

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tasha Carter, Bureau Chief, Bureau of Compliance, Division
of Workers' Compensation
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Alex Sink, Chief Financial Officer,
Department of Financial Services
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: June 11, 2009
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: June 26, 2009

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Communities Trust

RULE NOS.:	RULE TITLES:
9K-9.003	General Requirements and Eligibility Standards
9K-9.004	Submission of Application and Application Materials
9K-9.006	Project Evaluation Criteria
9K-9.007	Ranking of Applicants

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. 35, No. 24, June 19, 2009 issue of the Florida Administrative Weekly.

9K-9.003 General Requirements and Eligibility Standards. The following constitutes the general procedures for the Stan Mayfield Working Waterfront Florida Forever grant program of the Florida Communities Trust.

- (1) through (9) No change.
- (10) Submerged Lands Use Authorization Leases:

(a) Applicant: Each Applicant must provide documentation by the Application deadline that any Applicant owned facility or structure located over state sovereignty submerged lands is properly authorized and that any applicable fees and wetslip certification forms are current. The documentation must be in the form of a letter from the issuing agency Department of Environmental Protection stating that all Applicant owned facilities or structures located over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease and applicable fees and wetslip certification forms are current or that the facilities or structures are not located on state sovereignty submerged land. Reasonable notice must be given to the issuing agency Department of Environmental Protection to secure this

documentation. This documentation must be submitted by the Application deadline, otherwise the project will not be considered by the Trust.

(b) Project Site: Each Applicant must provide a letter from the issuing agency Department of Environmental Protection that verifies any facilities or structures located on the Project Site that are over state sovereignty submerged lands are properly authorized and that any applicable fees and wetslip certification forms are current or a statement from the issuing agency Department of Environmental Protection that the facilities or structures are not located on state sovereignty submerged land. The documentation must be in the form of a letter from the issuing agency Department of Environmental Protection stating the current land owner is in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease for all facilities or structures on the Project Site that are located over state sovereignty submerged land and that applicable fees or wetslip certification forms are current or that the facilities or structures are not located on state sovereignty submerged land. Reasonable notice must be given to the issuing agency Department of Environmental Protection to secure this documentation. This documentation must be submitted to the Trust no later than 48 hours before the FCT Governing Board meeting, otherwise the project will not be considered by the Trust.

- (11) No change.

Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History--New 11-25-08, Amended _____.

9K-9.004 Submission of Application and Application Materials.

- (1) through (8)(h) No change.

(i) The Applicant must provide a letter from the issuing agency Department of Environmental Protection that verifies any facilities or structures owned by the Applicant that are located over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease and applicable fees and wetslip certification forms are current or that the structures are not located on state sovereignty submerged land. This letter must accompany the Application.

(j) The Applicant must provide a letter from the issuing agency Department of Environmental Protection that verifies any facilities or structures located on the Project Site that are over state sovereignty submerged lands are in compliance with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the submerged land lease and applicable fees and wetslip certification forms are current or that the structures are not located on state sovereignty submerged land. This letter can be submitted no later than 48 hours before the FCT Governing Board meeting.

(k) No change.

Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History–New 11-25-08, Amended _____.

9K-9.006 Project Evaluation Criteria.

The evaluation of Applications shall be based on the criteria set forth in this rule chapter and the information in Application Form SMWW-2. Trust staff shall utilize the information contained in the Application (including exhibits) and all information obtained during its review of the Application, including information obtained during site visits, in drafting an evaluation report and developing a ranking report to present to the Governing Board. At a publicly noticed meeting, the Governing Board will evaluate the reports and approve the recommended ranking report that will be presented to the Board of Trustees.

The Business Summary shall be evaluated for sufficiency based on information provided in Application Form SMWW-2. Staff from the Department of Agriculture and Consumer Services, and other state agencies as deemed necessary by the Trust, shall review each Business Summary and provide comments to the Trust. Trust staff shall prepare a recommended Business Summary sufficiency determination that takes into consideration comments received from the Department of Agriculture and Consumer Services and other agencies for consideration by the Governing Board. Applications containing a Business Summary deemed insufficient by the Trust will not be considered by the Board of Trustees.

An Application shall receive all the points assigned to a particular criterion if the criterion is met; no partial scores will be given for a criterion. If a criterion does not apply to the proposed Project Site, the Applicant should state “No” in the response to the criterion.

Points shall be awarded when the following criteria are met:

- (1) through (3)(c)1. No change.
- 2. The Project Site contains an existing structure for launching commercial fishing vessels, including but not limited to a boat ramp, boat lift or boat rail system, that requires major restoration and the Applicant has committed to rebuild the existing boat ~~launch ramp~~ (4 points).

3. through (6)(c) No change.

Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History–11-25-08, Amended _____.

9K-9.007 Ranking of Applications.

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

(d) Any Applicant that does not provide documentation from the issuing agency ~~Department of Environmental Protection~~ by the application deadline that all facilities or structures owned by the Applicant are fully compliant with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida

Statutes, and the state sovereignty submerged leases and applicable fees or wet slip certification forms are current, or that the structures are not located on state sovereignty submerged land, will not be considered by the Trust for recommendation to the Board of Trustees.

(e) Any Applicant that does not provide documentation from the issuing agency ~~Department of Environmental Protection~~ within 48 hours of the FCT Governing Board meeting that any facilities or structures located on the Project Site are fully compliant with Chapters 253, 258, 373 Part IV, ~~and 403, and 597~~, Florida Statutes, and the state sovereignty submerged leases and applicable fees or wet slip certification forms are current, or that the structures are not located on state sovereignty submerged land, will not be considered by the Trust for recommendation to the Board of Trustees.

(4) through (7) No change.

Rulemaking Specific Authority 380.507(11), 380.5105(2) FS. Law Implemented 259.105, 380.501-.515 FS. History–New 11-25-08, Amended _____.

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.”

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

RULE NOS.:	RULE TITLES:
62-704.420	Criteria for Preliminary Examination and Certification of Resource Recovery Equipment
62-704.600	Recycling Equipment List

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. 35, No. 30, July 31, 2009 issue of the Florida Administrative Weekly.

62-704.420 Criteria for Preliminary Examination and Certification of Resource Recovery Equipment.

The Department shall use the following criteria when determining whether equipment shall be certified as resource recovery equipment.

(1) through (b) No change.

- 1. Function as pollution control equipment as required by any Federal or State regulations; or

2. Are used for storage of waste or processed material in lieu of the use of storage equipment such as tanks, silos, or bins
~~Serve the same function as a similar piece of machinery or equipment.~~

- (c) No change.
- (2) through (4) No change.

62-704.600 Recycling Equipment List.

Recycling equipment that appears on the list below is considered to be recycling equipment and shall be certified by the Department as recycling equipment if other requirements for equipment eligibility, pursuant to Rule 62-704.420, F.A.C., are satisfied ~~certified~~.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-31.001 Managing Entities
 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. 35, No. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.001 Managing Entities.

~~PURPOSE AND EFFECT:~~ No change

~~SUMMARY:~~ This rule ~~chapter~~ addresses the management of the delivery of behavioral health services to persons who have mental health, substance abuse or co-occurring disorders, the development and oversight of comprehensive provider networks, uniform behavioral health service standards, continuous quality improvement, best practices guidance and ensure quality, cost effective treatment, and prevent unnecessary expenditures.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-31.002 Definitions
 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. 35, No. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.002 Definitions.

- (1) “Behavioral Health Services” – Deleted

(1) “Cultural and Linguistic Competence” means a set of congruent behaviors, attitudes, and policies that come together in a system, agency, or among professionals that enable effective work in cross-cultural situations that provides services that are respectful and/or responsive to cultural and linguistic needs.

- (2) No change.
- (3) through (5) Deleted
- (6) through (8) renumbered (3) through (5) No change.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-31.003 Managing Entity Qualifications
 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. 35, No. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.003 Managing Entity Qualifications.

(1) through (2) are deleted.

(1)(3) Demonstrate the capability and administrative capacity to effectively develop and manage a comprehensive service delivery system.

(2)(4) Have a Board of Directors which shall, ~~at a minimum,~~ include individuals served, family members, appropriate community stakeholders, and organizations. Board membership shall include providers of substance abuse and mental health services. The Board shall have one representative of a private receiving facility as an ex officio member so long as there is a private receiving facility within the managing entity’s geographic area.

(3)(5) Board members must be representative residents of the geographic area in which the managing entity operates.

Rulemaking Authority 394.9082 (10) FS. Law Implemented 394.9082 FS. History–New_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: RULE TITLE:
65D-31.004 Functions of Managing Entities
 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. 35, No. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.004 Functions of Managing Entities.

(1) System of care development and management. Managing entities must:

(a) ~~Require must ensure that~~ substance abuse and mental health services within their respective geographic areas to be coordinated and developed into an integrated network of assessable services which are ~~and is~~ responsive to the needs of persons in need of service and their families.

(b) ~~Require must ensure~~ substance abuse and mental health services to be ~~are~~ responsive to the needs of the community and community stakeholders including the courts, community agencies, law enforcement, child welfare agencies and others who are reliant on mental health and substance abuse services as essential to their success.

(c) ~~Require the must ensure~~ application of evidence-based practices by network providers through contracting requirements, program development and design, and the provision of training, technical assistance, and quality improvement activities.

(d) Develop ~~effective and~~ formal mechanisms for care management, continuity of care, least restrictive placement, and service coordination as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(e) through (2)(a) No change.

(b) The managing entity is required to contract only with agencies which when contracting with providers are to ensure that agencies are qualified and capable of providing quality client services. The managing entity will develop policies, procedures, and practices that require assure that network providers to comply are complying with applicable laws, rules, and regulations, and contract requirements as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(c) The managing entity must require that, within available resources, ensure that, within available resources, a comprehensive system of care is available within their respective geographic area which that is accessible, co-occurring competent, and consists of a range of services that is responsive to the needs of persons receiving services and is responsive to the needs of the community.

(3)(a) The managing entity Managing Entity is responsible for the management, accountability, and efficient use of public funds by:

(b) Developing and negotiating rates with its network providers as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract, within the parameter established by the Department, the The managing entity may propose alternate payment methodologies to the Department such as case rates, capitation or other forms that demonstrate both accountability and efficiencies.

(c) Allocation of funds to providers as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract consistent with departmentally approved allocation methodologies.

(d) No change.

(e) Managing Department funding allocations to ensure that state and federal requirements are met, as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(f) Achieving efficiencies by the consolidation of provider operational functions. Examples include, but are not limited to, including, but not limited to, data collection and analysis, administrative efficiencies, and group purchasing.

(g) Reinvesting funds gained by efficiencies into the system of care after achieving departmentally approved reserves and necessary infrastructure development.

(4)(a) The managing entity will participate in the departmental planning process at of the state, regional, and circuit levels.

(b) No change.

(c) A three (3) year managing entity strategic plan is required to be submitted on a schedule that corresponds to the reporting requirements and submission dates outlined in Section 394.75, F.S., State and district substance abuse and mental health plans, departmental statutorily required Substance Abuse and Mental Health Plan.

1. Delete

2. through a. No change

b. Deleted

c. through e. renumbered b. through d. No change.

(5) Data Collection, Analysis, and Reporting

(a) The Department, in collaboration with the managing entities shall design and implement a comprehensive behavioral health management information system based on policies and procedures outlined in the Department's Pamphlet 155-2, most current version of the pamphlet for Mental Health and Substance Abuse Measurement and Data, DCF Pamphlet 155-2, effective date, September 1, 2008, 9th Edition, Version 9.1, which is incorporated by reference and is available on the Department's Web Portal at www.dcf.state.fl.us/mentalhealth/publications/index.shtml. to meet the minimum reporting requirements at the federal, state and local levels as follows: Each managing entity shall develop and maintain a database system, including data from agencies under contract with the managing entity. At the minimum, The managing entity's database system shall provide information needed not only by the managing entity to address the management and clinical care needs of the local provider networks, but also by the Department to meet the state and federal data reporting requirements. The Department shall collaborate with managing entities to develop business requirements, which managing entities will use to extract data required at the state and federal levels from their local database systems and to submit these

data electronically into the Department's central database system. Requirements will increase system access to users and ensure timely and accurate information. The Department shall use the central database system to provide non-confidential data accessible to all stakeholders, including managing entities, for planning, monitoring, evaluation, and research purposes.

(b) The managing entity shall have the capability and capacity to submit all the required data electronically into the Substance Abuse and Mental health Information System (SAMHIS). The contractor shall submit these data based on policies and procedures outlined in the Department's Pamphlet 155-2, most current version of the pamphlet for Mental Health and Substance Abuse Measurement and Data, DCF Pamphlet 155-2, effective date, September 1, 2008, 9th Edition, Version 9.1. (available on the department's website,-)

(c) No change.

(d) The managing entity shall establish procedures for documenting and reporting service events in such manner as to provide a clear and distinguishable audit trail of each service event submitted into the SAMHIS database. ~~At a minimum, the~~ The audit trail documentation shall include the following: the HIPAA procedure code description; service data and duration; the recipient names and identification number; and the staff names and identification number. Such procedures shall ensure that the Department is not billed for unallowable or more service event units than are eligible for payment.

(e) To be paid by the Department, the managing entity shall use the service event data submitted into the SAMHIS database as the main source for verifying and justifying the service units provided by the contractor and the amount billed to or paid by the Department. The Department ~~shall~~ may deny all or part of the payment if the managing entity fails to comply with ~~this~~ data submission requirements based on policies and procedures outlined in the Department's Pamphlet 155-2, most current version of the pamphlet for Mental Health and Substance Abuse Measurement and Data, DCF Pamphlet 155-2, effective date, September 1, 2008, 9th Edition, Version 9.1.

(6) Continuous Quality Improvement.

(a) The managing entity will establish a clearly delineated continuous quality improvement program that includes ~~provides for the meaningful involvement of~~ managing entity personnel, provider organizations, consumers, and stakeholders as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract. The program will:

(a) 1. through 2. No change.

3. Measure the overall performance of the ~~managing~~ entity, the system of care, and the performance of participating provider agencies.

4. Deleted

~~4.5. Require~~ insure that there are mechanisms that identify performance issues, conduct analysis of performance issues, develop appropriate interventions, and measure the effects of those interventions.

~~5.6. Review~~ the results of quality assurance reviews, external monitoring, critical incidents, consumer complaints and grievances, and take steps to initiate improvement, including appropriate corrective actions and sanctions.

7. through 8. renumbered 6. through 7. No change.

(b) The managing entity will establish a Quality Assurance Program that, ~~at a minimum,~~ addresses the following areas:

1. Monitoring contracted agencies to insure that the managing entity contract requirements are met.

2. Monitoring provider invoices for accuracy and allowability of the services billed.

3. Monitoring data submitted by contracted providers to insure completeness and accuracy.

4. Establishing an Incident Reporting and notification System that provides timely reporting of adverse incidents.

5. No change.

~~(7) Peer Review.~~

~~(c)(a)~~ The managing entity continuous quality improvement program will include a peer review process among network providers that involves the review of ~~staff member's professional work~~ clinical, administrative and financial records and by comparing trained and qualified individuals who perform similar tasks.

~~1.(b)~~ The managing entity will ensure ~~insure~~ that all network providers have ~~participating agencies has~~ a peer review process in place.

~~2.(e)~~ The managing entity shall ~~may~~ establish a peer review process that reviews network providers' clinical, administrative and financial records and ~~agency clinical practices~~ provides technical assistance to network providers individuals and agencies in the adoption and use of evidence-based practices.

~~(7)(8)~~ Utilization Management.

(a) The managing entity will develop a utilization management program that includes: ~~at a minimum~~

1. through 3. No change.

~~(8)(9)~~ Technical Assistance and Training

(a) The managing entity will provide technical assistance and training that includes: ~~in a minimum of two areas:~~

1. through 3. No change

~~(9)(10)~~ Board Development and Governance

(a) The managing entity will provide board development activities which:

1. through 3. No change

~~(10)~~ Disaster Planning and Responsiveness

(a) The managing entity will work collaboratively with the Department and take direction from Department staff for any disaster-related preparedness or response activities.

Rule 65D-31.004, F.A.C., incorporates by reference the Department of Children and Families Pamphlet 155-2, Mental Health and Substance Abuse Measurement and Data, effective date, September 1, 2008, 9th Edition, Version 9.1. The following revisions were made to the handbook.

Page 1-3, the reference to “Section 394.9082(6)(j), F.S.”, is replaced with “Section 394.9082(5)(k), F.S.”, and reference to “and the Agency for Health Care Administration (AHCA)” is deleted.

Page 1-9, Section 8. Use of Social Security Number as Person’s Unique Identifier. The first sentence in the second paragraph that reads, “For all agencies, the use of the SSN is mandatory”. This sentence is expanded to read, “For all agencies, the use of the SSN is mandatory based on statutory authority found in Sections 394.78 and 397.321, F.S.”

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: 65D-31.005
 RULE TITLE: Managing Entity Policies Requiring Departmental Approval
 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. 35, No. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.005 Managing Entity Policies Requiring Departmental Approval.

(1) The managing entity is responsible for ~~will ensure~~ provider compliance with all applicable Federal and state statutes, rules, and Departmental procedures as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Contract. Managing entities will submit ~~critical~~ policies and procedures addressing the following to the Department for review and approval: ~~At a minimum, the policies addressing the following will be submitted to the Department for approval:~~

- (a) through (d) No change.
- (e) ~~Forensic services~~ — Ceontinuity of care, case management, community-based competence, restoration, and coordination of conditional release for individuals committed to state mental health treatment facilities. ~~Pursuant to Chapter 916, F.S.~~
- (f) No change.

(g) Incident Reporting. The managing entity will notify the Department, ~~in a timely manner~~, actively investigate incidents, and provide resolution as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(h) Quality assurance – provider monitoring to insure compliance with client care requirements, contracting and financial specifications of statute, rule, and policies and contract requirements as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Contract.

- (i) through (n) No change.
- (o) Cultural and linguistic competence ~~Competency~~.
- (p) through (r) No change.

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History–New_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Substance Abuse Program

RULE NO.: 65D-31.006
 RULE TITLE: Department’s Responsibilities

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. 35, No. 14, April 10, 2009 issue of the Florida Administrative Weekly.

NOTICE OF PROPOSED RULE CHANGES

65D-31.006 Department’s Responsibilities.

(1) Notwithstanding the Department’s responsibilities as authorized in Chapters 394 and 397, F.S.; upon contracting with a comprehensive managing entity, the Department will:

(a) Conduct on-site readiness reviews of the managing entity to assess its operational capacity and capabilities and determine its ability to satisfactorily perform the duties to be contracted.

(b) The Department in collaboration with community stakeholders, including providers and managing entities will establish ~~develop~~ objective standards to measure the competence of managing entities to assume the responsibilities described in Section 394.9082, F.S. These standards shall be in accordance with performance measures outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(c) Monitor the performance of managing entities to ensure compliance with applicable statutes, rules, policies, and contract requirements as outlined in the Substance Abuse and Mental Health Services Program Managing Entity Performance Contract.

(d) The Department will retain the responsibilities for licensing of Substance Abuse Prevention and Treatment Providers, the designation of both private and public Baker Act receiving facilities, and the designation of Addictions Receiving Facilities.

(e) The Department will negotiate annually with the managing entity to determine performance measures, quality improvement goals, and the quality assurance activities of the managing entity.

(f) through (h) are deleted

Rulemaking Authority 394.9082(10) FS. Law Implemented 394.9082 FS. History--New_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-156.020 Prohibition Against Use of Genetic Information and Requests for Genetic Testing
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. 35, No. 30, July 31, 2009 issue of the Florida Administrative Weekly.

The rule will now read as follows:

69O-156.020 Prohibition Against Use of Genetic Information and Requests for Genetic Testing.

(1) An issuer of a Medicare supplement policy or certificate:

(a) Shall not deny or condition the issuance or effectiveness of the policy or certificate (including the imposition of any exclusion of benefits under the policy based on a preexisting condition) on the basis of the genetic information with respect to such individual; and

(b) Shall not discriminate in the pricing of the policy or certificate (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.

(2) Nothing in subsection 69O-156.020(1), F.A.C., shall be construed to limit the ability of an issuer, to the extent otherwise permitted by law, from:

(a) Denying or conditioning the issuance or effectiveness of the policy or certificate or increasing the premium for a group based on the manifestation of a disease or disorder of an insured or applicant; or

(b) Increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy (in such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the group).

(3) For the purposes of this Section only “Genetic information” means, with respect to any individual, information about such individual’s genetic tests, the genetic tests of family members of such individual, and the manifestation of a disease or disorder in family members of such individual. Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual. Any reference to genetic information concerning an individual or family member of an individual who is a pregnant woman, includes genetic information of any fetus carried by such pregnant woman, or with respect to an individual or family member utilizing reproductive technology, includes genetic information of any embryo legally held by an individual or family member. The term “genetic information” does not include information about the sex or age of any individual.

Rulemaking Authority 627.674 FS. Law Implemented 627.6741 FS. History--New_____.

**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.”

DEPARTMENT OF THE LOTTERY

RULE NO.: RULE TITLE:
53ER09-41 Instant Game Number 1036, MONOPOLY™.

SUMMARY: Instant Game Number 1036, “MONOPOLY™,” will be sold by Florida Lottery retailers on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game, procedures to be followed on how to play the game, and the estimated number and size of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER09-41 Instant Game Number 1036, MONOPOLY™.
(1) Name of Game. Instant Game Number 1036, “MONOPOLY™.”

(2) Price. MONOPOLY tickets sell for \$2.00 per ticket.