attempts to condition consent to expand the scope of a mediation conference or an arbitration hearing upon the limitation or waiver of rights a consumer may have under a manufacturer warranty, Chapter 681, F.S., or any other law.

(e) ~~Two or more instances of consistent~~ failure to be represented at mediation conferences by persons with settlement authority as required by Section 681.1097(4), F.S. For purposes of the application of Section 681.1097(4), F.S., and this rule, "settlement authority" means the manufacturer shall send a representative with full and binding authority to enter into a full and complete compromise and settlement without further consultation.

(f) ~~Consistent~~ failure, without good cause, to appear at mediation conferences or arbitration hearings scheduled by the program.

(g) Failure to timely comply with settlement agreements.

(h) Failure to timely comply with arbitration awards.

(i) Any other conduct evidencing willful disregard of the statute, the department's rules or the rules and procedures of the program.

The subsections following subsection (3) were misnumbered and corrected to be (4) and (5).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Janet L. Smith, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, (850)414-3500, email: jan\_smith@oag.state.fl.us

**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

RULE NO.: 6E-2.002  
 RULE TITLE: Institutional Licensure  
 NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 50 of the December 16, 2005, 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 change is as follows:

(1) Provisional license.

(a) No change.

(b) Although an application may be complete, containing material addressing each requirement, still there may be deficiencies in fully meeting the standards for a Provisional License. The Commission reviews all applications for Provisional License and shall impose any conditions it deems appropriate in order to comply with the standards of Rule 6E-2.004, F.A.C. Deficiencies and conditions will be itemized in the recommendation for Provisional Licensure presented by staff to the Commission, and the Commission may find that additional deficiencies exist. The Commission shall, if necessary, attach conditions which must be met before a Provisional License is granted as required by Rules 6E-2.004

~~and 6E-1.0032, F.A.C. Delegation to staff. In granting initial Approved Applicant status to a new or out-of-state institution, the Commission will note any deficiencies in meeting the standards for a Provisional License and impose any conditions it deems appropriate. If the Commission considers that the deficiencies and conditions attached to the Approved Applicant status are unusually complex or significant, it shall specify that the application be reviewed by the full Commission before a Provisional License is approved. Otherwise, the Commission shall delegate to its Executive Director the responsibility for determining when the deficiencies are corrected and the conditions are met. If the Commission so directs, and the applicant has paid all required fees, the Executive Director shall issue a Provisional License upon receipt of documentation that all deficiencies have been corrected and that all conditions and all requirements for Provisional Licensure have been met, including an on-site visit if necessary.~~

(c) through (g) No change.

(2) through (3) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samuel Ferguson, Executive Director, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400

**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-4.300  
 RULE TITLE: State Mental Health Hospital 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 Volume 32, Number 3, January 20, 2006, issue of the Florida Administrative Weekly. These changes were made in response to comments received from the Joint Administrative Procedures Committee.

The proposed rule is incorporating by reference the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, September 2005. The following revisions were made to the handbook:

Chapter 1, page 1-2, Medicaid Decertification, the first sentence was revised to read, "If AHCA determines that Medicaid participation requirements have not been met, AHCA will cancel the facility from the Medicaid program."

Chapter 1, page 1-3, Federal Certification Sanctions, the first sentence was revised to read, "The agency will impose the following sanctions for federal certification violations: . . ."

Chapter 1, page 1-4, Nursing Services, the first sentence was revised to read, "State mental health hospitals must meet all state and federal staffing requirements. State mental health hospitals must provide 24-hour nursing and related services to residents in order to maintain the highest levels of physical, mental and psychosocial well being of each resident, as determined by resident assessments and documented in individual plans of care."

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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**DEPARTMENT OF JUVENILE JUSTICE**

**Detention Services**

RULE CHAPTER NO.: 63G-1  
 RULE NO.: 63G-1.009  
 RULE CHAPTER TITLE: Detention Cost Sharing  
 RULE TITLE: Dispute Resolution and Collection

**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. 32, No. 7, February 17, 2006, issue of the Florida Administrative Weekly. The change is in response to comments received at a public hearing on the rule conducted on March 13, 2006, in Tallahassee.

63G-1.009 Dispute Resolution and Collection.

(1) The quarterly reporting marks the point at which a county may take issue with the charges referenced in the report, but it cannot be the basis for withholding payment. Adjustments, including those necessitated by dispute resolution, cannot be made until the annual reconciliation.

(2) Disputes based upon a quarterly report, such as those relating to the residence of served youth or the number of chargeable service days, must be brought within 90 days of receipt of the quarterly report to which the dispute pertains or when the next quarterly report is provided, whichever is later.

(3) General objections, such as those seeking confirmation of a youth's county of residence, will be summarily denied. Disputes involving a detained youth's county of residence must include one or more of the following indicia of specificity:

(a) An alternative address asserted to be correct.

(b) Supporting documentation.

(c) An explanation of the basis for the dispute on form 63G-1-1.

(4) Disputes must be raised by means of form 63G-1-1, and sent by certified mail to the Department's Bureau of Finance and Accounting, 2737 Centerview Drive, Suite 212, Tallahassee, Florida 32399-3100. Accompanying documentation in support of the county's position may be included.

(5) Form 63G-1-1, is incorporated by reference and is available from the Bureau of Finance and Accounting in Tallahassee.

(6) The Department's response constitutes final agency action and may be challenged through the process available in Chapter 120, Florida Statutes.

Specific Authority 985.2155(10) FS. Law Implemented 985.2155(5)-(8) FS. History--New\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-5.0011  
 RULE TITLE: Definitions

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed new rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 13, of the March 31, 2006, issue of the Florida Administrative Weekly. The changes are as follows:

1. Following subsection 64B3-5.0011(3), a new definition needs to be added, and should read as follows: (4) "ABHI" means The American Board of Histocompatibility and Immunogenetics.

2. Due to the entry of a new subsection 64B3-5.0011(4), all subsequent subsections must be re-numbered (one digit increase).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

**Section IV  
 Emergency Rules**

**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."