

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 2012
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 23, 2012

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NO.: 65E-14.012
RULE TITLE: Contract Closeout, Suspension, and Termination

PURPOSE AND EFFECT: The purpose is to repeal the rule due to a lack of statutory authority, per communications from the Joint Administrative Procedures Committee Staff. The topics addressed in the rule are addressed in the Department’s contracts.

SUMMARY: The proposed rule amends the chapter on community substance abuse and mental health services financial rules to repeal unnecessary language concerning contract closeout, suspension, and termination.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: The nature of the rule and the preliminary analysis conducted to determine whether a SERC was required. The Agency has determined that the proposed rule will not require legislative ratification pursuant to Section 120.541(3), F.S.

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.

RULEMAKING AUTHORITY: 394.74 FS.

LAW IMPLEMENTED: 394.74 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: Frank Dichio, Substance Abuse and Mental Health Program Office, 1317 Winewood Boulevard, Building 6, Room 231, Tallahassee, FL 32399-0700, frank_dichio@dcf.state.fl.us, (850)717-4345

THE FULL TEXT OF THE PROPOSED RULE IS:

65E-14.012 Contract Closeout, Suspension, and Termination.

Rulemaking Specific Authority 394.74, 397.03 FS. Law Implemented 394.74, 397.03 FS. History—New 2-23-83, Amended 2-25-85, Formerly 10E-14.12, 10E-14.012, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dichio

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: David E. Wilkins, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 2, 2012

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

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.: 12D-1.009
12D-1.010
RULE TITLES: Mapping Requirements
Reconciliation of Interim Tax Rolls –
Form of Notification

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly.

The following correction has been made to the “Summary of Statement of Estimated Regulatory Costs” in the Notice of Proposed Rule for these proposed rules, as originally published in the Vol. 38, No. 14, April 6, 2012 edition of the Florida Administrative Weekly. This correction is made in accordance with Section 120.54(3)(d)1., F.S., and is based on a comment received from the Joint Administrative Procedures Committee of the Florida Legislature.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION: The Agency has determined that this rule will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A Statement of Estimated Regulatory Cost has not been prepared by the agency. The Agency has determined that the proposed rule is not expected to require legislative ratification based on the Statement of Estimated Regulatory Cost or if no Statement of Estimated Regulatory Cost is required, the information expressly relied upon and described herein: 1) no requirement for the Statement of Economic Regulatory Costs (SERC) was triggered under Section 120.541(1), F.S.; and 2) based on past experiences with activities for providing the public tax information and rules of

this nature, the adverse impact or regulatory cost, if any, do not exceed nor would exceed any one of the economic analysis criteria in a SERC, as set forth in Section 120.541(2)(a), F.S. 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.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NOS.:	RULE TITLES:
12D-8.0065	Transfer of Assessment Limitation Difference; Portability; Denials and Late Applications
12D-8.00659	Notice of Change of Ownership or Control of Non-Homestead Property

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. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly.

The Department has made changes to these proposed rules based on the 2012 Legislative amendments to Section 193.155, F.S., as enacted in Section 5 of Chapter 2012-193, Laws of Florida, and based on comments received from the Joint Administrative Procedures Committee of the Florida Legislature.

A revised version of these proposed rules will be available at: <http://dor.myflorida.com/dor/property/legislation/rules/10ruledrafts.html>. These revised versions include the proposed changes discussed below to the original text that was published in the Notice of Proposed Rule on April 6, 2012.

Paragraph (f) has been added to subsection (1) of proposed new Rule 12D-8.0065, so that, when adopted, the paragraph will read as follows:

(f) "Husband and wife" mean two people who are currently and legally married to each other as recognized by Florida law.

Subsections (2) through (5)(a) of the proposed new rule – No change.

Paragraph (b) of subsection (5) of proposed new Rule 12D-8.0065, has been changed, so that, when adopted, the paragraph will read as follows:

(b) Splitting:

1. When two or more people who previously shared a homestead abandon that homestead and establish separate homesteads, the maximum total amount that can be transferred is \$500,000. Within that limit, each taxpayer who received a homestead exemption and is eligible to transfer an amount is limited to a share of the previous homestead's difference between assessed value and just value.

a. For tenants in common, this share is the difference between just value and assessed value for the tenant's proportionate interest in the property. This is the just value of the taxpayer's interest minus the assessed value of the taxpayer's interest.

b. For joint tenancy with right of survivorship and for a husband and wife, the share is the assessed value of the homestead portion of the property, divided by the number of owners that received the exemption, unless another interest share is on the title. In that case, the portion of the amount that may be transferred is the difference between just value and assessed value for the stated share.

c. The shares of the assessment difference cannot be sold, transferred, or pledged to any taxpayer. For example, if a husband and wife divorce and both abandon the homestead, they each take their share of the assessment difference with them. The property appraiser cannot accept a stipulation otherwise. The shares of the taxpayers that received the homestead exemption cannot total more than 100 percent.

2. In addition to the other provisions of this paragraph, if a husband and wife are abandoning jointly titled property they may, by completing Form DR-501TS, Designation of Ownership Share of Abandoned Homestead, designate their respective ownership shares by complying with the following requirements:

a. Meet the qualifications specified in paragraph (8)(d) of Section 193.155, F.S.

b. Be married on the date that the jointly titled property is abandoned.

c. Complete and file with the property appraiser in the county where the property is located, a valid Form DR-501TS, Designation of Ownership Share of Abandoned Homestead, (incorporated by reference in Rule 12D-16.002, F.A.C.).

d. Separately swear to both owners' designated ownership share on Form DR-501TS.

e. Ensure that the total of the designated ownership shares of the husband and wife equals 100 percent.

f. File the valid and complete Form DR-501TS with the appropriate property appraiser before Form DR-501T is filed by either the husband or the wife.

Upon filing a valid and complete Form DR-501TS, as provided by this paragraph, the designated ownership shares of the husband and wife are irrevocable, and cannot be amended or changed.

(c) No change.

Paragraph (a) of subsection (6) of proposed new Rule 12D-8.0065, has been changed, so that, when adopted, the paragraph will read as follows:

(6) Abandonment.

(a) To transfer an assessment difference, a homestead owner must abandon the homestead before January 1 of the year the new application is made. To do this, the taxpayer must notify the property appraiser in writing by the time he or she

applies for the new homestead exemption. To transfer the assessment difference, the previous homestead must be reassessed at just value as of January 1, subject to subsections 193.155(8) and 193.155(3), F.S., which provide for assessment at other than just value.

(b) through (12)(a) No change.

Paragraph (b) of subsection (12) of proposed new Rule 12D-8.0065, has been changed, so that, when adopted, the paragraph will read as follows:

(b) Any taxpayer who is qualified to have his or her property assessed under Section 193.155(8), F.S., who fails to file an application by March 1, may file an application for assessment under that subsection and, under Section 194.011(3), F.S., may file a petition with the value adjustment board requesting the assessment be granted. The petition may be filed at any time during the taxable year by the 25th day following the mailing of the notice by the property appraiser as provided in Section 194.011(1), F.S. In spite of Section 194.013, F.S., the taxpayer must pay a nonrefundable fee of \$15 when filing the petition, as required by paragraph (i) of Section 193.155(8), F.S. After reviewing the petition, the property appraiser or the value adjustment board may grant the assessment under Section 193.155(8), F.S., if the property appraiser or value adjustment board find the taxpayer is qualified and demonstrates particular extenuating circumstances to warrant granting the assessment.

Paragraph (b) of subsection (7) of proposed new Rule 12D-8.00659, has been changed, so that, when adopted, the paragraph will read as follows:

(b) Form DR-430M, Change of Ownership or Control, Multiple Parcels, which is hereby incorporated by reference (effective 7/2012), may be used as an attachment to Form DR-430. A property owner may use DR-430M to list all property owned or controlled in the state for which a change of ownership or control has occurred. A copy of the form should be sent to each county property appraiser where a parcel is located.

DEPARTMENT OF REVENUE

Property Tax Oversight Program

RULE NO.: RULE TITLE:
12D-16.002 Index to Forms

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. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly.

These changes are based on comments received by the Department from the public and from the Joint Administrative Procedures Committee of the Florida Legislature.

The Department has made a change to Subsection (39) of this proposed rule based on the 2012 Legislative amendment to Section 193.155, F.S., enacted in Section 5 of Chapter 2012-193, Laws of Florida, (HB 7097). This legislative amendment required the Department to provide a form designating the ownership share when a husband and wife abandon a jointly titled property. Proposed new form DR-50ITS, incorporated by reference in new paragraph (j) of subsection (39) of Rule 12D-16.002, F.A.C., is the form to be used to designate ownership shares.

The proposed new rule text will be available at <http://dor.myflorida.com/dor/property/legislation/rules/10ruledrafts.html> and the new form will be available at <http://dor.myflorida.com/dor/property/forms/forms4review.html>. This version shows each addition and deletion to the original version of the rule text and form which were originally published in the Notice of Proposed Rule on April 6, 2012.

When adopted, subsection (39) of Rule 12D-16.002, will read as follows:

(39)(a)	DR-501	Original Application for Homestead and Related Ad Valorem Tax Exemptions (r. xx/12 12/06)	10/07
(b)	DR-501A	Statement of Gross Income (r. xx/12 6/94)	12/95
(c)	DR-501CC	Ad Valorem Tax Exemption Application Proprietary Continuing Care Facility (r. xx/12 n-9/98)	12/98
(d)	DR-501DV	Application for Homestead Tax Discount, Veterans Age 65 and Older with a Combat-Related Disability (n. xx/12)	
(e)	DR-501M	Deployed Military Exemption Application (r. 11/11)	(6/11)
	DR-501SC	Sworn Statement of Adjusted Gross Income of Household and Return (12/04)	12/04
(f)(e)	DR-501PGP	Original Application for Assessment Reduction for Living Quarters of Parents or Grandparents (r. xx/12 n-12/03)	1/04
(g)	DR-501RVSH	Certificate for Transfer of Homestead Assessment Difference (r. 12/08)	
(h)	DR-501SC	Adjusted Gross Household Income Sworn Statement and Return (r. xx/12)	
(i)	DR-501I	Transfer of Homestead Assessment Difference, Attachment to Original Application for Homestead Tax Exemption (r. 12/08)	
(j)	DR-50ITS	Designation of Ownership Share of Abandoned Homestead (n. xx/12)	

(40) through (61)(b) No change.

Also, the Department has made a change to Form DR-528, Notice of Ad Valorem Taxes and Non-Ad Valorem Assessments (example only), as incorporated by reference in Paragraph (b) of Subsection (51) of this proposed rule. This change is based on a comment from the public.

A revised version of this existing form is available at <http://dor.myflorida.com/dor/property/forms/forms4review.html>. This revised version shows the changes to the original version of the form that was published in the Notice of Proposed Rule on April 6, 2012.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-8.700 RULE TITLE: Child Health Services Targeted Case Management

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. 38, No. 4, January 27, 2012 issue of the Florida Administrative Weekly.

The following changes have been made to the proposed rule.

PURPOSE AND EFFECT: The purpose is to adopt a new rule for Child Health Services Targeted Case Management. The rule will incorporate by reference a new handbook, June 2012.

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-8.700 Child Health Services Targeted Case Management.

Individuals enrolled as Child Health Services targeted case managers must be in compliance with the Child Health Services Targeted Case Management Handbook, June 2012 ~~October 2011~~, which is incorporated by reference. Medicaid will reimburse only targeted case management services that are provided by enrolled individual treating providers employed or contracted with an enrolled targeted case management group provider or agency. Such enrolled provider or agency is not permitted to subcontract with another provider or agency for service delivery. The handbook is available from the Medicaid fiscal agent’s Web site at mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbook may be obtained by calling the Medicaid fiscal agent at (800)289-7799 and selecting option 7.

The following changes have been made to the Child Health Services Targeted Case Management Handbook.

Page 1-6 Medicaid Individual Provider Type. The last paragraph is changed to read:

ARNPs and nurses must submit a copy of their current Florida license with the application. Applicants are required to submit a copy of their degree and appropriate documentation verifying the required experience, as stated on page 1-4 of this handbook.

Page 1-6 CMS Early Steps and Medical Foster Care Program Enrollment Requirements. Paragraph is changed to read:

The Department of Health Early Steps Program and the Medical Foster Care Program may require additional information and documents to enroll in their programs. Contact the Department of Health Early Step and Medical Foster Care local program offices for their most current requirement information.

Page 1-7 Site Visits. Paragraph is deleted.

Page 2-12 Required Documentation, continued. Three bullets are added as follows:

The case notes must:

- Clearly reflect if the recipient accepted or declined the service(s) in the service plan;
- Clearly indicate the estimated timeline for obtaining the needed service(s), not to exceed six months;
- Re-evaluate the service plan every six months.

Page 2-12 Self-Referral or Conflict of Interest. Entire section is deleted.

Page 2-13 Freedom of Choice Requirement: Entire section is deleted.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009 RULE TITLE: Standard of Care for Office Surgery

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 14, April 6, 2012 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Mental Health Program

RULE NO.: 65E-14.012 RULE TITLE: Contract Closeout, Suspension, and Termination

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 38, No. 8, February 24, 2012 issue of the Florida Administrative Weekly has been withdrawn.