

Section I

**Notices of Development of Proposed Rules
and Negotiated Rulemaking**

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.0001
RULE TITLE: Designation of Division of Elections as Filing Office for Department of State

PURPOSE AND EFFECT: To implement a requirement that any candidate qualifying paper filed with the qualifying office, whether with the Division of Elections or with a supervisor of elections, must be an original document, except the full and public disclosure or statement of financial interests as permitted by statute. Currently, any document filed under oath must be an original. Clarifying changes also will be made in the title, text, and organization of the rule. Citations to the rulemaking authority will also be updated.

SUBJECT AREA TO BE ADDRESSED: Filing office for candidates and candidate qualifying papers.

RULEMAKING AUTHORITY: 20.05(1)(e), 20.10(3), 97.012(1), 99.061(10), 105.031(1) FS.

LAW IMPLEMENTED: 20.05(1)(b), 99.061, 99.095, 105.031(1), 105.035 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: July 12, 2010, 2:30 p.m.

PLACE: Room 307, R. A. Gray Building, Department of State, 500 S. Bronough Street, 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 5 days before the workshop/meeting by contacting: Eddie L. Phillips, Executive Assistant, Office of General Counsel, Department of State; telephone: (850)245-6536; email: elphillips@dos.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: Gary J. Holland, Assistant General Counsel, Department of State, telephone: (850)245-6536; email: gjholland@dos.state.fl.us

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.043
RULE TITLE: Electronic File Reporting Relating to Absentee Ballot Request Information, Voting Activity, and Election Results

PURPOSE AND EFFECT: This rule development workshop is necessary to reflect a change to Section 101.62, Florida Statutes, made in Chapter 2010-167, Laws of Florida, that changes the requirements relating to electronic upload for reporting absentee ballot request information. The law now requires continuous daily reporting of absentee ballot request information to begin 60 days before a primary election and to end 15 days after the general election. Preliminary changes are also made to correct statutory cross-references and to expand the reporting file to include an absentee ballot requester's e-mail address and fax number information if provided.

SUBJECT AREA TO BE ADDRESSED: Reporting requirements relating to absentee ballot request information.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 98.0981(5), 101.62(3), 101.657(2), 102.141(10) FS.

LAW IMPLEMENTED: 98.0981, 101.62, 101.657, 102.141 FS.

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

DATE AND TIME: July 12, 2010, 1:00 p.m.

PLACE: Florida Department of State, R. A. Gray Building, Room 307, 500 S. Bronough 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 7 days before the workshop/meeting by contacting: Eddie L. Phillips, Executive Assistant, Office of the General Counsel, (850)245-6536 or elphillips@dos.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). 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: Maria Matthews, Assistant General Counsel, Office of the General Counsel, (email: mimatthews@dos.state.fl.us) or (850)245-6536

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

DEPARTMENT OF STATE

Division of Elections

RULE NO.: 1S-2.045 **RULE TITLE:** Candidate Petition Process

PURPOSE AND EFFECT: To update the rule and to modify the candidate petition form, DS-DE 104, which is incorporated by reference in the rule. The amendments clarify the requirements for a candidate petition form to be verified as valid. The rule makes the DS-DE 104 applicable to nonpartisan elections under Chapter 105, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Candidate qualifying by petition process.

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 99.095, 105.035(2) FS.

LAW IMPLEMENTED: 99.095, 99.061, 99.097, 105.031, 105.035 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: July 12, 2010, 3:00 p.m.

PLACE: Room 307, R. A. Gray Building, Department of State, 500 S. Bronough Street, 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 5 days before the workshop/meeting by contacting: Eddie L. Phillips, Executive Assistant, Office of General Counsel, Department of State; telephone: (850)245-6536; email: elphillips@dos.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: Gary J. Holland, Assistant General Counsel, Department of State, R.A. Gray Building, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6536; email: gjholland@dos.state.fl.us

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.09401 **RULE TITLE:** Student Performance Standards

PURPOSE AND EFFECT: The purpose of this rule development is to provide an opportunity for the public (including educators, administrators, students and parents) to provide input on revisions to the K-12 Next Generation Sunshine State Standards for World Languages and Fine Arts.

The effect will be the proposed adoption of revised Next Generation Sunshine State Standards for World Languages and Fine Arts.

SUBJECT AREA TO BE ADDRESSED: Revised Next Generation Sunshine State Standards for World Languages and Fine Arts (Dance, Music, Theatre, and Visual Arts).

RULEMAKING AUTHORITY: 1001.02 FS.

LAW IMPLEMENTED: 1001.03 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: Todd Clark, Bureau Chief, Bureau of Curriculum and Instruction, Department of Education, 325 West Gaines Street, Room 432, Tallahassee, FL., (850)245-0764. Public input is requested online at this site: <http://flstandards.org>. Review period for Proposed World Language Standards: June 9 – August 13, 2010; Review period for Proposed Fine Arts Standards: July 20 – August 22, 2010.

To request a rule development workshop, please contact: Lynn Abbott, Agency Clerk, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE NO.: 9N-1.001 **RULE TITLE:** State Building Code Adopted

PURPOSE AND EFFECT: To conduct rule development workshops before the Commission's Technical Advisory Committees to accept public input regarding proposed modifications to the selected edition of the model codes, the combination of which to comprise the 2010 Florida Building Code in conformity with the triennial update process specified in Sections 553.73(3), (6), Florida Statutes. Local technical amendments to the 2007 Florida Building Code and continuation of previously adopted Florida-specific amendments will be considered. Each Committee, identified with the location of the workshop below, will consider those modifications and amendments that fall within their area of expertise. The specific modifications and amendments for consideration at each workshop will be identified in the agenda for Committee meetings which will be noticed and available in accordance with Sections 120.525(1)-(2), Florida Statutes, which will be available via the Commissions website, www.floridabuilding.org.

SUBJECT AREA TO BE ADDRESSED: The Florida Building Code.

RULEMAKING AUTHORITY: 553.73(1), 553.73(2), 553.73(7), 553.73(8), 553.901 FS.

LAW IMPLEMENTED: 553.72, 553.73(2), 553.73(3), 553.73(7), 553.73(8), 553.73(9), 553.901 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATE AND TIME: July 15, 2010, 9:00 a.m.

PLACE: Special Occupancy TAC, Department of Community Affairs, Randall Kelley Training Center, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100

DATE AND TIME: August 8, 2010, 2:00 p.m.

PLACE: Roofing TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

DATE AND TIME: August 9, 2010, 8:00 a.m.

PLACE: Plumbing TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

DATE AND TIME: August 9, 2010, 8:00 a.m.

PLACE: Roofing TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

DATE AND TIME: August 9, 2010, 1:00 p.m.

PLACE: Code Administration TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

DATE AND TIME: August 10, 2010, 1:00 p.m.

PLACE: Electrical TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

DATE AND TIME: August 10, 2010, 1:00

PLACE: Fire TAC, Crown Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

DATE AND TIME: August 11, 2010, 8:00 a.m.

PLACE: Fire TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

DATE AND TIME: August 11, 2010, 8:00 a.m.

PLACE: Mechanical TAC, Crowne Plaza-Oceanfront Hotel, 2605 N. A1A Highway, Melbourne, Florida 32903

DATE AND TIME: August 23, 2010, 9:00 a.m.

PLACE: Structural TAC, University Hilton, 1714 Southwest 34th Street, Gainesville, Florida 32607

DATE AND TIME: August 24, 2010, 8:00 a.m.

PLACE: Structural TAC, University Hilton, 1714 Southwest 34th Street, Gainesville, Florida 32607

DATE AND TIME: August 25, 2010, 8:00 a.m.

PLACE: Energy TAC, University Hilton, 1714 Southwest 34th Street, Gainesville, Florida 32607

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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski

Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

DEPARTMENT OF TRANSPORTATION

| RULE NOS.: | RULE TITLES: |
|------------|---|
| 14-57.003 | Railroad Safety Standards and Clearance Requirements |
| 14-57.010 | Definitions for Use in Part II |
| 14-57.011 | Public Railroad-Highway Grade Crossings Costs |
| 14-57.012 | Standards for Opening and Closing of Public Railroad-Highway Grade Crossings |
| 14-57.013 | Installation Criteria and Warning Devices for Public Railroad-Highway Grade Crossings |
| 14-57.014 | Rail Corridor Crossing Management |

PURPOSE AND EFFECT: Rule Chapter 14-57, F.A.C., is being amended to update, reorganize, and clarify the rule chapter.

SUBJECT AREA TO BE ADDRESSED: The overall organization of the rule chapter is addressed.

RULEMAKING AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 335.141, 337.242(3), 339.05, 341.302, 351.35 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: Deanna R. Hurt, Assistant General Counsel and Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

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

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

Health Facility and Agency Licensing

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|-------------------|---|
| RULE NOS.: | RULE TITLES: |
| 59A-6.020 | Licensure Procedure |
| 59A-6.022 | Standards of Performance |
| 59A-6.027 | Collection and Transmittal of Specimens |
| 59A-6.033 | Fees |

PURPOSE AND EFFECT: The agency is proposing to amend the rules governing multiphasic health testing centers to conform with requirements and application forms being created under Section 408.806, F.S., and proposed Chapter 59A-35, F.A.C., and to conform with revised statutory provisions.

SUBJECT AREA TO BE ADDRESSED: This rule will be amended to conform to the revised statutory requirements in Part II, Chapter 408, F.S., and rule requirements in Chapter 59A-35, F.A.C., and to incorporate revised licensure application forms.

RULEMAKING AUTHORITY: 483.291 FS.

LAW IMPLEMENTED: 483.285, 483.291, 483.30, 483.302, 483.308, 483.314 FS.

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

DATE AND TIME: July 15, 2010, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Dennis Hitchens, Laboratory Licensure Unit, 2727 Mahan Drive, MS #32, Tallahassee, FL 32309 or at (850)412-4377

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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| RULE NO.: | RULE TITLE: |
| 59G-4.060 | Dental Services |

PURPOSE AND EFFECT: The purpose of the amendment to Rule 59G-4.060, F.A.C., is to incorporate by reference the Florida Medicaid Dental Coverage and Limitations Handbook, September 2010. The amendment updates the handbook and

clarifies existing policy and reimbursement limitations for dental procedures. The amendment also allows dentists who hold a Health Access Dental license to enroll in the Medicaid program and practice in health access settings.

SUBJECT AREA TO BE ADDRESSED: Dental Services.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.906, 409.908, 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: Tuesday, July 20, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32308-5407

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: Mary Cerasoli at the Bureau of Medicaid Services, (850)412-4228. 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: Mary Cerasoli, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, telephone: (850)412-4228, e-mail: mary.cerasoli@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, September 2010, ~~January 2006, updated January 2007~~, and the Florida Medicaid provider Reimbursement handbook, ADA Dental, July 2008, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS 1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent's Web Portal at www.mymedicaid-florida.com. Select Public Information for Providers, then Provider Support, and then Provider Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent, Provider Contact Center at (800)289-7799 and selecting Option 7.

(3) through (4) No change.

Rulemaking Specific Authority 409.919 FS. Law Implemented 409.902, 409.906, 409.908, 409.912, 409.913 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, 6-28-05, 7-2-06, 5-21-07, 2-23-09, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.010
 RULE TITLE: Payment Methodology for Nursing Home Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate editorial changes to the Florida Title XIX Long-Term Care Reimbursement Plan along with detail regarding nursing home staffing ratios found in House Bill 5301, Medicaid Services, effective July 1, 2010, and to address a series of cost report issues.

1. The addition of a definition for “total bed capacity.”
2. Reorganization of Section V. B of the Title XIX Long Term Care Reimbursement Plan regarding the chronology of reimbursement rate reductions.
3. The addition of a deadline for submitting an initial cost report.
4. Modify ceilings from an average of north and south in order to fully implement central ceilings.
5. Delete “resulting from 1. and 2.” from Section IV. J. 4 of the Title XIX Long-Term Care Reimbursement Plan, specific to interim rate requests. The current language could be interpreted incorrectly that interim rate requests for general or professional liability insurance do not have to be submitted within 60 days after the costs are incurred. By removing “resulting from 1., and 2. above” the language makes no distinction between 1, 2 and 3 (general or professional liability) and the proper interpretation can be made that all interim rate requests must be submitted within 60 days.
6. Clarifying the definition of late cost report and acceptance procedures.
7. New policies regarding resubmissions of cost reports by providers.
8. Development of a sanction process (possibly a daily fine) for late cost reports including reimbursement at the lowest per diem by area.
9. Development of new policies and procedures regarding AHCA’s ability to recoup overpayments.
10. AHCA will reserve the right to submit any provider found to be out of compliance with any of the new policies and procedures regarding cost reports to the Bureau of Medicaid Program Integrity for investigations.
11. Addition of Appendix C to the Title XIX Long-Term Care Reimbursement Plan detailing the Medicaid Trend Adjustment to include percentages, annualized reduction amounts, and sample calculations.

12. The agency shall develop efficiency and outcome measures in order to assess the value for patients including both outcomes and costs over the full cycle of care.

13. Revisions to Fair Rental Value System (FRVS) inflation index.

14. Minimum staffing changes:

- a. A minimum weekly average of certified nursing assistant and licensed nursing staffing combined of 3.9 hours of direct care per resident per day. A week is defined as Sunday through Saturday.
- b. A minimum certified nursing assistant staffing of 2.7 hours of direct care per resident per day. A facility may not staff below one certified nursing assistant per 20 residents.
- c. A minimum licensed nursing staffing of 1.0 hour of direct care per resident per day. A facility may not staff below one licensed nurse per 40 residents.

SUBJECT AREA TO BE ADDRESSED: July 1, 2010 ceilings, staffing ratios, cost report issues, FRVS Inflation index, and various technical changes in the Title XIX Long-Term Care Reimbursement Plan.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908, 409.9082 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: July 13, 2010, 9:00 a.m. – 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Cost Reimbursement, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Tallahassee, Florida 32308, (850)412-4077 or by e-mail at edwin.stephens@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan effective July 1, 2010, in accordance with House Bill 5001, 2010-11 General Appropriations Act, Specific Appropriation 189 and 190, and to address a series of cost report issues.

1. The Agency shall implement a recurring methodology in the Title XIX Inpatient Hospital Reimbursement Plan to achieve a \$232,221,607 reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget. Hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent and rural hospitals as defined in Section 395.602, Florida Statutes, are excluded from this reduction.

2. Eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the elimination of the inpatient ceilings under this section of proviso or any other proviso listed, such hospitals shall be exempt from the inpatient reimbursement ceilings contingent on the hospital or local governmental entity providing the required state match. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available. Any hospital that was exempt from the inpatient reimbursement ceiling in the prior state fiscal year, due to their charity care and Medicaid days as a percentage to total adjusted hospital days equaling or exceeding 11 percent, but no longer meets the 11 percent threshold, because of updated audited DSH data, shall remain exempt from the inpatient reimbursement ceilings for a period of two years.

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

4. Eliminate the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2010, and any hospitals that becomes a designated or provisional trauma center during Fiscal Year 2010-2011. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in Section 12, Chapter 2007-326, Laws of Florida. The agency shall use the average of the 2003, 2004 and 2005 audited Disproportionate

Share Hospital (DSH) data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited Disproportionate Share Hospital (DSH) data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

5. \$9,932,000 is provided for global fees for providing liver transplant services to Medicaid beneficiaries.

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

7. Buy back of the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for the following three categories of hospitals. Of these funds

- \$31,984,943 is provided to the first category of hospitals, which are those hospitals that are part of a system that operates a provider service network in the following manner: \$18,773,903 is for Jackson Memorial Hospital; \$2,133,277 is for hospitals in Broward Health; \$4,906,684 is for hospitals in the Memorial Healthcare System; and \$760,226 is for Shands Jacksonville and \$5,410,853 is for Shands Gainesville. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the inpatient rate.

- \$12,139,819 shall be used for the second category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates for those hospitals that are licensed as a children's specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals.

- \$5,475,985 shall be used for the third category to buy back the Medicaid trend adjustment that is being applied against the Medicaid inpatient rates to rural hospitals. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the inpatient rate for those individual hospitals.

The agency shall use the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

8. Public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, hospitals with graduate medical education positions that do not otherwise qualify, and for designated trauma hospitals to buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost.

9. Hospitals not previously provided this authority, may buy back the Medicaid inpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their inpatient rates up to actual Medicaid inpatient cost. The agency shall not include the funds described in this paragraph for the buy back of reductions to inpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

10. \$40,000,000 is provided for hospital exemptions from inpatient reimbursement limitations for any hospital, not elsewhere qualifying for an exemption, that has local funds available for intergovernmental transfers. The payments under this proviso are contingent on the state share being provided through grants and donations from state, county, or other governmental funds. The agency shall not include the funds described in this paragraph for the buy back of reductions to inpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

11. \$6,000,000 is provided for Medicaid payments for multi-visceral transplant and intestine transplants in Florida. The agency shall establish a reasonable global fee for these transplant procedures and the payments shall be used to pay approved multi-visceral transplant and intestine transplant facilities a global fee for providing transplant services to Medicaid beneficiaries.

12. Adjust the Medicaid rate for any rural hospital that moved into a replacement facility during calendar year 2009 to reflect Medicaid costs for the period of time from moving into the replacement facility to when the rate would reflect the costs of the replacement facility through the routine rate setting

process. To qualify for this adjustment, a hospital must have a combined Medicaid and charity care utilization rate of at least 25 percent based on the most recent information reported to the Agency for Health Care Administration prior to moving into the replacement facility.

13. Funds in Specific Appropriation 190 shall be used for a Disproportionate Share Hospital Program as provided in Sections 409.911, 409.9113, and 409.9119, Florida Statutes:

\$155,223,205 – Payments to public hospitals;

\$66,131,172 – Payments to Teaching hospitals;

\$2,000,000 – Payments for Graduate Medical Education (GME);

\$13,020,000 – Payments to family practice teaching hospitals;

\$800,000 – Payments to hospitals licensed as specialty children's hospitals; and

\$9,216,200 – Payments to Provider Service Network hospitals.

15. Clarifying the definition of late cost report and acceptance procedures.

16. New policies regarding resubmissions of cost reports by providers.

17. Development of a sanction process (possibly a daily fine) for late cost reports including reimbursement at the lowest per diem by class.

18. Development of new policies and procedures regarding AHCA's ability to recoup overpayments.

19. AHCA will reserve the right to submit any provider found to be out of compliance with any of the new policies and procedures regarding cost reports to the Bureau of Medicaid Program Integrity for investigations.

SUBJECT AREA TO BE ADDRESSED: July 1, 2010 Inpatient Hospital reimbursement rates and cost reporting issues.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.911, 409.9112, 409.9113, 409.9115, 409.9116, 409.9117, 409.9118, 409.9119 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: July 13, 2010, 10:00 a.m. – 11:00 a.m

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)412-4077 or edwin.stephens@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-6.030
 RULE TITLE: Payment Methodology for Outpatient Hospital Services

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan in accordance with House Bill 5001, 2010-2011 General Appropriations Act, Specific Appropriation 194, and to address a series of cost report issues.

1. The Agency shall implement a recurring methodology in the Title XIX Outpatient Hospital Reimbursement Plan to achieve a \$54,791,389 rate reduction. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget. Hospitals that are licensed as a children’s specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent and rural hospitals as defined in Section 395.602, Florida Statutes, are excluded from this reduction.

2. Elimination the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For any public hospital or any leased public hospital found to have sovereign immunity or hospital with graduate medical education positions that does not qualify for the elimination of the outpatient ceilings, such hospitals shall be exempt from the outpatient reimbursement ceilings. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available. Any hospital that was exempt from the outpatient reimbursement ceiling in the prior state fiscal year, due to their charity care and Medicaid days as a percentage to total adjusted hospital days equaling or exceeding 11 percent, but no longer meet the 11 percent threshold, because of updated audited DSH data shall remain exempt from the outpatient reimbursement ceilings for a period of two years.

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

4. Elimination the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2010 or become a designated or provisional trauma center during Fiscal Year 2010-2011. Included in these funds are the annualized amounts to offset the reductions taken against certified trauma centers as identified in section 13, Chapter 2007-326, Laws of Florida. The agency shall use the average of the 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

5. \$12,226,583 is provided to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for the following three categories of hospitals:

- \$3,372,389 is provided to the first category of hospitals, which are those hospitals that are part of a system that operate a provider service network in the following manner:
 - \$570,978 is for Jackson Memorial Hospital;
 - \$458,668 is for hospitals in Broward Health;
 - \$840,958 is for hospitals in the Memorial Healthcare System;
 - \$256,166 to Shands Jacksonville and
 - \$1,245,619 to Shands Gainesville.

In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate.

- \$4,221,468 shall be used for the second category of hospitals to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for those hospitals that are licensed as a children’s specialty hospital and whose Medicaid days plus charity care days divided by total adjusted patient days equals or exceeds 30 percent. In the event that the above amounts exceed the amount of the Medicaid trend adjustment applied to each hospital, then the excess funds will be used to buy back other Medicaid reductions in the outpatient rate.

- \$4,632,726 shall be used for the third category of hospitals to buy back the Medicaid trend adjustment that is being applied against the Medicaid outpatient rates for rural hospitals. In the event that the funds under this category exceed the amount of the Medicaid trend adjustment, then any excess funds will be used to buy back other Medicaid reductions in the outpatient rate for those individual hospitals.

The Agency shall use the average of 2003, 2004 and 2005 audited DSH data available as of March 1, 2009. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2003, 2004 and 2005 that are available.

6. \$66,317,949 is provided for public hospitals, including any leased public hospital found to have sovereign immunity, teaching hospitals as defined in Section 408.07(45) or 395.805, Florida Statutes, which have seventy or more full-time equivalent resident physicians, hospitals with graduate medical education positions that do not otherwise qualify, and designated trauma hospitals to buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost.

7.a) Hospitals may buy back the Medicaid outpatient trend adjustment applied to their individual hospital rates and other Medicaid reductions to their outpatient rates up to actual Medicaid outpatient cost.; and

b) \$15,000,000 is provided for exemptions from outpatient reimbursement limitations for any hospital that has local funds available for intergovernmental transfers, not elsewhere qualifying for an exemption. The agency shall not include the funds described in this paragraph for the buy back of reductions to outpatient hospital rates in the calculation of capitation rates for Health Maintenance Organizations unless the nonfederal share is provided through grants and donations from state, county or other governmental funds. This section of proviso does not include the buy back of the Medicaid inpatient trend adjustment applied to the individual state mental health hospitals.

8. Clarifying the definition of late cost report and acceptance procedures.

9. New policies regarding resubmissions of cost reports by providers.

10. Development of a sanction process (possibly a daily fine) for late cost reports including reimbursement at the lowest per diem by class.

11. Development of new policies and procedures regarding AHCA's ability to recoup overpayments.

12. AHCA will reserve the right to submit any provider found to be out of compliance with any of the new policies and procedures regarding cost reports to the Bureau of Medicaid Program Integrity for investigations.

SUBJECT AREA TO BE ADDRESSED: July 1, 2010 Outpatient Hospital reimbursement rates and cost report issues.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: July 13, 2010, 10:00 a.m. – 11:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin

Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)412-4077 or edwin.stephens@ahca.myflorida.com

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:
59G-6.045

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule development is to incorporate changes to the Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the Plan) Effective July 1, 2010, the Agency will amend Florida Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not Publicly Owned and not Publicly Operated Reimbursement Plan (the Plan) to address the following cost reporting issues:

1. Clarifying the definition of a late cost report and late cost report acceptance procedures.
2. Resubmissions of cost reports by providers.
3. Development of a sanction process (possibly a daily fine) for late cost reports including reimbursement at the lowest per diem by class or area.
4. Development of new policies and procedures regarding AHCA's ability to recoup overpayments.
5. AHCA reserves the right to submit any provider found to be out of compliance with cost reporting policies and procedures to Medicaid Program Integrity for investigation of Medicaid fraud and abuse.

SUBJECT AREA TO BE ADDRESSED: Florida Medicaid Title XIX Intermediate Care Facilities (ICF) for the Mentally Retarded and the Developmentally Disabled Facilities not publicly owned and not publicly operated cost reporting policies and procedures.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: July 13, 2010, 1:00 p.m. – 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149-A, Tallahassee, Florida 32308, (850)412-4077 or edwin.stephens@ahca.myflorida.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose and effect of the proposed amendment is to incorporate changes to the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan (the Plan) effective July 1, 2010. In accordance with House Bill 5001, 2010-11 General Appropriations Act, Specific Appropriation 212, and to address a series of cost report issues, the Florida Title XIX Payment Methodology for County Health Departments Reimbursement Plan will be amended as follows:

1. The Agency shall implement a recurring methodology in the Title XIX County Health Department Reimbursement Plan to achieve a \$40,379,100 rate reduction to modify the reimbursement rates for county health departments. In establishing rates through the normal process, prior to including this reduction, if the unit cost is equal to or less than the unit cost used in establishing the budget, then no additional reduction in rates is necessary. In establishing rates through the normal process, prior to including this reduction, if the unit cost is greater than the unit cost used in establishing the budget, then rates shall be reduced by an amount required to achieve this reduction, but shall not be reduced below the unit cost used in establishing the budget.
2. \$42,631,388 is provided for county health departments to buy back clinic services rate adjustments, effective on or after July 1, 2008.
3. Clarifying the definition of late cost report and acceptance procedures.
4. New policies regarding resubmissions of cost reports by providers.
5. Development of a sanction process (possibly a daily fine) for late cost reports including reimbursement at the lowest per diem.
6. Development of new policies and procedures regarding AHCA's ability to recoup overpayments.
7. AHCA will reserve the right to submit any provider found to be out of compliance with any of the new policies and procedures regarding cost reports to the Bureau of Medicaid Program Integrity for investigations.

SUBJECT AREA TO BE ADDRESSED: July 1, 2010, County Health Department reimbursement rates and cost reporting issues.

RULEMAKING AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.908 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: July 13, 2010, 11:00 a.m. – 12:00 Noon

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, Florida 32308, (850)412-4077 or at edwin.stephens@ahca.myflorida.com

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NOS.: 61-7.001, 61-7.002
RULE TITLES: Licensure Process, Fees

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to establish department processes for the temporary professional licensure of spouses of members of the Armed Forces.

SUBJECT AREA TO BE ADDRESSED: The subject area to be addressed in these rules is the process by which the department issues temporary professional licenses for spouses of members of the Armed Forces.

RULEMAKING AUTHORITY: 455.02(3) FS.

LAW IMPLEMENTED: 455.02(3) 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: Tim Vaccaro, Director, Division of Professions, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-7776

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-7.001
 RULE TITLE: Specialty Electrical Contractors
 PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify language concerning the scope of work for the limited energy systems specialty; to clarify that certified and registered licensees in Unlimited Electrical Contractor, Alarm System Contractor I, Alarm System Contractor II, and Residential Electrical Contractor may perform the scope of work of a limited energy systems specialty certification.
 SUBJECT AREA TO BE ADDRESSED: Specialty Electrical Contractors.
 RULEMAKING AUTHORITY: 489.511(5) FS.
 LAW IMPLEMENTED: 489.503(14), 489.505(19), 489.511(5) 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: Juanita Chastain, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-7.001 Specialty Electrical Contractors.

The following types of specialty electrical contractors may apply to be certified under the provisions of Part II, Chapter 489, F.S., and Chapter 61G6-5, F.A.C., above. In order to be admitted to a specialty contractor examination, the person must show 6 years of comprehensive training, technical education, or broad experience on the type of electrical or alarm system work for which certification is desired.

(1) through (3) No change.

(4) Limited Energy Systems Specialty. The scope of certification of a limited energy systems specialty contractor includes the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 98 volts; The scope of work of this license does not include installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, that are part of an alarm system when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television, cable television, or radio distribution system), radio frequency,

~~central vacuum, or electric locks, data distribution networks, home theater systems, surround sound systems, public address systems or telephone systems.~~

(a) through (b) No change.

(c) The scope of work of this license may also be performed by the following certified and registered license categories: Unlimited Electrical Contractor, Alarm System Contractor I, Alarm System Contractor II, and Residential Electrical Contractor.

(5) No change.

Rulemaking Specific Authority 489.511(5) FS. Law Implemented 489.503(14), 489.505(19), 489.511(5) FS. History—New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, 2-17-00, 4-30-01, 4-30-03, 9-16-07, 12-2-08,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.0142
 RULE TITLE: Application for Health Access Dental License

PURPOSE AND EFFECT: The Board proposes to promulgate and adopt the new rule to clarify procedures for applying for a Health Access Dental license and to provide the form.

SUBJECT AREA TO BE ADDRESSED: Application for health access dental license.

RULEMAKING AUTHORITY: 466.004 FS.

LAW IMPLEMENTED: 466.0067 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: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007
 RULE TITLE: List of Approved Forms; Incorporation

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address additional changes to various forms.

SUBJECT AREA TO BE ADDRESSED: The incorporation of revised forms.

RULEMAKING AUTHORITY: 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 4456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-4.009 RULE TITLE: Applications

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to incorporate revised licensure applications in the application rule.

SUBJECT AREA TO BE ADDRESSED: Various revised application forms for licensure.

RULEMAKING AUTHORITY: 456.031, 456.033, 458.309, 458.311, 458.3137 FS.

LAW IMPLEMENTED: 456.013(7), 456.031, 456.033, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.3165, 458.317 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-12.009 RULE TITLE: Osteopathic Faculty Certificate

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the revised osteopathic medical faculty certificate in the rule.

SUBJECT AREA TO BE ADDRESSED: The revised osteopathic medical faculty certificate.

RULEMAKING AUTHORITY: 459.005, 459.0077 FS.

LAW IMPLEMENTED: 459.0077 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: Christy Robinson, Acting 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 FINANCIAL SERVICES

Division of Worker's Compensation

RULE NO.: 69L-6.021 RULE TITLE: Construction Industry Classification Codes, Descriptions, and Operations Scope of Exemption

PURPOSE AND EFFECT: The proposed rule amendment deletes discontinued class codes, adds new class codes and revises descriptions of class codes, as published in the Florida exception pages in the National Council on Compensation Insurance, Inc. (NCCI), Basic Manual (January 2010 edition). In addition, the amendment defines when an employer is engaged in the construction industry, for purposes of the rule. As class codes are revised, added or deleted in the Basic Manual, the rule must be amended to accurately reflect and incorporate such changes.

SUBJECT AREA TO BE ADDRESSED: Construction industry class codes and descriptions as specified in the Florida Contracting Classification Premium Adjustment Program, and published in the Florida exception pages of the National Council on Compensation Insurance, Inc. (NCCI), Basic Manual (January 2010 edition).

RULEMAKING AUTHORITY: 440.02(8), 440.591 FS.

LAW IMPLEMENTED: 440.02(8) 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: Thursday, July 15, 2010, 2:00 p.m.

PLACE: 104J Hartman Bldg., 2012 Capital Circle Southeast, 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: Tasha Carter, (850)413-1878 or tasha.carter@myfloridacfo.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Tasha Carter, Bureau Chief of Compliance, Division of Workers' Compensation, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-4228, (850)413-1878

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.: | RULE TITLE: |
| 1S-2.049 | Absentee Ballots – Absent Stateside Uniformed Services Voters |

PURPOSE AND EFFECT: The purpose of the new rule which deals exclusively with uniformed services voters who are absent stateside (not overseas) is to provide procedures to this specific class of voters in light of the recently enacted Military and Overseas Voter Empowerment Act (MOVE Act) (Public law 111-84, subpart H of the Military Defense Authorization Act) and the new Chapter law 2010-167, Laws of Florida. The MOVE Act included a number of provisions to facilitate absentee ballot requests by all voters entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and to enhance the timely delivery and return of voted absentee ballots by such voters. The proposed rule also reflects the federal law and state law change that requires absentee ballots to be sent 45 days in advance of any election. The proposed rule changes also reflects the directive to states to coordinate with local election officials to give the voter

more choices to designate how he or she wants to make and receive absentee ballot requests, and receive absentee ballots and other election materials including via electronic mail.

SUMMARY: The proposed new provides uniform procedures for submitting and processing absentee ballot requests, and for facilitating the timely delivery and return of absentee ballots for absent stateside uniformed services members.

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

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

RULEMAKING AUTHORITY: 20.10(3), 97.012(1), 101.697 FS.

LAW IMPLEMENTED: 101.62, 101.64, 101.65, 101.697 FS.

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

DATE AND TIME: July 19, 2010, 1:00 p.m.

PLACE: Room 307, R. A. Gray Building, Florida Department of State, 500 S. Bronough Street, 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: Eddie L. Phillips, Executive Office Assistant, Office of General Counsel, Florida Department of State at: ELPhillips@dos.state.fl.us or (850)245-6536. 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 IS: Maria Matthews, Assistant General Counsel, Florida Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250, at (850)245-6536; mimatthews@dos.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.049 Absentee Ballots – Absent Stateside Uniformed Services Voters.

(1) Application. This rule applies solely to absentee ballot requests and to the delivery and return of absentee ballots for uniformed services members who are absent stateside. Such persons are defined to include:

(a) A member of a uniformed service on active duty who, by reason of active duty, is absent (but not overseas) from the place of residence where the member is otherwise qualified to vote,

(b) A member of the Merchant Marine who, by reason of service, is absent (but not overseas) from the place of residence where the member is otherwise qualified to voter, or