

(3) When informed that the selection of a neutral evaluator could not be agreed upon by the parties, the department shall select a neutral evaluator by rotating sequentially through the list of willing neutral evaluators.

(4) The department will inform the parties of the selection.

(5) Either party may reject the selection by calling the department at 1(850)488-6372 within 5 days of the notice being sent.

(6) Each party may reject up to 3 selections for a proceeding.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History--New _____.

69J-8.009 Evaluation Process.

(1) The neutral evaluator shall, within 5 days of referral, contact the parties to schedule the evaluation proceeding pursuant to Section 627.7074(7), F.S.

(2) The evaluation proceeding shall take the form of an informal conference, and shall not be subject to rules of procedure, or evidence applicable in a court or administrative proceeding.

(3) The evaluator shall give each party the opportunity to submit evidence, testimony, or other information which is reasonably expected to assist the neutral evaluator in determining the existence, nature, and scope of a sinkhole loss, and the nature, extent, and cost of repair and remediation.

(4) The neutral evaluator shall make inquiry of the parties and conduct such independent investigation as the neutral evaluator finds reasonably necessary to determine the existence, nature, and scope of a sinkhole loss, and the nature, extent, and cost of repair and remediation.

(5) The neutral evaluator shall inform the parties in writing as to the neutral evaluator's opinion as to the existence of a sinkhole loss and the scope and value of necessary repair and remediation if any.

(6) The parties may settle the claim at any time.

(7) The neutral evaluator shall conclude the proceeding upon settlement of the claim or at any point that the neutral evaluator reasonably determines that settlement is not likely to be facilitated by the continuation of the proceeding.

(8) If the proceeding is concluded without reaching a settlement, the neutral evaluator shall prepare and file the report required under Section 627.7074(12), F.S., on the form adopted in Rule 69J-8.011, F.A.C., below.

(9) If the proceeding results in a settlement, the neutral evaluator shall inform the department that a settlement was reached.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History--New _____.

69J-8.010 Appointment of Department Employee for Consultation for Policyholder Not Represented by an Attorney. Pursuant to Section 627.7074(9), F.S., the department shall appoint an employee to consult with a policyholder participating in the program, but not represented by an attorney. The department employee shall not be an advocate on behalf of the policyholder and shall not render legal advice. The role of the department employee will be to provide the policyholder with information about the procedures of the program, and assist the policyholder in understanding technical information relating to the policyholder's claim.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History--New _____.

69J-8.011 Neutral Evaluator's Report.

The neutral evaluator's report on matters that are not resolved by the parties, as required by Section 627.7074(12), F.S., shall be on the Neutral Evaluator's Report, Form Number DFS-14-1785, (Effective: _____) which is hereby incorporated by reference. The form shall be obtained from and submitted to Department of Financial Services, Mediation Section, Bureau Education, Advocacy, and Research, Tallahassee FL 32399-4212.

Specific Authority 627.7074(8) FS. Law Implemented 627.7074 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Greg Thomas, Chief of Education, Advocacy & Research, Division of Consumer Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Marta Arrington, Director, Division of Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 28, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099821
RULE TITLE: Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

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. 33, No. 8, February 23, 2007 issue of the Florida Administrative Weekly.

6A-1.099821 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.

(1) Purpose ~~Statewide kindergarten screening. The purpose of this rule is to implement the requirements of Section 1002.69, F.S. The Department shall adopt a statewide kindergarten screening that provides objective data concerning each student's readiness for kindergarten and progress in attaining Florida's Voluntary Prekindergarten (VPK) Education Program Performance Standards. School districts are required to:~~

(a) ~~administer the statewide screening to each kindergarten student in the school district within the first 30 school days of each school year, and~~

(b) ~~designate sites to administer the statewide screening to children admitted to kindergarten in a nonpublic school.~~

(2) ~~Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate. The Department of Education shall:~~

(a) ~~annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten; kindergarten readiness rates must be based exclusively on the results of the screening for students who completed the VPK program, and~~

(b) ~~periodically adopt a minimum kindergarten readiness rate that, if achieved by a private prekindergarten provider or public school, would demonstrate the provider's or school's satisfactory delivery of the VPK program. The minimum rate must not exceed the rate at which more than fifteen (15) percent of the kindergarten readiness rates of all private prekindergarten providers and public schools delivering the VPK Program would fall below the minimum rate.~~

~~(2)(3) Accuracy of Data.~~

(a) Prior to the calculation of the VPK Provider Kindergarten Readiness Rate, as described in subsection (4) of this rule, private and public school VPK providers shall have the opportunity to review a cumulative list of all of the children served in their program and the total number of hours enrolled, including allowable absences.

(b) If a private or public provider disputes the accuracy of any figures comprising the cumulative list, the provider may submit corrective information to the Office of Early Learning of the Department of Education within 14 days after publication of the cumulative list on the Department's website (vpk.fldoe.org). The Department, in collaboration with the Agency for Workforce Innovation and the respective Early Learning Coalition, shall review the corrective information and accept or reject the requested corrective information within 28 days after publication of the cumulative list on the Department's website. Upon completion of the corrective process, the Department shall calculate a preliminary VPK Provider Kindergarten Readiness Rate in accordance with the

method described in subsection (4) of this rule. Documentation of any proposed changes shall be submitted by the private or public provider, within the timelines specified, and shall be reviewed by the Department in collaboration with the Agency for Workforce Innovation and the respective Early Learning Coalition. The private or public provider shall be notified whether the information submitted was accepted by Department for the purpose of calculating the VPK Provider Kindergarten Readiness Rate.

(c) If a private or public school provider disputes the accuracy of the preliminary VPK Provider Kindergarten Readiness Rate as published on the Department's website, the provider may submit documentation to the Department for its review and consideration within 14 days after publication of the preliminary rate. The Department shall review and accept or reject any changes to the data within 28 days after publication. The VPK Provider Kindergarten Readiness Rate will be recalculated in accordance with the method described in subsection (4) of this rule and submitted to the State Board of Education for the purpose of adopting a minimum readiness rate, as required by Section 1002.69(6), F.S.

~~(3)(4) Criteria for Inclusion in the VPK Provider Kindergarten Readiness Rate for 2005-06.~~

(a) After the conclusion of the review of the data described in subsection ~~(2)(3)~~ of this rule, the Department shall calculate the Kindergarten Readiness Rate for each private or public school VPK provider of either the school year (five hundred forty (540) hour) or summer (three hundred (300) hour) program that served at least four (4) children who:

1. Enrolled the VPK program for eighty-five (85) percent or more of the total number of instructional hours, including the allowable absences, and

2. Participated in each of the kindergarten screening measures ~~as described in subsection (1) of this rule.~~

(b) If a private or public school provider does not meet the criteria described above, information as to why the provider was not included in the VPK Provider Readiness Rate calculation shall be displayed on the VPK Provider Profile required by Section 1002.53(5), F.S.

~~(4)(5) Procedures for Calculating the VPK Provider Kindergarten Readiness Rate for 2005-06.~~

(a) The "Percent of Children Ready for Kindergarten" shall be calculated as the number "Children Ready for Kindergarten" on each screening measure divided by the total number of "Children Screened" on that measure.

(b) One point is assigned for each percent of "Children Ready for Kindergarten" on each screening measure.

(c) The VPK Provider Kindergarten Readiness Rate shall be the sum of the "Percent of Ready for Kindergarten" on each screening measure with a maximum of three hundred (300) points.

(d) The Kindergarten Readiness Rate for private and public school VPK Providers will be displayed as follows:

Screening Children Ready for Kindergarten	Measure #1	Measure #2	Measure #3
Kindergarten	22	15	12
Children Screened	22	20	20
Percent of Children Ready for Kindergarten	100	75	60
VPK Provider Readiness Rate	235		

(e) All providers shall be ranked according to their final score.

~~(6) Appeal of VPK Provider Readiness Rate Calculation. After the initial issuance of VPK Provider Kindergarten Readiness Rates, private and public school providers may appeal the Department's decision to accept or reject additional information submitted under subsection (3) of this rule.~~

~~(7) Minimum Readiness Rate. After the conclusion of the appeals process, described in subsection (6) of this rule, the State Board of Education shall adopt a minimum readiness rate.~~

~~(5)(8) Low Performing VPK Providers. If the readiness rate of a private or public VPK provider falls below the minimum rate adopted by the State Board, the provider shall be designated as a low performing VPK provider, and acknowledge such designation on the Department's website with 21 days of the State Board of Education's adoption of the minimum readiness rate, in the manner prescribed by the Department, and submit and implement an improvement plan in accordance with the requirements of Rule 60BB 8.700, FAC.~~

Specific Authority 1002.73(2)(d) FS. Law Implemented 1002.69(5),(6) FS. History--New_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.060
 RULE TITLE: Dental 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. 33, No. 5, February 2, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee. The rule incorporates by reference Update January 2007 to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The following changes were made to the handbook update.

Page 1-6, Record Keeping Responsibilities, we deleted the second paragraph, which referenced subsection 466.028(1)(m) and (o), F.S., because the cites referenced do not require dental records to be maintained for four years.

Page 2-5, Behavioral Management, Description, second paragraph, we added the effective date of January 2007 to the Medicaid Behavioral Management Report, AHCA-Med Serv Form 012.

Appendix F, Medicaid Behavioral Management Report, we corrected the footer date to read, "January 2007."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NOS.:	RULE TITLES:
62B-33.004	Exemptions from Permit Requirements
62B-33.008	Permit Application Requirements and Procedures
62B-33.014	Emergency Procedures

NOTICE OF CHANGE

Note. This notice is the second notice of change. The original rule was published in Vol. 32, No. 49, December 8, 2006 issue of the FAW. The present changes are made in response to written comments received from the Joint Administrative Procedures Committee.

THE TEXT OF THE PROPOSED RULE CHANGE IS:

62B-33.004 Exemptions from Permit Requirements.
 (1) through (2) No change.

(3) The Department shall issue a letter of exemption pursuant to the provisions of Section 161.053(12)(b), F.S., provided that the applicant fulfills the information requirements of subsection 62B-33.008(11)(13), F.A.C., and provided that the Department determines that the proposed project will not cause a measurable interference with the natural functioning of the coastal system. Prior to commencement of work under the exemption, the applicant shall comply with the public notice requirements for the agency action of Chapter 120, F.S.

(4) If the Department determines the proposed minor construction is exempt from the provisions of Section 161.053(12)(c)9., F.S., the Department shall issue a notice of exemption using the DEP exemption form. The exemption form, which is entitled "Exemption Determination Pursuant to Section 161.053 or 161.052, F.S.," DEP form number 73-120 (Updated 3-05), is hereby incorporated by reference. A copy of

the form can be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, or by telephoning (850)488-7708. The exemption notice shall be posted on site for the duration of the activity. If the proposed activity is determined not to be exempt, a permit pursuant to Section 161.053, F.S., and this rule chapter is required.

(5) No change.

62B-33.008 Permit Application Requirements and Procedures.

(1) through (7) No change.

~~(8) If the Department has received a permit application but has not taken final agency action on it and a major change in coastal conditions occurs, which in the determination of the Department renders the information already reviewed insufficient, then the Department shall notify the applicant that additional information must be submitted for Departmental review and a written waiver of the requirements of Section 120.60, F.S., must be provided or the Department shall deny the application.~~

~~(8)(9)~~ Permits for major structures shall expire three years from the date of issuance unless the Department receives a written request for extension from the applicant demonstrating that the construction phase of the project cannot be completed within three years. In such case, permits for major structures shall expire five years from the date of issuance. Permits for minor structures shall expire one year from the date of issuance. Once a permit has expired, all activity authorized must cease unless a new permit, a time extension, or a permit renewal is approved by the Department.

~~(9)(10)~~ Any substantial modification to a complete application shall require an additional processing fee determined pursuant to subsection 62B-33.0085(4), F.A.C., and shall restart the time requirements of Section 120.60, F.S. For purposes of this rule section, the term "substantial modification" shall mean a modification that is reasonably expected to lead to new or increased adverse impacts that require a detailed review.

~~(10)(11)~~ As an alternative to the above procedure, the Department issues field permits for certain minor structures and activities if the Department determines the activity has minor impacts. The field permit form that entitled "Field Permit Pursuant to Section 161.053 or 161.052, F.S.," DEP Form 73-122 (Revised 3/05 is hereby adopted and incorporated by reference. A copy of the form can be obtained by writing to the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, or by telephoning (850)488-7708

~~(11)(12)~~ Requests for the Department to determine that the proposed activity is exempt from permitting pursuant to the provisions of Section 161.053(12)(b), F.S., shall include, at a

minimum, a survey meeting the requirements of Rule 62B-33.0081, F.A.C., and the information requirements of paragraphs 62B-33.008(3)(l) (m), (n), (p), (r), and subsection 62B-33.008(5), F.A.C. The Department recognizes that the requirements specified above may not be necessary to make an exemption determination. In such cases, the applicant shall, as part of the request for exemption, identify those requirements and state the reason why they are inapplicable. The Department shall waive requirements that do not apply.

Specific Authority 161.053, 161.0535 FS. Law Implemented 161.052, 161.053 FS. History—New 11-18-80, Amended 7-7-81, 3-17-85, 11-10-85, Formerly 16B-33.08, Amended 8-7-86, Formerly 16B-33.008, Amended 1-26-98, 8-27-00, 12-31-01, 6-13-04, _____.

62B-33.014 Emergency Procedures.

(1) A "shoreline emergency" declared by the Governor or the Department is any unusual incident resulting from a hurricane, storm, or other violent coastal disturbance that has resulted in erosion, beach or coastal damage, sudden and unpredictable hazards to navigation, damage to upland structures, or any other unusual incident from natural or unnatural causes that endangers the coastal system or health, safety, welfare, or resources of the citizens of the state. Permits approved under the emergency procedures described in this rule section are intended to alleviate conditions resulting from a shoreline emergency and for purposes of this rule section shall be referred to as "emergency permits".

(2) No change.

(a) No change

(b) Emergency field permits that are processed pursuant to subsection 62B-33.008(11)(13), F.A.C., may be issued for construction, including but not limited to: temporary or remedial activities to protect structures; repair or replace minor structures, including dune walkovers, retaining walls, decks, and gazebos; dune restoration with beach compatible sand; repair or replacement of minor damages to coastal armoring structures, including bulkhead or seawall caps, return walls, tiebacks, individual sheet piles, and armor stone; and other similar activities;

(c) through (f) No change.

(3) through (6) No change.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."