

RULEMAKING AUTHORITY: 393.066(3) FS.  
 LAW IMPLEMENTED: 393.0661(3) FS.  
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
 DATE AND TIME: January 6, 2010, 10:00 a.m. – 12:00 Noon EST  
 PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32399, (850)488-6680  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399 (850)922-0371. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Celeste Sanders, Agency for Persons with Disabilities, 4030 Esplanade Way, Tallahassee, Florida 32399, (850)922-0371  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

SUMMARY: Rules 15C-4.001 through 15C-4.009, F.A.C., Private Recreational Vehicle Inspections, are being repealed because they are obsolete and the Department no longer has the authority to perform private recreational vehicle inspections.  
 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.  
 RULEMAKING AUTHORITY: 320.8256 FS.  
 LAW IMPLEMENTED: 320.8256, 320.824(1), 320.824(2), 320.8231, 320.8232, 120.53(1)(b) 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: Tuesday, December 29, 2009, 9:00 a.m.  
 PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Gentry

## Section II Proposed Rules

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

#### Division of Motor Vehicles

RULE NOS.:	RULE TITLES:
15C-4.001	Recreational Vehicle Inspection
15C-4.002	Minimum Requirements for Approval to Conduct Private and Dealer Inspections
15C-4.004	Certification
15C-4.005	Duties and Responsibilities
15C-4.006	Monitoring
15C-4.007	Code Provisions
15C-4.008	General
15C-4.009	Forms

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-4.001 through 15C-4.009, F.A.C., Private Recreational Vehicle Inspections, because they are obsolete. Section 320.8256, F.S., rulemaking authority for this rule has been repealed; therefore the Department no longer has the authority to perform private recreational vehicle inspections. The effect will be to repeal Rule Chapter 15C-4, F.A.C.

#### THE FULL TEXT OF THE PROPOSED RULES IS:

##### 15C-4.001 Recreational Vehicle Inspection.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History–New 11-5-80, Formerly 15C-4.01, Amended 1-13-92, Repealed.

15C-4.002 Minimum Requirements for Approval to Conduct Private and Dealer Inspections.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History–New 11-5-80, Formerly 15C-4.02, Amended 1-13-92, Repealed.

##### 15C-4.004 Certification.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History–New 11-5-80, Formerly 15C-4.04, Amended 1-13-92, Repealed.

##### 15C-4.005 Duties and Responsibilities.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History–New 11-5-80, Formerly 15C-4.05, Amended 1-13-92, Repealed.

##### 15C-4.006 Monitoring.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256, 320.824(2), 320.8231, 320.8232 FS. History–New 11-5-80, Amended 2-8-81, Formerly 15C-4.06, Amended 1-13-92, Repealed.

15C-4.007 Code Provisions.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256, 320.8231, 320.8232, 320.824(1) FS. History–New 11-5-80, Amended 2-8-81, Formerly 15C-4.07, Amended 1-13-92, Repealed.

15C-4.008 General.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 320.8256 FS. History–New 11-5-80, Formerly 15C-4.08, Repealed.

15C-4.009 Forms.

Rulemaking Specific Authority 320.8256(1) FS. Law Implemented 120.53(1)(b), 320.8256 FS. History–New 11-5-80, Formerly 15C-4.09, Amended 1-13-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Gentry, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Field Operations, 2900 Apalachee Parkway, Mail Stop 64, Tallahassee, Florida 32399

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

RULE NOS.:	RULE TITLES:
15C-5.001	Type Inspection Station
15C-5.002	Procedure for Appointment as an Inspection Station
15C-5.003	Minimum Requirements for Official Vehicle Inspection Station; (Public)
15C-5.004	Equipment Required for Official Inspection Station
15C-5.005	Approved Testing Devices
15C-5.006	Responsibility of Station Owner or Operator
15C-5.007	Approval of Certified Inspectors
15C-5.008	Duties and Responsibilities of Authorized Inspectors
15C-5.009	Period of Inspection
15C-5.010	Inspection Certificates
15C-5.011	Delinquent Fees
15C-5.012	Replacement Certificates

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-5.001 through 15C-5.012, F.A.C., Motor Vehicle Inspection, because they are obsolete. Section 325.26, F.S., rulemaking authority for this rule has been repealed; therefore the Department no longer has the authority to perform motor vehicle inspections. The effect will be to repeal Rule Chapter 15C-5, F.A.C.

SUMMARY: Rules 15C-5.001 through 15C-5.012, F.A.C., Motor Vehicle Inspection, are being repealed because they are obsolete and the Department no longer has the authority to perform motor vehicle inspections.

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.

RULEMAKING AUTHORITY: 325.26 FS.

LAW IMPLEMENTED: 325.12, 325.13, 320.15, 325.16, 325.19, 325.20, 325.21, 325.22, 325.23, 325.24, 325.25, 325.26, 325.27 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: Tuesday, December 29, 2009, 10:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Julie Gentry, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Field Operations, 2900 Apalachee Parkway, Mail Stop 64, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-5.001 Type Inspection Station.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20, 325.21, 325.27 FS. History–New 5-7-81, Formerly 15C-5.01, Repealed.

15C-5.002 Procedure for Appointment as an Inspection Station.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20, 325.26 FS. History–New 5-7-81, Formerly 15C-5.02, Repealed.

15C-5.003 Minimum Requirements for Official Vehicle Inspection Station; (Public).

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20 FS. History–New 5-7-81, Formerly 15C-5.03, Repealed.

15C-5.004 Equipment Required for Official Inspection Station.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20 (1)(d), 325.26 FS. History–Revised 1-19-73, 1-19-74, Amended 12-14-75, Formerly 15-7.05, Amended 5-7-81, Formerly 15C-5.04, Repealed.

15C-5.005 Approved Testing Devices.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20(1)(d) FS. History—Revised 1-19-73, 1-19-74, Amended 12-14-75, Formerly 15-7.05, Formerly 15C-5.05, Repealed.

15C-5.006 Responsibility of Station Owner or Operator.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.16, 325.19, 325.20, 325.21, 325.22, 325.23, 325.25, 325.27 FS. History—New 5-7-81, Formerly 15C-5.06, Repealed.

15C-5.007 Approval of Certified Inspectors.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.20, 325.22, 325.23, 325.26 FS. History—New 5-7-81, Formerly 15C-5.07, Repealed.

15C-5.008 Duties and Responsibilities of Authorized Inspectors.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.16, 325.19, 325.20 FS. History—Formerly 15-7.04, New 5-16-68, Revised 5-9-70, 1-19-73, Amended 12-14-74, Formerly 15-7.08, Formerly 15C-5.08, Repealed.

15C-5.009 Period of Inspection.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.12, 325.13, 325.15, 325.16 FS. History—New 5-7-81, Formerly 15C-5.09, Repealed.

15C-5.010 Inspection Certificates.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.23 FS. History—New 5-7-81, Formerly 15C-5.10, Repealed.

15C-5.011 Delinquent Fees.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.13, 325.24 FS. History—New 5-7-81, Formerly 15C-5.11, Repealed.

15C-5.012 Replacement Certificates.

Rulemaking Specific Authority 325.26 FS. Law Implemented 325.23 FS. History—New 1-19-73, Repromulgated 12-14-74, Formerly 15-7.12, Formerly 15C-5.12, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Julie Gentry  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Executive Director  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**Division of Motor Vehicles**

RULE NOS.:	RULE TITLES:
15C-6.001	Motor Vehicle Emissions Reinspection Facilities and Self-Inspectors
15C-6.002	Exemptions and Waivers from the Requirements for Annual Emissions Inspections
15C-6.003	Emissions Inspection Fee for Annual Emissions Inspections
15C-6.005	Bureau of Emissions Control Forms
15C-6.007	Motor Vehicle Safety Equipment Inspection Standards

PURPOSE AND EFFECT: The purpose is to repeal Rules 15C-6.001 through 15C-6.007, F.A.C., Motor Vehicle Emissions Inspection, because they are obsolete. Section 325.219, F.S., rulemaking authority for this rule has been repealed; therefore the Department no longer has the authority to perform motor vehicle emissions inspections. The effect will be to repeal Rule Chapter 15C-6, F.A.C.

SUMMARY: Rules 15C-6.001 through 15C-6.007, F.A.C., Motor Vehicle Emissions Inspection, are being repealed because they are obsolete and the Department no longer has the authority to perform motor vehicle emissions inspections.

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.

RULEMAKING AUTHORITY: 325.26, 325.205(3), 320.011 FS.

LAW IMPLEMENTED: 320.02(10), 325.203, 325.205, 320.209, 320.212, 325.213, 325.214 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: Tuesday, December 29, 2009, 11:00 a.m.

PLACE: Department of Highway Safety and Motor Vehicles, Auditorium, 2900 Apalachee Parkway, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Dwight Davis, Department of Highway Safety and Motor Vehicles, Division of Motor Vehicles, Bureau of Mobile Home and Recreational Vehicle Construction, 2900 Apalachee Parkway, Mail Stop 66, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

15C-6.001 Motor Vehicle Emissions Reinspection Facilities and Self-Inspectors.

Rulemaking Specific Authority 325.219 FS. Law Implemented 325.212, 325.213 FS. History–New 9-18-90, Amended 2-11-92, 11-10-92, 10-2-95, 11-17-98, Repealed.

15C-6.002 Exemptions and Waivers from the Requirements for Annual Emissions Inspections.

Rulemaking Specific Authority 320.011, 325.219 FS. Law Implemented 320.02(10), 325.203, 325.209 FS. History–New 6-21-90, Amended 2-11-92, 11-10-92, 10-2-95, 11-17-98, Repealed.

15C-6.003 Emissions Inspection Fee for Annual Emissions Inspections.

Rulemaking Specific Authority 325.219 FS. Law Implemented 325.214 FS. History–New 9-18-90, Repealed.

15C-6.005 Bureau of Emissions Control Forms.

Rulemaking Specific Authority 325.219 FS. Law Implemented 325.214 FS. History–New 2-11-92, Repealed.

15C-6.007 Motor Vehicle Safety Equipment Inspection Standards.

Rulemaking Specific Authority 325.205(3), 325.219 FS. Law Implemented 325.205 FS. History–New 8-2-89, Formerly 15C-7.001, Amended 8-4-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Dwight Davis

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Julie L. Jones, Executive Director

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 17, 2009

**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 CORRECTIONS**

RULE NO.: 33-210.102  
RULE TITLE: Legal Documents and Legal Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the handling and processing of incoming legal mail.

SUMMARY: The proposed rule eliminates the requirement that incoming legal mail be marked as "legal" or "confidential" in order to be processed as legal rather than routine mail; clarifies that staff are to remove any unauthorized packaging

before delivering the contents of incoming legal mailings to inmates; and amends form DC2-522, Incoming Legal and/or Privileged Mail Log, to add columns for staff to indicate an inmate's housing and job assignment.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.

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: 20.315, 944.09, 944.11 FS.

LAW IMPLEMENTED: 944.09, 944.11 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.102 Legal Documents and Legal Mail.

(1) No change.

(2) Legal mail shall be defined as mail to and from the following entities:

(a) Municipal Mail to and from municipal, county, state and federal courts.

(b) State Mail to and from state attorneys.

(c) Private Mail to and from private attorneys.

(d) Public Mail to and from public defenders.

(e) Legal Mail to and from legal aid organizations.

(f) Mail to and from Agency clerks Clerks.

(g) Government Mail to and from government attorneys.

(3) through (7) No change.

(8) Processing of Legal Mail.

(a) through (b) No change.

(c) No packaging other than standard envelopes shall be given to inmates. The following types of packaging shall be removed by staff before providing the contents to the inmate: boxes, padded envelopes, envelopes that include metal parts, multilayer packaging, bubble wrap, packing peanuts, or other forms of extra packaging.

~~(d) The sender of incoming legal mail shall mark the outside of the envelope "legal confidential," "legal open only in the presence of the addressee," or similar language which would put the reader on notice that the mail is legal mail of a confidential nature. Mail from the courts subject to public inspection under Chapter 119, Florida Statutes, need not be marked as legal mail. Incoming mail that is not marked as legal~~

pursuant to this paragraph shall be treated as routine mail and shall be opened and examined, and is subject to being read by a designated employee outside the presence of the inmate.

- (e) through (i) renumbered (d) through (h) No change.
- (9) through (14) No change.

(15)(a) All incoming legal mail received for an inmate shall be entered on Form DC2-522, ~~the~~ Incoming Legal And/Or Privileged Mail Log, ~~Form DC2-522~~. The form shall include the inmate's name, DC number, the date the mail was received by the institution, the full address of the sender, the date the mail was received by the inmate, the signature of the inmate, and the initials of the mailroom officer who is present when the inmate signs for receipt of the mail. Form DC2-522 is hereby incorporated by reference. Copies of the form are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of the form is \_\_\_\_\_ 4-23-09.

- (b) No change.

Rulemaking Specific Authority 20.315, 944.09, 944.11 FS. Law Implemented 944.09, 944.11 FS. History–New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, 8-25-03, 9-20-04, 12-23-07, 4-23-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Wendel Whitehurst, Deputy Secretary of Institutions  
 NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 19, 2009  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 29, 2009

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.202                      RULE TITLE: Use of Inmates in Public Works  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify the eligibility criteria of non-department supervisors.  
 SUMMARY: The proposed rule clarifies the eligibility criteria of non-department supervisors.  
 SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will not have an impact on small business. A SERC has not been prepared by the agency.  
 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: 944.09, 946.40(1) FS.  
 LAW IMPLEMENTED: 944.09, 944.10(7), 946.002, 946.40(1) 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

- 33-601.202 Use of Inmates in Public Works.
- (1) through (5) No change.
- ~~(6) For each person not an employee of the Department of Corrections, who is to supervise inmates under this rule, the assistant warden or designee shall conduct a National Crime Information Center/Florida Crime Information Center (NCIC/FCIC) system criminal history background check.~~

- ~~(6)(7) Non-department supervisors.~~
- (a) Individuals ~~Persons~~ other than Department of Corrections employees may supervise minimum and community custody inmates under this rule only upon the approval of the warden or ~~his~~ designee. In making this determination, the warden or designee shall consider the following:

1. The individual's criminal history as determined by an initial NCIC/FCIC background check;
2. Whether the individual is a relative, friend, or victim of any inmate at the institution;
3. The individual's ability to understand and communicate in English;
4. Any other factor that may impact the individual's ability to safely and effectively supervise inmates participating in a public works program.

- (b) Upon approval by the warden or designee, a non-department supervisor shall be required to complete a 32-hour orientation and training course before being assigned to supervise inmates.

- (c) Non-department supervisors shall be required to submit annually to an NCIC/FCIC background check, upon which the warden or designee shall reevaluate the individual's eligibility to supervise based on the criteria set forth in paragraph (a) of this subsection.

- (d) Upon re-approval by the warden subsequent to the annual background check and evaluation, a non-department supervisor shall be required to complete an annual refresher training course.

(e) The warden may suspend or revoke a non-department supervisor's authorization to supervise when an incident occurs or when the warden receives information indicating that the individual is unable or unwilling to safely and effectively supervise inmates participating in a public works program.

~~(7)(8)~~ All inmates will be expected to carry out instructions as given by the non-Department of Corrections employee.

~~(8)(9)~~ The Department of Corrections is authorized to enter into agreements with any political subdivision to utilize medium and close custody inmates:

(a) through (b) No change.

Rulemaking Specific Authority 944.09, 946.40(1) FS. Law Implemented 944.09, 944.10(7), 946.002, 946.40(1) FS. History--New 6-20-84, Formerly 33-3.17, Amended 2-26-86, 10-31-86, 1-29-98, 8-13-98, Formerly 33-3.017, Amended 2-7-02, 12-28-04, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John Hancock, Assistant Deputy Secretary of Institutions  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Walter A. McNeil, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 27, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 11, 2009

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.: 40D-8.041  
RULE TITLE: Minimum Flows

PURPOSE AND EFFECT: To amend Rule 40D-8.041, F.A.C., to establish Minimum Flows for the Dona Bay/Shakett Creek below Cow Pen Slough located within the Manasota Basin, Sarasota County, Florida pursuant to Section 373.042, Florida Statutes. For purposes of this rule the Dona Bay/Shakett Creek System includes the watercourse and its tributaries from the most downstream control structure on Cow Pen Slough, known as CPS-2 and operated by Sarasota County to the Gulf of Mexico including Shakett Creek, Salt Creek, Fox Creek and Dona Bay.

SUMMARY: The proposed rule amendment establishes minimum flows for the Dona Bay/Shakett Creek System, which includes the watercourse and its tributaries from the most downstream control structure on Cow Pen Slough, known as CPS-2 to the Gulf of Mexico including Shakett Creek, Salt Creek, Fox Creek and Dona Bay. The Minimum Flow for the Dona Bay/Shakett Creek System is 100% of the natural flow of the system contributed by the watershed below CPS-2.

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.

RULEMAKING AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE NEXT AVAILABLE ISSUE.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-8.041 Minimum Flows.

(1) through (12) No change.

(13) Minimum Flows for the Dona Bay/Shakett Creek System below Cow Pen Slough located within the Manasota Basin, Sarasota County, Florida.

(a) The Minimum Flows are to ensure that the minimum hydrologic requirements of the water resources and ecology of the natural systems associated with the Dona Bay/Shakett Creek System are met. For purposes of this rule, the Dona Bay/Shakett Creek System includes the watercourse and its tributaries from the most downstream control structure on Cow Pen Slough, known as CPS-2 and operated by Sarasota County (hereinafter referred to as "CPS-2") to the Gulf of Mexico including Shakett Creek, Salt Creek, Fox Creek and Dona Bay.

(b) The Minimum Flow for the Dona Bay/Shakett Creek System is 100% of the natural flow of the system contributed by the watershed below CPS-2. This Minimum Flow is exclusive of flow which is generated from the channelized watershed above CPS-2. Flow generated from the channelized watershed above CPS-2 shall be based on the flow records from CPS-2.

Rulemaking Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421 FS. History--Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06, 4-6-06, 1-1-07, 11-25-07, 2-18-08, 3-2-08, 5-12-08, 5-10-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mike Heyl, Chief Environmental Scientist, Resource Projects, 7601 Hwy 301 North, Tampa, FL 33637-6759, (813)984-7481  
NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 29, 2009  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 25, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.020  
RULE TITLE: Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective March 1, 2009, in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 110.

1. Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to reduce individual hospital rates proportionately until the required \$84,675,186 savings is achieved. Hospitals that are licensed as a children’s specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

2. Public hospitals, teaching hospitals as defined in Section 408.07(45) or Section 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, designated trauma centers and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds 25 percent are permitted to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The Agency shall use the average of 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

SUMMARY: Effective March 1, 2009, in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 110, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to reduce individual hospital rates proportionately until the required savings is achieved. Hospitals that meet specific criteria are eligible to buy back their rate cut.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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: 409.919 FS.  
LAW IMPLEMENTED: 409.908, 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.9117 409.9118, 409.9119 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 14, 2010, 9:00 a.m. – 11:00 a.m.  
PLACE: Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version XXXHIV, Effective Date March 1, 2009 ~~July 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History–New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 8-10-04, 10-12-04, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.020  
RULE TITLE: Payment Methodology for Inpatient Hospital Services

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2009, in accordance with Senate Bill 2600, 2009-10 General Appropriations Act, Specific Appropriation 188 and 189.

1. \$168,300 is provided to Lee Memorial Hospital for the Regional Perinatal Intensive Care Center (RPICC) Program.
2. The Agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve a \$35,478,571 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.
3. Elimination of the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the elimination of the inpatient ceilings under this section of proviso or any other proviso listed, such hospitals shall be exempt from the inpatient reimbursement ceilings contingent on the hospital or local governmental entity providing the required state match. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.
4. Elimination of the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.
5. Elimination of the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2009 and any hospital that becomes a designated or provisional trauma center during Fiscal Year 2009-2010. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in Section 12, Chapter 2007-326, Laws of Florida. The Agency shall use the average of the 2003, 2004 and 2005 audited Disproportionate Share Hospital (DSH) data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited Disproportionate Share Hospital (DSH) data for a hospital, the agency shall use the

average of the audited DSH data for 2003, 2004 and 2005 that are available. Funds in Specific Appropriation 188 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. In the event the state share provided through grants and donations is not available to fund the removal of inpatient ceilings for hospitals, the Agency for Health Care Administration shall submit a revised hospital reimbursement plan to the Legislative Budget Commission for approval.

6. Elimination of the inpatient reimbursement ceilings for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the Certificate of Need Program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation. Included in these funds are the annualized amounts to offset the reductions taken against hospitals defined in Section 408.07(45), Florida Statutes, that are not certified trauma centers, as identified in Section 12, Chapter 2007-326, Laws of Florida.

7. \$69,899,581 is provided to buy back of the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for the following three categories of hospitals. Of these funds \$38,503,310 is provided to the first category of hospitals, which are those hospitals that are part of a system that operates a provider service network in the following manner: \$18,152,419 is for Jackson Memorial Hospital; \$5,407,484 is for hospitals in Broward Health; \$5,457,550 is for hospitals in the Memorial Healthcare System; and \$2,748,092 is for Shands Jacksonville and \$6,737,765 is for Shands Gainesville. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the inpatient rate. Of the above funds, \$21,365,269 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. Of the above funds, \$10,031,002 shall be used for the third category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates to rural hospitals. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals. For this section of proviso the agency shall use the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the



agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

8. Public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians and for designated trauma hospitals may buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

9. Medicaid payments for multi-visceral transplant and intestine transplants in Florida. The agency shall establish a reasonable global fee for these transplant procedures and the payments shall be used to pay approved multi-visceral transplant and intestine transplant facilities a global fee for providing transplant services to Medicaid beneficiaries. Payment of the global fee is contingent upon the non-federal share being provided through grants and donations from state, county or other governmental funds. The agency is authorized to seek any federal waiver or state plan amendment necessary to implement this provision.

10. \$155,223,205 is provided for Disproportionate Share (DSH) Hospital payments to public hospitals.

11. A formula for disproportionate share payments to provider service networks.

12. \$66,131,172 is provided for Payments to defined statutory teaching hospitals. Prior to the distribution of these funds to the statutorily defined teaching hospitals. \$6,487,220 shall be allocated to Shands Jacksonville Hospital; \$2,660,440 shall be allocated to Tampa General Hospital; and \$1,083,512 shall be allocated to Shands Teaching Hospital.

12. \$2,000,000 is provided for Payments to hospitals participating in graduate medical education initiatives, specifically consortiums engaged in developing new graduate medical education positions and programs. Consortiums shall consist of a combination of statutory teaching hospitals, statutory rural hospitals, hospitals with existing accredited graduate medical education positions, medical schools, Department of Health clinics, federally qualified health centers, and where possible, the Department of Veterans' Affairs clinics. Ideally, each consortium will have at least five residents per training year. Each consortium must include primary care providers and at least one hospital, and consortium residents shall rotate between participating primary care sites and hospitals. On or before September 1, 2009, consortiums will apply to the agency for funding with the

objective of initiating new medical resident programs and five initial resident positions by July 2010. On or before October 1, 2009, the agency in consultation with the Department of Health shall at a minimum fund two consortiums, one of which shall be designed to serve a rural area. All consortium-initiated residency programs and positions shall be reviewed by the Community Hospital Education Council, which shall report all findings to the Executive Office of the Governor, the chair of the Senate Policy and Steering Committee on Ways and Means, and the chair of the House Full Appropriations Council on General Government and Health Care.

13. \$13,200,000 is provided for Payments to family practice teaching hospitals.

14. \$800,000 is provided for payments to hospitals licensed as specialty children's hospitals. The funds shall be distributed equally among the hospitals that qualify.

15. \$9,216,200 is provided for payments to Provider Service Networks. Distributions are made to qualifying Provider Service Network hospitals or systems proportionally based on Fiscal Year 2006-2007 Provider Service Network patient days from qualifying Provider Service Network hospitals or systems. The Provider Service Network inpatient days used in distributing these funds shall be based on the utilization for the following individual hospitals or hospital systems only: Jackson Memorial Hospital – 15,464 days; Broward Health – 18,109 days; Memorial Healthcare System – 12,047 days; Shands Teaching – Gainesville – 1,581 days; and Shands Teaching – Jacksonville – 13,227 days.

16. Unrelated to SB 2600, the Agency is deleting the phrase "Upon request for a copy of any cost report, the hospital involved shall be notified as to the person making the request and what is being requested. Unless prohibited by a court of competent jurisdiction, the cost report shall be released to the requestor within a limited reasonable time from receipt of the request by the Agency for Health Care Administration. Reasonable time is defined as the time allowed to enable the Agency to retrieve the record and delete exempt portions of the record" from Section A.I. of the Inpatient Hospital Reimbursement Plan.

17. Unrelated to SB 2600, the Agency is removing the "October 1, 2003" date from the provision related to the acceptance of audited cost reports.

SUMMARY: Effective July 1, 2009, the proposed rule shall bring the Title XIX Inpatient Hospital Reimbursement Plan into compliance with Senate Bill 2600, 2009-10 General Appropriations Act, Specific Appropriation 188 and 189.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.9117 409.9118, 409.9119 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 14, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.020 Payment Methodology for Inpatient Hospital Services.

Reimbursement to participating inpatient hospitals for services provided shall be in accord with the Florida Title XIX Inpatient Hospital Reimbursement Plan, Version XXXIII, Effective Date ~~July 1, 2009~~ ~~March 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908, 409.9117 FS. History—New 10-31-85, Formerly 10C-7.391, Amended 10-1-86, 1-10-89, 11-19-89, 3-26-90, 8-14-90, 9-30-90, 9-16-91, 4-6-92, 11-30-92, 6-30-93, Formerly 10C-7.0391, Amended 4-10-94, 8-15-94, 1-11-95, 5-13-96, 7-1-96, 12-2-96, 11-30-97, 9-16-98, 11-10-99, 9-20-00, 3-31-02, 1-8-03, 7-3-03, 2-1-04, 2-16-04, 2-17-04, 8-10-04, 10-12-04, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:                      RULE TITLE:

59G-6.030                      Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan payment methodology, effective March 1, 2009, in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 111.

Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to reduce individual outpatient hospital rates proportionately until the \$20,952,069 required savings is achieved.

Hospitals that are licensed as a children’s specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent are excluded from this reduction.

The Agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care DSH program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings. Any payments made to qualifying hospitals because of this change shall be contingent on the state share being provided through grants and donations from counties, local governments, public entities, or taxing districts, and federal matching funds.

Public hospitals, teaching hospitals as defined in section 408.07(45) or Section 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, designated trauma centers and those hospitals whose Medicaid and charity care days divided by total adjusted days exceeds twenty five percent are permitted to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost.

The agency shall use the 2002, 2003 and 2004 audited DSH data available as of March 1, 2008. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2002, 2003 and 2004 that are available.

SUMMARY: Effective March 1, 2009, in accordance with Senate Bill 2-A, 2008-2009 Special Appropriations Act, Specific Appropriation 111, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to reduce individual hospital rates proportionately until the required savings is achieved. Hospitals that meet specific criteria are eligible to buy back their rate cut.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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: 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 14, 2010, 9:00 a.m. – 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services.

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XIX XVIII~~ Effective date: March 1, 2009 ~~July 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, 7-4-05, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 27, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:

59G-6.030

RULE TITLE:

Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: to the Florida Title XIX Outpatient Hospital Reimbursement Plan payment methodology, effective July 1, 2009, in accordance with Senate Bill 2600, 2009-2010 General Appropriations Act, Specific Appropriation 193.

1. The Agency may amend its current facility fees and physician services to allow for payments to hospitals providing primary care to low-income individuals and participating in the Primary Care Disproportionate Share Hospital (DSH) program in Fiscal Year 2003-2004 provided such hospital implements an emergency room diversion program so that non-emergent patients are triaged to lesser acute settings; or a public hospital assumed the fiscal and operating responsibilities for one or more primary care centers previously operated by the Florida Department of Health or the local county government. Any payments made to qualifying hospitals because of this change shall be contingent on the state share being provided through grants and donations from counties, local governments, public entities, or taxing districts, and federal matching funds. This provision shall be contingent upon federal approval of a state plan amendment.

2. The Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve a \$10,403,322 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.

3. Elimination of the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the elimination of the outpatient ceilings under this provision of proviso or any other proviso listed, such hospitals shall be exempt from the outpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

4. Elimination of the outpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.

5. Elimination of the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2009 or become a designated or provisional trauma center during Fiscal Year 2009-2010. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in section 13, Chapter 2007-326, Laws of Florida. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available. Funds provided for the elimination of hospital outpatient ceilings in Specific Appropriation 193 are contingent upon the state share being provided through grants and donations from state, county or other governmental funds. The agency shall submit a revised hospital outpatient reimbursement plan to the Legislative Budget Commission for approval if the state share is not available to fund the removal of hospital outpatient ceilings or if the Centers for Medicare and Medicaid Services does not approve amendments to the Medicaid Hospital Outpatient Reimbursement Plan to eliminate the reimbursement ceilings for certain hospitals.

6. \$18,445,845 is provided to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for the following three categories of hospitals:

- \$6,711,233 is provided to the first category of hospitals, which are those hospitals that are part of a system that operate a provider service network in the following manner: \$2,762,760 is for Jackson Memorial Hospital; \$803,934 is for hospitals in Broward Health; \$1,211,814 is for hospitals in the Memorial Healthcare System; and \$795,574 to Shands Jacksonville and \$1,137,151 to Shands Gainesville. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate.

- \$5,985,074 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate.

- \$5,749,538 shall be used for the third category to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for rural hospitals. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the outpatient rate for those individual hospitals. For this section of proviso the agency shall use the average of 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

7. Provided for public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians and designated trauma hospitals to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid outpatient trend adjustment applied to the individual state mental health hospitals.

8. Unrelated to SB 2600, the Agency is deleting the phrase "Upon request for a copy of any cost report, the hospital involved shall be notified as to the party making the request and the information requested. Unless prohibited by a court of competent jurisdiction, the cost report shall be released to the requestor 15 days from receipt of the request by AHCA" from section A.J. of the Title XIX Outpatient Hospital Plan.

9. Unrelated to SB 2600, The Agency is removing the "October 1, 2003" date from the provision related to the acceptance of audited cost reports.

SUMMARY: The proposed rule effective March 1, 2009, brings the Title XIX Outpatient Hospital Reimbursement Plan into compliance with Senate Bill 2600, 2009-2010 General Appropriations Act, Specific Appropriation 193.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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: 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 14, 2010, 9:00 a.m. – 11:00 a.m.  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.030 Payment Methodology for Outpatient Hospital Services

Reimbursement to participating outpatient hospitals for services provided shall be in accordance with the Florida Title XIX Outpatient Hospital Reimbursement Plan, Version ~~XX XIX~~ Effective date: July 1, 2009 ~~March 1, 2008~~ and incorporated herein by reference.

A copy of the Plan as revised may be obtained by writing to the Office of the Deputy Secretary for Medicaid, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Authority 409.919 FS. Law Implemented 409.908 FS. History–New 10-31-85, Amended 12-31-85, Formerly 10C-7.401, Amended 10-1-86, 3-26-90, 9-30-90, 10-13-91, 7-1-93, Formerly 10C-7.0401, Amended 4-10-94, 9-18-96, 9-6-99, 9-20-00, 12-6-01, 11-10-02, 2-16-04, 10-12-04, 7-4-05, 4-19-06, 12-11-06, 3-4-08, 6-10-08, 1-11-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.090  
RULE TITLE: Payment Methodology for County Health Departments

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX County Health Department Reimbursement Plan in accordance with Senate Bill 2-A, 2008-09 Special Appropriations Act, Specific Appropriation 114.

1. Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to reduce individual County Health Department rates proportionately until the required \$1,907,971 savings is achieved.

2. The services provided at each CHD are in compliance with 42 CFR 440.90, clinic services.

SUMMARY: Effective March 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to reduce individual County Health Department rates proportionately until the required savings is achieved.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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: 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 14, 2010, 11:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.090 Payment Methodology for County Health Departments.

Reimbursement to participating county health departments for services provided shall be in accordance with the Florida Title XIX County Health Departments Reimbursement Plan Version VI Effective Date March 1, 2009 ~~July 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908 FS. History–New 6-3-93, Formerly 10P-6.090, Amended 7-21-02, 11-21-04, 1-11-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: February 27, 2009

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-6.090  
 RULE TITLE: Payment Methodology for County Health Departments

PURPOSE AND EFFECT: to incorporate changes to the Florida Title XIX County Health Department Reimbursement Plan in accordance with Senate Bill 2600, 2009-10 General Appropriations Act, Specific Appropriation 212. The Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan will be amended as follows:

1. The Agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve a \$3,024,506 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. A buy back provision for the County Health Departments to apply to their rate reduction.

SUMMARY: Effective July 1, 2009, the Agency for Health Care Administration shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to reduce individual County Health Department rates proportionately until the required savings is achieved and implementing a buy back provisions so CHDs may buy back their rate reduction.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The Agency has determined that this rule will not have an impact on small business.

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: 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 14, 2010, 11:00 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, 2727 Mahan Drive, Mail Stop 21, Tallahassee, Florida 32308 or stephene@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-6.090 Payment Methodology for County Health Departments.

Reimbursement to participating county health departments for services provided shall be in accordance with the Florida Title XIX County Health Departments Reimbursement Plan Version VII Effective Date July 1, 2009 ~~March 1, 2008~~ and incorporated herein by reference. A copy of the Plan as revised may be obtained by writing to the Deputy Secretary for Medicaid, 2727 Mahan Drive, Building 3, Mail Stop 8, Tallahassee, Florida 32308.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.908 FS. History—New 6-3-93, Formerly 10P-6.090, Amended 7-21-02, 11-21-04, 1-11-09,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Edwin Stephens

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Thomas W. Arnold

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 16, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 26, 2009

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NO.: 60BB-2.025  
 RULE TITLE: Reports Required of Liable Employers

PURPOSE AND EFFECT: The rule amendment set forth in this Notice of Proposed Rule conforms sections of Rule 60BB-2.025, F.A.C., to statutory amendments made by the Legislature in 2009 to Section 443.1216, F.S., and incorporates the reporting format required by the Bureau of Labor Statistics of the United States Department of Labor for its Multiple Worksite Report for Professional Employer Organizations.

SUMMARY: The rule amendment describes quarterly reporting requirements and prescribes filing methods.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: The agency has determined that this rule will have an impact on small business. A SERC has been prepared by the agency.

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: 443.1216(1)(a)2.c. FS.

LAW IMPLEMENTED: 443.1216(1)(a)2. 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:

DATE AND TIME: January 7, 2010, 10:30 a.m.

PLACE: Agency for Workforce Innovation, 107 East Madison Street, Conference Room 114, Tallahassee, Florida 32399-4128

Additionally, the following teleconference number is available: Dial – 1(888)808-6959; Enter pass code – 6724792 #

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Karen Bishop, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen Bishop, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-2.025 Reports Required of Liable Employers.

(1) Employer’s Quarterly Reports.

(a) Each contributing and reimbursing employer must file quarterly reports on Form UCT-6, *Employer’s Quarterly Report*, incorporated by reference in Rule 60BB-2.037, F.A.C., unless the employer solely employs workers who perform domestic services and has been approved by the Department to file reports annually pursuant to Section 443.131(1), F.S. Payrolling, as defined in Rule 60BB-2.022, F.A.C., is not permitted. Employers that engage in payrolling are subject to the penalties set forth in Section 443.131(3)(g), F.S.

(b) Each quarterly report must:

1. Be filed with the Department by the last day of the month following the calendar quarter to which the report applies, except for reports filed by electronic means, which are to be filed as provided in Rule 60BB-2.023, F.A.C. However, an employer reporting for the first time is authorized 15 consecutive calendar days from the notification date of liability to submit reports for previous calendar quarters without incurring penalty charges; and

2. Be filed for each calendar quarter during which the employer was liable, even if no contributions are payable. If there was no employment during the calendar quarter to which the report applies, the report must be completed to so reflect; and

3. Include wages paid at regular and irregular intervals during the calendar quarter; and

4. Include commissions and bonuses and the cash value of all remuneration paid in any medium other than cash during the calendar quarter.

(2) Reports of Change in Status.

(a) Sale, transfer, cessation, or other disposition of a business or part of a business. Each liable employer must report any change in status to the Department using Form UCS-3, *Employer Account Change Form*, incorporated by reference in Rule 60BB-2.037, F.A.C., or by writing to the Department. The report must be signed by a person with authority to submit such reports and:

1. Be reported on or before the due date of the next quarterly report, and when applicable;

2. State the name and address of the person, firm or corporation to whom all or part of the business was sold, transferred or otherwise disposed; and

3. Include the name and address of the trustee, receiver, or other official placed in charge of the business when the status change results from bankruptcy, receivership or other similar situation; and

4. Be made by the employer’s court appointed personal representative when the status change results from the death of an employer or, in the event no personal representative is appointed by the heirs succeeding in interest of the employer; and

5. Be made by the former partners or joint adventurers when the change is due to dissolution of a partnership or joint venture.

(b) Other Changes. Employers must report changes to business name, address, ownership, officers, legal entity status (such as from sole proprietorship to corporation or from partnership to limited liability company) and business operations in the manner required on Form UCS-3, *Employer Account Change Form*, incorporated by reference in Rule 60BB-2.037, F.A.C., or by writing to the Department.

(3) Special Reports.

(a) Employee Leasing Company Reports.

1. Disclosure of Client Companies and Leased Employees Client List. In addition to the information required by Section 443.036(18), F.S., ~~the bi-annual report of each employee leasing company must file a multiple worksite report each quarter that includes information for each client establishment and each employee leasing company establishment as provided in subparagraphs 2. and 3. below. identify the~~

~~a. Leasing company’s employer identification number; and~~

~~b. Name of each client that leases employees from the company; and;~~

~~e. Name and address of each job site where leased employees work, listed under the name of the respective client; and;~~



d. Name and social security number of each leased employee, listed under the respective job site; and;  
e. Total number of clients during the reporting period; and;  
f. Total number of employees leased during the reporting period.

2. Electronic Filing Required. Each employee leasing company that has 30 or more client companies as of October 1, 2009 must file the report electronically with the U.S. Bureau of Labor Statistics. Each electronic report shall be submitted in the format specified by the Bureau of Labor Statistics of the United States Department of Labor, *Quarterly Census of Employment and Wages, Electronic Data Reporting, Appendix E - MWR File Format (PEO)*. This file format, together with its instructions, are incorporated herein by reference and may be obtained online at <http://www.bls.gov/cew/cewedr11.htm> (last modified Sept. 27, 2005). The sum of the employment data and the sum of the wage data in this report must match the employment and wages reported in Form UCT-6, *Employer's Quarterly Report*.

3. Paper Filing Allowed. Any employee leasing company that has less than 30 client companies as of October 1, 2009 may file the report electronically with the U.S. Bureau of Labor Statistics in accordance with paragraph 2, above, or may complete Form BLS 3020, *Multiple Worksite Report*, which shall be filed with the Agency for Workforce Innovation, Labor Market Statistics, 107 East Madison Street, MSC G-020, Tallahassee, Florida 32399-4111. This form, together with its instructions, are incorporated herein by reference and may be obtained by contacting the Agency at the address above, or online at [http://www.bls.gov/cew/forms/mwr\\_fl.pdf](http://www.bls.gov/cew/forms/mwr_fl.pdf). Once an employee leasing company begins to file its report electronically, it may not thereafter elect to file any paper reports.

4. Transition to Electronic Filing. When an employee leasing company attains 30 client companies it must transition from paper filing to electronic filing. An employee leasing company must file electronically within three quarters following the quarter in which it exceeds 29 client companies. Any employee leasing company that registers to conduct business in Florida after October 1, 2009 must file electronically if it has 30 or more client companies as of that date. Any such employee leasing company must begin electronic filing within three quarters following the quarter in which it begins to conduct business in Florida. The employee leasing company must continue to file Form BLS 3020, *Multiple Worksite Report* with the Agency until it is able to file electronic reports.

5.2. Filing Date. The first quarterly report required by subsection (1) is due no later than October 31, 2010. Each subsequent quarterly report must be filed by the last day of the month immediately following the end of the calendar quarter; i.e. April, July, October, and January of each year. The I-annual report due June 30 becomes delinquent on August 1.

The bi-annual report due December 31 becomes delinquent on February 1 of the following year. Delinquent reports are subject to penalties pursuant to Section 443.141(1)(b), F.S. If an employee leasing company fails to timely file the quarterly reports required by this rule, the Agency will report the employee leasing company to the Department of Business and Professional Regulation.

(b) Report of Work and Earnings. During an investigation of eligibility for benefits, an employing unit must, if requested by the Agency or the Department, complete Form UCS-8, *Firm's Statement of Claimant's Work and Earnings*, incorporated by reference in Rule 60BB-2.037, F.A.C.

(c) Independent Contractor Questionnaire. An employing unit must, if requested by the Agency or the Department, complete Form UCS-6061, *Independent Contractor Analysis*, incorporated by reference in Rule 60BB-2.037, F.A.C., when additional information is necessary to establish whether workers are employees or independent contractors.

(d) Annual Reporting of Certain Domestic Workers.

1. Application. An employer whose employees perform only domestic services may elect to report wages and pay taxes annually instead of quarterly, pursuant to Section 443.131(1), F.S., by completing and filing application Form UCT-7A, *Application to Select Filing Period for Employers Who Employ ONLY Employees Who Perform Domestic Services*, incorporated by reference in Rule 60BB-2.037, F.A.C., with the Department by December 1 of the year preceding the calendar year the annual reporting period will begin. The Department will issue written notification of approval or denial to the applicant within 30 days after receipt of a completed application. An employer whose application is approved does not need to resubmit an application for consecutive subsequent years. An employer whose application is denied will have 20 days from the mailing date of the notification of denial to file a written protest with the Department. The protest will be governed by the provisions of Rule 60BB-2.035, F.A.C.

2. An employer who is approved must report wages and pay taxes annually by filing Form UCT-7, in accordance with the instructions contained on the form. However, an employer required to file by electronic means must file Form UCT-7, *Annual Report for Employers of Domestic Employees Only*, by electronic means and concurrently pay taxes by electronic means in accordance with subsection 60BB-2.023(2) and paragraph 60BB-2.027(2)(a), F.A.C.

3. An employer who ceases to qualify for annual reporting and payment or voluntarily discontinues annual reporting and payment or is terminated from the annual reporting and payment program for failure to timely furnish wage information must file with the Department, no later than the last day of the month following the calendar quarter in which the disqualification or termination occurred, all quarterly wage and tax reports due for all completed calendar quarters and pay all amounts due. Any request to discontinue annual reporting



must be submitted in writing to the Department and include the employer’s unemployment tax account number and the date the discontinuation is to be effective. An employer whose participation has been terminated by the Department will have 20 days from the mailing date of the notice of termination to file a written protest with the Department. Pending the final resolution of the protest the employer must timely file quarterly reports and pay all taxes due. The protest will be governed by the provisions of Rule 60BB-2.035, F.A.C.

4. Reapplication.

a. An employer who terminates or is disqualified from annual reporting and payment may reapply by completing and filing Form UCT-7A, *Application to Select Filing Period for Employers who Employ ONLY Employees who Perform Domestic Services*, with the Department no later than December 1 of the year following disqualification or termination. Upon re-application, an employer who timely furnished all required wage information and paid taxes due will be reconsidered for annual reporting effective January 1 of the calendar year following re-application.

b. An employer of domestic employees who ceased to participate in annual reporting pursuant to a voluntary written request, may reapply by completing and filing Form UCT-7A with the Department no later than December 1 of the year following disqualification or termination to be considered for annual reporting of wages and paying taxes commencing January 1 of the following year.

Rulemaking Specific Authority 443.1317 FS. Law Implemented 443.036(18), 443.1216, 443.131, 443.141, 443.163, 443.171(5) FS. History–New 8-25-92, Formerly 38B-2.025, Amended 1-19-03, 7-18-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Karen Bishop, Assistant General Counsel, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Cynthia R. Lorenzo, Director, Agency for Workforce Innovation, 107 East Madison Street, Tallahassee, Florida 32399-4128

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 23, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 9, 2009

**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 FINANCIAL SERVICES**

**Division of State Fire Marshal**

RULE NOS.:                   RULE TITLES:  
69A-47.013                   Regional Access  
69A-47.014                   Compliance Dates

PURPOSE AND EFFECT: To conform the rules to statutory changes made in Chapter 2006-65, Laws of Florida.

SUMMARY: Chapter 399, Florida Statutes, the “Elevator Safety Act,” was enacted in 2001 to promote safety and prevent injuries caused by unsafe and defective elevators. Section 399.15, Florida Statutes, requires that specified buildings be keyed to allow all elevators within each of the seven state emergency response regions to operate in fire emergency situations with one master elevator key. Compliance dates were provided. Section 3, Chapter 2006-65, Laws of Florida, extended the compliance dates.

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.

RULEMAKING AUTHORITY: 399.15 FS.

LAW IMPLEMENTED: 399.15 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:

DATE AND TIME: Tuesday, December 29, 2009, 9:30 a.m.

PLACE: Third Floor Conference Room, The Atrium Building, 325 John Knox Road, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Lesley Mendelson, Assistant General Counsel, Department of Financial Services, (850)413-3604, [Lesley.Mendelson@myfloridacfo.com](mailto:Lesley.Mendelson@myfloridacfo.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: The person listed above.

THE FULL TEXT OF THE PROPOSED RULES IS:

69A-47.013 Regional Access.

Regional emergency elevator access shall be provided for each elevator that allows public access including, but not limited to, public elevators, service elevators, and freight elevators, in each of the following buildings in this state.

(1) Each building which is six or more stories in height, including, but not limited to, hotels and condominiums, on which construction is begun after September 30, 2006 ~~June 30, 2004~~.

(2) Any building in this state which is six or more stories in height that has undergone "substantial improvement" as defined in Section 161.54(12), F.S. (2005).

Rulemaking Specific Authority 399.15 FS. Law Implemented 399.15 FS. History--New 6-6-06, Amended \_\_\_\_\_.

69A-47.014 Compliance Dates.

Each existing building that is six stories or more in height must comply with these rules no later than October 1, 2009 ~~July 1, 2007~~.

Rulemaking Specific Authority 399.15 FS. Law Implemented 399.15 FS. History--New 6-6-06, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
James Goodloe

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Alex Sink

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 12, 2009

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 23, 2009

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

**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 CORRECTIONS**

RULE NO.:	RULE TITLE:
33-103.005	Informal Grievance
<b>NOTICE OF CHANGE</b>	

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. 38, September 25, 2009 issue of the Florida Administrative Weekly.

33-103.005 Informal Grievance.

(1) through (4)(c) No change.

(d) The response to the informal grievance shall include the following statement, or one similar in content and intent if the grievance is denied: You may obtain further administrative review of your complaint by obtaining form DC1-303, Request

for Administrative Remedy or Appeal, completing the form as required by Rule 33-103.006, F.A.C., attaching a copy of your informal grievance and response, and forwarding your complaint to the warden or assistant warden no later than 15 days after the grievance is responded to receipt of this response. If the 15th day falls on a weekend or holiday, the due date shall be the next regular work day.

(5) No change.

Rulemaking Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 10-12-89, Amended 1-15-92, 12-22-92, 3-30-94, 4-17-94, 4-10-95, 8-10-97, 12-7-97, 2-17-99, Formerly 33-29.005, Amended 8-1-00, 2-9-05, 3-25-08, \_\_\_\_\_.

**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."

### Section IV Emergency Rules

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE NO.:	RULE TITLE:
5CER09-1	Temporary Restrictions on Importation of Horses from Texas

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** On October 20, 2009, the Texas Animal Health Commission announced that a Texas horse exhibiting clinical signs of Equine Piroplasmiasis (EP) had been diagnosed with the disease. In subsequent testing, in multiple counties in South Texas, over 280 horses have been determined to be positive for the disease.

EP is considered a foreign animal disease, not endemic to the United States. EP is a blood-borne parasitic disease primarily transmitted between horses by ticks or contaminated needles and is not directly contagious from one horse to another. Currently, EP is considered an untreatable disease and under state and federal agreement, all horses testing positive for EP must be quarantined for life or be euthanized. Ticks are the natural method of transmission of EP and those tick species which are known to be efficient at transmitting the EP organism are not believed to exist in Florida. If the tick vectors, detected in Texas, become established in Florida and facilitate the spread of EP among Florida's 500,000 horses, the impact would be devastating.

Acutely affected horses can have depression, fever, anemia (decreased red blood cells) jaundiced (yellow) mucous membranes and low platelet counts and can die from the