

(c) Except as provided in subparagraph (8)(a)3., any expenses associated with the mediation conference, such as travel, telephone, postage, meals, lodging, facilities, and other related expenses, shall be borne by the party, mediator or other person incurring the expense.

(10) Post-Mediation.

(a) At the conclusion of the mediation conference, the mediator will file with the Department the "Disposition of Property Insurance Mediation Conference" Form DFS-I5-1971 a mediator's status report indicating whether or not the parties reached a settlement. If the parties reached any settlement, then the mediator shall include a copy of the settlement agreement with Form DFS-I5-1971 the status report. In the event a settlement is reached, the insured shall have 3 business days from the date of the written settlement within which he or she may rescind the settlement provided that the insured has not cashed or deposited any check or draft disbursed to him or her for the disputed matters as a result of the conference. If a settlement agreement is reached and not rescinded, it shall act as a release of specific issues that were presented at the conference.

(b) Any additional claims under the policy shall be presented as separate claims. However, the release shall not constitute a final waiver of rights of the insured with respect to claims for damages or expenses if circumstances that are reasonably unforeseen arise resulting in additional costs which would have been covered under the policy but for the release.

~~(c) If the insured decides not to participate in this program or if the parties are unsuccessful at resolving the claim, the insured may choose to proceed under the appraisal process set forth in the insured's insurance policy, or by litigation, or by any other dispute resolution procedure available under Florida law.~~

(11) The Department is authorized to designate an entity or person as its Administrator to carry out any of the Department's duties under this rule.

(12) If a court holds any subsection or portion of a subsection of this rule or the applicability thereof to any person or circumstance invalid, the remainder of the rule shall not be affected thereby.

Specific Authority 624.308(1), 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), ~~(2), (4), (5), 624.418(2)(a), 624.421(1)(a), 624.421(1)(3), 626.9541(1)(a), (e), (i), (u), 626.9561~~, 626.9581(1), 626.9641(1)(g), 627.7015 FS. History—New 8-18-94, Amended 5-1-96, 4-6-00, Formerly 4J-166.031, 69B-166.031, Amended

## Section II Proposed 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."

### AGENCY FOR HEALTH CARE ADMINISTRATION

#### Medicaid

RULE NO.:  
59G-6.045

#### RULE TITLE:

Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities)

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the Plan) payment methodology in accordance with the 2008-09 General Appropriations Act, House Bill 5001, Specific Appropriation 235 and House Bill 5085, Section 5, which amended Section 409.908, Florida Statutes.

1. Effective October 1, 2008, as a result of modifying the reimbursement for intermediate care facilities for the developmentally disabled, the Agency shall implement a recurring methodology in the Title XIX Intermediate Care Facility for the Mentally Retarded and Developmentally Disabled for Community Owned and Operated Facilities Reimbursement Plan to achieve a \$6,160,256 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.

2. The Agency shall establish rates at a level that ensures no increase in statewide expenditures resulting from a change in unit costs for two fiscal years effective July 1, 2009.

Reimbursement rates for the two fiscal years shall be as provided in the General Appropriations Act.

3. In Section V A., the initial use of the term "prospective" has been deleted.

SUMMARY: The Agency shall implement a recurring methodology in the Title XIX Private Intermediate Care Facilities (ICFs) reimbursement plan to achieve a rate reduction and delete the term “prospective” from Section V.A. SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: January 21, 2009, 2:00 p.m. – 3:00 p.m.

PLACE: 2727 Mahan Drive, Conference Room C, Building 3, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)414-2759, stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.045 Payment Methodology for Services in Facilities Not Publicly Owned and Publicly Operated (Facilities Formerly Known as ICF/DD Facilities).

Reimbursement to participating facilities for services provided shall be in accord with the Florida Title XIX ICF/MR-DD Reimbursement Plan for Facilities Not Publicly Owned and Not Publicly Operated (Formerly known as ICF-MR/DD Facilities), Version ~~IHV~~, Effective Date October 1, 2008 ~~February 22, 2006~~, incorporated herein by reference. A copy of the Plan may be obtained by writing to the Deputy Secretary for Medicaid, Agency for Health Care Administration, Mail Stop 8, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 409.908 FS. History–New 3-14-99, Amended 10-12-04, 2-22-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Holly Benson

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 16, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 8, 2008

**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 HEALTH**

**Board of Optometry**

RULE NO.: RULE TITLE:

64B13-3.012 Prescriptions

PURPOSE AND EFFECT: The purpose and effect to authorize electronic signatures on prescriptions.

SUMMARY: Electronic signatures on prescriptions are authorized.

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

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

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 463.005, 463.012, 463.0135, 463.016(1)(k) 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-3.012 Prescriptions.

(1) All prescriptions written by a licensed practitioner shall contain the name, address, telephone number and signature of the licensed practitioner who wrote the prescription and the information shall be kept on file by the licensed practitioner for a period of at least two (2) years. If the licensed practitioner maintains electronic patient records, the practitioner may affix an electronic signature to the prescription only if the electronic signature is generated by using either public key infrastructure or signature dynamics technology, and meets the criteria of subparagraphs (1)(a)-(d) of Rule 64B13-3.003, F.A.C.

(2) through (5) No change.

Specific Authority 463.005 FS. Law Implemented 463.005, 463.012, 463.0135, 463.016(1)(k) FS. History–New 4-10-84, Formerly 21Q-3.12, Amended 3-4-86, 8-30-87, Formerly 21Q-3.012, 61F8-3.012, Amended 2-5-96, Formerly 59V-3.012, Amended 1-2-08, 6-5-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-4.004  
RULE TITLE: Manner of Application  
PURPOSE AND EFFECT: The purpose and effect is to incorporate the updated application form.  
SUMMARY: The updated application form is incorporated.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 456.033, 463.006(1)(b), (2) FS.  
LAW IMPLEMENTED: 456.013(7), 456.033, 463.006(1)(b), (2) 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.004 Manner of Application.

(1) No change.

(2) All applications for examination shall be made on the form titled "Application for Optometry Examination" number DH-MQA 1128, (Revised 8/08) ~~DPR-OPA-0001 effective 4/8/92~~, which is hereby incorporated by reference and can be obtained from the board office or from the Board of Optometry's website at <http://www.doh.state.fl.us/optometry/index.html>. All applications for examination shall include the application fee as specified in subsection 64B13-6.001(9), F.A.C., the examination fee as specified in subsection 64B13-6.001(1), F.A.C., and the initial licensure fee as specified in subsection 64B13-6.001(2) or (3), F.A.C. No application shall be deemed complete which does not set forth all the information required by said forms and which fails to

include all fees as set forth in this rule. Applications for licensure must be received by the Department at least 60 days prior to the examination.

(3) through (5) No change.

Specific Authority 456.033, 463.006(1)(b), (2) FS. Law Implemented 456.013(7), 456.033, 463.006(1)(b), (2) FS. History–New 11-13-79, Amended 4-17-80, Formerly 21Q-4.04, Amended 11-20-86, 4-19-89, 6-25-92, 6-6-93, Formerly 21Q-4.004, Amended 6-14-94, Formerly 61F8-4.004, Amended 3-21-95, 5-29-95, Formerly 59V-4.004, Amended 7-15-02, 11-3-03, 11-16-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-4.007  
RULE TITLE: Optometry Faculty Certificate  
PURPOSE AND EFFECT: The purpose and effect is to incorporate the application form for Optometry Faculty Certificates.  
SUMMARY: The application form for Optometry Faculty Certificates is incorporated.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Estimated Regulatory Cost was prepared.

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

SPECIFIC AUTHORITY: 463.005 FS.  
LAW IMPLEMENTED: 463.0057 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.007 Optometry Faculty Certificate.  
To obtain a optometric faculty certificate pursuant to Section 463.007, F.S., the applicant must submit an Initial Optometry Faculty Certificate Application, form number DH-MQA 1134.

(8/08) and the fees set forth in Rule 64B13-6.001, F.A.C. The form is available from the Board office or website: <http://www.doh.state.fl.us/mqa/optometry/index.html>

Specific Authority 463.005 FS. Law Implemented 463.0057 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Optometry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2008  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-4.008                      RULE TITLE: Dispensing Practitioner Registration

PURPOSE AND EFFECT: The purpose and effect is to incorporate by reference the Dispensing Practitioner Registration form.

SUMMARY: The Dispensing Practitioner Registration form is incorporated.

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

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

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.0276(2) 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.008 Dispensing Practitioner Registration.

To register as a dispensing practitioner, the licensee must submit a Dispensing Practitioner Registration, form number DH-MQA 1137, (8/08) and the fees set forth in Rule 64B13-6.003, F.A.C. The form is available from the Board office or website: <http://www.doh.state.fl.us/mqa/optometry/index.html>.

Specific Authority 463.005 FS. Law Implemented 456.0276(2) FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Optometry

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-16.002                      RULE TITLE: Branch Office License

PURPOSE AND EFFECT: The purpose and effect is to incorporate by reference the application forms for branch offices.

SUMMARY: The application forms for branch offices are incorporated by reference.

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

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

SPECIFIC AUTHORITY: 456.013(2), 463.005(1)(a) FS.

LAW IMPLEMENTED: 456.013(2), 463.011 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: Joe Baker, Jr., Executive Director, Board of Optometry/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-16.002 Branch Office License.

Each Branch Office must be licensed. The Department shall issue a Branch Office License for a specified location to each licensed practitioner or a certified optometrist in good standing who submits to the Board of Optometry a Branch Office Application, Form No. DH-MQA1135, (8/08) or a Secondary Branch Office Application, Form No. DH-MQA1136, (8/08) written request and the fee required by subsection 64B13-6.001(6), Florida Administrative Code, for each location. The applications forms are available from the Board office or the Board website: <http://www.doh.state.fl.us/mqa/optometry/index.html>.

Specific Authority 456.013(2), 463.005(1)(a) FS. Law Implemented 456.013(2), 463.011 FS. History–New 5-29-90, Formerly 21Q-16.002, 61F8-16.002, 59V-16.002, Amended 11-6-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Board of Optometry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-64.005
RULE TITLE: Adjustments to Reflect Consumer Price Index

PURPOSE AND EFFECT: To adopt price level changes relating to firefighter death benefits in Section 112.191, Florida Statutes, for the year 2008-2009.

SUMMARY: Firefighter death benefits in Section 112.191, Florida Statutes are raised annually to reflect price level changes.

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

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

SPECIFIC AUTHORITY: 112.191 FS.

LAW IMPLEMENTED: 112.191 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, January 19, 2009, 10:00 a.m.
PLACE: Third Floor Conference Room, the Atrium Building, 325 John Knox Road, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Bannister, Division of State Fire Marshal, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone: (850)413-3170; Fax: (850)922-1235

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-64.005 Adjustments to Reflect Consumer Price Index.

(1) No change.

(2) The amounts payable for the period from July 1, 2008 through June 30, 2009, using the Consumer Price Index for all urban consumers published by the United States Department of Labor for March, 2008, which is the most recent month for which data is available as of the time of the adjustment, are:

(a) For those benefits paid or to be paid under paragraph (a) of subsection (2) of Section 112.191, F.S.: \$60,140.00

(b) For those benefits paid or to be paid under paragraph (b) of subsection (2) of Section 112.191, F.S.: \$60,140.00

(c) For those benefits paid or to be paid under paragraph (c) of subsection (2) of Section 112.191, F.S.: \$175,565.91

Specific Authority 112.191 FS. Law Implemented 112.191 FS. History--New 3-13-03, Amended 7-10-03, Formerly 4A-64.005, Amended 7-13-04, 6-30-05, 8-1-06, 4-7-08.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Bannister, Division of State Fire Marshal, Department of Financial Services

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink, Chief Financial Officer, State of Florida Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 9, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 24, 2008

Section III
Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-6.03018
RULE TITLE: Special Programs for Students with Specific Learning Disabilities

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 48, November 26, 2008 issue of the Florida Administrative Weekly.

The date of the State Board meeting to continue the hearing on this rule will be January 21, 2009, rather than January 20, 2009, as noticed.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.047
RULE TITLE: State Building Code Adopted

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. 34, No. 46, November 14, 2008 issue of the Florida Administrative Weekly.