

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 3, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 3, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: 12E-1.032 RULE TITLE: Electronic Remittance of Support Payments

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 52, December 29, 2006 issue of the Florida Administrative Weekly.

These changes are in accordance with subparagraph 120.54(3)(d)1., F.S., and in response to comments received from the Joint Administrative Procedures Committee.

Subsection (7) of Rule 12E-1.032, F.A.C., has been changed, so that, when adopted, the subsection will read as follows:

(7) Waiver From Electronic Filing Requirements. The Department is authorized to waive the requirement that an employer or employer’s processor pay support and provide associated case data through electronic means, if the employer or employer’s processor is issued a waiver by the Department from the requirement to electronically file tax returns under Section 213.755, F.S., or Section 443.163, F.S. To request a waiver the employer or employer’s processor must establish in writing the basis under which such waiver is requested. In this written request, the employer or employer’s processor must explain how one or more of the factors discussed in paragraph (a) of this subsection affect the ability to file electronically. After the Department verifies the explanation submitted by the employer or employer’s processor, it will respond in writing regarding the decision to grant or deny such waiver.

(a) Grounds for approving a request for a waiver include, but are not limited to:

1. Any of the circumstances specified in Section 213.755(9)(a) or (b), F.S.; or
2. The employer or the employer’s processor does not have a modem; or
3. The employer or the employer’s processor does not have access to the Internet.

(b) A waiver shall be valid for up to two years and the issuance of a subsequent waiver shall be contingent on the employer or the employer’s processor working with the Department during the current waiver period to address the issues that originally necessitated the issuance of the waiver.

The requirement to work with the Department to address the issues that necessitated a waiver means the employer or the employer’s processor will: discuss existing computer capabilities with the Department; consider any assistance, recommendations, or training the Department offers; and, implement any Department recommendation that enables the employer or employer’s processor to remit support payments and associated case data by electronic means, unless the employer or employer’s processor can establish that the circumstances or reasons as set forth in section 213.755, F.S., continue to apply.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-404.102 RULE TITLE: Provision of Mental Health Services

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 12, March 23, 2007 issue of the Florida Administrative Weekly has been withdrawn.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-5.020 RULE TITLE: Provider Requirements

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 8, February 23, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

The rule incorporates by reference the Florida Medicaid Provider General Handbook, January 2007. The handbook requires providers who render services at more than one service address under a single license or certification to submit an AHCA Form 2200-0004, Declaration of Service Address, January 2007, to identify each separate physical address where services are provided. We added the following first sentence to subsection 59G-5.020(2), F.A.C. “The following form is incorporated by reference: AHCA Form 2200-0004, January 2007, Declaration of Service Address, one page. The form is available from the Medicaid fiscal agent’s website at <http://floridamedicaid.asc-inc.com>. Click on Provider Support, and then on Enrollment. The form may also be obtained from the Medicaid fiscal agent by calling Provider Enrollment at (800)377-8216.”

The following changes were made to the handbook.

Page 1-6, Billing the Recipient, we corrected the third bullet to read, “The recipient is enrolled in a Medicaid managed care program and has been informed that the particular service has not been authorized by the recipient’s primary care provider.”

Page 1-21, Emergency Services Under MediPass, we corrected the statute citation to Section 409.9128, F.S.

Page 2-8, Effective Date of Enrollment, was revised to read, “Effective July 1, 2006, upon approval of a fully completed application, the effective date for a new provider is the date the application was received. With respect to applicants who primarily provide emergency medical services transportation or emergency services and care, upon approval of the provider application, the effective date will be the date of service. With respect to providers who were recently granted a change of ownership, the effective date is either the date the application was received; the date the transfer of ownership was finalized; or the date the new owner’s license or any required certification became effective, whichever is later. With respect to providers who require Medicare certification, the effective date will be the Medicare certification date.”

Page 2-15, Multiple Service Locations under a Single License or Certification, in the first and third paragraph, we added the form number and date for the Declaration of Service Address form.

Page 4-19, How to File Paper Crossover Claims on the UB-92, sixth bullet, third sentence, we changed “reasonable facsimile” to “legible facsimile.”

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.100	Definitions
60BB-8.200	Documenting Child Eligibility for the VPK Program
60BB-8.201	Child Registration Procedures; Application; Parent-Orientation Session
60BB-8.202	Child Eligibility Determination and Enrollment Procedures
60BB-8.204	Uniform Attendance Policy for Funding the VPK Program
60BB-8.300	Provider and Class Registration Procedures; Application; Eligibility Determination
60BB-8.301	Statewide Provider Agreement for the VPK Program
60BB-8.400	VPK Class Sizes; Blended Classes; Multi-Class Groups

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 38, September 22, 2006 issue of the Florida Administrative Weekly.

60BB-8.100 Definitions.

As used in this chapter, the term:

(1) ~~“Absent” or “Absence”~~ means an instructional day that a child does not attend (is absent from) a VPK program.

(2) ~~“Admit” or “Admission”~~ is a step in the process of enrolling a child in the VPK program. It means a VPK provider agrees to enroll (or admit) the child to its VPK program ~~means a private provider’s or public school’s consent to an early learning coalition enrolling an eligible child in the provider’s or school’s VPK program.~~

(3)(2) ~~“Attend” or “Attendance”~~ means an instructional day, either in whole or in part, that a child is present (or attends) ~~at~~ a VPK program.

(4) “Child application” means Form AWI-VPK 01 (Child Application) incorporated by reference in Rule 60BB-8.2018.900, F.A.C. ~~The term includes the online application that may be obtained at the following website: <http://www.vpkflorida.org>.~~

(5) “Class application” means Form AWI-VPK 11 (Class Registration Application) incorporated by reference in Rule 60BB-8.9008.300, F.A.C.

(6)(3) ~~“Early learning coalition” or “Coalition”~~ means an early learning coalition created under Section 411.01, F.S.

(7) ~~“Enroll” or “Enrollment”~~ is the final step in the process of entering (or enrolling) a child in the VPK program. It means officially entering the child’s name in the statewide information system as a VPK student ~~means recording an association in the statewide information system between a child determined eligible for the VPK program and the VPK class assigned by the private provider or public school admitting the child in the program.~~

(8) “Excused absence” means an instructional day from which a child is absent from a VPK program for a reason listed in paragraph 60BB-8.204(3)(b), F.A.C.

(9) “Instructional day” means a calendar day that a VPK private provider delivers scheduled instruction for the VPK program ~~or public school is scheduled to instruct to a child’s VPK class.~~

(10) ~~“Parent”~~ has the same meaning as the term defined in Section 1000.21, F.S. ~~means a parent by blood, marriage, or adoption. The term includes a stepparent, foster parent, legal guardian or custodian, or other person standing in loco parentis.~~

(11) ~~“Private provider”~~ means a private prekindergarten provider as defined in Section 1002.51, F.S.

~~(11)~~(12) “Program year” means the annual period beginning in one calendar year on the first day that a school-year program may begin instruction under subsection 60BB-8.451(1), F.A.C., and ending in the next calendar year on the last day by which a summer program must complete instruction under subsection 60BB-8.451(2), F.A.C. A program year is designated by the corresponding calendar years (e.g., ~~2007-2008, 2008-2009~~).

~~(12)~~(13) “Provider application” means Form AWI-VPK 10 (Statewide Provider Registration Application) incorporated by reference in Rule ~~60BB-8.3008-900~~, F.A.C.

~~(13)~~(14) “Qualified contractor” means an entity performing the duties of an ~~early learning~~ coalition under contract, including conducting the parent orientation session or video exhibition; registering a provider, child or class; determining child or provider eligibility; and enrolling children in the statewide information system. This definition does not include a private entity that derives more than 5 percent of its income, excluding income that the entity derives from the Federal Government for Head Start, from providing child care as defined in Section 402.302, F.S. This definition does not include a school district or public school. A coalition is ultimately responsible for its duties when they are performed by a qualified contractor with the coalition as described in Rule 60BB-8.901, F.A.C.

~~(14)~~(15) “Register” or “Registration” ~~is a step in the enrollment process. To register a child in the VPK program means to submit the Child Application form and supporting documents to a coalition for evaluation, in order to determine the child’s eligibility for the program means a parent’s submission of a child application and supporting documentation to an early learning coalition for his or her child to be determined eligible for in the VPK program.~~

~~(15)~~(16) “School-year program” means a school-year prekindergarten program delivered by a private provider under Section 1002.55, F.S., or by a public school under Section 1002.63, F.S.

~~(16)~~(17) “Summer program” means a summer prekindergarten program delivered by a private provider or public school under Section 1002.61, F.S.

~~(17)~~(18) “Unexcused absence” means an instructional day from which a child is absent from a VPK program and which is not an excused absence under paragraph 60BB-8.204(3)(b), F.A.C.

~~(18)~~ “VPK class” means a private provider’s or public school’s prekindergarten class that includes a child in the VPK program.

(19) “VPK program” means the Voluntary Prekindergarten Education Program created under by Section 1002.53, F.S., and which is organized, designed, and delivered in accordance with Section 1(b) and (c), Article ~~Article~~ IX of the State Constitution.

(20) “VPK provider” means a provider delivering the VPK program. There are two types of VPK providers: private prekindergarten providers as defined in Section 1002.51, F.S. and public schools. “VPK class” means a private provider’s or public school’s prekindergarten class that includes a child in the VPK program.

(21) “VPK site” means the permanent physical location where a private provider or public school delivers instruction for the VPK program.

Specific Authority ~~1002.79(2)~~ FS. Law Implemented 1002.51, 1002.53(2), (4), 1002.55(2), (3)(g), 1002.61(2)(a), (7)(a), 1002.63(2), (8)(a), 1002.71(2), (6)(d), 1002.75(2)(a), (c), (d) FS. History—New 1-19-06, Amended _____.

60BB-8.200 ~~Documenting Voluntary PreKindergarten~~ Child Eligibility for the VPK Program.

An early learning coalition shall determine the eligibility of a child registering for the VPK program in accordance with Section 1002.53(2), F.S. A coalition shall document a child’s eligibility, as follows:

(1) Age ~~e~~Eligibility

~~(a) To be eligible for VPK, a child must be 4 years of age, but not 5 years of age or older, on September 1 of the program year.~~

~~(b) The Coalition shall keep a record of at least one of the following supporting documents that shows the child’s name and date of birth:~~

~~(a) A coalition shall document that a child is 4 years of age, but not 5 years of age or older, on or before September 1 of the program year and shall keep in its records on the child a copy of at least one of the following types of supporting documentation which show the child’s name and date of birth:~~

1. An original or certified copy of the child’s birth record filed according to law with the appropriate a public officer ~~charged with the duty of recording births;~~

2. An original or certified copy of the child’s certificate of baptism, or other religious record of the child’s birth, accompanied by an affidavit stating that the certificate is true and correct, sworn to or affirmed by the child’s parent; ~~that the certificate is true and correct;~~

3. An insurance policy on the child’s life which has been in force for at least 2 years, ~~which reflects the child’s birth date;~~

~~4. A religious record of the child’s birth which is accompanied by an affidavit sworn to or affirmed by the child’s parent that the record is true and correct;~~

~~4.5.~~ A passport or certificate of the child’s arrival in the United States;

~~5.6.~~ An immunization record signed by a public health officer or licensed practicing physician; or

~~6.7.~~ A valid military dependent identification card.

7. If no supporting documents listed in subparagraphs (1)(b)1.-6. above are available, a coalition may accept a parent's sworn affidavit of the child's age accompanied by a certificate of age signed by a public health officer or physician stating that the child's age shown in the affidavit is true and correct.

~~(b)i. If a child's parent is unable to submit a none of the type of supporting documentation listed in paragraph (a), the coalition shall document the child's age based on an affidavit sworn to or affirmed by the child's parent, The affidavit must be accompanied by a certificate of age, signed by a public health officer or by a licensed practicing physician which states that the officer or physician examined the child and believes that the age shown in the affidavit is true and correct.~~

(2) Residential Eligibility.

(a) To be eligible for VPK, a child must reside in Florida while attending the VPK program.

~~(b) The coalition shall keep a record of at least one of the following supporting documents that in Florida when the child attends the VPK program and shall keep in its records on the child lives, not test the legal residency of the child. 2. a copy of at least one of the following types of supporting documentation which shows the name and residential address of a parent with whom the child resides:~~

- ~~1. Utility bill;~~
- ~~2. Pay Stub; Bank statement;~~
- ~~3. Residential rental agreement or receipt from rental payment Insurance policy;~~
- ~~4. Pay stub; or Government-issued document (e.g., Florida driver's license, Florida identification card, property tax assessment showing a homestead exemption); or~~
- ~~5. Military order showing that the child's parent is a service member in the United States Armed Forces and is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station);~~

6. If no supporting documents listed in subparagraphs (2)(b)1.-5. above are available, a coalition may accept an affidavit sworn to or affirmed by the child's parent accompanied by a letter from a landlord or property owner which confirms that the child resides at the address shown in the affidavit; or

7. If no supporting documents listed in subparagraphs (2)(b)1.-6. above are available for a homeless child as defined in Section 1003.01, F.S., a coalition shall document residency based on other supporting documents showing that the child is homeless and resides in Florida (e.g., letter from a homeless shelter or affidavit sworn to or affirmed by the child's parent).

~~(b) If a child's parent is a service member in the United States Armed Forces and is unable to submit a type of supporting documentation listed in paragraph (a), the coalition shall document the child's residency based on a military order~~

showing that the parent is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station).

~~(e) If a child's parent is unable to submit a type of supporting documentation listed in paragraph (a) or paragraph (b), the coalition shall document the child's residency based on an affidavit sworn to or affirmed by the child's parent. The affidavit must be, accompanied by a letter from a landlord or property owner which confirms that the child resides at the this address shown in the affidavit.~~

~~(d) A coalition may not determine that a homeless child, as defined in Section 1003.01, F.S., is not eligible for the VPK Program because the child's parent is unable to submit a type of supporting documentation listed in paragraphs (a)-(c) A coalition shall document a homeless child's residency based on supporting documentation showing that the child is homeless and resides in Florida (e.g., letter from a homeless shelter or affidavit sworn to or affirmed by the child's parent).~~

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), (3), (4)(b), 1002.69(4), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2. FS. History—New 1-19-06, Amended _____.

60BB-8.201 Child Registration Procedures; Voluntary Prekindergarten Parent Application Procedures; Parent-Orientation Session.

(1) Child application. A parent registering his or her child for the VPK program must:

~~(a) Complete and sign Form AWI-VPK 01 (Child Application), dated February 14, 2007, which is hereby incorporated by reference with instructions and may be obtained as described in Rule 60BB-8.900, F.A.C.; or Alternatively, a parent may register online through the Internet website <http://www.vpkflorida.org>, electronically submit the registration, and print confirmation of the online registration.~~

(b) Submit a complete and signed Form AWI-VPK 01, or submit the printed confirmation of an online registration, to the coalition of the county where the VPK site is located for the VPK provider admitting the child in the VPK program, regardless of the county in which the child resides. A parent must also submit the supporting documents showing the child's age and residential address which are required under Rule 60BB-8.200, F.A.C.

~~(b) Complete an online application, print the online application, and sign the printed online application. An online application may be obtained at the following website: <http://www.vpkflorida.org>.~~

~~(2) Re-Registration Submission of child application; supporting documentation~~

(a) A parent must re-register his or her child for the VPK program with the submit a complete and signed Form AWI-VPK 01 or printed online application to the early learning coalition of the county where the VPK provider's VPK site is located if the parent initially registered the child with the

~~coalition of another county for the private provider or public school admitting the child in the VPK program, regardless of the county in which the child resides. A parent must submit a child application with the supporting documentation of the child's age and residential address which are required under Rule 60BB-8.200, F.A.C.~~

~~(b)1. If a parent registers his or her child for the VPK program in one county, a private provider or public school admits the child in another county, and the provider's or school's VPK site is located in a county outside of the geographic region of the coalition registering the child, the parent must re-register the child with the coalition of the county where the provider's or school's VPK site is located.~~

~~(b)2. Re-registration is the responsibility of a child's parent. To assist a parent with re-registration, a coalition may enter into one or more agreements with another coalitions to provide for the transfer of a child application and supporting documents between the documentation to appropriate coalitions. If a coalition conducts a parent orientation session for a child's parent but subsequently transfers the child's registration to another coalition, the parent is not required to repeat the parent orientation session.~~

~~(3)(e) A coalition shall designate one or more various locations throughout the coalition's geographic region where a parent may submit a child application and supporting documents documentation. A parent may obtain contact information for a coalition from the Office of Early Learning of the Agency for Workforce Innovation at (866)357-3239, (850)921-3180, TTY/Florida Relay 711, 1(866)357-3239 and at the Internet following website: <http://www.vpkflorida.org>.~~

~~(4)(3) Parent Orientation Session or Video Exhibition.~~

~~(a) A coalition shall conduct a face-to-face parent-orientation session or exhibit a parent-orientation video for a parent or group of parents registering their his or her children for the VPK program. During a parent-orientation session or video exhibition, a coalition shall describe substantially the following information:~~

~~1. Give the parent aAn overview of the VPK program;~~

~~2. Describe tThe parental rights and responsibilities listed in Form AWI-VPK 06 (Voluntary Prekindergarten Parent Handbook), dated August 15, 2006, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C.; and provide the parent with a copy of the handbook;~~

~~3. Describe aA parent's choice between a school-year program and summer program and the differences between the programs, including the required number of instructional hours, minimum and maximum class sizes, and instructor credentials; and~~

~~4. Describe aA parent's choices among VPK private providers and public schools;~~

~~5.(b)1. During a parent orientation session, a coalition shall inform the parent about the coalition's child care resource and referral program, the availability of the telephone number of the child care resource and referral program, and the child care resource and referral program to give the parent a customized referral list of VPK private providers and public schools in the VPK program, and the contact information for the child care resource and referral program;~~

~~6.2. Inform the A coalition, if the coalition posts profiles of private providers and public schools in the VPK program on the coalition's website, shall inform a parent of the uniform resource locator for the coalition's Internet website, if the coalition posts profiles of VPK providers in the VPK program on the website. A coalition shall also inform a parent that the profiles may be obtained at the Internet following website: <http://www.myflorida.com/childcare/provider;>~~

~~7.3. Inform the parent about the profiles of VPK providers on A coalition shall keep current the profile of a private provider or public school in the coalition's geographic region through the VPK web portal of the Child Care Information System administered by the Department of Children and Family Services at the Internet following website: <http://199.250.30.131/VPK/Administration/> <http://199.250.30.131/childcare/provider/providersearch.aspx>.~~

~~A coalition shall keep the profiles of VPK providers in the coalition's geographic region current on the system;~~

~~8. Provide the parent with Form AWI-RR 63 (A Family Guide for Selecting Quality Early Learning Programs), dated June 30, 2006, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C.; and~~

~~9. Provide the parent with Form AWI-RR 64 (A Quality Checklist for Evaluating Early Learning Programs), dated June 30, 2006, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C.~~

~~(b)(e)4. A coalition is not required to conduct a parent-orientation session or exhibit a parent-orientation video for a child's parent if the coalition:~~

~~1.a. The coalition cConducts a face-to-face parent-orientation session or determines the child's eligibility face-to-face with the child's parent for another early learning program (e.g., school readiness program, program for prekindergarten children with disabilities, Head Start); the coalition b. mMaintains the child's records of the early learning program for which the coalition conducts the parent orientation session; and e. vVerifies that the child's date of birth in the records of the other early learning program is the same as on the child application and supporting documents that the parent submits;~~

~~2. Another coalition transferring the child's registration already conducted the parent-orientation session or exhibited the parent-orientation video and the coalition; or~~

~~3.2. A coalition is not required to conduct a parent orientation session for a child's parent if The parent is a service member in the United States Armed Forces; and ~~the parent is unable to attend a parent-orientation session or video exhibition because of the parent is assigned to duty outside of Florida, and the parent submits to the coalition a military order showing that the parent is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station) to the coalition.~~~~

~~(d) A coalition shall give a parent a copy of Form AWI VPK 06 (Voluntary Prekindergarten Parent Handbook), Form AWI RR63 (A Family Guide for Selecting Quality Early Learning Programs), and Form AWI RR 64 (A Quality Checklist for Evaluating Early Learning Programs), incorporated by reference in Rule 60BB 8.900, F.A.C. If a coalition conducts a parent orientation session, the coalition shall give Form AWI VPK 06, Form AWI RR63, and Form AWI VPK 64 to the parent during the parent orientation session.~~

~~(c) If, under paragraph (e) or paragraph (d), a coalition does not conduct a parent-orientation session or exhibit a parent-orientation video for a child's parent, the coalition shall provide Form AWI VPK 06, Form AWI RR 63, and Form AWI RR64 to the parent by mail or other means.~~

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(4), (5), 1002.75(2)(a), (b) FS. History—New 1-19-06, Amended _____.

~~60BB-8.202 Child Eligibility Determination and Enrollment Procedures Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment.~~

~~(1) Determining Child Eligibility determination.~~

~~(a) An early learning coalition, in accordance with Rule 60BB-8.200, F.A.C., shall determine the eligibility of a child registering for the VPK program under Rule 60BB 8.201, F.A.C., or Rule 60BB 8.2015, F.A.C.~~

~~(b) A If Rule 60BB-8.201, F.A.C., requires a coalition to conduct a parent orientation session for a child's parent, the coalition shall determine a the child's eligibility face-to-face with the child's parent unless the coalition is not required under paragraph 60BB-8.201(4)(b), F.A.C., to conduct a parent-orientation session or exhibit a parent-orientation video for the child's parent during the parent orientation session.~~

~~(c)1. A coalition, upon determining that a child is eligible for the VPK program, shall issue the child's parent Form AWI VPK 02 (Child Eligibility and Enrollment Certificate), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C.~~

~~2. A coalition may issue a certificate of eligibility which is substantially similar to Form AWI VPK 02 if the certificate:~~

~~a. Includes the phrases "State of Florida" and "Voluntary Prekindergarten Education Program;"~~

b. Includes the name of the early learning coalition issuing the certificate, or on whose behalf the certificate is issued;

c. Identifies the program year and type of program (i.e., school-year or summer program) for which the certificate is issued;

d. Clearly shows the eligible child's name and identifying information; and

e. Does not include the logo of the Agency for Workforce Innovation, logo of the Office of Early Learning, or AWI form number (i.e., Form AWI VPK 02)

~~(2) Enrollment.~~

~~(a) A VPK private provider or public school may only not enroll a child in the VPK program after before the coalition determines that the child is eligible for the program. To enroll an eligible child, the VPK private provider or public school admitting the child must submit to the coalition the child's name and identifying information shown on the child's certificate of eligibility and the child's assigned VPK class to which the provider or school assigns the coalition child.~~

~~(b) A coalition must allow may not prohibit a VPK private provider to or public school from enrolling a child who because the child resides in a Florida county other than the county where the provider's or school's VPK site is located.~~

~~(c) A VPK private provider or public school may only enroll a child with the coalition of the county where the provider's or school's VPK site is located, regardless of the county in which the child resides.~~

~~(d) A coalition shall complete a child's enrollment in the statewide information system by recording an association ~~in the statewide information system~~ between the child and the child's assigned VPK class to which the private provider or public school assigns the child. A coalition is encouraged, but not required, to notify a parent by mail after his or her child's enrollment is complete.~~

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), 1002.75(2)(a) FS. History—New 1-19-06, Amended _____.

~~60BB-8.204 Uniform Attendance Policy for ~~the~~ Funding of the VPK Program.~~

~~(1) Payment for the VPK program. An early learning coalition shall pay a private provider or public school for the VPK program in accordance with this rule.~~

~~(2) No change.~~

~~(3) Payment for absences.~~

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

~~(c) An excused absence is not payable unless the reason for the absence is documented in writing and submitted to the VPK private provider or public school. A VPK private provider or public school must keep the documentation for at least 1 2 years, allow the Agency for Workforce Innovation or the coalition to inspect the documentation during normal hours of operation, and, ~~upon request of the coalition,~~ submit a copy of the documentation to the coalition upon request.~~

1. A child's parent may document (e.g., parent's note) seven or fewer excused absences per calendar month.

2. Beyond seven excused absences, a person other than the child's parent must document the excused absence, the person must be unrelated to the child or the child's parent, and the documentation must show that the person has personal knowledge of the reason for the child's absence (e.g., letter from a physician).

(d) through (e) No change.

(4) Payment for temporary closures.

(a) A temporary closure is payable if a VPK private provider or public school submits written documentation to the coalition which demonstrates that the closure is temporary and caused by circumstances beyond the provider's or school's control.

(b) through (e) No change.

(f) A temporary closure is not payable if a VPK private provider or public school does not reopen and resume instruction after the closure. A coalition shall assist a child with reenrollment if the child's VPK program does not resume instruction after a temporary closure.

(g) through (h) No change.

Specific Authority 1002.79(2) FS. Law Implemented 1002.71(6)(d) FS. History--New 8-17-06, Amended _____.

60BB-8.300 Provider and Class Registration Procedures; Application; Eligibility Determination Voluntary Prekindergarten Provider Application and Procedures.

(1) Statewide Provider Registration Application; Supporting Documents documentation.

(a) A VPK private provider or public school registering for the VPK program must complete and sign Form AWI-VPK 10 (Statewide Provider Registration Application), dated February 14, 2007, ~~version date 04/29/2005, which is hereby incorporated by reference with instructions and may be obtained as described~~ in Rule 60BB-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK A private provider or public school must submit a complete and signed Form AWI-VPK 10, including supporting documents, to the early learning coalition in of the county of the VPK provider's site where the provider's school or school's VPK site is located. If a VPK private provider or public school has more than one VPK site, the provider or school must submit a separate Form AWI-VPK 10 for each site. A private provider or public school must submit Form AWI VPK 10 with the supporting documentation required in the instructions accompanying the form.

(c) Once a VPK provider is determined eligible for the VPK program, the provider is not required to resubmit Form AWI-VPK 10 for a subsequent program year unless the submitted information on the prior year's application changes. If submitted information changes, the VPK provider must submit an updated Form AWI-VPK 10 to the coalition within

14 calendar days after the submitted information changes. A coalition may not pay a private provider or public school for the VPK program unless the coalition has in its records on the provider or school a current, complete, and signed form AWI-VPK 10 for the provider or school.

~~(d) If a private provider or public school submits information on Form AWI-VPK 10 which changes, the provider or school must submit an updated Form AWI-VPK 10 to the coalition within 10 calendar days after the change. After a coalition determines that a private provider or public school is eligible for the VPK program, the provider or school is not required to submit Form AWI-VPK 10 for a subsequent program year unless the information submitted on the prior year's application changes.~~

(2) Class registration application; supporting documentation.

(a) A private provider or public school must annually complete and sign Form AWI-VPK 11 (Class Registration Application), dated February 14, 2007, which is hereby incorporated by reference with instructions and may be obtained as described in Rule 60BB-8.900, F.A.C.

(b) Before delivering instruction or receiving payment for the VPK Program, a VPK provider A private provider or public school must submit a complete and signed Form AWI-VPK 11, including supporting documents, to the coalition. If a VPK private provider or public school has more than one VPK class, the provider or school must submit a separate Form AWI-VPK 11 with supporting documents for each class. A private provider or public school must submit Form AWI-VPK 11 with the supporting documentation required in the instructions accompanying the form.

~~(c) A coalition may not pay a private provider or public school for a child enrolled in a VPK class unless the coalition has in its records on the provider or school a current, complete, and signed form AWI-VPK 11 for the class.~~

~~(c)(d) If submitted information changes, a VPK private provider or public school submits information on Form AWI-VPK 11 which changes, the provider or school must submit an updated class application to the coalition within 14 10 calendar days after the change.~~

(3) Eligibility determination. A coalition, ~~in accordance with Sections 1002.55, 1002.61, and 1002.63, F.S.,~~ shall determine the eligibility of a private provider or public school registering for the VPK program in accordance with Sections 1002.55, 1002.61, and 1002.63, F.S., based on the submitted documents.

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3), (4), 1002.61(3), (7)(a), 1002.63(3), (4), (8)(a), 1002.75(2)(c), (d) FS. History--New 1-19-06, Amended _____.

60BB-8.301 Statewide Provider Agreement for the VPK Program Voluntary Prekindergarten Uniform Statewide Provider Agreement.

(1)(a) An early learning coalition may not pay a VPK private provider or public school for the VPK program, except under a provider agreement with the coalition. A coalition must be a party to a provider agreement, even if a qualified contractor signs on behalf of the coalition. ~~If a coalition allows a qualified contractor to sign a provider agreement on behalf of the coalition, the coalition remains a party to the agreement.~~ A school district may sign a provider agreement on behalf of a public school in the district.

(2)(b) A coalition shall keep a signed copy of a provider agreement in the coalition's records on the VPK private provider or public school.

(3)(2)(a) A provider agreement shall contain identical terms and conditions as Form AWI-VPK 20 (Statewide Provider Agreement), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900 F.A.C. ~~A Except as provided in paragraph (b), a provider agreement may not omit, supplement, or amend the terms and conditions of Form AWI-VPK 20, unless:~~

(b) ~~A coalition may enter into a provider agreement that omits, supplements, or amends the terms and conditions of Form AWI-VPK 20, if~~

(a)1- The coalition submits the agreement to the Office of Early Learning of the Agency for Workforce Innovation in writing, dated, and signed by the coalition and the VPK private provider or public school; and

(b)2- The Deputy Director for Early Learning approves the agreement.

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.75 FS. History-New 8-17-06, Amended.

60BB-8.400 VPK Program Class Sizes; Blended Classes; Multi-Class Groups and Composition.

(1) No change.

(2) Minimum class size. A VPK class must be composed of at least four children enrolled in the VPK program.

(a) An early learning coalition may not issue the initial prepayment for a VPK class unless at least four children in the class are enrolled in the VPK program.

(b) No change.

(c) If a VPK class is composed of four or fewer children enrolled in the VPK program, the VPK private provider or public school may not dismiss ~~from the class~~ a child enrolled in the program, unless, within 3 business days after the child's dismissal, the VPK provider submits to the coalition written documentation of the child's noncompliance with the conduct or attendance policies of the provider.

~~1. The private provider or public school documents in writing the child's noncompliance with the conduct or attendance policies of the provider or school district, as applicable; and~~

~~2. The private provider or public school submits documentation of the child's noncompliance to the coalition within 3 business days after the child's dismissal.~~

(3) No change.

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History-New 8-17-06, Amended.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.2015	VPK Child Registration Pilot Project
60BB-8.305	Recording and Certifying Child Attendance in the VPK Program
60BB-8.451	VPK Class Schedules
60BB-8.900	Obtaining VPK Forms
60BB-8.901	Qualified Contractors

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 38, September 22, 2006 issue of the Florida Administrative Weekly.

60BB-8.2015 VPK Child Registration Pilot Project.

(1) Pilot Project. There is created a VPK child registration pilot project for the ~~2006-2007 and~~ 2007-2008 and 2008-2009 program years in Baker, Bradford, Clay, Collier, Gadsden, Glades, Hendry, Jefferson, Lee, Leon, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Osceola, Wakulla, Walton, St. Lucie, and Taylor counties.

(2) ~~Initial e~~Eligibility. A private VPK provider must meet the following requirements for initial eligibility to participate in the pilot project and must continue to meet the requirements to maintain its eligibility:

(a) The private provider must apply to participate in the pilot project on forms adopted by the early learning coalition. The following information must be included on the form: The forms must be submitted to the coalition and include the names of the private provider, the address and telephone number of the provider's VPK site, the name of the provider's prekindergarten director or designee, the date that the director or designee attends the training session required under paragraph (c), ~~and other~~ Additional information demonstrating that the provider is eligible under this rule to participate in the pilot project may be required by the coalition.

(b)1- The private provider must have delivered instruction in the VPK program for at least two program years. ~~To be eligible for the pilot project for the 2006-2007 program year, the private provider must deliver instruction for the VPK program in the 2005-2006 program year.~~

2. To be eligible for the pilot project for the 2007-2008 program year, the private provider must deliver instruction for the VPK program in the 2005-2006 and 2006-2007 program years.

(c) The private provider's prekindergarten director or designee must attend a training session conducted by the coalition which instructs the provider on procedures for registering a child in the VPK program, accepting a child application and supporting documents ~~documentation~~ on behalf of the coalition, and conducting a parent-orientation session or exhibiting a parent-orientation video.

~~(3) Continuing eligibility. A private provider must also meet the following requirements for initial eligibility and continue to meet the requirements to participate in the pilot project.~~

~~(d)(a)~~ The private provider must comply with this rule.

~~(e)(b)~~ The private provider's VPK site must be located in one of the pilot counties listed in subsection (1).

~~(f)(e)~~ The private provider, while participating in the pilot project, must annually sign and submit to the coalition Form AWI-VPK 21 (Addendum to Statewide Provider Agreement), dated February 14, 2007, which is hereby incorporated by reference in and may be obtained as described in Rule 60BB-8.900, F.A.C.

~~(g)(d)~~ The private provider must record daily child attendance using a paper sign-in or sign-out log or electronic attendance-tracking system described in paragraph 60BB-8.305(2)(a), F.A.C.

~~(h)(e)~~ The private provider must submit accurate and timely monthly attendance rosters for the VPK program in accordance with subsection 60BB-8.305(3), F.A.C. If a private provider is a school readiness provider, the provider must also submit accurate and timely monthly attendance rosters for the school readiness program and if the provider is a school readiness provider, for the school readiness program. A private provider is not eligible for the pilot project if, ~~the coalition determines that~~ during previous 24 months, the provider:

1. Submitted submits two or more consecutive, or a combined total of four or more, monthly attendance rosters 10 or more calendar days after the required submission date;

2. Submitted submits two or more consecutive, or a combined total of four or more, monthly attendance rosters containing inaccurate reporting of a child's attendance;

3. Failed fails to repay an overpayment by the required repayment date after the coalition discovered discovers the overpayment and requested requests repayment ~~from the private provider~~;

4. Submitted submits a monthly attendance roster resulting for payment which results in an overpayment that ~~exceeds~~ exceeded 20 percent of the payment for a calendar month due to the provider's inaccurate reporting of a child's attendance; or

5. Submitted submits a monthly attendance roster containing for payment which contains fraudulent or other intentional misreporting of a child's attendance.

~~(i)(f) If a private provider is licensed by the Department of Children and Family Services or a local licensing agency under Sections 402.301-402.319, F.S. the provider is not eligible for the pilot project if the provider's license status, as recorded in the department's Child Care Information System, is "Revocation Action Pending," "Suspension Action Pending/Suspended," or "Closed."~~

~~(3)(4) Child Registration Procedures. A coalition shall allow a private provider eligible for the pilot project, on behalf of the coalition, to register a child for the VPK program on behalf of the coalition. A private provider may only register a child under this rule who whom the provider admits in one of its the provider's VPK classes and A private provider registering a child under this rule must comply with the following registration procedures:~~

(a) Notwithstanding subsection 60BB-8.201(1), F.A.C., a parent registering his or her child for the VPK program under this rule must complete, sign, and submit to the private provider Form AWI-VPK 01P (Child Application and Provider Admission), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C. instead of Form AWI-VPK 01 or the online child application. A parent must submit Form AWI-VPK 01P to the private provider with ~~the supporting documentation~~ documents of the child's age and residential address required under Rule 60BB-8.200, F.A.C.

(b) Notwithstanding paragraph 60BB-8.201(3)(a), F.A.C., ~~instead of the coalition conducting a face to face parent orientation session,~~ a private provider participating in the pilot project shall conduct the parent-orientation session or exhibit the parent-orientation video in accordance with subsection 60BB-8.201(3), F.A.C. on behalf of the coalition for a parent registering his or her child for the VPK program, under paragraph (a). A private provider must conduct a parent orientation session in accordance with the procedures in subsection 60BB-8.201(3), F.A.C.

(c) ~~A private provider shall review a child's Form AWI-VPK 01P and supporting documentation and, within 5 working days after a child's parent registers the child, shall submit to the coalition or return to the parent, the child's Form AWI-VPK 01P and supporting documentation. Within 5 working days after a child's parent registers the child with a private provider, the provider shall review the child's Form AWI-VPK 01P and supporting documents, as follows:~~

1. The private provider shall submit a child's Form AWI-VPK 01P and supporting documents ~~documentation~~ to the coalition if the ~~provider's review confirms that~~ the child's Form AWI-VPK 01P is complete, signed, and submitted with the required supporting documents ~~documentation~~; the

provider predetermines that the child appears to be eligible for the VPK program; and the provider admits the child in one of the provider's VPK classes.

2. The private provider shall return a child's Form AWI-VPK 01P and supporting documents ~~documentation~~ to the child's parent ~~for correction and resubmission to the provider if the provider's review finds that the child's~~ if the child's Form AWI-VPK 01P is not complete, not signed, or not submitted with the required supporting documents ~~documentation~~.

3. If ~~the private provider predetermines that~~ a child does not appear to be eligible, the provider shall return the child's Form AWI-VPK 01P and supporting documents ~~documentation~~ to the child's parent and, on the blank spaces included on Form AWI-VPK 01P, notify the parent of the reasons that the child does not appear to be eligible and that the provider's predetermination is not the coalition's official determination of the child's eligibility. The parent may then apply directly with the coalition.

(d) ~~A coalition shall~~ In accordance with Rule 60BB-8.202, F.A.C., a coalition shall determine the eligibility of a child registering for the VPK program under this rule. Notwithstanding paragraph 60BB-8.202(1)(c), F.A.C., a coalition is not required to issue a certificate of eligibility for a child registering under this rule.

(e) If a coalition determines that a child is not eligible for the VPK program, the coalition shall inform the private provider and the child's parent in writing why the child is not eligible and return the child's Form AWI-VPK 01P and supporting documentation to the parent.

~~(4)(5)~~ Payment for Pilot Project Prohibited. A ~~In~~ accordance with subsection 60BB-8.901(3) F.A.C., a coalition, qualified contractor, or subcontractor may not pay or otherwise compensate a private provider for participating in the pilot project, registering a child in the VPK program under this rule, accepting a child application or supporting documents on behalf of the coalition, ~~or~~ conducting a parent-orientation session, or exhibiting a parent-orientation video.

~~(5)(6)~~ School District ~~or public school~~. Notwithstanding Rules 60BB-8.201 and 60BB-8.202, F.A.C., a school district ~~or public school~~, if allowed under a contract with the coalition, may use the child registration procedures in subsection ~~(3)(4)~~ to register a child for the district's ~~or school's~~ VPK programs in the district's ~~or schools~~ public schools, regardless of whether the district ~~or school~~ is ~~located in one of the pilot counties~~ a pilot county listed in subsection (1) ~~or meets the eligibility requirements listed in subsections (2) and (3).~~

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), (4), (5), 1002.75(2)(a), (b) FS. History—New_____.

60BB-8.305 Recording and Certifying Child Attendance in the VPK Program.

(1) Record ~~Daily~~ documentation of child attendance

(a) A VPK private provider ~~or public school in the VPK program~~ in the VPK program shall keep a daily record of a child's attendance in the program ~~documentation, recorded daily, or the attendance of a child enrolled in the program with the provider or school.~~

(b) If a VPK provider ~~or public school in the VPK program~~ is also a school readiness provider, the provider ~~or school~~ may jointly record a child's daily attendance for the VPK program with the child's attendance for the school readiness program, ~~which is documented in accordance with Rule 60BB-4.502 F.A.C.~~

(2) Monthly Verification of Child Attendance. A VPK private provider ~~or public school in the VPK program~~ shall require the parent of a child enrolled in its VPK ~~the~~ program ~~with the provider or school~~ to verify monthly the child's attendance for the prior month, as follows:

(a) A child's parent must verify the child's attendance on Form AWI-VPK 03S (Child Attendance and Parental Choice Certificate Short Form), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C. ~~incorporated by reference in rule 60BB-8.900, F.A.C.,~~ if the VPK private provider ~~or public school~~ records the child's daily attendance using one of the following methods:

1. A paper sign-in or sign-out log that records the date, child's name, and signature of the parent or other person dropping off or picking up the child to, or from, the VPK site; or

2. An electronic attendance-tracking system that records the date, child's name, and electronic signature, card swipe, entry of a personal identification number, or similar daily action taken by the parent or other person dropping off or picking up the child to, or from, the VPK site.

(b) A child's parent must verify the child's monthly attendance on Form AWI-VPK 03L (Child Attendance and Parental Choice Certificate Long Form), dated February 14, 2007, which is hereby incorporated by reference and may be obtained as described in Rule 60BB-8.900, F.A.C., ~~incorporated by reference in Rule 60BB-8.900, F.A.C.~~ if the VPK private provider ~~or public school~~ records the child's daily attendance using a method ~~(e.g. instructor records daily attendance using a roll book)~~ other than the methods described in paragraph (a) ~~(e.g. instructor records daily attendance using a roll book)~~. Before a parent signs Form AWI-VPK 03L, the private VPK provider ~~or public school~~ must record the child's monthly attendance on the form or attach documentation to the form which shows the child's monthly attendance.

(3) Monthly certification of child attendance for payment.

(a) An early learning coalition shall give a VPK private provider ~~or public school~~ a monthly roster, prepared by using the statewide information system, that lists each child enrolled in the provider's or school's VPK program, ~~and A coalition shall prepare a monthly roster using the statewide information~~

system. ~~A monthly roster shall~~ includes blank spaces for a private provider or public school to certify a child's attendance for the calendar month.

~~(b) A VPK private provider or public school must certify the monthly attendance of a child enrolled in the provider's or school's VPK program. A VPK provider may certify monthly attendance by electronic means approved by the Deputy Director for Early Learning. Before a coalition may pay a private provider or public school for a month, the provider or school must certify the attendance of each enrolled child from the most recently complete calendar month by completing a monthly roster and submitting the completed roster to the coalition.~~

(c) After payment for the first calendar month that a VPK provider participates in the VPK program, the coalition may not pay the VPK provider for a subsequent month until the provider submits a monthly attendance roster to the coalition which certifies the attendance of each enrolled child from the prior month.

(d) The coalition may not pay the VPK provider the final payment for the program year until the provider submits a final verification of the annual cumulative attendance of each child enrolled in the provider's VPK program, which certifies the paid hours of attendance of each child enrolled for the program year, in a manner prescribed by the Deputy Director of Early Learning.

~~(e)(e) If a child arrives at a private VPK provider's or public school's VPK site but the provider or school refuses the child's attendance (e.g., for disciplinary reasons, including tardiness or prohibited attire), for disciplinary or other reasons (e.g. due to tardiness or prohibited attire), the provider or school must record the instructional day as an absence.~~

Specific Authority 1002.79(2) FS. Law Implemented 1002.71(5)(b), (6)(b), (d), 1002.75(2)(f), (g), (h) FS. History–New_____.

60BB-8.451 VPK Class Schedules.

An early learning coalition may not pay a private VPK provider or public school for a VPK class unless the class schedule complies with the following:

(1) School-Year Program.

(a) Except as provided in paragraph (b), a school-year program may not begin instruction more than 14 days before Labor Day before August 1.

(b) If the uniform date fixed by a district school board under paragraph 1001.42(4)(f), F.S., for the opening of public schools for regular school programs occurs in a county more than 14 days before Labor Day before August 1, a school-year program in the county may not begin instruction before the uniform date.

(c) A school-year program must complete instruction by June 30

(2) Summer Program. A summer program may not begin instruction before May 1 and must complete instruction before the uniform date fixed by the district school board under paragraph 1001.42(4)(f), F.S., for the opening of public schools for regular school programs in the county.

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(1), (3), 1002.55(2), 1002.61(2), 1002.63(2), 1002.75(2)(c), (d), (f) FS. History–New_____.

60BB-8.900 Obtaining VPK Forms.

~~(1) The forms incorporated by reference in this rule may be obtained from the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (850)921-3180, TTY/Florida Relay 711, and at the following website: <http://www.floridajobs.org/earlylearning>.~~

~~(2) The following forms are hereby incorporated by reference:~~

~~(a) Form AWI VPK 01 (Child Application) with instructions, dated January 17, 2006.~~

~~(b) Form AWI VPK 01P (Child Application and Provider Admission) with instructions, dated September 13, 2006.~~

~~(c) Form AWI VPK 02 (Child Eligibility and Enrollment Certificate), dated September 13, 2006.~~

~~(d) Form AWI VPK 03L (Student Attendance and Parental Choice Certificate Long Form), dated September 21, 2005.~~

~~(e) Form AWI VPK 03S (Student Attendance and Parental Choice Certificate Short Form), dated September 21, 2005.~~

~~(f) Form AWI VPK 06 (Voluntary Prekindergarten Parent Handbook), dated August 15, 2006.~~

~~(g) Form AWI VPK 10 (Statewide Provider Registration Application) with instructions, dated January 17, 2006.~~

~~(h) Form AWI VPK 11 (Class Registration Application) with instructions, dated January 17, 2006.~~

~~(i) Form AWI VPK 20 (Statewide Provider Agreement), dated, June 9, 2006.~~

~~(j) Form AWI VPK 21 (Addendum to Statewide Provider Agreement), dated September 13, 2006.~~

~~(k) Form AWI RR 63 (A Family Guide for Selecting Quality Early Learning Programs), dated September 13 2006.~~

~~(l) Form AWI RR 64 (A Quality Checklist for Evaluating Early Learning Programs), dated September 13, 2006.~~

The forms incorporated by reference in this chapter may be obtained from the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, Suite 100, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (866)357-3239, TTY/Florida Relay 711, and at the Internet website: <http://www.flready.com>.

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(4), 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.71(5)(b), (6)(a), (b), 1002.75(2) FS. History–New_____.

60BB-8.901 Qualified Contractors. (Withdrawn)

(1) An early learning coalition may contract with a qualified entity to perform the coalition's duties under this chapter. A coalition is ultimately responsible for its duties when they are performed by a qualified contractor.

(2)(a) A coalition may not contract, and a qualified contractor may not subcontract, with a private entity that derives more than 5 percent of its income from providing child care as defined in Section 402.302, F.S., for the performance of the following duties:

1. Registering a child for the VPK program, accepting a child application or supporting documentation on behalf of a coalition, or conducting a parent orientation session, except as provided in Rule 60BB 8.2015, F.A.C., for the VPK child registration pilot project;

3. Accepting a provider application, class application, or supporting documentation on behalf of a coalition, or determining the eligibility of a private provider or public school for the VPK program. 2. Determining the eligibility of a child for the VPK program, issuing a certificate of eligibility for a child, or enrolling a child in the statewide information system; or

(b) This subsection does not apply to a contract between a coalition and a school district or public school.

(3) A coalition, qualified contractor, or subcontractor may not pay or otherwise compensate a public or private entity for registering a child for the VPK program, accepting a child application or supporting documentation from the child's parent on behalf of the coalition, or conducting a parent orientation session for the child's parent, if the child is registering for the entity's VPK program.

Specific Authority 411.01(4)(c), 1002.79(2) FS. Law Implemented 411.01(5)(d)4.g., 10., 1002.53(4), (5), 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.71(5)(b), (6)(b), (d), 1002.75(2) FS. History—New _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-5.007 RULE TITLE: Disciplinary Guidelines for Unlicensed Activity

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 47, November 22, 2006 issue of the Florida Administrative Weekly has been withdrawn.

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 Nursing Home Administrators

RULE NO.: 64B10-16.001 RULE TITLE: General Information

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 4, January 26, 2007 issue of the Florida Administrative Weekly.

When changed, subsection (2) of the rule shall read as follows: "An applicant for the AIT program must meet those qualifications established by Section 468.1695, F.S., which are in effect at the time of application, including completion of an Administrator in Training Application, form DH-MQA-NHA003 (Revised 10/05), and incorporated herein by reference and pay the application fee specified in Rule 64B10-12.013, F.A.C. Form DH-MQA-NHA003 (Revised 10/05) can be obtained from the Board of Nursing Home Administrators' website or the Division of Medical Quality Assurance Call Center by calling (850)488-0595."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-16.002 RULE TITLE: Preceptor

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 11, March 16, 2007 issue of the Florida Administrative Weekly.

When changed, subsection (1) of the rule shall read as follows: "The Board will approve persons to act as preceptors in AIT programs based on the completion of application form Preceptor Certification, DH-MQA-NHA014 (Revised 10/05), and incorporated herein by reference and an oral review. The approval shall be effective indefinitely, so long as the preceptor maintains an active license to practice nursing home administration in this state. Form DH-MQA-NHA014 (Revised 10/05) can be obtained from the Board of Nursing Home Administrators' website or the Division of Medical Quality Assurance Call Center by calling (850)488-0595".

When changed, subsection (5) of the rule shall read as follows: "(5)(4) A Preceptor shall not supervise the training of a member of his immediate family".

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:
64B12-8.008 Probable Cause Panel
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 49, December 8, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:
64B12-9.001 Examination for Licensure
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 49, December 8, 2006 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: RULE TITLE:
64B12-9.016 Eligibility of Individuals Practicing
 or Licensed in Another State
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 50, December 15, 2006 issue of the Florida Administrative Weekly.

The changes are as follows:

(2) Applicants for examination pursuant to Section 484.007(1)(d)2., F.S., shall submit with the application, documentation that they are actively licensed to practice opticianry, in another state, territory, or jurisdiction of the United States, for a period of more than 3 years immediately preceding application; and, that they meet the examination qualifications as provided in Section 484.007(1)(d)2., F.S. Periods of apprenticeship or training in opticianry shall not be considered to constitute any portion of the required years of practice

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Opticianry

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2006

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:
64F-17.001 Federal Regulations
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 38, September 22, 2006 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: RULE TITLE:
69O-171.003 Reports by Insurers of Professional
 Liability Claims and Actions
 Required
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 8, February 24, 2006 issue of the Florida Administrative Weekly.

69O-171.003 Reports by Insurers of Professional Liability Claims and Actions Required.

(1)(a) Each entity self-insurer identified in Section 627.912(1)(a), or 627.912(5), F.S., authorized under Section 627.357, F.S., and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed pursuant to the provisions of Chapter 458, F.S., to a practitioner of osteopathic medicine licensed pursuant to the provisions of Chapter 459, F.S., to a podiatric physician licensed pursuant to the provisions of Chapter 461, F.S., to a dentist licensed pursuant to the provisions of Chapter 466, F.S., to a hospital licensed pursuant to the provisions of Chapter 395, F.S., to crisis stabilization units licensed under Part IV of Chapter 394, F.S., to a health maintenance organization certified under Part I of Chapter 641, F.S., to clinics included in Chapter 390, F.S., to an ambulatory surgical center as defined in Section 395.002, F.S., or to a member of the Florida Bar, shall report to the Office of Insurance Regulation (Office) any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured’s professional services or based on a claimed performance of professional services without consent. In any calendar year in which no claim or action for damages has been closed, the entity shall file a “No Claim Submission Report”. Each such entity insurer or self-insurer required to report under this rule shall submit such information to the Office using the “Professional Liability Claims Reporting (“PLCR”) located at <https://apps.fldfs.com/plcr>, Form OIR-A1-1672 (1-06). The PLCR is incorporated and adopted by reference electronically by using computer software provided by the Office. A copy of the judgment or settlement must be provided along with any other information required by the Office that is not included in

~~the computer software. The following forms have been converted into the software provided by the Office are hereby incorporated by reference, and shall take effect on the effective date of this rule amendment: Form OIR-303 (5/99) "Florida Medical Professional Liability Insurance Claims Report" and OIR-304 (5/99) "Lawyers Professional Liability Closed Claim Reporting Form." Professional liability closed claim reports must be filed by the insurer if the claim resulted in:~~

~~(a) A final judgment in any amount; or~~

~~(b) In addition to the requirements set forth in Section 627.912(2), F.S., and to assist the Office in its analysis and evaluation of the nature, causes, location, cost and damages involved in professional liability cases, reports shall contain: A settlement in any amount.~~

~~1. The type of entity insured to include but not limited to hospitals, individuals or other facilities;~~

~~2. The field of medicine in which a physician practices;~~

~~3. The facility license or registration number, if available;~~

~~4. The amount the insurance company has set aside to pay the claim as of the closing date of the claim;~~

~~5. The names of all known defendants;~~

~~6. Whether or not the claim was closed due to a jury verdict or settlement;~~

~~7. The county in which the injury occurred; and~~

~~8. The date on which payment was made.~~

~~(2) Each authorized insurer, risk retention group, joint underwriting association and surplus lines insurer shall annually report to the Office on or before May 1 of each calendar year a reconciliation of all paid claims and loss adjustment expenses reported pursuant to Section 627.912, F.S., and direct loss and loss adjustment expenses paid in the State of Florida and reported in their National Association of Insurance Commissioners annual statement. Such reconciliation shall be reported using the method as described in paragraph (1)(a) and include but are not limited to the following:~~

~~(a) Payments on claims not closed in previous calendar year;~~

~~(b) Payments made prior to January 1 on claims closed during the previous calendar year;~~

~~(c) Losses paid on claims not settled under Florida law but which are reported in the NAIC annual statement;~~

~~(d) Payments on claims reported on policies written in another state;~~

~~(e) Reimbursements received;~~

~~(f) Rounding and statistical adjustments (explaining documentation must be provided);~~

~~(g) Un-reconciled amounts (explaining documentation must be provided);~~

~~(h) Closed claim subtractions; and~~

~~(i) Closed claim additions.~~

~~(3)(2) Any self-insurance program established under Section 1004.24 240.213, F.S., shall report, using such method as described in paragraph (1)(a), in duplicate to the Office of Insurance Regulation any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of professional services provided by the Board of Regents through an employee or agent of the Board of Regents, including practitioners of medicine licensed under Chapter 458, F.S., practitioners of osteopathic medicine licensed under Chapter 459, F.S., podiatric physicians licensed under Chapter 461, F.S., and dentists licensed under Chapter 466, F.S., or based on a claimed performance of professional services without consent if the claim resulted in a final judgment in any amount, or a settlement in any amount.~~

~~(4)(3) Reports are due no later than 30 days after the claim has been closed following the occurrence of one of the events listed in paragraph (a) or (b) above. "No Claim Submission Reports" are due no later than May 1st of each year. Entities not filing a closed claim or a "No Claim Submission Report" will be subject to fines and penalties as listed in Section 627.912, F.S. A closed claim report which is inaccurate, incomplete, or not properly formatted will be returned unprocessed and will be considered late until an accurate, complete and properly formatted report is received.~~

~~(4) The Office shall impose a fine of \$250 per day per case, but not to exceed a total of \$1,000 per case against an insurer or self-insurer that violates the professional liability closed claim reporting requirements. This applies to claims closed on or after October 1, 1997.~~

~~(5) Copies of the Professional Liability Closed Claim Software are available from the Office of Insurance Regulation, Bureau of Property and Casualty Forms and Rates, Room 238.14, Larson Building, Tallahassee, Florida 32399-0300, (850)413-5346.~~

~~Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.912, 627.918 FS. History--New 1-16-83, Amended 6-14-83, 7-1-85, 12-31-85, Formerly 4-59.03, Amended 11-9-86, 6-15-88, Formerly 4-59.003, Amended 4-28-92, 6-13-99, Formerly 4-171.003, Amended _____.~~

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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