

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

RULE CHAPTER NO.: RULE CHAPTER TITLE:
 5K-4 Food
 RULE NO.: RULE TITLE:
 5K-4.020 Food Permits; Requirements and Fees

PURPOSE AND EFFECT: The rule amendment revises the definition for a bottling plant, revises the form number for the Annual Food Permit Application, deletes unnecessary language, and changes the fee schedule for annual permit fees charged to food establishments. This increase in permit fees impacts most food establishments permitted by the Division of Food Safety.

SUBJECT AREA TO BE ADDRESSED: This rule makes a minor clarification concerning the definition of a bottle plant; corrects the form number for the Annual Food Permit Application required to obtain a food permit; deletes unnecessary language relating to the Department’s authority to inspect a food facility; and modifies the fee schedule for annual permit fees charged to food establishments to obtain a food permit.

SPECIFIC AUTHORITY: 500.09, 500.12, 570.07(23) FS.

LAW IMPLEMENTED: 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), 500.121, 500.171, 500.172, 500.177 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. John Fruin, Chief, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)245-5520

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-4.020 Food Permits; Requirements and Fees.

(1) As used in this rule, the following definitions shall apply in determining food permit fees:

(a) Bottling plant. A processor or packer or both of juices, drinks, carbonated beverages or non-carbonated beverages in hermetically sealed containers (excluding bottled drinking water).

(b) Canning plant. A processor or packer or both of fruit, vegetables, seafoods or other foods in hermetically sealed containers.

(c) Convenience store. A business that is engaged primarily in the retail sale of groceries or motor fuels or special fuels and may offer food services limited to coffee from urns, or iced or frozen drinks, with no retail food processing.

(d) Convenience store with limited food service. A convenience store where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, regardless of whether consumption is on or off the premises or whether there is a charge for the food, but without retail food processing.

(e) Convenience store with significant food service. A convenience store that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet-style display.

(f) Food salvage center. A firm specializing in sorting, segregating and re-working damaged foods, primarily for wholesale distribution.

(g) Food storage warehouse. A cold storage warehouse, a dry storage warehouse, or a commercial food distribution center.

(h) Grocery store. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains four or fewer check-out registers and less than 15,000 total square footage, including display, preparation and storage areas.

(i) Health food store. A retail food store engaged primarily in the sale of prepackaged vitamins, minerals, nutritional supplements and foods intended for health conscious persons but with no food service or retail food processing.

(j) Health food store with food service. A health food store where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food, but with no retail food processing.

(k) Limited Sales. Any business fitting any of the definitions in this subsection with gross food sales less than \$15,000.00 annually.

(l) Meat market. A retail food store engaged primarily in the cutting, processing and selling of meats or poultry, or both. A limited number of other foods may be stocked, but inventory and sales are predominantly meat or poultry or both.

(m) Minor food outlet. Any retail establishment that sells groceries and may offer food service to the public limited to coffee from urns, or iced or frozen drinks, but neither the

grocery sales nor the food service is a major retail function based on allocated space or gross sales. No retail food processing may be performed.

(n) Minor food outlet, only non-perishable foods. A minor food outlet which sells, stores or offers only commercially prepackaged, non-potentially hazardous, non-perishable foods and at which there is no food processing activity, no food service or any activity related to repackaging of foods. Commercially prepackaged ice, not bagged on the premises, may be sold.

(o) Minor food outlet with limited food service. A minor food outlet where food is prepared and intended for individual portion service, but limited to the display of snack foods or pastries, and/or heating or cooking of hot dogs, sausages, prepackaged pizza or meat pastries, regardless of whether consumption is on or off the premises or whether there is a charge for the food, and without retail food processing.

(p) Minor food outlet with significant food service. A minor food outlet that has retail food processing activities consisting of on-site cooking or other preparation of hot entrees, chicken (fried, roasted or grilled), sandwiches, salads, or desserts for consumption on or off the premises. The term also applies to such foods brought to a location for sale on individual customer order or by buffet-style display.

(q) Mobile vendor. Persons selling foods other than fresh fruits or vegetables from trucks, trailers or similar self-propelled conveyances.

(r) Processor, other non-perishable foods. A processor or packager of grain products, snack foods, candy, table syrup, honey, coffee, tea, spices or other non-perishable foods not defined elsewhere in this section.

~~(s)(w)~~ Processor, other perishable foods. A processor of cheese, packaged sandwiches, bulk or packaged salads, or other perishable foods not defined elsewhere in this section.

(t) Rabbit or game processor. A processor of rabbits, quail, deer, or other bird or animal species normally considered game, excepting any equine, bovine, goat, sheep, swine, or chickens, turkeys, ducks, geese, squab, ratites or guineas.

(u) Retail bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for retail sale on the premises.

(v) Retail bakery with food service. A retail bakery where food other than breads, pastries or other similar baked goods is prepared and intended for individual portion service, and includes the site at which individual portions are provided, regardless of whether consumption is on or off the premises, or whether there is a charge for the food.

(w) Retail food processing. The cutting, grinding, or slicing of meats or cheeses for bulk or packaged display; the preparation and wrapping or packaging of sandwiches, salads, or other foods for retail display; the smoking or cooking of meat, poultry, or fish for retail display or on customer request; the steaming, cracking, or cooking of crustaceans or shellfish

for retail display or on customer request; the on-premises baking of breads or pastries; or the peeling, cutting, or trimming and packing of fruit or vegetables for retail display.

(x) Salvage store. A retail food store specializing in salvage foods.

(y) Seafood market. A retail food store engaged primarily in the sale of seafood. A limited number of other foods may be stocked, but inventory and sales are predominantly fish, crustaceans, or shellfish.

(z) Seafood processor. A processor of fresh or saltwater finfish, crustaceans, other forms of aquatic animal life (including, but not limited to, alligator, frog, aquatic turtle, jellyfish, sea cucumber, and sea urchin and the roe of such animals) other than birds or mammals, and all mollusks, where such animal life is intended for human consumption, primarily for wholesale distribution.

(aa) Semi-permanent vendor. Persons selling foods other than fresh fruits and vegetables from a pushcart, flea market stand, roadside stand, kiosk or similar structure and which may offer ancillary food service.

(bb) Supermarket. A retail food store stocking a wide variety of foods and engaged in retail food processing which contains five or more check-out registers or 15,000 or greater total square footage, including display, preparation and storage areas.

(cc) Wholesale bakery. A food establishment that bakes breads, pastries or other similar baked goods, primarily for wholesale distribution.

(2) No food permit shall be issued until an inspection has been made of the establishment and its equipment and methods of operation, and these found to comply with the provisions of the Florida Food Safety Act and rules adopted thereunder. A permit number will be assigned by the department following receipt of the Annual Food Permit Application, DACS-14306 1403-06, (Rev. 06/03 10/94), herein incorporated by reference, a copy of which can be obtained from the Florida Department of Agriculture and Consumer Services, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650. The above application shall bear the signature of the applicant or applicant's agent, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020(4)(5), F.A.C. Said permit number shall not be used on any label or in any advertisement of food. Permits shall be conspicuously displayed at locations for which issued and are not transferable. The provisions of this section do not apply to public food service establishments as defined in Chapter 509, F.S.

~~(3) Any agent of the department shall have access to any factory or establishment which holds a permit from the department, for the purpose of ascertaining whether or not the conditions of the permit are being complied with. Denial of access for such inspection shall be grounds for suspension of the permit.~~

~~(3)(4)~~ Any person violating this rule shall be subject to the injunction procedures of Section 500.171, F.S., and to the penalties provided in Section 500.177, F.S.

~~(4)(5)~~ Food Permit Fees.

(a) One food permit shall be issued to and one fee shall be charged to a person for all food operations at a single location, regardless of whether the location may qualify under the definitions of this subsection for two or more permits. If a location qualifies for two or more permits, only the largest applicable fee shall be charged to that location, except that any location qualifying for a Limited Sales permit shall only be charged the fee applicable to a Limited Sales permit. If the ownership or physical location of a firm changes during a calendar year, a new food permit application, a satisfactory report of inspection, and a fee in the amount specified in subsection 5K-4.020~~(4)(5)~~, F.A.C., is required before a food permit shall be issued. Other license or permit fees ~~as~~ may apply to a business, however, are not voided by payment of the food permit fee. Fees charged new food permit applicants shall be the entire applicable fee if the completed application is submitted January 1 through June 30, and shall be 60 percent of the applicable fee if the completed application is submitted July 1 through December 31.

(b) The following schedule of fees is established for each food permit.

Bottled Water Plant	500
Bottling Plant	<u>385 350</u>
Bottled Water Plant	500
Canning Plant	<u>410 375</u>
Convenience Store	<u>330 300</u>
Convenience Store with Limited Food Service	<u>385 350</u>
Convenience Store with Significant Food Service	<u>465 425</u>
Food Salvage Center	<u>440 400</u>
Food Storage Warehouse	<u>355 325</u>
Grocery Store	<u>465 425</u>
Health Food Store	<u>300 275</u>
Health Food Store with Food Service	<u>385 350</u>
Limited Sales	<u>100</u>
Meat Market	<u>385 350</u>
Minor Food Outlet	<u>300 275</u>
Minor Food Outlet, Only Non-perishable Foods	<u>190 175</u>
Minor Food Outlet with Limited Food Service	<u>355 325</u>
Minor Food Outlet with Significant Food Service	<u>440 400</u>
Mobile Vendor	<u>300 275</u>
Packaged Ice Plant	<u>250</u>
Processor, Other Non-perishable Foods	<u>330 300</u>
Processor, Other Perishable Foods	<u>410 375</u>
Rabbit or Game Processor	<u>330 300</u>
Retail Bakery	<u>355 325</u>
Retail Bakery with Food Service	<u>440 400</u>
Salvage Store	<u>410 375</u>
Seafood Market	<u>355 325</u>
Seafood Processor	<u>440 400</u>
Semi-permanent Vendor	<u>190 175</u>
Supermarket	<u>500</u>
Wholesale Bakery	<u>465 425</u>

~~(5)(6)~~ Late Fees.

(a) The renewal fee for all food permits shall be the same as the food permit fee required by subsection 5K-4.020~~(4)(5)~~, F.A.C., and shall be due annually on January 1. If the renewal fee is not received by the department within thirty days after its due date, a late fee must be paid in addition to the food permit fee required by subsection 5K-4.020~~(4)(5)~~, F.A.C., before the department will issue the food permit.

(b) If a renewal fee is not paid in full by February 1, a late fee of \$100 shall be assessed against the establishment.

(c) No establishment shall be issued a food permit until all applicable fees, including late fees, are received by the department.

~~(6)(7)~~ Recovery of Cost for Reinspections.

(a) A food establishment shall pay a fee of \$110 to the department for recovery of the cost incurred to provide each reinspection of the food establishment. For the purposes of this section, a reinspection refers to any inspection conducted for the purpose of verifying compliance with Chapter 500, F.S., or the rules promulgated thereunder, following a previous unsatisfactory inspection. Such unsatisfactory inspection shall be indicated by issuance of an inspection report listing conditions which are not in compliance and which, when viewed as a whole, are more likely to contribute to food contamination, illnesses or environmental health hazards.

(b) Nothing in this section shall prohibit the department from imposing additional sanctions for violations of Chapter 500, F.S., or the rules promulgated thereunder. The costs of reinspection will be billed by invoice of the department and the reinspection fee shall be paid within 21 days receipt thereof. Failure to timely pay a reinspection fee is a violation of this chapter and shall be grounds for suspension of the establishment's food permit.

(c) The fee established for a reinspection shall include the average cost per inspection for inspectors' salary, benefits, travel, training, equipment, supervision, and other costs or charges directly related to administration of the food establishment inspection program.

(d) The fee shall be applicable for each reinspection regardless of whether the reinspection is satisfactory or unsatisfactory. Provided however, a fee for reinspection shall not be required when both of the following conditions are met:

1. The conditions which were deemed unsatisfactory in the prior inspection are in compliance and the overall finding of the reinspection is satisfactory, and

2. No previous reinspection of the establishment has been conducted during the same calendar year.

Specific Authority 500.09, 500.12(1)(b), 570.07(23) FS. Law Implemented 500.04, 500.09, 500.10, 500.12(1)(a), (b), (c), (d), 500.121, 500.171, 500.172, 500.177 FS. History—New 1-10-93, Formerly 5E-6.020, Amended 8-8-95, 3-11-98, 3-6-01, 10-30-01, 1-1-03, 11-1-04,_____.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09421 RULE TITLE: High School Competency Test Requirements

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to change the required administration schedule for the High School Competency Test to an annual administration. The effect of this change will be to provide an administration schedule that is commensurate with the current number of test takers each year. In addition, the amendment will eliminate obsolete provisions.

SUBJECT AREA TO BE ADDRESSED: High School Competency Test.

SPECIFIC AUTHORITY: 1001.02, 1008.22 (11) FS.

LAW IMPLEMENTED: 1001.02, 1003.428, 1003.43, 1008.22 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 16, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Department of Education, Turlington Building, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399

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: Office of Equity and Access (850)245-0511. 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: Kris Ellington, Chief, Bureau of K-12 Assessment, Office of Assessment and School Performance, Florida Department of Education, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF REVENUE

Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.0221 RULE TITLE: Returns, Notices, and Elections; Signing and Verification

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12C-1.0221, F.A.C. (Returns, Notices, and Elections; Signing and Verification), is to provide procedures for how and when the Department will accept electronic signatures on corporate income tax returns or notices that are filed with the Department electronically.

SUBJECT AREA TO BE ADDRESSED: The subject area of the workshop is the proposed procedures regarding the acceptance of electronic signatures on corporate income tax returns or notices that are filed with the Department electronically.

SPECIFIC AUTHORITY: 213.06(1), 220.51 FS.

LAW IMPLEMENTED: 213.755, 220.221, 220.23(2)(a) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 14, 2007, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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: Robert DuCasse, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4715

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12C-1.0221 Returns, Notices, and Elections; Signing and Verification.

(1) A return, election, or notice required of a taxpayer shall be signed by an officer duly authorized to sign. A return or notice required of a taxpayer made by a fiduciary under subsection 220.22(3), F.S., shall be signed by the fiduciary. An officer's or fiduciary's signature on a return or notice made by or for a taxpayer shall be prima facie evidence that such individual was authorized to sign the return or notice on behalf of the taxpayer. The filing of a return that is not signed or that is improperly signed and verified may be treated as a failure to file the return for purposes of starting the limitation period or for the imposition of penalty for failure to file.

(a) Florida corporate income/franchise and emergency excise tax returns (Form F-1120), amended returns (Form F-1120X), or notices shall be signed by the president, vice-president, treasurer, assistant treasurer, chief accounting officer, or any other officer duly authorized to sign such returns or notices.

(b) Consolidated returns (Form F-1120) and affiliations schedules (Form F-851) shall be signed by the president, vice-president, treasurer, assistant treasurer, chief accounting officer, or any other officer of the common parent authorized to

sign. Each authorization and consent of subsidiary corporation to be included in a consolidated return (Form F-1122) shall be signed by an officer duly authorized by the subsidiary to sign.

(c) Form F-7004 shall be signed by a person authorized by the taxpayer to request such extension. Such person must be an individual authorized under paragraph (a) or (b) to sign the taxpayer's return; a person currently enrolled as an agent under Treasury Department Circular Number 230 to practice before the Internal Revenue Service; an attorney who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth or the District of Columbia; or any certified public accountant who is duly qualified to practice in any state, possession, territory, commonwealth, or the District of Columbia.

(d) A fiduciary includes a receiver, trustee in dissolution, trustee in bankruptcy, or assignee, who, by order of a court of competent jurisdiction, by operation of law or otherwise, has possession of or holds title to all or substantially all of the property or business of a corporation.

(e) Notices include, but are not limited to, waivers on restrictions on assessment and collection of proposed assessments under Section 220.715, F.S., consents to extend the statutory period under Section 213.23, F.S., and notifications of federal adjustments under subsection 220.23(2), F.S.

(2) A Florida partnership information return (Form F-1065) or notice required of a partnership shall be signed by any one (1) of the general partners, and the fact that a partner has signed a return or notice shall be prima facie evidence that such partner was authorized to sign such document on behalf of the partnership. A Florida partnership return or notice made by a receiver, trustee in bankruptcy, or assignee shall be signed by such fiduciary. A Form F-7004, application of extension of time to file a Florida partnership return, shall be signed by a person authorized to make such application. Such person shall include a general partner; a person currently enrolled as an agent under Treasury Department Circular Number 230 to practice before the Internal Revenue Service; an attorney who is a member in good standing of the bar of the highest court of any state, possession, territory, commonwealth, or the District of Columbia; or any certified public accountant who is duly qualified to practice in any state, possession, territory, commonwealth, or the District of Columbia.

(3) Each return or notice required to be filed under this code shall be verified by a written declaration that is made under the penalties of perjury. A return prepared for the taxpayer by another person shall contain a declaration by the preparer that it was prepared on the basis of all information of which the preparer has knowledge.

(a) Florida ~~corporate corporation~~ income tax returns (Form F-1120), amended returns (Form F-1120X), and partnership information returns (Form F-1065) shall contain a declaration, under the penalties of perjury, that the officer, partner, or

fiduciary signing the return has examined the return, including accompanying schedules and statements, and declares that to the best of his knowledge and belief the return is true, correct, and complete. If such returns are prepared by a person other than the taxpayer, the preparer shall declare, under penalties of perjury, that the return, accompanying schedules, and statements, are true, correct, and complete to the best of his knowledge and belief based on all of the information of which he has any knowledge.

(b) Affiliations schedules (Form F-851) shall contain a declaration, under the penalties of perjury, that the officer ~~or~~ or fiduciary signing the schedule has examined the information and statements contained therein and declares to the best of his knowledge and belief that the schedule is true and correct.

(c) Florida tentative income tax return and application for extension of time to file income tax return (Form F-7004) and authorization and consent of subsidiary corporation to be included in a consolidated return (Form F-1122) shall contain a declaration, under the penalties of perjury, that the person signing such form has been authorized to sign the form and that the information and statements therein are true and correct to the best of his knowledge and belief.

(4)(a) An electronically filed return or notice shall be deemed to be signed when the individual who is authorized to sign under subsection (1) includes his or her name in the filed electronic return data identified as signature information.

(b) When the individual who is authorized to sign includes his or her name in the filed electronic return data identified as signature information it will also be deemed to serve as the written declaration made under penalties of perjury in accordance with subsection (3).

Specific Authority 213.06(1), 220.51 FS. Law Implemented 213.755, 220.221, 220.23(2)(a) FS. History—New 3-5-80, Amended 12-18-83, Formerly 12C-1.221, Amended 12-21-88, 4-8-92, _____.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.:
12E-1.008

RULE TITLE:
Determination of Cooperation;
Determination of Noncooperation;
Determination of Good Cause

PURPOSE AND EFFECT: The purpose of the rule amendment is to clarify that an individual does not have to cooperate with the child support enforcement program when they are receiving or applying for public assistance and they live in a disaster area, during a disaster as defined in Section 252.34, F.S. The effect of proposed Rule 12E-1.008, F.A.C., is to inform the public that individuals do not have to cooperate with the child support enforcement program when they are receiving or applying for public assistance and they live in a disaster area, during a disaster as defined in Section 252.34, F.S.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is to develop improvements in the procedures that deal with cooperation requirements for applicants or recipients of public assistance.

SPECIFIC AUTHORITY: 409.2557(3)(h) FS.

LAW IMPLEMENTED: 409.2572 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 10, 2007; 9:00 a.m.

PLACE: 4070 Esplanade Way, Room 301, Tallahassee, FL. 32399-3150

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: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD). 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 IS: Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address scruggsp@dor.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12E-1.008 Determination of Cooperation; Determination of Noncooperation; Determination of Good Cause.

(1) Definitions and Federal and State Law.

(a) Definitions. As used in this section:

1. "Applicant or recipient" means an individual who has applied for or receives public assistance.

2. "Cooperation" means an applicant or recipient taking the actions identified in the good faith cooperation provisions of Section 409.2572, Florida Statutes, F.S., as requested by the child support enforcement program or legal service provider staff, to assist in identifying and locating the noncustodial parent, establishing paternity, establishing, modifying, and enforcing medical and financial support, and collecting support or other payments or property due from the noncustodial parent.

3. "Department" means the Department of Revenue.

4. "Good cause" means a legally and factually sufficient reason to excuse the applicant or recipient from cooperation requirements as determined by the department, after evaluating

the applicant or recipient's written good cause claim, and other evidence available to the department, in accordance with subsection (5) of this rule.

5. "Public assistance" means food stamps received on behalf of a child under 18 years of age who has an absent parent, money assistance paid on the basis of foster care or medicaid programs operating under Title IV-E and Title XIX of the Social Security Act, respectively, or temporary cash assistance.

(b) Federal and state laws. Cooperation provisions are located in 42 United States Code U.S.C. 608(a), 42 United States Code U.S.C. 654(29), 45 Code of Federal Regulations CFR 264.30 and Sections 409.2572, 414.095(6) and 414.32(1)(a), Florida Statutes, F.S. Members of the public may obtain copies of the federal laws from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or by accessing <http://uscode.house.gov/usc.htm> to obtain the above United States Code U.S.C. or <http://www.access.gpo.gov/nara/cfr/> to obtain the above Code of Federal Regulations CFR on the Internet.

(2) Cooperation Requirements for Applicants or Recipients of Public Assistance. As a condition of eligibility for public assistance, an applicant or a recipient must cooperate in good faith with the child support enforcement program. An adult who applies for or receives Medicaid services for a child only is not required to cooperate as provided by this rule. The requirement for an applicant or a recipient to cooperate with the child support enforcement program will be excused ~~only~~ when good cause for refusing to do so is determined in accordance with subsection (5) of this rule or during the time of a disaster, as defined in Section 252.34, Florida Statutes, for applicants and recipients who reside in the disaster area.

(a) Cooperation Requirement for Applicants for Public Assistance.

1. If an applicant for public assistance provides to the department, either directly or via the Department of Children and Family Services, the following information concerning the noncustodial parent for each eligible child, the applicant shall be determined to have cooperated for purposes of eligibility for public assistance:

- a. Name (first and last).
- b. Gender.
- c. Race.
- d. Date of birth or social security number.

2. If an applicant fails to provide the four items listed in subparagraph 1. above, the applicant must be interviewed by the department prior to authorization of public assistance benefits. At this interview the applicant will have the opportunity to cooperate with the department by providing information concerning the noncustodial parent for each eligible child that will help the department to identify and locate the noncustodial parent, establish paternity, establish,

modify, and enforce medical and financial support, and collect support and other payments or property due from the noncustodial parent or claim good cause as provided by subsection (5). An applicant who alleges a lack of information regarding the location or identity of the putative or other parent(s), pursuant to paragraph (b), subparagraph 2., below, has demonstrated cooperation with the department.

3. An applicant shall not be eligible for public assistance benefits when the applicant fails to cooperate with the department in accordance with subparagraphs 1. and 2. above. The department shall notify the Department of Children and Family Services of the applicant's failure to cooperate, in accordance with subsection (6).

4. Once the applicant complies with subsection (2), paragraph (a), subparagraph 1. or 2., and is determined eligible to receive public assistance, the recipient shall be required to further cooperate with the department in accordance with subsection (2), paragraph (b), of this rule and the good faith cooperation provisions of Section 409.2572, Florida Statutes, F.S.

(b) Continuous Cooperation Requirement.

1. A recipient of public assistance must continue to make a good faith effort to cooperate with the department in accordance with Section 409.2572, Florida Statutes, F.S., to assist the department in its efforts to identify and locate the noncustodial parent, establish paternity, establish, modify, and enforce medical and financial support, and collect support or other payments or property due from the noncustodial parent.

2. With respect to identifying and locating the noncustodial parent, the recipient must provide the following information regarding the noncustodial parent, when requested and if available:

- a. Social Security Number.
- b. Race.
- c. Date of birth.
- d. Current or former employer.
- e. Place of birth.
- f. Current or former address and phone number of the noncustodial parent.
- g. Schools attended and dates when attended.
- h. Driver license number and state where issued.
- i. Make, model and license number of vehicles owned by the noncustodial parent and state where vehicle is or was registered.
- j. Arrest or incarceration history.
- k. Banks or other financial institutions where the noncustodial parent conducts business.
- l. Places of social contact. This includes names, addresses or telephone numbers of parents, friends or relatives.
- m. First and last names of the noncustodial parent's parents.

n. Other information, based upon individual case circumstances, that will assist the department in determining the noncustodial parent's identity and location.

3. A recipient who alleges a lack of information regarding the location or identity of the putative or other parent(s), pursuant to subsection (2), paragraph (b), subparagraph 2., above, has demonstrated cooperation with the department.

(3) Determination of Noncooperation. If the recipient of public assistance fails to cooperate with the department in accordance with Section 409.2572, Florida Statutes, F.S., and subsection (2), above, then the department shall determine the recipient noncooperative and take the following action.

(a) The department shall send notice of the recipient's noncooperation to the recipient at the last known address provided to the department.

(b) Failure of the recipient to take one of the following three actions within 10 business days from the mail date on the notice shall result in a determination of noncooperation and notification to the Department of Children and Family Services in accordance with subsection (6) of this rule:

1. Contact the department and make arrangements to cooperate. Noncooperation shall not be reported by the department if the recipient takes the requested action by the scheduled compliance date.

2. Respond within 10 days and claim to have a good cause reason to not cooperate. The recipient shall not be reported as uncooperative unless the good cause claim is denied by the department pursuant to subsection (5). Food stamp only recipients must request a good cause determination from the Department of Children and Family Services.

3. Request the department to conduct an informal review pursuant to subsection (4).

(4) Request for Review.

(a) The recipient may request a review of a pending determination of noncooperation. The department shall provide the recipient with the necessary documentation to request a review. The recipient must return the completed request to the department within 10 business days from the date the department mails the documentation to the recipient. If the recipient telephones the department and requests a review, the department shall mail the necessary documentation to the recipient within five business days of the telephone call. Failure of the recipient to return the request within the designated time shall result in the department notifying the Department of Children and Family Services that the recipient has failed to cooperate.

(b) Reviews of pending determinations of noncooperation requested pursuant to subsection (3), paragraph (b), subparagraph 3., shall be finalized within 20 business days of receipt of a completed request for review. Incomplete requests provided to the department shall be returned to the recipient, with an explanation of the additional information required. The recipient will have five additional business days to return the

completed request for review. When a request for review is not returned within the five additional business days, the recipient shall be determined noncooperative and the department will notify the Department of Children and Family Services. The department shall take the following actions when a completed request for review is received by the department.

1. Schedule a date to conduct the review.

2. Provide notice of the date, time and place of the review to the recipient, or their representative. Recipients shall be informed of their rights to have a representative present at the review, to provide information, to review the case file and to discuss the case.

3. Conduct the review. Reviews shall consist of an examination of the department's case file, interview with department staff and an evaluation of the recipient's statements. The record shall be reviewed to determine whether:

a. The recipient has cooperated with the department in good faith;

b. The department has complied with established time frames and notices; and

c. The facts of the case support a determination of noncooperation.

4. Notify the recipient in writing of the department's findings.

(5) Determination of Good Cause. The department is authorized in accordance with 42 United States Code U.S.C. 654(29), and Section 409.2572(4), Florida Statutes, F.S., to determine a recipient's claim of good cause for failure to cooperate with the department, except when the recipient is receiving only food stamps. Food stamp only recipients must seek a good cause determination from the Department of Children and Family Services. An approved good cause claim excuses the recipient from the requirement to cooperate with the department on the specific case against a specific noncustodial parent for which good cause is approved.

(a) The department shall provide the recipient with written notice of their right to make a claim for good cause, the basis for submitting a claim, and how to submit a claim.

(b) The recipient shall return documentation to the department to support the claim of good cause within 20 business days from the date the written notice is mailed by the department. If the recipient is unable to provide all the needed documentation within 20 business days, additional time can be requested by the recipient. The department shall approve requests for additional time when the recipient demonstrates that documentation exists but is not readily available and that the recipient is making a good faith effort to obtain the information.

(c) Good cause shall be determined when the recipient provides sufficient documentation, based upon the unique circumstances of the good cause claim, to justify the existence of one or more of the following circumstances.

1. A reasonable certainty that physical or emotional harm would come to the child or recipient, if they cooperated with the department.

2. The child was born as a result of rape or incest.

3. Legal proceedings for the adoption of the child are pending before a court.

4. The parent or caretaker relative is being assisted by a public or licensed private social agency to determine whether to place the child for adoption.

(d) Good cause claims which have been determined by the department are categorized as approved indefinitely, approved time-limited, or denied, based upon the unique factors of each claim and the documentation provided by the recipient. The department shall suspend child support enforcement case activities from the time a good cause claim is submitted until its final determination.

1. A claim is approved indefinitely when documentation is submitted to substantiate the claim and the circumstances of the claim will most likely continue.

2. A claim is approved time-limited when documentation is submitted to substantiate the claim and the circumstances of the claim are likely to change within a determinable period.

3. A claim is denied when documentation is insufficient to substantiate the claim.

(e) The department shall notify the recipient of the decision.

(f) A recipient whose claim has been denied pursuant to paragraph (d), subparagraph 3., above, must cooperate with the department in accordance with Section 409.2572, Florida Statutes, F.S., and subsection (2), above. If the recipient fails to cooperate, the process of determining noncooperation shall commence.

(6) Notification to the Department of Children and Family Services.

(a) In accordance with Section 409.2572(3), Florida Statutes, F.S., the department is responsible for determining and reporting to the Department of Children and Family Services, acts of noncooperation by applicants and recipients of public assistance.

(b) The Department of Children and Family Services is the agency responsible for imposing and removing sanctions, including providing the applicant or recipient with notice of the sanction and information about hearing requirements, including the applicant or recipient's right to request a hearing with the Department of Children and Family Services, Office of Appeal Hearings.

(c) The department shall notify the Department of Children and Family Services when the applicant or recipient cooperates with the department in accordance with Section 409.2572, Florida Statutes, F.S., or when the department determines that an applicant or recipient has failed to cooperate, or when the department determines that good cause exists for the applicant or recipient's noncooperation.

(d) The department shall notify the Department of Children and Family Services and the applicant or recipient within two business days of either:

1. The department's determination that the applicant or recipient is cooperating in good faith;
2. Upon the department's determination that cooperation by the applicant or recipient is not needed to take the next appropriate case action; or
3. The department's determination that good cause exists for the applicant or recipient's noncooperation.

Specific Authority 409.2557(3)(h) FS. Law Implemented 409.2572 FS. History--New 4-1-86, Amended 4-6-88, 7-20-94, Formerly 10C-25.006, Amended 3-6-02,_____.

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: 12E-1.034
 RULE TITLE: Insurance Claim Data Exchange

PURPOSE AND EFFECT: The purpose of this Notice of Proposed Rule Development is to give notice that the department is developing a rule for a standard fee to be paid to an insurer or the insurer's claim data collection organization for conducting a data match as provided by Section 409.25659, F.S.

The effect of this action is to ensure that the Department's rules conform to the statute.

SUBJECT AREA TO BE ADDRESSED: The subject area that will be addressed is the Department's standard fee payable to an insurer or the insurer's claim data collection organization that performs a data match to identify noncustodial parents who have a claim with the insurer and who owe past due support. The Department is accepting written comments or other material that might assist the Department to establish a standard fee.

SPECIFIC AUTHORITY: 409.25659(3), (6) FS.

LAW IMPLEMENTED: 409.25659 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

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: Mike Vergenz, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568, e-mail address: vergenzm@dor.state.fl.us. 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: Mike Vergenz, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9568, e-mail address: vergenzm@dor.state.fl.us
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-13.080	Home and Community-Based Services Waivers
59G-13.083	Developmental Disabilities Waiver Services

PURPOSE AND EFFECT: The purpose of the rule amendment to Rule 59G-13.080, F.A.C., is to delete the reference to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook and other obsolete language from the general Home and Community-Based Services (HCBS) Rule. We are deleting references to individual waiver programs from the general HCBS rule as we promulgate a stand alone rule for each waiver program.

The purpose of Rule 59G-13.083, F.A.C., is to incorporate by reference the revised Florida Medicaid Developmental Disability Waiver Services Coverage and Limitations Handbook, July 2007, in a stand alone rule. The handbook revisions include updated agency names, provider definitions, provider qualifications; changes to the Core Assurances; and updated service definitions in accordance with Senate Bill 1124 and proviso language in the 2007-2008 General Appropriations Act.

The effect of the rule amendment to Rule 59G-13.080, F.A.C., is to delete the reference to the Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook and other obsolete language from the general Home and Community-Based Services (HCBS) Rule. The effect of Rule 59G-13.083, F.A.C., is to incorporate by reference the revised Florida Medicaid Developmental Disabilities Waiver Services Coverage and Limitations Handbook, July 2007.

SUBJECT AREA TO BE ADDRESSED: Home and Community-Based Services Waivers and Developmental Disabilities Waiver Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.907, 409.908, 409.910, 409.912, 409.913 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, August 15, 2007, 2:00 p.m. – 4:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pam Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, kyllonep@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.080 Home and Community-Based Services Waivers.

(1) though (5) No change.

(6) Program Requirements – General. ~~All HCB services waiver providers and their billing agents must comply with the provisions of the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081, October 2003, which is incorporated by reference and available from the Medicaid fiscal agent. The following requirements are applicable to all HCB services waiver programs:~~

(a) through (i) No change.

(7) through (8) No change.

(9) Home and Community-Based Services Waiver Programs. The following are authorized HCB services waivers: Adult Cystic Fibrosis Waiver, Adult Day Health Waiver (a) Aged and Disabled Adult Waiver; Alzheimer's Disease Waiver, Assisted Living for the Elderly Waiver, (b) Channeling Waiver; (c) Consumer-Directed Care Waiver, Developmental Disabilities Services Waiver; Family Supported Living Waiver, Familial Dysautonomia, (d) Model Waiver; Nursing Home Diversion Waiver, (e) Project AIDS Care Waiver, and Traumatic Brain Injury and Spinal Cord Injury Waiver.

(10) Aged/Disabled Waiver.

(a) Program Summary. The aged/disabled waiver is a long-term care initiative providing HCB services to the aged and disabled as an alternative to institutional care. Services are available statewide to recipients who meet the eligibility requirements as specified in paragraph (10)(c) of this rule.

~~(b) Covered Services and Provider Qualifications. Providers must meet the criteria specified in Chapter 59G-5, F.A.C. In addition, providers must be under contract with the Department for the provision of HCB services available under this waiver. Provider qualifications for services are:~~

~~1. Adult Day Health Care providers must be licensed adult day health care centers in accordance with Rule 59A-16.003, F.A.C.~~

~~2. Caregiver Training and Support providers must be community care for the elderly (CCE) agencies or be Medicaid-participating home health agencies pursuant to Chapter 59A-8, F.A.C.~~

~~3. Case Aide providers must be CCE agencies, pursuant to Chapter 410, F.S.~~

~~4. Case Management providers must be CCE contractors, or community care for the disabled adults contractors, or staff of the Department who serve the community care for the disabled adults program, pursuant to Chapter 58C-1, F.A.C.~~

~~5. Chore Services providers must be community action agencies or home repair services, pursuant to Chapter 10A-10 F.A.C.~~

~~6. Consumable Medical Supplies must be provided by medical supply companies, home health agencies, or licensed independent vendors.~~

~~7. Counseling providers must be licensed psychologists or mental health counselors pursuant to Sections 490.001-.015, F.S., licensed social workers pursuant to Sections 491.002-.015, F.S., or licensed mental health centers, pursuant to Sections 394.65-.907, F.S.~~

~~8. Environmental Modifications providers must be community care agencies as defined in Chapter 10A-10 F.A.C., or independent contractors holding local occupational licenses. If major structural modifications are required, the providers must comply with Chapter 61G4-15, F.A.C.~~

~~9. Home Delivered Meals providers must be Older Americans Act and Community Care Meal providers that comply with Sections 410.011-.029, F.S., and Chapter 58C-1, F.A.C.; or Section 410.402 or Sections 410.602-.606, F.S.~~

~~10. Homemaker and Personal Care Services providers must be Medicaid-participating home health agencies or CCE agencies, pursuant to Chapter 59A-8, F.A.C. or Sections 400.461-.506, F.S.~~

~~11. Occupational Therapy providers must be occupational therapists licensed in accordance with Chapter 468, F.S.~~

~~12. Personal Emergency Response System providers must be independent contractors that comply with Sections 410.604-.606, F.S.~~

~~13. Physical Therapy providers must be physical therapists licensed in accordance with Chapter 486, F.S.~~

~~14. Respite Care providers must be licensed Medicaid participating home health agencies, CCE agencies, or residential providers, pursuant to Sections 400.011-.332, 400.401-.454, and 400.616-.629, F.S.~~

15. Risk Reduction Services providers must be community care agencies, Medicaid participating home health agencies, or independent contractors, pursuant to Chapter 61F11-4, F.A.C.

16. Speech Therapy providers must be speech pathologists licensed in accordance with Sections 468.1105-1315, F.S.

~~(e) Recipient Eligibility. Individuals must meet Medicaid eligibility requirements as defined by Chapter 409, F.S., subsection 65A-1.711(4), F.A.C., and Florida's Title XIX State Plan; or be physically disabled or aged as defined by Rule 65A-1.701, F.A.C., and 42 CFR 435.217 and 435.726, as of October 1, 2001, the latter two hereby incorporated by reference. Recipients must be assessed as meeting level of care criteria for skilled or intermediate nursing home care as defined in Rules 59G-4.180 and 59G-4.290, F.A.C., and must be at risk for nursing facility placement without the provision of HCB services.~~

~~(d) Program Operations. The HCB services program under this waiver shall comply with the provisions of Chapters 10A-4, 58A-5, 65C-2, 65C-6, 58C-1, 58A-1, and 58A-14, F.A.C.~~

~~(10)(11) Channeling Waiver.~~

(a) Program Summary. The Channeling program is directed toward a group of seriously impaired, aged Medicaid eligible individuals. The core functions of outreach, screening, assessment, care planning, and case management focus community services on program participants as an alternative to institutional care.

(b) Covered Services and Provider Qualifications. The Agency contracts with qualified entities for the provision of these services to enrolled recipients. The standards applicable to the contractor's selection of vendors and providers of covered services are outlined in the contract between the Agency and the contractor. The following services are available:

1. Adult Day Health Care;
2. Caregiver Training and Support;
3. Companion Services;
4. Consumable Medical Supplies;
5. Financial Education and Protection Services;
6. Home Health Aide Services;
7. Homemaker and Personal Care Services;
8. Housekeeping/Chore Services;
9. Medical Alert and Response Service;
10. Mental Health Services;
11. Minor Physical Adaptations to the Home/Home Modification;
12. Occupational Therapy;
13. Physical Therapy;
14. Respite Care;
15. Skilled Nursing;
16. Special Home Delivered Meals;
17. Special Drug and Nutritional Assessments;

18. Speech Therapy; and

19. Waiver Case Management.

(c) Recipient Eligibility. Recipients eligible for services under this waiver must be Broward or Dade County residents, 65 years of age or older, and eligible under the HCB services waiver optional coverage groups as defined by 42 CFR section 435.217, or otherwise be Medicaid eligible. Recipients must be assessed as meeting level of care criteria for skilled or intermediate nursing home care as defined in Rules 10C-7.032 and 10C-7.033, F.A.C. The contractor may refuse participation in the program to otherwise qualified recipients whose estimated cost of community care exceeds 85 percent of the cost of institutional care in that recipient's county of residence.

(d) Provider enrollment is accomplished through the contract procurement process as set forth in Chapter 287, F.S., and Chapter 13A-1, F.A.C.

(e) Payment Methodology. Payment is based on a prospective monthly per diem reimbursement rate with a year-end cost settlement. Medicaid will make monthly payment to the contractor for satisfactory performance of duties and responsibilities as set forth in the contract. The per diem rate is set annually as a part of the agreement renewal process. The rates are developed using historical Channeling Project data for similar services in the same geographic area, adjusted for anticipated service and cost increases. The final amount paid shall not exceed the amount that would have been paid, on an aggregate basis, by Medicaid under fee-for-service for institutional care provided to a demographically similar population of recipients.

~~(12) Developmental Services Waiver - General. This rule applies to all Developmental Services Waiver Services providers enrolled in the Medicaid program. All Developmental Services Waiver Services providers enrolled in the Medicaid program must comply with the Developmental Services Waiver Services Florida Medicaid Coverage and Limitations Handbook, October 2003, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional-081, October 2003. Both handbooks are available from the Medicaid fiscal agent. The Developmental Disabilities Waiver Services Provider Rate Table, November 2003, is incorporated by reference. The Developmental Disabilities Waiver Services Provider Rate Table is available from the Medicaid fiscal agent.~~

~~(11)(13) Model Waiver.~~

(a) Program Summary. The model waiver allows the provision of specified HCB services to persons with degenerative spinocerebellar disease. These services are provided to eligible persons who would otherwise require the level of care provided in an acute care hospital.

(b) Services Availability. Eligible program participants may receive covered services if approved by the case manager as part of a service plan developed in accordance with the requirements outlined in this section.

(c) Recipient Eligibility. Individuals eligible for HCB services under the model waiver must be:

1. Persons under 21 years of age, disabled with a degenerative spinocerebellar disease as identified in the International Classification of Diseases, 9th Revision (ICD-9), 1995 Edition, effective October 1, 1994, code range beginning with the first three digits of 330 through 337, inclusive; hereby incorporated by reference;

2. Assessed as being at risk of hospitalization by the comprehensive assessment and review for long term care services (CARES) team, administered by DOEA; or the multi-handicapped assessment team (MHAT), administered by the Department's children's medical services program; and able to live safely at home with the Medicaid HCB services made available to him; and

3. Cost-effective to the state for each individual program participant, pursuant to the approved federal waiver.

(d) Covered Services and Provider Qualifications. Provider qualifications for services available under this waiver are:

1. Case Management providers must be licensed as a registered nurse in the state of Florida and meet applicable state requirements, pursuant to Chapter 464, F.S.

2. Respite Care providers must be a Florida licensed and Medicaid participating home health agency and meet applicable state requirements, pursuant to Chapter 400, F.S.

~~(14) Project AIDS Care.~~

~~(a) Program Summary. The Project AIDS Care waiver provides a range of HCB services designed to meet the needs of people living with AIDS related conditions.~~

~~(b) Covered Services and Provider Qualifications. Providers of AIDS waiver services must be enrolled Medicaid providers, subject to the requirements of Chapter 59G-5, F.A.C. Additional provider qualifications for services available under this waiver are as follows:~~

~~1. Adaptive Equipment providers must be handymen, home repair general contractors, licensed general contractors, or medical supply and equipment vendors.~~

~~2. Case Management. Case management agency providers must be licensed hospitals, insurance companies, community based AIDS service organizations, or entities of the HRS or the Agency.~~

~~a. Case management agencies must meet the following general standards:~~

~~(I) Have sufficient qualified case management support and administrative staff to meet service demands in their service area;~~

~~(II) Have data collection and analysis capability that will enable the tracking of recipient service utilization, cost, and demographic information;~~

~~(III) Have a medical records system that complies with the guidelines of the HRS Pamphlet 150-8, "Guidelines for Clinical Records Management in County Public Health Units";~~

~~(IV) Maintain all accounting and business records according to accepted accounting principles and in sufficient detail to constitute a clear audit trail to justify Medicaid reimbursement for all services;~~

~~(V) Require case managers to maintain case loads that are equal to or less than the maximum set by the Medicaid Agency; and~~

~~(VI) Comply with state licensure and certification requirements appropriate to the type of provider.~~

~~b. In addition to subparagraphs 1. through 6. above, community based AIDS service organizations must also meet the following standards:~~

~~(I) Be organized for the primary purpose of providing health, social, or support services to persons with HIV disease;~~

~~(II) Be incorporated as a Florida not-for-profit corporation and have documentation of federal Internal Revenue Service 501(c)(3) status;~~

~~(III) Have a Board of Directors consisting of at least five members;~~

~~(IV) Have been an operational entity for at least two years;~~

~~(V) Have a full-time administration consisting of regularly scheduled and maintained hours of operation, at least a full-time executive director, and sufficient support staff to manage the agency;~~

~~(VI) Have an agency director with at least a baccalaureate degree from an accredited college or university in a social science area or a baccalaureate degree and at least two years experience in the social services field;~~

~~(VII) Have written operating policies and procedures that address:~~

~~(A) Compliance with civil rights/handicapped statutes;~~

~~(B) Fiscal operations;~~

~~(C) Conflicts of interest;~~

~~(D) Procedures for provision of case management services;~~

~~(E) Confidentiality; and~~

~~(F) Continuing education.~~

~~(VIII) Maintain personnel policies and procedures that assure that case managers will be able to provide waiver case management. This includes:~~

~~(A) Position descriptions that include background and education requirements; and~~

~~(B) Signed statements by employees acknowledging their obligations to protect confidential information.~~

~~(C) Requirements for Case Managers. Case managers must be graduates of accredited colleges or universities with at least a baccalaureate degree in a social science; or, be a licensed registered nurse in the state of Florida and have one year of case management experience. Case managers who do~~

not have this educational background may substitute case management experience on a year for year basis for the required education.

3. ~~Chore Services providers must be handymen or licensed pest control companies.~~

4. ~~Consumable Medical Supplies providers must be a Medicaid certified home health agency, hospice, Medicaid participating pharmacy provider, or medical supply vendor.~~

5. ~~Day Health Care providers must be licensed by the state as child and adult day health care centers, including prescribed pediatric extended care centers. These pediatric extended care centers are day stay facilities for ambulatory pediatric patients and are state licensed, pursuant to Chapter 10D-102, F.A.C.~~

6. ~~Education and Support providers must be community mental health centers licensed by the state pursuant to Chapter 394, F.S., or hospices, or the following licensed professionals: mental health counselors, marriage and family therapists, social workers, and psychologists.~~

7. ~~Homemaker Services providers must be a licensed, enrolled Medicaid provider, and participating home health agency, hospice, or community based AIDS service organization that has met the standards for enrollment as case management agencies and that provides training to the homemakers including: confidentiality, infection control, interpersonal skills, basic AIDS education, cultural sensitivity, substance abuse, death and dying, and professional roles and responsibilities.~~

8. ~~Home Delivered Meals providers must meet all local regulatory requirements for the preparation, packaging, and delivery of home delivered meals.~~

9. ~~Home Modifications providers must be general contractors, handymen, or home repair services. Modifications that require a building permit will be performed only by state licensed general contractors.~~

10. ~~Personal Care Services providers must be a licensed and Medicaid participating home health agency or hospice. Duties are assigned and performed under the supervision of a registered professional nurse or other appropriate professional.~~

11. ~~Respite Care providers must be state licensed and Medicaid participating hospitals, hospices, home health agencies, or day health care centers; or registered nurses licensed under Chapter 464, F.S.~~

12. ~~Specialized Personal Care Services to Foster Care Children providers must be state licensed foster homes, group homes, or shelter care homes.~~

13. ~~Skilled Care providers must be an appropriately licensed nurse-employee of a state licensed and Medicaid certified home health agency, a hospice, a state Title V agency (including county public health units), or a licensed respiratory therapist.~~

14. ~~Substance Abuse Treatment providers must be licensed community mental health centers, licensed drug abuse treatment centers, or individuals who are licensed by the state~~

pursuant to Chapter 490, F.S., or Chapter 491, F.S., as psychologists, mental health counselors, clinical social workers, or marriage and family therapists.

(c) ~~Recipient Eligibility. Recipients eligible for services under this waiver shall:~~

1. ~~Be categorically eligible or financially eligible under the institutional care program as defined by Chapter 10C-8, F.A.C., and 42 CFR, sections 435.217 and 435.726.~~

2. ~~Be diagnosed as having AIDS;~~

3. ~~Be assessed by the CARES team as being at risk of hospitalization or at risk of institutionalization in a nursing facility, pursuant to Rules 59G 4.290 and 59G 4.180, F.A.C.;~~

4. ~~Be determined by the HRS or by the Social Security Administration to be disabled according to Social Security Administration standards;~~

5. ~~Be able to be maintained safely in the home; and~~

6. ~~Have a Project AIDS Care case manager.~~

(d) ~~Provider Enrollment. Pursuant to the requirements of Chapter 59G-5, F.A.C., providers seeking enrollment must complete a Medicaid agreement, and a Medicaid non-institutional provider agreement. To enroll a person not in a licensed profession, the case management agency must submit a letter of reference from a current or past employer, attesting to the person's character and their professional skills, knowledge, and capability to meet the demands of the position.~~

(e) ~~Program Operations.~~

1. ~~Case Management Activities.~~

a. ~~Project AIDS Care services identified in plans of care and costing less than a total dollar amount set by the Medicaid office may be authorized by the case manager without prior approval from Medicaid.~~

b. ~~If the total estimated cost of Project AIDS Care services exceeds a level prescribed by the Medicaid office, prior approval must be obtained from Medicaid before service authorizations can be made. This approval will be made after consultation with the case manager and a review of the recipient's condition, service needs, and the variety and quantity of planned services.~~

c. ~~The case manager will notify the Medicaid office within seven working days of the recipient's enrollment. Upon request, case managers will send plans of care to the Medicaid office.~~

d. ~~The case manager will review plans of care on an ongoing basis, but no less frequently than every six months.~~

e. ~~Service Authorization. The case manager shall develop written service authorizations for all services except case management. These authorizations will provide sufficient information to allow the provider to bill for services with a minimum of assistance. The authorizations will parallel the plans of care in terms of specificity of the service, the duration of the service, frequency of service, and the total authorized amount to be spent. If a case manager authorizes a service~~

~~orally, he will send a written authorization to the provider within five working days as confirmation of the oral authorization.~~

~~2. Participating case management agency files shall contain at least the following:~~

- ~~a. Notice of Medicaid recipient eligibility;~~
- ~~b. Level of care determination;~~
- ~~c. Project AIDS Care application;~~
- ~~d. Needs assessment;~~
- ~~e. Progress notes;~~
- ~~f. Plans of care; and~~
- ~~g. Service authorizations.~~

~~3. Other participating provider agency files shall contain at least the following:~~

- ~~a. Service authorizations;~~
- ~~b. Provider eligibility documents; and~~
- ~~c. Provider enrollment documents.~~

~~4. Disenrollment of Case Management Agencies. The Agency or its designee will disenroll a case management agency whose performance impairs the agency's ability to furnish services. The Agency or its designee must provide at least one oral and at least one written warning to the case management agency regarding the implications of their performance. The Agency or its designee will give a written explanation of disenrollment to the case management agency when disenrollment occurs. Disenrolled case management agencies may submit a new application for Medicaid consideration no less than 12 months after the date of disenrollment.~~

~~(f) Payment Methodology. Medicaid will make payment for services provided to Project AIDS Care recipients in accordance with applicable Medicaid claims processing requirements.~~

~~(15) Assistive Care Services and Assisted Living for the Elderly Waiver. All Assistive Care Services and Assisted Living for the Elderly Waiver providers must comply with the provisions of the Florida Medicaid Assistive Care Services and Assisted Living for the Elderly Waiver Coverage and Limitations Handbook, July 2001, which is incorporated by reference and available from the Medicaid fiscal agent.~~

~~Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.907, 409.908, 409.910, 409.912, 409.913 FS. History-New 4-20-82, Formerly 10C-7.527, Amended 3-22-87, 11-23-89, Formerly 10C-7.0527, Amended 1-16-96, 7-23-97, 1-6-02, 10-27-02, 6-11-03, 11-24-03, 1-16-05, 6-23-05, Formerly 59G-8.200, Amended _____.~~

59G-13.083 Developmental Disabilities Waiver Services.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Developmental

Disabilities Waiver Services Coverage and Limitations Handbook, July 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081 which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.912 FS. History-New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Hotels and Restaurants

RULE NO.: RULE TITLE:
61C-8.004 Program Requirements

PURPOSE AND EFFECT: The proposed rule amendments conform the rule to statutory changes resulting from the passage of Senate Bill 2484. The proposed rule amendments also adopt new versions of the Hospitality Education Program grant forms, and update the grant process language to accurately reflect the process and improve readability, in accordance with the plain language initiative.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address the process for the Hospitality Education Program grants application, review, approval, payment disbursement, and reporting processes and requirements.

SPECIFIC AUTHORITY: 509.302(7) FS.

LAW IMPLEMENTED: 509.302 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Comingore, Operations Review Specialist, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-1012, Telephone: (850)488-1133

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: RULE TITLE:
61G6-6.017 Duration of Examination Scores

PURPOSE AND EFFECT: The Board proposes the promulgation of the rule to provide a time period for the duration of examination scores.

SUBJECT AREA TO BE ADDRESSED: Duration of Examination Scores.

SPECIFIC AUTHORITY: 455.217(2) FS.

LAW IMPLEMENTED: 455.217(2), 489.511(1) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.:	RULE TITLE:
61G6-10.0065	Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to provide instruction for reinstatement of a null and void license pursuant to Section 455.271(6)(b), F.S.

SUBJECT AREA TO BE ADDRESSED: Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

SPECIFIC AUTHORITY: 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.271(6)(b) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-10.0065 Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

An individual applying to have his or her null and void electrical contractor's certification or registration reinstated pursuant to Section 455.271(6)(b) of the Florida Statutes shall:

(1) Submit a Florida DBPR Electrical Contractor application (DBPR form PRO 4951) for reinstatement of a null and void electrical contractor's certification or registration in which the applicant shall:

(a) Answer questions regarding the applicant's education, employment, and criminal history;

(b) Submit a written statement and documentation of when the applicant's electrical contractor's certification or registration was last active and in good standing with the Board;

(c) Submit a written statement and documentation regarding whether or not the applicant has completed twelve (12) classroom hours of continuing education as set forth in Rule 61G6-9.001, F.A.C., prior to the applicant's submission of his or her application for reinstatement of a null and void electrical contractor's certification or registration;

(d) Submit a written statement and documentation as to whether or not the applicant has engaged in the practice of electrical contracting during the time period the applicant's electrical contractor's certification or registration was null and void;

(e) Submit a written statement and documentation of the applicant's good faith effort to comply with Chapters 455 and 489 of the Florida Statutes and also the applicant's failure to comply due to illness or unusual hardship.

(f) Submit a written statement and documentation of the applicant's illness or unusual hardship which prevented the applicant from renewing his or her electrical contractor's certification or registration;

(h) Submit a written time-line that chronologically documents when the applicant's electrical contractor's certification or registration was last active, when the applicant's electrical contractor's certification or registration became null and void, when the applicant suffered his or her illness, and/or when the applicant experienced an unusual hardship that prevented the renewal of the electrical contractor's certification or registration;

(i) Submit an application (DBPR form ECLB 4453) requesting active or inactive license status, as appropriate, along with all applicable documentation.

(2) Pay a non-refundable application fee of \$250.00.

(3) Pay a \$250.00 fee for every licensure biennium that the applicant failed to renew his or her electrical contractor's certification or registration.

(4) Pay a \$50 delinquency fee.

(5) Pay a \$5 unlicensed activity fee for every licensure biennium that the applicant failed to renew his or her electrical contractor's certification or registration.

Specific Authority 455.271(6)(b) FS. Law Implemented 455.271(6)(b) FS. History–New

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-14.008
 RULE TITLE: Definitions

PURPOSE AND EFFECT: To clarify the Division’s lack of jurisdiction over escrow funds placed with a title company or attorney and to discuss the definition of “Deposit” within the same rule.

SUBJECT AREA TO BE ADDRESSED: Definition of “Deposit” and escrow funds held by a title company or attorney.

SPECIFIC AUTHORITY: 475.05, 475.25(1)(k) FS.

LAW IMPLEMENTED: 475.25(1)(k) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 14, 2007, 8:30 a.m. or as soon thereafter as possible

PLACE: Division of Real Estate, Commission Meeting Room 901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT FOR A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite 801n, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-285.300
 RULE TITLE: Electric Utility Greenhouse Gas Reduction Program

PURPOSE AND EFFECT: The department is initiating rulemaking to cap greenhouse gas emissions from the electric utility sector such that by 2017, statewide utility sector emissions not exceed year 2000 levels; by 2025, emissions not exceed 1990 levels; and by 2050, emissions not exceed 20 percent of 1990 levels. The department proposes to create new rule Chapter 62-285, F.A.C., Greenhouse Gas Emissions Reduction, and develop new Rule 62-285.300, F.A.C., Electric Utility Greenhouse Gas Reduction Program, to accomplish this purpose. The effect of the rule would be to reduce greenhouse

gas emissions from electric generating units. The department will not be offering any rule proposals at the August 22 workshop. The purpose of this first workshop is to provide an opportunity for interested persons to provide comments and recommendations to the department at the outset of the proposed rule development project. Written comments may be submitted to the contact person listed below.

SUBJECT AREA TO BE ADDRESSED: Pollution abatement from electric generating units.

SPECIFIC AUTHORITY: 403.061, 403.087 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 22, 2007, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce, (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mr. Larry George at the Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or larry.george@dep.state.fl.us, phone (850)921-9555

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-285.400
 RULE TITLE: Adoption of California Motor Vehicle Emissions Standards

PURPOSE AND EFFECT: The department is initiating rulemaking to adopt the California emissions standards for new motor vehicles pursuant to section 177 of the federal Clean Air Act. The department proposes to create new rule Chapter 62-285, F.A.C., Greenhouse Gas Emissions Reduction, and develop new rule Rule 62-285.400, F.A.C., Adoption of California Motor Vehicle Emissions Standards, to accomplish this purpose. The effect of the rule would be to require that new motor vehicles sold in the state meet the California emissions standards. The department will not be offering any rule proposals at the August 23 workshop. The purpose of this first workshop is to provide an opportunity for interested persons to provide comments and recommendations to the department at the outset of the proposed rule development project. Written

comments may be submitted to the contact person listed below.
SUBJECT AREA TO BE ADDRESSED: Pollution abatement from new motor vehicles.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 23, 2007, 9:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce, (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Sandy Bowman at the Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5510, Tallahassee, Florida 32399-2400, or sandy.bowman@dep.state.fl.us, phone (850)921-9583

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-285.420	Heavy-Duty Vehicle Idling Reduction

PURPOSE AND EFFECT: The department is initiating rulemaking to adopt measures to reduce long-duration diesel engine idling. The department proposes to create new rule Chapter 62-285, F.A.C., Greenhouse Gas Emissions Reduction, and develop new Rule 62-285.420, F.A.C., Heavy-Duty Vehicle Idling Reduction, to accomplish this purpose. The effect of the rule would be to reduce emissions from long-duration diesel engine idling. The department will not be offering any rule proposals at the August 23 workshop. The purpose of this first workshop is to provide an opportunity for interested persons to provide comments and recommendations to the department at the outset of the proposed rule development project. Written comments may be submitted to the contact person listed below.

SUBJECT AREA TO BE ADDRESSED: Pollution abatement from heavy-duty diesel vehicles.

SPECIFIC AUTHORITY: 403.061 FS.

LAW IMPLEMENTED: 403.031, 403.061 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 23, 2007, 10:30 a.m.

PLACE: Department of Environmental Protection, Carr Building, Room 170, 3800 Commonwealth Blvd., 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 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Ms. Sandy Bowman at the Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5510, Tallahassee, Florida 32399-2400, or sandy.bowman@dep.state.fl.us, phone (850)921-9583

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Division of Beaches and Shores

RULE NO.:	RULE TITLE:
62B-26.014	Description of the Franklin County Coastal Construction Control Line

PURPOSE AND EFFECT: To amend Rule 62B-26.014, F.A.C., reestablishing the Coastal Construction Control Line for Dog Island in Franklin County to more accurately define that portion of the beach dune system which is subject to severe fluctuations based upon the 100-year storm surge and storm waves, and thus define the area within which special siting and design considerations are required to ensure protection of the beach dune system, proposed or existing structures, adjacent properties, and to ensure the preservation of public beach access.

SUBJECT AREA TO BE ADDRESSED: The legal description of the location of the Coastal Construction Control Line, on Dog Island, in Franklin County.

SPECIFIC AUTHORITY: 161.053(21) FS.

LAW IMPLEMENTED: 161.053(2) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 21, 2007, 6:00 p.m. – 8:00 p.m.

PLACE: City Meeting Room, 1621 W. Hwy. 98, Carrabelle, FL.

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: Rosaline Beckham at Department of Environmental Protection, Bureau of Beaches and Coastal

Systems, Mail Station #300, 3900 Commonwealth Boulevard, Tallahassee, FL 32399-3000, (850)488-7815, or by e-mail at: rosaline.beckham@dep.state.fl.us. 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: Rosaline Beckham as referenced above. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-2.001
 RULE TITLE: Definitions
 PURPOSE AND EFFECT: The purpose and effect is to clarify the program approval process.
 SUBJECT AREA TO BE ADDRESSED: Definitions.
 SPECIFIC AUTHORITY: 464.006, 464.019(2) FS.
 LAW IMPLEMENTED: 464.019 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-2.001 Definitions.

(1) Approved nursing education program: a nursing education program leading to initial licensure which has been approved by the Board after having met the standards of nursing education. Each initial licensure program (i.e., professional, baccalaureate, or practical nursing) and each campus offering an initial nursing education program require separate, individual program approvals by the Board. ~~campus and geographical location of the nursing education program is approved separately.~~

(2) through (24) No change.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History—New 7-15-80, Amended 11-22-84, Formerly 21O-7.20, Amended 2-5-87, 6-8-88, Formerly 21O-7.020, Amended 9-7-93, Formerly 61F7-2.001, 59S-2.001, Amended 12-11-97, 1-28-02, 10-19-06, _____.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-3.014
 RULE TITLE: Criteria for Credentialing Agencies
 PURPOSE AND EFFECT: The purpose and effect is to broaden the criteria for education evaluators to be more inclusive.
 SUBJECT AREA TO BE ADDRESSED: Criteria for Credentialing Agencies.
 SPECIFIC AUTHORITY: 464.006 FS.

LAW IMPLEMENTED: 456.013(1), 464.008 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-3.014 Criteria for Credentialing Agencies.

In order to be accepted as documentation of the required education, a report must be submitted from a credentialing agency to the Board of Nursing that meets the following criteria:

~~(1) Professional standard.~~

~~(1)(a)~~ The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

~~(2)(b)~~ The credentialing agency’s standards must be monitored by an external committee of credentialing experts and nursing educators.

~~(2) Services.~~

~~(a) The credentialing agency must specialize in evaluation of international nursing education and licensure.~~

~~(3)(b)~~ The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

~~(4)(e)~~ The credentialing agency must manage the translation of original documents into English.

~~(5)(d)~~ The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

~~(3) Organization.~~

~~(6)(a)~~ The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

(b) ~~The credentialing agency must have nursing educators on staff.~~

~~(7)(4)~~ Credentials evaluation report.

(a) through (c) No change.

(d) The report must state the comparability of the foreign education to U.S. and to Florida Board of Nursing standards.

(e) No change.

Specific Authority 464.006 FS. Law Implemented 456.013(1), 464.008 FS. History—New 4-19-00, Amended.

DEPARTMENT OF HEALTH

Board of Nursing

RULE NO.: 64B9-15.003 RULE TITLE: Eligibility for Certification

PURPOSE AND EFFECT: To implement 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S.

SUBJECT AREA TO BE ADDRESSED: Eligibility for Certification.

SPECIFIC AUTHORITY: 464.202, 464.203 FS.

LAW IMPLEMENTED: 464.203, 464.2085 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B9-15.003 Eligibility for Certification.

(1) An applicant for initial certification as a certified nursing assistant shall apply to the vendor approved by the department to administer the certified nursing assistant examination.

(2) An applicant for certification as a certified nursing assistant shall meet the requirements of Section 464.203, F.S.

(3) An applicant for initial certification must demonstrate competency to read and write if the applicant passes the clinical skills portion of the certified nursing assistant examination given in English only.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NOS.:	RULE TITLES:
64B13-3.007	Minimum Procedures for Comprehensive Eye Examination
64B13-3.009	False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure
64B13-3.010	Standards of Practice

PURPOSE AND EFFECT: For Rule 64B13-3.007, F.A.C., it is to use the terms relevant to insurance submissions to ensure that licensees understand the minimum procedures in the rule relate to the associated CPT code and to add clarifying details to the minimum examination requirements. For Rule 64B13-3.009, F.A.C., it is to clarify to licensees that each licensee has the duty to review and proof advertisements to ensure that the ads comply with the rules related to misleading advertising, regardless of what entity initiates the ad. For Rule 64B13-3.010, F.A.C., it is to change the rule language to track the statutory language, to delete unnecessary or repetitive language, and to clarify that optometry students include those titled extern, as well as those titled resident or intern.

SUBJECT AREA TO BE ADDRESSED: Minimum Procedures for Vision Analysis; False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure; Standards of Practice.

SPECIFIC AUTHORITY: 463.005 FS.

LAW IMPLEMENTED: 456.072(1)(a), (m), 463.005(1), 463.0135, 463.014, 463.005(1), 463.0135(1), 463.016(1)(f), (g), (k) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-3.007 Minimum Procedures for Comprehensive Eye Examination ~~Vision Analysis~~.

(1) A comprehensive eye examination ~~Vision analysis~~ is defined as a comprehensive assessment of the patient’s visual status and shall include those procedures specified in subsection (2) below.

(2) ~~A~~ comprehensive eye examination for vision analysis shall include the following minimum procedures, which shall be recorded on the patient’s case record:

(a) through (e) No change.

(f) Internal examination (~~direct or indirect ophthalmoscopy~~ recording ~~cup-disc ratio~~, optic nerve health, blood vessel status, macula health, and any abnormalities);

(g) No change.

(h) Tonometry (with time of measurement);

(i) through (j) No change.

(k) Other tests and procedures that may be indicated by case history or objective signs and symptoms discovered during the comprehensive eye examination;

(l) No change.

(3) No change.

(4) Except as otherwise provided in this rule, the minimum procedures set forth in subsection (2) above shall be performed prior to providing optometric care during a patient's initial presentation, and thereafter at such appropriate intervals as shall be determined by the optometrist's sound professional judgment; ~~provided, however, that each optometric patient shall receive a comprehensive eye examination complete vision analysis prior to the provision of further optometric care if the last comprehensive eye examination complete vision analysis was performed more than two years before.~~

(5) No change.

(a) through (f) No change.

(6) The minimum procedures set forth in subsection (2) above shall not be required in the following circumstances:

(a) through (b) No change.

(c) When a licensed practitioner or certified optometrist performs public service visual screenings or visual screenings for governmental agencies and each recipient of such screening is clearly informed in writing of the following:

1. No change.

2. That the screening is not representative of or a substitute for a comprehensive eye examination ~~vision analysis~~; and

3. No change.

(d) Drug therapy and contact lenses research.

(7) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135, 463.016(1)(g), (k) FS. History—New 11-13-79, Amended 4-17-80, 7-29-85, Formerly 21Q-3.07, Amended 7-18-90, Formerly 21Q-3.007, 61F8-3.007, 59V-3.007, Amended 4-3-00, 4-5-04, 6-5-06, _____.

64B13-3.009 False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

(1) through (3) No change.

(4) As used in the rules of this Board, the terms "advertisement" and "advertising" shall mean any statements, oral or written, disseminated to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, or of selling professional services or ophthalmic goods, or offering to perform professional services,

or inducing members of the public to enter into any obligation relating to such professional services. The licensed practitioner has the duty to review and proof all advertisements prior to publication, and is fully responsible for the content therein.

(5) No change.

(6) All advertisements which advertise services available at branch office locations shall state the hours that a licensed practitioner is practicing at each location mentioned in the advertisement, or shall advise the reader to secure information as to the availability of the licensed practitioner. Excepted from this requirement are:

(a) through (b) No change.

(c) Advertising such as business cards, which are distributed by the licensed practitioner personally or at her or his premises; and

(d) No change.

(7) through (8) No change.

Specific Authority 463.005 FS. Law Implemented 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS. History—New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, 11-13-06, _____.

64B13-3.010 Standards of Practice.

(1) Section 463.016(1)(g), Florida Statutes, authorizes the Board to take disciplinary action against an optometrist who is found guilty of "fraud, deceit, negligence, ~~or~~ incompetency, or misconduct in the practice of optometry." Conduct which deceives, or defrauds the public and which is thereby prohibited by Section 463.016(1)(g), Florida Statutes, shall include, but not be limited to, accepting and performing an optometric practice or procedure which the optometrist knows or has reason to know that he is not competent to undertake.

(2) No change.

(3) An optometrist shall provide that degree of care which is full and complete, consistent with the patient conditions presented, the professional competency of the optometrist, and the scope of practice of optometry. An optometrist shall advise or assist her or his patient in obtaining further care when, in the professional judgment of the optometrist, the service of another health care practitioner is required.

(4) Certified optometrists employing the topical ocular pharmaceuticals listed in subsection 64B13-18.002(9), F.A.C., Anti-Glaucoma Agents, shall comply with the following:

(a) No change.

1. The plan will be predicated upon the severity of the existing optic nerve damage, ~~the height of~~ the intraocular pressure, and stability of the clinical course.

2. No change.

(b) No change.

(c) The certified optometrist shall have available, and be proficient in the use of, the following instrumentation:

1. No change.

2. Visual fields instrumentation capable of threshold perimetry, ~~combined with a threshold-related supra-threshold static technique.~~

3. through 6. No change.

(5) through (7) No change.

(8) Certified optometrists serving as adjunct professors to schools or colleges of optometry pursuant to Section 463.0057, Florida Statutes, may delegate to residents, externs or interns of said school, educational functions or duties beyond the restrictions of Section 463.009, Florida Statutes. Such delegated duties or functions shall be in accordance with Section 463.002(6), Florida Statutes. For purposes of this rule, residents, externs or interns of qualified schools or colleges of optometry are not defined as nonlicensed supportive personnel.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History--New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended 6-15-00, 2-7-01, 11-16-05, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-4.001 RULE TITLE: Examination Requirements

PURPOSE AND EFFECT: The purpose of the amendment is to delete a time limit on the validity of licensure examination scores.

SUBJECT AREA TO BE ADDRESSED: Examination Requirements.

SPECIFIC AUTHORITY: 456.017(2), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(2), 463.006(2) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), and Parts I and II of the state examination for licensure. The examination for certification of a licensee shall consist of the Treatment and Management of Ocular Disease (hereafter TMOD) part of the NBEO.

(1) NBEO Examination – A passing score must be obtained on Parts I, II, and the Treatment and Management of Ocular Disease (TMOD) of the NBEO examination ~~within the five years~~ prior to application for the state examination. ~~However, said five years period shall be extended to include those immediately preceding years after the applicant has taken and passed the NBEO and during which the applicant was continuously attending a qualified school of optometry.~~ Candidates with NBEO scores before 1993 may substitute a scaled score of at least 75 on the clinical pharmacology section of the clinical sciences part of NBEO examination for the TMOD requirement.

(2) through (3) No change.

Specific Authority 456.017(2), 463.005, 463.006(2) FS. Law Implemented 456.017(2), 463.006(2) FS. History--New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, 7-15-02, 3-8-04, _____.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-15.009 RULE TITLE: Citations

PURPOSE AND EFFECT: To increase the fine for failure to complete required continuing education and eliminate the requirement to complete additional continuing education.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare.

(a) The Board hereby designates the following as citation violations which shall result in a penalty of two hundred and fifty dollars (\$250.00):

1. through 4. No change.

5. Failure to document having obtained the continuing education required by Section 463.007, F.S., and Rule Chapter 64B13-5, F.A.C. The fine shall be assessed at \$250.00 per hour of deficiency of the required continuing education. ~~In addition to paying the fine, the licensee must complete continuing education hours not documented, plus an additional hour for each hour missed. The licensee shall come into compliance within ninety (90) days after receipt of the citation.~~

- 6. No change.
- (b) No change.
- (5) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, 6-13-04, 11-16-05, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.0055
 RULE TITLE: Pain Management Facilities
 PURPOSE AND EFFECT: The Board proposes the development of this rule to address standards for licensees related to pain management facilities.
 SUBJECT AREA TO BE ADDRESSED: Pain Management Facilities.
 SPECIFIC AUTHORITY: Not available
 LAW IMPLEMENTED: Not available
 A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: August 11, 2007, 9:00 a.m.
 PLACE: The Quorum Hotel, 700 N. Westshore Blvd., Tampa, Florida 33609
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NOS.: 64F-19.001
 RULE TITLES: Definitions
 64F-19.002 Eligibility
 64F-19.003 Certification and Authorization
 64F-19.004 Enrollment Period
 64F-19.005 Waiver Program Enrollment Process
 64F-19.006 Management of Minors
 64F-19.007 Non-Covered Services
 64F-19.008 Continuation of Services

64F-19.009 Termination of Services
 64F-19.010 Due Process for Waiver Applicants and Clients
 64F-19.011 Approved Form; Incorporation
 PURPOSE AND EFFECT: The Department proposes to amend the existing language in this chapter.
 SUBJECT AREA TO BE ADDRESSED: The rule amendments make substantive and grammatical corrections to Rules 64F-19.001 through .011, F.A.C.
 SPECIFIC AUTHORITY: 154.011(5), 383.0011(13), 381.0051(7), 409.919 FS.
 LAW IMPLEMENTED: 154.011, 381.0051, 383.011, 383.103, 409.9121, 409.9122 FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marie Melton, Infant Maternal and Reproductive Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 64F-19.001 Definitions.
 For the purpose of this rule chapter, the following definitions will apply:
- (1) "CHD" means County Health Department.
 - (2) "Client" means a woman who has been approved and is presently enrolled in the Program.
 - (3) "Continuation of Services" means the amount of time the Program is funded, based on availability of funds.
 - (4) "CPT Codes" means the codes used within the FMMIS System.
 - (5) "Eligibility Determination" means the process of determining if a woman meets the qualifications for enrollment in the Program.
 - (6) "Enrollment" means the process of being registered in the Program as a client for one (1) calendar year.
 - (7) "Family Planning Services" means for the purpose of the Program:
 - (a) Counseling and supply visits;
 - (b) Initial and annual family planning visits;
 - (c) Laboratory services;
 - (d) ~~Other~~ Family Planning Services as prescribed in subsection 59G-1.010(86), F.A.C. and Section 409.905(3), F.S.; and
 - (e) Treatment of abnormal laboratory results.

(8) "FMMIS" means the Florida Medical Management Information System.

~~(9) "HMO" means a health maintenance organization.~~

~~(9)(10)~~ "Non-Covered Services" means services that are not covered under this waiver.

~~(10)(11)~~ "The Program" means the Family Planning Waiver Program implemented pursuant to section 1115(a) of the Social Security Act and 42 U.S.C.A §1315(a).

~~(11)(12)~~ "Waiver Applicant" means a woman who applied for the Program but has neither been approved nor denied.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended _____.

64F-19.002 Eligibility.

In order to be eligible for family planning services under the Program:

(1) The waiver applicant must have lost full Medicaid eligibility. Client must have had a Medicaid financed pregnancy related claim twenty four (24) months prior to losing Medicaid eligibility

(2) The waiver applicant Client must be eligible for the Program on or after December 1, 20036;

(3) The waiver applicant Client must be actively seeking family planning services;

(4) The waiver applicant Client must self-declare that she is not pregnant;

(5) The waiver applicant Client must not have had a tubal ligation, hysterectomy or other evidence of permanent sterilization;

(6) The waiver applicant Client must have an income at or below 185% of the current federal poverty level;

(7) The waiver applicant must be a female between age 14 and 55;

~~(8)(7)~~ The waiver applicant Client shall be required to sign a self-declaration statement of income, and provide proof of specifying all gross income available to the client's household;

~~(9)(8)~~ The self-declaration statement shall include a signed acknowledgement that the statement is true and correct; at the time it is made;

~~(10)(9)~~ The waiver applicant Clients whose labor and delivery was paid for as an emergency service under Medicaid or who did not qualify for Medicaid after the Presumptive Eligibility for Pregnant Women period are not eligible for this Program.

(11) Waiver applicants losing the SOBRA Medicaid categories of MMP, MMT, MRMP or MRMT are passively enrolled in the Program for the first year of eligibility and will need to actively complete an application for the second year of eligibility.

Specific Authority 154.011(5), 381.0011(13), 381.0051(7), 409.919 FS. Law Implemented 154.011 FS. History–New 8-9-04, Amended _____.

64F-19.003 Certification and Authorization.

(1) Waiver applicants Client shall give written consent before the CHD can obtain or authorize the release of financial and medical information for the purpose of determining Program eligibility. Eligibility information will be obtained by filling out form DOH 3212 as referenced in Rule 64F-19.011, F.A.C.

(2) Signed consent forms of eligibility for DOH 3212, as referenced in Rule 64F-19.011, F.A.C., must be kept in an administrative file at the CHD that enrolled the client in the Program for a minimum of six (6) years.

Specific Authority 381.0011(13), 381.0051(7), 409.919 FS., 42 CFR 491.10. Law Implemented 409.9121, 409.9122 FS. History–New 8-9-04, Amended _____.

64F-19.004 Enrollment Period.

The Program covers only family planning services and consensual outpatient surgical sterilization up through twenty-four (24) months subsequent to the loss of full Medicaid to twenty four (24) months subsequent to any Medicaid financed pregnancy related service.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended _____.

64F-19.005 Waiver Program Enrollment Process.

(1) The waiver applicant client must self-declare that she is not pregnant at the time of application.

(2) The waiver applicant client must be actively seeking family planning services.

(3) The waiver applicant must not have had a tubal ligation or a hysterectomy. The application shall include the following information and the client shall meet the following criteria:

~~(a) The client has lost Medicaid~~

~~(b) The FMMIS or subsequent system identifies that a Medicaid pregnancy related service occurred and is tracked through CPT codes within the last two (2) years; and~~

~~(c) Clients who were enrolled in a Medicaid HMO must present proof of having had a pregnancy or the provision of pregnancy related services within the two years prior to losing Medicaid.~~

(4) The waiver applicant must provide proof of citizenship and identity. Only county health department staff who have completed training in the Program eligibility process will determine eligibility for this Program

(5) The waiver applicant must have an income at or below 185% of the current federal poverty level. Applications for the Program may be mailed or hand delivered by the client.

(6) The waiver applicant must complete and sign the application. A face-to-face interview for eligibility determination is not required

~~(7) The waiver applicant must have lost full Medicaid and the FMMIS or subsequent system verifies this loss of full Medicaid; A supervisor within the CHD will verify the application and its approval or denial.~~

~~(8) The waiver applicant must be age 14 to 55. Approval/denial letters, with a description of the appeal process, must be provided to the applicant by the county health department staff.~~

~~(9) Only county health department staff who have completed training in the Program eligibility process will determine eligibility for this Program. Once the client is approved, the client will also receive primary care referral information. She is not required to see a health care professional at the CHD.~~

~~(10) Applications for the Program may be mailed or hand delivered by the client to the CHD. Eligibility for this Program must be re-determined annually.~~

~~(11) A face-to-face interview for eligibility determination is not required.~~

~~(12) A supervisor within the CHD will verify the application and its approval or denial.~~

~~(13) Approval/denial letters, with a description of the appeal process, must be provided to the applicant by the county health department staff.~~

~~(14) The client who is approved for the program will receive primary care referral information. The client is not required to see a health care professional at the CHD.~~

~~(15) Eligibility for this Program must be re-determined annually.~~

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended _____.

64F-19.006 Management of Minors.

Minors, under age 18, will not receive a notice of eligibility and will have to meet the eligibility determination as outlined under Rule 64F-19.002, F.A.C.

~~(+) Minors will request to apply if they have lost Medicaid eligibility be required to show proof of a Medicaid financed pregnancy related service.~~

~~(2) CHD staff can view the FMMIS system or birth certificates as proof of the pregnancy related service(s).~~

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended _____.

64F-19.007 Non-Covered Services.

For the purposes of the Program the following services are not covered:

- (1) Infertility services; and
- (2) Abortion services; and
- (3) Vasectomies.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended _____.

64F-19.008 Continuation of Services.

(1) During the maximum two (2) year eligibility period, a client must reapply at the end of the first twelve (12) month period in order to receive benefits for the second twelve (12) month period, retroactive from December 1, 2003.

(2) A client shall become eligible for the Program after she loses Medicaid eligibility more than once if more than one pregnancy occurs.

Specific Authority 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History–New 8-9-04, Amended _____.

64F-19.009 Termination of Services.

(1) Clients who fail to reapply annually will be automatically terminated from the Program.

(2) If a service provider is required to reduce or withhold services to clients due to limitations in resources, the provider must give clients thirty (30) days written notice and provide information and referral services to clients for other Medicaid family planning providers.

(3) The client shall also lose eligibility and be terminated from the Program if:

- (a) She becomes pregnant;
- (b) She is surgically sterilized;
- (c) The client's household income changes and the new income exceeds 185% of the poverty level at the time of enrollment; or
- (d) She becomes eligible for Medicaid.

Specific Authority 154.011(5) FS. Law Implemented 154.011 FS., History–New 8-9-04, Amended _____.

64F-19.010 Due Process for Waiver Applicants and Clients.

(1) Waiver applicants will be afforded fair hearing due process as outlined in 42 CFR 431.200-246.

(2) Waiver applicants and clients shall receive written notice when a decision is made to deny or approve services under the Program. Written notice shall include at a minimum:

- (a) A description of the action the agency intends to take;
- (b) The reasons for the intended action;
- (c) Information about the waiver applicants or clients' rights to request a hearing;
- (d) An explanation of the circumstances under which Medicaid services will continue if a hearing is requested;
- (e) A statement that requests for a hearing must be filed with the agency clerk within twenty-one (21) days of receipt of the written notice of agency action;
- (f) A statement that the hearing shall occur within ninety (90) days of the request; and

(g) A statement that the final order shall be entered within sixty (60) days of the hearing.

(3) The hearings shall be conducted by the Department of Children and Families as outlined in Section 120.80(15), F.S.

(4) Clients suspected of probable fraud shall have their period of advanced notice shortened to five (5) days before the date of action as prescribed in 42 CFR 431.214.

Specific Authority 120.80(15), 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History—New 8-9-04, Amended _____.

64F-19.011 Approved Form; Incorporation.

The following form used by the Department in its dealings with the public is listed as follows and is hereby adopted and incorporated by reference, and can be obtained from the Department office by writing to the Department of Health, Family Health Services, 4052 Bald Cypress Way, Bin #A-13, Tallahassee, FL 32399.

DH 3212, entitled “Health Insurance Application for Extended Family Planning Benefits,” (11/06). ~~05/04~~

Specific Authority 120.55(1)(a), 120.55(1)(a), (4), 381.0011(13), 381.0051(7) FS. Law Implemented 381.0051, 383.011, 383.013 FS. History—New 8-9-04, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:

68B-44.004

RULE TITLES:

Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters Prohibited; Compliance with Federal Requirements; Filleting Prohibited

68B-44.005

Commercial Harvest of Sharks: Federal Permit Required

PURPOSE AND EFFECT: The purpose of these rule amendments is to update references to federal regulations. The effect should be to more accurately give public notice of the extensive requirements imposed by the National Marine Fisheries Service (NMFS) on shark harvest in the Code of Federal Regulations (C.F.R.).

SUBJECT AREA TO BE ADDRESSED: Sharks.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: A rt. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-44.004 Practice of Finning Prohibited; Removal of Fins from Sharks Harvested in State Waters Prohibited; Compliance with Federal Requirements; Filleting Prohibited.

(1) No person shall engage in the practice of finning.

(2) No person shall remove any fin of any shark harvested in state waters while in or on such waters or prior to the shark being landed.

(3) Persons returning from federal Exclusive Economic Zone (EEZ) waters adjacent to state waters with sharks or shark fins harvested there shall not stop in state waters to fish and shall land any shark or shark fins in the proportion specified in 50 C.F.R. § ~~635.30(c) 678.21(a)(2)~~.

(4) No person shall fillet any shark while in or on state waters. The possession while in or on state waters of any shark that has been sliced, divided, filleted, ground, skinned, scaled, or deboned, is prohibited. Mere evisceration or “gutting” of such fish, mere removal of gills, or removal of the heads and tails, is not prohibited.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 2-14-94, 1-1-98, Formerly 46-44.004, Amended _____.

68B-44.005 Commercial Harvest of Sharks: Federal Permit Required.

No person shall harvest sharks in or from the waters of the state for commercial purposes or sell any shark harvested from such waters unless such person is in possession of a valid federal annual vessel permit for sharks issued pursuant to 50 C.F.R. § ~~635.4 678.4~~ or written authorization of such harvest or sale from the Regional Director of the National Marine Fisheries Service pursuant to 50 C.F.R. § ~~635.32 678.27~~.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 4-8-92, Amended 2-14-94, Formerly 46-44.005, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:

68B-45.002

68B-45.004

RULE TITLES:

Definitions

Regulation and Prohibition of Certain Harvesting Gear

PURPOSE AND EFFECT: The purpose of these rule amendments is to allow for a less narrowly-defined configuration for the fold up traps typically used in the recreational harvest of harvest blue crabs. The effect will be to allow the legal use of fold-up traps up to 1 cubic foot in volume that are not necessarily pyramid-shaped.

SUBJECT AREA TO BE ADDRESSED: Fold up blue crab traps.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-45.002 Definitions.

(1) through (4) No change.

(5) "Fold up trap" means a ~~pyramid-shaped~~ plastic or wire meshed collapsing trap, ~~with a square base panel and triangular-shaped side panels,~~ that opens outward to occupy a single plane when placed on the water bottom. It is baited in the center of the base panel and encloses crabs when retrieved by means of a cord drawing together ~~the topmost points of the side panels~~ triangles.

(6) through (17) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 10-4-95, Formerly 46-45.002, Amended 7-1-03, 7-15-04, 5-26-05, _____.

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

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

(d) Fold-up trap ~~with a square base panel no larger than one foot square.~~

(e) through (g) No change.

(2) through (10) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05, 3-30-06, 9-21-06, _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

RULE NOS.:

68B-55.001

68B-55.002

68B-55.004

68B-55.005

RULE TITLES:

Definitions

Retrieval of Trap Debris

Retrieval of Derelict Traps and Traps Located in Areas Permanently Closed to Trapping

Recovery of Traps in Area of Major Natural Disaster

PURPOSE AND EFFECT: The purpose of these rule amendments is three-fold. The amendment to rule 68B-55.01 modifies the definition of derelict trap to account for the fact that blue crab traps are now required to be marked with Commission-supplied trap tags. The amendments to Rules 68B-55.002 and 68B-55.004, F.A.C., exempt federal, state, or local government employees from acquiring authorization from the Florida Fish and Wildlife Conservation Commission in order to retrieve trap debris and traps that are located within areas where trapping is prohibited all year-round. The effect of these rule amendments will expedite the removal of these traps and reduce their impact to the environment. Rule 68B-55.005, F.A.C., is a new rule that will allow possession of a blue crab, stone crab, or lobster trap by someone other than its owner in the aftermath of a major storm for the purpose of returning it to its owner. The effect will be to aid fishers in recovering their traps in the aftermath of a major storm and allow them to resume normal fishing operations. This will also reduce damage to the environment and the unintended mortality to marine life caused by lost traps.

SUBJECT AREA TO BE ADDRESSED: Trap retrieval.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.

LAW IMPLEMENTED: A rt. IV, Sec. 9, Florida Constitution.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-55.001 Definitions.

(1) through (2) No change.

(3) "Derelict trap" means any trap during any closed season for the species, or any fishable trap during the open season that lacks more than two of the following elements:

- (a) through (b) No change.
- (c) Current Commission-issued trap tag (if required) ~~(spiny lobster or stone crab) or identification (blue crabs).~~
- (d) No change.
- (4) "Fishable trap" means a trap that has 6 intact sides and at least two of the following elements:
 - (a) through (b) No change.
 - (c) Current Commission-issued trap tag (if required).
 - (d) No change.
 - (5) through (6) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-03, Amended 3-1-05, _____.

68B-55.002 Retrieval of Trap Debris.

(1) Local, state, or federal governmental entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups are hereby authorized to remove trap debris from shoreline areas landward of mean low water, and from mangroves or other shoreline vegetation when they organize, promote, and participate in coastal cleanup events for the purpose of removing marine debris.

(2) Except as provided in subsection (3), other coastal cleanup events for the purpose of removing trap debris from all other areas of state waters shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised.

(3) Local, state, or federal government personel may remove trap debris located in areas that are permanently closed to trapping without prior authorization from the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-03, Amended _____.

68B-55.004 Retrieval of Derelict Traps and Traps Located in Areas Permanently Closed to Trapping.

(1) During the closed season for the harvest of any species for which traps are allowable gear, and after any authorized trap retrieval period together with any extensions, traps are considered to be derelict and may be retrieved as part of coastal cleanup events conducted by local, state, or federal government entities, nonprofit nongovernmental organizations, fishery participant organizations, or other community or citizens groups. Except as provided in subsection (3), such events shall only be undertaken with prior authorization from the Commission, to assure that such removal is adequately supervised but without the mandatory reporting required in Rule 68B-55.003, F.A.C.

(2) During the open season for harvest of any species for which traps are allowable gear, retrieval of derelict traps may occur at any time deemed appropriate by the Commission.

Commission employees, local, state, or federal personnel, or members of a fishery participant organization may retrieve derelict traps. Except as provided in subsection (3), retrieval other than by Commission personnel shall only be pursuant to a Commission approved plan. The plan shall include the operational area and time period proposed, authorized personnel, the number of vessels, methods of disposition, and number and qualifications of supervisory personnel. An approved plan shall also include notification of the Commission’s Division of Law Enforcement no less than 24 hours prior to commencement of retrieval under this program with final float plan information including contact information, vessel registration numbers, trip times, and number of days.

(3) Local, state, or federal government personel may retrieve traps located in areas that are permanently closed to trapping without prior authorization from the Commission.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New 7-1-03, Amended _____.

68B-55.005 Recovery of Traps in Area of Major Natural Disaster.

(1) In the event of an executive order issued by the Governor of the State of Florida declaring an emergency resulting from a major natural disater such as a hurricane, tropical storm, or similar weather occurance, upon a finding that the disaster has caused massive trap losses in any fishery regulated by the Commission, the Executive Director of the Fish and Wildlife Conservation Commission will issue an order declaring a trap emergency in the affected area or in a specified part threeof. Such order shall serve to activate the following provisions of this rule.

(2) The trap emergency will be in the area and during the period specified in the activation order.

(3) Each harvester in the affected trap fishery may designate persons authorized to recover and possess traps of the harvester. Such designation shall be on an Emergency Trap Recovery Designation Affidavit (FWC Form), which form is hereby incorporated by reference. The original of the affidavit shall be retained by the harvester. A copy of the affidavit will be filed with the nearest office of the Commission's Division of Law Enforcement and also provided to each person authorized to recover and possess traps of the harvester. The affidavit shall be valid from the date the notarized form is received by the Commision’s Division of Law Enforcement until the end of that license year.

(4) Persons authorized to recover and possess traps of a harvester will be allowed to do so only in the area and during the period specified in the activation order. Each such person shall possess and maintain available for inspection a copy of the affidavit while the person is engaged in recovering or possessing the harvester's traps.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History–New _____.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-6.009
RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of the proposed amendment is to revise DWC 250, Notice of Election to be Exempt, and its accompanying instructions, and to adopt DWC 252, Certificate of Election to be Exempt. The amendment revises Section 4 of both the form and instructions, deleting a request for an applicant's "Business Mailing Address" and replacing it with a request for an "Address of Record". The effect of the amendment is to provide additional guidance to applicants regarding the necessity of maintaining a consistent and reliable address for the purpose of receiving time-sensitive legal notices, documents, and communications from the Department.

SUBJECT AREA TO BE ADDRESSED: Revision of DWC 250, Notice of Election to be Exempt, its accompanying instructions, and updated addresses for the Division's Bureau of Compliance field offices; the amendment also incorporates by reference Form DWC 252, Certificate of Election to be Exempt.

SPECIFIC AUTHORITY: 440.05, 440.591 FS.

LAW IMPLEMENTED: 440.05 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, August 28, 2007, 2:00 p.m.

PLACE: Room 104J, Hartman, 2012 Capital Circle S. E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Assistant Division Director, Division of Worker's Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.009 Forms and Instructions.

(1) The following forms are hereby incorporated by reference for use in connection with these rules:

(a) DWC 250 Notice of Election to be Exempt, (eff. 2/07); and instructions for same (Instructions for Completing Notice of Election to be Exempt, (eff. 2/07).

(b) DWC 250-R Revocation of Election to be Exempt, revised 2/00.

(c) DWC 251 Notice of Election of Coverage, revised 2/00.

(d) DWC 251-R Revocation of Election of Coverage, revised 2/00.

(e) DWC 252 Certificate of Election to be Exempt, (eff.).

(2) The forms may be obtained from the Bureau of Compliance, Division of Workers' Compensation website at: www.fldfs.com/WC/ or from any field office, unless otherwise limited to direct issuance by the Division. The forms may be obtained from any field office of the Division of Workers' Compensation, Bureau of Compliance.

(3) The field offices of the Division of Workers' Compensation, Bureau of Compliance, are:

921 North Davis Street, Building B Suite 250 Jacksonville, FL 32209 Telephone (850) 798-5806

1111 N.E. 25th Avenue, Suite 403 Ocala, FL 34470 Telephone (352) 401-5350

2012 Capital Circle, S. E. Suite 102, Hartman Bldg. Tallahassee, FL 32399-2161 Telephone (850) 413-1609

610 East Burgess Road Pensacola, FL 32504-6320 Telephone (850) 453-7804

3111 South Dixie Highway Suite 123 West Palm Beach, FL 33405 Telephone (561) 837-5716

499 N.W. 70th Avenue Suite 116 Plantation, FL 33317 Telephone (954) 321-2906

4415 Metro Parkway Suite #300 Ft. Myers, FL 33916 Telephone (239) 938-1840

1313 North Tampa Street Suite 503 Tampa, FL 33602 Telephone (813) 221-6506

1718 Main Street Suite #201 Sarasota, FL 34236 Telephone (941) 361-6042

400 West Robinson Street Suite N 512, North Tower Orlando, FL 32801 Telephone (407) 835-4406

401 N.W. 2nd Avenue South Tower, Suite 321 Miami, FL 33128 Telephone (305) 536-0306

Specific Authority 440.05, 440.591 FS. Law Implemented 440.05 FS. History--New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended 2-19-07.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers' Compensation

RULE NO.: 69L-6.012
RULE TITLE: Notice of Election to be Exempt

PURPOSE AND EFFECT: The purpose of the amendment to the rule is to revise guidelines which relate to an employer's submission to the Department of a Notice of Election to be Exempt, a Notice of Election of Coverage, and the subsequent issuance, denial, revocation, and maintenance of a Certificate of Election to be Exempt. The amendment also deletes language and provisions no longer applicable as a result of changes to Chapter 205, F.S. The effect of the rule amendment is promote compliance by those employers applying for exemptions from the coverage requirements of Chapter 440, Florida Statutes by providing them with updated guidelines regarding the process.

SUBJECT AREA TO BE ADDRESSED: Guidelines for employers regarding the submission of a Notice of Election to be Exempt.

SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, August 28, 2007, 2:00 p.m.

PLACE: Room 104J, Hartman, Capital Circle S. E., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Andrew Sabolic, Assistant Division Director, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4229, (850)413-1600

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.012 Notice of Election to be Exempt.

(1)(a) Only corporate officers of non-dissolved or active corporations who meet the conditions for the issuance of valid Certificates of Election to be Exempt as stated in Chapter 440, F.S., and implemented by this rule may file a Notice of Election to be Exempt (DWC 250), as incorporated by reference in Rule 69L-6.009, F.A.C. Only a business entity organized under Chapter 607 or 617, F.S., will qualify as a corporation for purposes of issuing a Certificate of Election to be Exempt (DWC 252), as incorporated by reference in Rule 69L-6.009, F.A.C., to a corporate officer under this rule. While a limited liability company created and approved under Chapter 608, F.S., is not a corporation for purposes of Chapter 440, F.S., persons engaged in the construction industry who are limited liability company members owning at least ten percent (10%) of the non-dissolved or active limited liability company qualify as a "corporate officer" and are eligible for the issuance of a Certificate of Election to be Exempt under this rule.

(b) The Department shall deny any Notice of Election to be Exempt filed by a corporate officer of a dissolved or inactive corporation or limited liability company. A new Notice of Election to be Exempt (DWC-250), as adopted in Rule 69L-6.009, must be filed by the corporate officer, and if the corporate officer is engaged in the construction industry, another \$50.00 fee must be submitted with the Notice of Election to be Exempt.

(2) Any corporate officer engaged in the construction or non-construction industry, who elects to be exempt from the provisions of the workers' compensation law (Chapter 440, F.S.), shall file with the Department a Notice of Election to be Exempt (DWC-250). For purposes of this rule, an applicant is engaged in the "construction industry" when any portion of the applicant's business operations is described in the construction industry classification codes that are identified in Rule 69L-6.021, F.A.C.

(3) For a corporate officer engaged in the construction industry, the applicant shall attach to or, where appropriate, list on every Notice of Election to be Exempt (DWC-250) the following:

~~(a) A copy of an occupational license required by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located;~~

~~1. If the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation or limited liability company listed on the Notice of Election to Be Exempt;~~

~~2. If the applicant is not required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation, limited liability company, or business listed on the Notice of Election to Be Exempt;~~

~~(a)(b) The certified or registered license numbers held by the applicant issued pursuant to Chapter 489, F.S.; or the certified or registered license numbers held by the qualifier for the business listed on the Notice of Election to be Exempt (DWC-250) of which the applicant is a corporate officer; if the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the license must match the name of the corporation or limited liability company listed on the Notice of Election to be Exempt.~~

~~(b)(e) The Federal Employer Identification Number issued to the corporation or limited liability company, as applicable;~~

~~(c)(d) The Social Security Number or the individual taxpayer identification number of the applicant;~~

~~(d)(e) The Florida Department of State, Division of Corporations, registration number of the corporation or limited liability company, as applicable, named on the Notice of Election to be Exempt;~~

~~(e)(f) For corporate officers of a corporation, a copy of the stock certificate(s) issued to the applicant by the corporation named on the Notice of Election to be Exempt evidencing at least ten percent (10%) ownership of the named corporation by the applicant on the date that the Notice of Election to be Exempt is filed with the Department;~~

1. The percent of ownership shall be calculated by dividing the number of shares issued to the applicant by the total number of shares issued by the corporation named on the stock certificate(s);

2. In addition to the ownership requirement in paragraph (3)(e)(f), the copy of the stock certificate(s) shall state, at a minimum, the name of the issuing corporation, the state in which the corporation is organized, and the name of the person to whom the stock is issued. All stock certificate(s) must be signed by an officer or officers designated to do so in the bylaws or designated to do so by the board of directors;

(f)(g) For members of a limited liability company, documentation establishing the number of units of membership, or a notarized statement reflecting that the applicant owns at least ten percent (10%) of the limited liability company named on the Notice of Election to be Exempt on the date that the Notice of Election to be Exempt is filed with the Department;

(g)(h) The business(es) or trade(s) of the applicant;

(h)(i) The applicant's corporate officer title or member status;

(i)(j) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) that is under the same or substantially the same ownership or control as the corporation named on the Notice of Election to be Exempt;

(j)(k) The name of the corporation or limited liability company as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer or member;-

(k) The applicant's address of record.

(4) An applicant engaged in the construction industry must submit a \$50.00 fee with each Notice of Election to be Exempt (DWC 250) that is filed with the Department. If an applicant's payment is returned to the Department for non-sufficient funds, the Notice of Election to be Exempt is invalid and shall be denied. If a Certificate of Election to be Exempt (DWC 252) was issued to the applicant and the applicant's payment was returned to the Department for non-sufficient funds, the Certificate of Election to be Exempt shall be revoked. In order for the Department to process a new Notice of Election to be Exempt from an applicant who has had a payment returned for non-sufficient funds, the Department must receive confirmation that the initial \$50.00 payment and any associated service charge has been deposited into the Workers' Compensation Administration Trust Fund.

(5) For Notices of Election to be Exempt by a corporate officer or an officer of a corporation, as defined in Section 440.02(9), F.S., if the applicant is in the construction industry and the Department's records show three active Certificates of Election to be Exempt issued to corporate officers of a corporation or business entity or of any group of affiliated

corporations or business entities, the Department shall deny any Notice of Election to be Exempt (DWC 250) that would result in more than three corporate officers having active Certificates of Election to be Exempt for a corporation or business entity or any group of affiliated corporations or business entities.

(6) For a corporate officer not engaged in the construction industry, the applicant shall attach to or, where applicable, list on every Notice of Election to be Exempt (DWC-250) the following:

~~(a) A copy of an occupational license required by the jurisdiction in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located; The name of the corporation, limited liability company, or business listed on the Notice of Election to be Exempt must match the business name listed on the occupational license or on the occupational license receipt;~~

(a)(b) The Federal Employer Identification Number issued to the corporation;

(b)(c) The Social Security Number or the individual taxpayer identification number of the applicant;

(c)(d) The Florida Department of State, Division of Corporations, registration number of the corporation named on the Notice of Election to be Exempt;

(d)(e) The applicant's corporate officer title; and

(e)(f) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) in which the applicant has an ownership interest or serves as a corporate officer;

(f)(g) The name of the corporation as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer;-

(g) The business(es) or trade(s) of the applicant;

(h) The applicant's address of record.

(7) Incomplete Notices of Election to be Exempt, Issue Dates for Certificates of Election to be Exempt.

(a) An applicant shall have thirty days from the date his/her Notice of Election to be Exempt (DWC 250) is mailed or otherwise returned by the Department to the applicant as incomplete in which to file documentation or information which completes the Notice of Election to be Exempt, at which time the Notice of Election to be Exempt shall be processed without any additional processing fee. The Department shall

deny the Notice of Election to be Exempt if the applicant fails to file with the Department the documentation or information to complete the Notice of Election to be Exempt within 30 days of the date the Notice of Election to be Exempt was mailed or returned as incomplete. If the Notice of Election to be Exempt is denied, the applicant must submit a new Notice of Election to be Exempt and, if the applicant is engaged in the construction industry, another \$50.00 fee is required.

(b) If the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule more than 90 days prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the new Certificate of Election to be Exempt (DWC 252) is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, and any duplicate Certificate of Election to be Exempt for the applicant of the same business shall be null and void as of the issue date of the new Certificate of Election to be Exempt.

(c) If the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule more than 30 days but 90 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt shall be the expiration date of the original Certificate of Election to be Exempt.

(d) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S. and this rule 30 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the Department, whichever is earlier. Any duplicate Certificate of Election to be Exempt for the applicant shall be null and void as of the issue date of the renewal Certificate of Election to be Exempt.

(e) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a renewal Notice of Election to be Exempt after the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the Department, whichever is earlier.

(f) Subject to the exceptions listed in Section 440.05(5), F.S., if the Department receives a new Notice of Election to be Exempt, the issue date of the Certificate of Election to be

Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the Notice of Election to be Exempt is received by the Department, whichever is earlier. If the Department receives a new Notice of Election to be Exempt that lists a corporate officer that currently has a valid Certification of Election to be Exempt with the same corporation or limited liability company, the issue date of the Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the date the Notice of Election to be Exempt is received by the Department, whichever is earlier; and the current Certification of Election to be Exempt shall be null and void as of the issue date of the new Certification of Election to be Exempt.

(8) Any Notice of Election to be Exempt (DWC 250) which is returned to the applicant by the Department within 30 days after receipt by the Department for failure to meet the eligibility requirements of Section 440.05, F.S. and this rule is not "received" for purposes of Section 440.05(5), F.S.

(9) Any corporate officer or member of a limited liability company engaged in the construction industry, or corporate officer engaged in the non-construction industry who has been issued a Certificate of Election to be Exempt (DWC 252), may revoke such certificate by filing with the Department a Revocation of Election to be Exempt (DWC 250-R), as incorporated by reference ~~adopted~~ in Rule 69L-6.009, F.A.C. The issue date of a Revocation of Election to be Exempt is the date the revocation is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the Revocation of Election to be Exempt is received by the Department, whichever is earlier.

(10) A Revocation of Election to be Exempt (DWC-250-R) shall only be filed by the same person named on the Certificate of Election to be Exempt (DWC 252) or by a corporate officer of the business named on the Certificate of Election to be Exempt and listed as a corporate officer with the Department of State, Division of Corporations.

(11) Payments made to the Department under this rule shall be in a form made payable to DFS – Workers' Compensation Administration Trust Fund.

(12) The issue date of a Notice of Election of Coverage (DWC 251), as incorporated by reference in Rule 69L-6.009, F.A.C., is the date it is approved and saved to the Coverage and Compliance Automated System database of the Department, or 30 days after the Notice of Election of Coverage is received by the Department, whichever is earlier.

(13) The issue date of a Revocation of Election of Coverage (DWC 251-R), as incorporated by reference in Rule 69L-6.009, F.A.C., is the date it is approved and saved to the

Coverage and Compliance Automated System database of the Department, or 30 days after the Revocation of Election of Coverage is received by the Department, whichever is earlier.

(14) The person named on the Certificate of Election to be Exempt (DWC 252) shall have the duty to notify the Department of any change to the person's address of record listed on the Certificate of Election to be Exempt, the dissolution or reinstatement of the corporation or limited liability company named on the Certificate of Election to be Exempt, or when the person named on the Certificate of Election to be Exempt is no longer a corporate officer or member of the corporation or limited liability company listed on the Certificate of Election to be Exempt.

(15) Dissolution of the corporation or limited liability company named on the Certificate of Election to be Exempt (DWC 252) or the person named on the Certificate of Election to be Exempt no longer being a corporate officer or member of the corporation or limited liability company listed on the Certificate of Election to be Exempt will result in initiation of proceedings by the Department to revoke the Certificate of Election to be Exempt.

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05 FS. History--New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04, 10-30-06,_____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-136.020
 RULE TITLE: Forms Incorporated by Reference (Common Forms)

PURPOSE AND EFFECT: To approve Forms for applications for licensure, registration and acquisitions.

SUBJECT AREA TO BE ADDRESSED: Applications for licensure, registration and acquisitions.

SPECIFIC AUTHORITY: 624.308, 634.021, 634.061, 634.302, 634.402, 636.008, 636.067, 636.204, 641.21, 641.36, 641.403, 641.021(2) FS.

LAW IMPLEMENTED: 624.307, 624.316(2)(b), 624.318, 624.34, 624.401, 624.404, 624.413, 624.414, 624.416(4), 624.422, 624.462, 624.466, 624.501 625.306, 626.913, 626.918, 627.6488, 627.943, 627.944, 628.051, 628.061, 628.071, 628.091, 628.161, 628.171, 628.221, 628.251, 628.261, 628.451, 628.461, 628.4615, 628.471, 628.6011, 629.071, 629.081, 629.091, 629.101, 629.121, 629.131, 629.181 634.031, 634.303, 634.305, 634.305, 634.402, 634.403, 636.007, 636.008, 636.204, 641.21, 641.405, 641.406, 642.021 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: August 21, 2007, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, 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: Michelle Brewer, Business Development and Market Research, Office of Insurance Regulation, E-mail michelle.brewer@fldfs.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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Brewer, Business Development and Market Research, Office of Insurance Regulation, E-mail michelle.brewer@fldfs.com. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-136.022
 RULE TITLE: I-Apply

PURPOSE AND EFFECT: To create a web-based applications system for applications for licensure, registration and acquisitions.

SUBJECT AREA TO BE ADDRESSED: Applications for licensure, registration and acquisitions.

SPECIFIC AUTHORITY: 624.308, 634.021, 634.061, 634.302, 634.402, 636.008, 636.067, 636.204, 641.21, 641.36, 641.403, 641.021(2) FS.

LAW IMPLEMENTED: 624.307, 624.316(2)(b), 624.318, 624.34, 624.401, 624.404, 624.413, 624.414, 624.416(4), 624.422, 624.462, 624.466, 624.501 625.306, 626.913, 626.918, 627.6488, 627.943, 627.944, 628.051, 628.061, 628.071, 628.091, 628.161, 628.171, 628.221, 628.251, 628.261, 628.451, 628.461, 628.4615, 628.471, 628.6011, 629.071, 629.081, 629.091, 629.101, 629.121, 629.131, 629.181, 634.031, 634.303, 634.305, 634.305, 634.402, 634.403, 636.007, 636.008, 636.204, 641.21, 641.405, 641.406, 642.021 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: August 21, 2007, 9:30 a.m.
 PLACE: Room 116, Larson Building, 200 East Gaines Street, 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: Michelle Brewer, Business Development and Market Research, Office of Insurance Regulation, E-mail michelle.brewer@fldfs.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 RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michelle Brewer, Business Development and Market Research, Office of Insurance Regulation, E-mail: michelle.brewer@fldfs.com. THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-138.005
 RULE TITLE: Examination of Insurers
 PURPOSE AND EFFECT: To set forth procedures for examinations performed by non employees.
 SUBJECT AREA TO BE ADDRESSED: Insurer examinations.

SPECIFIC AUTHORITY: 624.316 FS.
 LAW IMPLEMENTED: 624.316 (2)(e) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: August 14, 2007, 9:30 a.m.
 PLACE: Room 142, Larson Building, 200 East Gaines Street, 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: Claude Mueller, Office of Insurance Regulation, E-mail claud.mueller@fldfs.com If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Claude Mueller, Office of Insurance Regulation, E-mail: claud.mueller@fldfs.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

**Section II
 Proposed Rules**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.034
 RULE TITLE: Polling Place Procedures Manual

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise the polling place procedures manual (that is incorporated by reference) to reflect changes regarding election procedures at the polls as set forth in chapter law 2007-30, Laws of Florida. The proposed manual provides guidance to election officials and poll workers on voting activities. The manual is used both for voting and election administration activities during the early voting period and on election day. The proposed revisions to the manual includes clarification on the set up of accessible voting equipment, photography, exit polling exception to the no-solicitation provision, elimination of an employee’s badge and a buyer’s card to satisfy the identification requirements at the polls, proper precinct for voting, the timeframe in which a provisional ballot voter has to present evidence of eligibility, and touch screen devices with optical scan ballot marking and printing capability. Reformatting changes are also made.

SUMMARY: The amendments are made to Form DS-DE #11, entitled “The Polling Place Procedures Manual,” which is incorporated by reference in the rule. The changes conform the manual to recent legislative changes affecting voting and election procedures at the polls on election day and during the early voting period.

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

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

SPECIFIC AUTHORITY: 20.10, 97.012, 102.014(5) FS.
 LAW IMPLEMENTED: 102.014(5) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, August 20, 2007, 2:00 p.m.
 PLACE: Florida Heritage Hall, Plaza Level, R.A. Gray Building, 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 hours before the workshop/meeting by contacting: Maria I. Matthews, Assistant General Counsel. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, (800)955-8771 (TDD) or (800)955-8770 (Voice).